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SCREENCHECK FINAL
Environmental Impact Report
Barton Road Logistics Center
City of Colton, San Bernardino County, California

State Clearinghouse Number 2020029049

Prepared for:
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Planning Division
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Date: August 13, 2021

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Colton (Lead Agency) has evaluated the comments received on the Barton Road Logistics Center Project Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, this Final EIR includes a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to the comments received regarding the Draft EIR; and errata, or revisions to the Draft EIR; as well as a Mitigation Monitoring and Reporting Program (MMRP) for use by the City of Colton during its review.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Barton Road Logistics Center Draft Environmental Impact Report (Draft EIR) during the extended comment period between January 4, 2021, and April 2, 2021, is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

California Air Resources Board, Transportation & Toxics Division ..... ARB
California Department of Fish and Wildlife ..... CDFW

Local Agencies

Colton Joint Unified School District ..... CJUSD
Elsinore Valley Municipal Water District ..... EVMWD
Riverside County Flood Control and Water Conservation District ..... RCFCWCD
Montes, Paloma, City of Riverside, Office of Ward 1 Councilmember Erin Edwards ..... MONTES
City of Grand Terrace, Weiss, Steven ..... GRANDTERRACE

Organizations

Adams Broadwell Joseph & Cardozo ABJC-1
Adams Broadwell Joseph & Cardozo ABJC-2
Adams Broadwell Joseph & Cardozo ABJC-3
Adams Broadwell Joseph & Cardozo ABJC-4
Blum Collins, LLP, Attorneys At Law ..... BLUM
Cool World Institute ..... CWI
Inland Empire Biking Alliance ..... IEBIKE
Mitchell M. Tsai Attorney At Law ..... TSAI

Individuals

Suchil, Isaac, Colton City Council Member District 6 ..... SUCHIL

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Colton, as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2020029049) for the Barton Road Logistics Center (proposed project), and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the proposed project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

From: Armstrong, Stanley@ARB <stanley.armstrong@arb.ca.gov>
Sent: Thursday, February 18, 2021 11:17 AM
To: Mark Tomich <mtomich@coltonca.gov>
Cc: Krieger, Robert@ARB <robert.krieger@arb.ca.gov>
Subject: CARB Comments on the Barton Road Logistics Center Project DEIR (SCH#2020029049)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mark,

Attached are the California Air Resources Board's comments on the Barton Road Logistics Center Project Drive Draft Environmental Impact Report.

Thanks,
Stan

Stanley Armstrong
Air Pollution Specialist
Transportation &Toxics Division
1001 I Street
Sacramento, CA 95814

CALIFORNIA
AIR RESOURCES BOARD

Gavin Newsom, Governor
Jared Blumenfeld, CalEPA Secretary
Liane M. Randolph, Chair

February 18, 2021

Mark Tomich
Director of Development Services
City of Colton
659 North La Cadena Drive
Colton, California 92324
Submitted via email: mtomich@coltonca.gov

Dear Mark Tomich:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Barton Road Logistics Center (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020029049. The Project would result in the demolition of four existing on-site buildings and the construction of two industrial warehouse logistics buildings totaling 960,040 square feet. The existing cold storage building located at 280 De Berry Street within the Project site would not be demolished. Once in operation, the Project would introduce 1,348 daily vehicle trips, including 218 daily heavy-duty truck trips, along local roadways. The Project is located within the City of Colton (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparation (NOP) for the DEIR released in February 2020. CARB's comments, dated March 16, 2020, highlighted the need for preparing a health risk assessment (HRA) for the Project and encouraged the City and applicant to implement all existing and emerging zero-emission technologies to minimize exposure to diesel particulate matter (diesel PM) and nitrogen oxides (NO_x) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments expressed concerns with the potential cumulative health risks associated with the construction and operation of the Project. Listed below is a summary of CARB's comments: 1

I. If the Lead Agency Allows for the Operation of On-site Cold Storage, the Project's Air Quality and Cancer Risk Impacts Associated with the Operation of Transport Refrigeration Units Must be Evaluated. 2

Although the Project does not propose the development of on-site cold storage space, the DEIR included an alternative that would allow for the operation of such uses under Alternative 2. Alternative 2 proposed the demolition of all existing on-site buildings, including the existing cold storage building located at 280 De Berry Street, and the construction of one 480,020 square-foot dry goods warehouse building and one 480,020 square-foot cold storage warehouse building. Based on the alternative analysis presented in Chapter 5 (Alternatives to

the Proposed Project) of the DEIR, Alternative 2 was found to be environmentally inferior to the proposed Project.

If the City later decides to allow for the development of cold storage space within the Project site, a portion of the trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).[1] These TRUs would emit large quantities of diesel PM exhaust while in operation. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near the operation of the TRUs would be exposed to diesel PM exhaust emissions that could result in significant cancer risk. If the City does allow TRUs within the Project site, CARB urges the City to model air pollutant emissions from TRUs, as well as include potential cancer risks from TRUs in the Project's HRA. 2 CONT

II. The Project Should Include Design Measures to Reduce the Air Pollutants Emitted by the Existing On-site Cold Storage Warehouse at 280 De Berry Street.

Chapter 2 (Project Description) of the DEIR states that the Project would not result in the demolition of the existing 125,801 square-foot cold storage building located at the southernmost portion of the Project site (280 De Berry Street). The existing cold storage warehouse building would continue to operate with only roadway access improvements proposed under the Project. The Project does not propose additional improvements that would reduce air pollutant emissions from TRUs on trucks and trailers visiting the existing cold storage warehouse. As previously discussed under Section I of this letter, cold storage facilities are commonly associated with the operation of TRUs on trucks and trailers, which emit large quantities of diesel PM exhaust. 3

CARB is concerned with the cumulative air pollutant emissions emitted from within the Project site. To this end, CARB urges the City and applicant to include a design measure in the Final Environmental Impact Report (FEIR) that would require site improvements to the existing on-site cold storage warehouse building that would reduce air pollutant emissions from heavy on-site TRUs. The design measure should require all loading/unloading docks and trailer spaces associated with the existing cold storage building to be equipped with electrical hookups for trucks with TRUs. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the Project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged.

III. The DEIR Should Include More Mitigation Measures to Further Reduce the Project's Air Pollution Emissions.

Chapter 3.2 (Air Quality) of the DEIR concluded that the Project's operational air pollution emissions would result in a less than significant impact, and no additional mitigation measures were proposed. Based on the air pollution emission estimates presented in Table 3.2-7 of the 4

[1] TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in insulated trucks and trailer vans, rail cars, and domestic shipping containers.

DEIR, operation of the Project would result in NO_x emissions of 54.95 pounds per day (ppd); slightly below the South Coast Air Quality Management District's (SCAQMD) 55 ppd significance threshold. Since the Project's operational emissions are less than 0.05 ppd below SCAQMD's significance threshold, CARB urges the City and applicant to include additional mitigation measures to lessen the exposure of NO_x at residences located near the Project site. To further reduce the Project's operational emissions of NO_x, CARB urges the City and applicant to implement all applicable emissions reduction measures referenced in Attachment A of this letter in the FEIR. 4 CONT

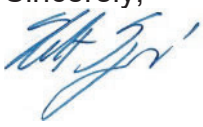
IV. Conclusion

CARB continues to urge the City and applicant to implement all feasible mitigation measures to lessen the Project's air pollutant emissions. Since the Project's operational emissions of NO_x were reported in the DEIR to be slightly less than the SCAQMD's significance threshold, the City and applicant are encouraged to include all applicable emission reduction measures referenced in Attachment A of this letter in the FEIR. 5 If the City and applicant decide to include cold storage use within the Project site, the DEIR should be revised to include an evaluation of potential air quality and public health impacts from on-site TRUs, and recirculated for public review. 6 Lastly, the Project should include design measures that would result in the installation of electrical hookups at the existing on-site cold storage building for trucks with TRUs. 7

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. 8

CARB appreciates the opportunity to comment on the DEIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, via email at stanley.armstrong@arb.ca.gov.

Sincerely,



Robert Krieger, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

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ATTACHMENT A

March 16, 2020

Mark Tomich
Director of Development Services
City of Colton
650 North La Cadena Drive
Colton, California 92323

Dear Mark Tomich:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Barton Road Logistics Center (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020029049. The Project consists of the demolition of 4 industrial buildings and an office building totaling 659,432 square feet and construction of 2 industrial warehouse buildings totaling 960,040 square feet. The Project is proposed within the City of Colton (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.[1] CARB has reviewed the NOP and is concerned about the air pollution and health risk impacts that would result should the City approve the Project to build the two industrial warehouse buildings.

I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located north and west of the Project site, with the closest residences situated approximately 85 feet from the Project's northern boundary. In addition to residences, Grand Terrace High School and Grand Terrace Elementary School are located within 1 mile of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial uses and vehicular traffic along Interstate 215 (I-215) and Interstate 10 (I-10). Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB is

[1] With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2017, makes clear that in CARB's expert view local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionally impacted by air pollution from existing industrial uses, and traffic on I-215 and I-10.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 5 percent for Pollution Burden[2] and is considered a disadvantaged community; therefore, CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

II. The DEIR Should Quantify and Discuss the Potential Cancer Risks at Residential and Other Sensitive Receptors in the Vicinity of the Proposed Industrial Buildings

Since the Project description in the NOP did not explicitly state that the two proposed industrial warehouse buildings would not include cold storage space, there is a possibility that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).[3]

TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel exhaust emissions that would result in significant

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[2] Pollution Burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

[3] TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

cancer risk. CARB urges the applicant and City to clearly define the final use of the Project in the DEIR so the public can fully understand the potential environmental effects of the Project on their communities.[4]

If the Project will not be used for cold storage, CARB urges the City to include one of the following design measures in the DEIR:

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating TRUs within the Project site; or

- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of TRUs on the property unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

If the City does allow TRUs within the Project site, CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as prepare a health risk assessment (HRA) that shows the potential health risks. The DEIR should also include the air pollutant reduction measures listed in Attachment A.

In addition to the health risks associated with operations, construction health risks should be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),[5] and the South Coast Air Quality Management District's (SCAQMD) CEQA Air Quality Handbook.[6] The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the

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[4] Project descriptions "must include (a) the precise location and boundaries of the proposed project, (b) a statement of the objectives sought by the proposed project, (c) a general description of the project's technical, economic and environmental characteristics, and (d) a statement briefly describing the intended use of the EIR." (*stopthemilleniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16.) "This description of the project is an indispensable element of both a valid draft EIR and final EIR." (Ibid.) Without explicit acknowledgment in the project description that the proposed project will not include cold storage facilities, the current project description fails to meet the bare minimum of describing the project's technical and environmental characteristics.

[5] Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

[6] SCAQMD's 1993 Handbook can be found at: http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook.

existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

III. Conclusion

To reduce the exposure of toxic diesel emissions in disadvantaged communities already disproportionally impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel and oxides of nitrogen (NO_x) emission exposure to all neighboring communities, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

Richard Boyd

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

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ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.

2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.

3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved equal or exceed that of a Tier 4 engine.

4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.

5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.[1]

[1] In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model year 2010 and later. CARB's optional low-NO_x emission standard is available at: https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB staff is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.

2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.[2]

3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.

4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.

5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the Project site be zero-emission.

6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.

7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

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[2] CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,[3] Periodic Smoke Inspection Program (PSIP),[4] and the Statewide Truck and Bus Regulation.[5]

9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while on site.

10. Include contractual language in tenant lease agreements that limits on-site TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted and the health impacts fully mitigated.

11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

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[3] In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: https://www.arb.ca.gov/cc/hdghg/hdghg.htm.

[4] The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: https://www.arb.ca.gov/enf/hdvip/hdvip.htm.

[5] The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.

State Agencies

California Air Resources Board, Transportation & Toxics Division (ARB)

Response to ARB-1

Comment is noted. As stated in the comment, the ARB submitted a comment letter on the Notice of Preparation (NOP) for the Draft EIR released in February 2020. The comment letter highlighted the need for preparing a Health Risk Assessment (HRA) for the proposed project and encouraged the City and applicant to implement all existing and emerging zero emission technologies to minimize exposure to diesel particulate matter (DPM) and oxides of nitrogen (NO_X) emissions. The ARB's comments provided on March 6, 2020, on the NOP, have been incorporated into the Draft EIR. Specifically, an HRA was prepared for the proposed project that evaluated the project's generation of DPM from construction and operation of the proposed project and was included as part of the air quality analysis included as part of the Draft EIR. The HRA is included in the Final EIR.

Response to ARB-2

The proposed project is limited to ambient temperature dry warehouse facilities. The proposed project does not include, nor it is designed or engineered for, cold storage. Cold storage design, engineering, and construction is unique and requires the integration of multiple systems. Changes to a project after project approval, such as the incorporation of cold storage, would require additional discretionary review. As such, if the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project would be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. Furthermore, the existing cold storage building at 280 De Berry Street would not be demolished.

CEQA gives a lead agency the discretion to adopt a project alternative rather than the proposed project as per Public Resources Code Sections 21002–21002.1, 21004; 14 California Code of Regulations Section 15002(a). If a Lead Agency chooses to adopt an alternative instead of the proposed project, the Lead Agency need not choose an alternative exactly as described in the EIR. The Lead Agency may combine portions of various alternatives or revise the selected alternative, as long as the Lead Agency makes findings pursuant to CEQA that the EIR adequately addresses the potential impacts of the adopted alternative. A reasonable range of alternatives may include those that may provide greater project benefits at increased environmental cost. Accordingly, an analysis of potential impacts associated with cold storage is included in the discussion of Alternative 2 in order to address potential impacts associated with cold storage and provide the decision-makers with a reasonable range of alternatives.

Response to ARB-3

As described in the Project Description, the existing cold storage warehouse is not included in the proposed project; therefore, design measures on the existing cold storage warehouse would not be within the scope of the proposed project. As stated previously, if the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project would be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. In the event that cold storage uses are suggested in the future, the City will consider the ARB's suggested design measure in connection with a subsequent CEQA process.

Improvements to this parcel are limited to roadway improvements associated with the redesign of South Terrace Avenue and De Berry Street. The guard shack would be moved to make room for the proposed improvements in order to improve truck queuing.

Response to ARB-4

As shown below in Table 3.2-5, the proposed project's NO_X emissions would not exceed the South Coast Air Quality Management District (South Coast AQMD) regional thresholds of significance during construction and would not require mitigation. As shown in Appendix A, the California Emissions Estimator Model (CalEEMod) input for operational truck trips was adjusted from the default to 40 miles to further demonstrate that the project operation would not result in significant NO_X emissions. Additionally, the Draft EIR analysis did not net emissions and instead a baseline of zero emissions was assumed in the analysis rather than only looking at the incremental increase compared to existing emissions. This further demonstrates a worst-case scenario for project NO_X emissions and demonstrates that project NO_X emissions estimated using conservative assumptions that would result in higher emissions compared to other scenarios that would be appropriate would still not exceed South Coast AQMD thresholds. CEQA does not require the imposition of mitigation measures with regard to less than significant impacts. (Public Resources Code [PRC]§ 21100; CEQA Guidelines § 15126.4.) However, the proposed project would include design features that would reduce emissions that were not accounted for in the air pollutant emission estimates presented in the Draft EIR. Specifically, the proposed project would incorporate design features to garner a minimum of 85 points from the Screening Table for Implementation of GHG Reduction Measures for Commercial Development included in the City of Colton's Climate Action Plan (CAP). These design features are described in more detail below.

As shown in Appendix O, Table 2: Screening Table for Implementation of GHG Reduction Measures for Commercial Development, the proposed project would achieve a minimum of 85 points for design features that meet the standards of the Colton CAP. The proposed project would include the following design features:

- Modest Cool Roof (Cool Roof Rating Council [CRRC] Rated 0.15 aged solar reflectance, 0.75 thermal emittance)
- Enhanced Thermal Mass (80 percent of floor or 80 percent of walls 12 inches or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials)
- Efficient Lights (25 percent of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures: 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40 watt)
- Solar Ready Roofs (sturdy roof and electric hookups)
- Only low water using plants
- Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use)
- Water Efficient Showerheads (2.0 gallons per minute [gpm])

- Water Efficient Toilets/Urinals (1.5 gpm)
- Water Efficient Faucets (1.28 gpm)
- Provide public charging station for use by an electric vehicle

Collectively, these measures would be implemented as part of project design and would be required to be shown on project plans as part of the City's issuance of building permit for the proposed project. Implementation of Mitigation Measure (MM) GHG-1a would reduce potential NO_x emissions by providing electric charging stations for zero emission trucks and automobiles.

Response to ARB-5
See Response to Comment ARB-4.

Response to ARB-6
Comment is noted. Cold storage is not part of the proposed project. Please refer to Response to Comment ARB-2 and ARB-3, and Response to Comment TSAI-5.

As discussed in Response to Comment TSAI-5, cold storage design, engineering, and construction is unique and requires the integration of multiple systems. CEQA does not require speculation regarding potential design features not included in a proposed project. In the absence of specialized designs for cold storage, it is appropriate to analyze the proposed project for uses consistent with the project application.

Response to ARB-7
See Response to Comment ARB-6.

Response to ARB-8
Comment is noted.

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From: Castaneda, Cindy@Wildlife <Cindy.Castaneda@Wildlife.ca.gov>
Sent: Thursday, February 18, 2021 8:55 AM
To: Mark Tomich <mtomich@coltonca.gov>
Cc: state.clearinghouse@opr.ca.gov; Wildlife CEQA Comment Letters <CEQACommentLetters@wildlife.ca.gov>; Johnson, Dawn@Wildlife <Dawn.Johnson@Wildlife.ca.gov>; Banda, Katrina@Wildlife <Katrina.Banda@wildlife.ca.gov>
Subject: Draft Environmental Impact Report Barton Road Logistics Center Project State Clearinghouse No. 2020029049

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tomich,

Please see attached for the California Department of Fish and Wildlife's comments on the Draft Environmental Impact Report for Barton Road Logistics Center Project, State Clearinghouse No. 2020029049.

Best,

Cindy Castaneda

Environmental Scientist

California Department of Fish and Wildlife

3602 Inland Empire Blvd, Ste C-220

Ontario, CA 91764

(909) 484-3979

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

February 18, 2021
Sent via email

Mr. Mark Tomich
Development Services Manager
City of Colton
659 North La Cadena Drive
Colton, CA 92324

Subject: Draft Environmental Impact Report
Barton Road Logistics Center Project
State Clearinghouse No. 2020029049

Dear Mr. Tomich:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from City of Colton (City; Lead Agency) for the Barton Road Logistics Center Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

1

1 CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. 1 CONT

PROJECT DESCRIPTION SUMMARY

The Project proposes redevelopment of two warehouses totaling 960,840 square feet on 45.52 acres in the City of Colton within San Bernardino County, west of Interstate 215 (1-215) and east of La Cadena Drive; Latitude 34.03113889 N and Longitude -117.33166667 W. Total Project site is 54.82 acres.

Project activities include: demolition of four industrial buildings and an office building totaling 659,435 square feet and development of two industrial warehouses totaling 960,840 square feet. Additionally, the Project will consolidate 12 parcels into 2 separate parcels and allow up to 50 ft in building height versus the current 40 ft maximum height.

COMMENTS AND RECOMMENDATIONS

CDFW appreciates that recommendations provided in CDFW's March 10, 2020 comment letter on the Notice of Preparation were addressed in the DEIR. However, CDFW is concerned regarding the adequacy of the mitigation measures proposed by the City to mitigate significant impacts to declining special-status species. CDFW offers the comments and recommendations presented below to assist the City in adequately mitigating the Project's potentially significant impacts on biological resources and requests that the City revise and/or adopt the following mitigation measures prior to adoption of the Final EIR (FEIR): 2

1. Rare Plants. CDFW appreciates the incorporation of Mitigation Measure (MM) BIO-1a, which proposes pre-construction rare plant surveys and soil seed bank translocation. However, CDFW is concerned with the successful regeneration of the proposed soil seed bank translocation and the lack of permanent mitigation for the potential loss of special-status plants, such as smooth tarplant (*Centromadia pungens ssp. laevis*), Parry's spineflower (*Chorizanthe parryi var. parryi*), and Plummer's mariposa-lily (*Calochortus plummerae*). Please note that CDFW does not recommend translocation of the soil seed bank as the sole means of mitigation given its experimental nature and lack of proven success. As 3

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such, CDFW is concerned that the approach is not appropriate for mitigation. To adequately offset impacts, CDFW recommends the City purchase mitigation credits from a mitigation bank or acquire and conserve in perpetuity lands with the target resources, if species are documented onsite during surveys. Thus, CDFW offers the following revisions to MM BIO-1a (edits are in ~~strikethrough~~ and **bold**):

3 CONT

MM BIO-1a: **Special-status Plant** ~~Smooth Tarplant~~ Protection

Prior to any vegetation removal or ground**-**disturbing activities, a qualified Biologist shall conduct a protocol-level rare plant survey **according to the *2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*** at the appropriate time of year to determine if smooth tarplant **and other special-status plants** ~~is~~ **are** present on the project site in areas of suitable habitat, focusing on the vacant lot in the center of the project site and along the utility easement east of the project site. Field surveys shall be scheduled to coincide with known blooming periods of the species, and/or during periods of physiological development that are necessary to identify the plant species of concern. The rare plant surveys should be conducted between April and September to identify ~~the~~ **special-status** plant**s** during ~~its~~ **their** blooming period**s**. **Reference sites (nearby accessible occurrences of the plants) shall be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities**. If no smooth tarplant or other special-status plant species are found within the project site, then the project will not have any impacts to the species and no additional mitigation measures are necessary.

If the qualified Biologist determines smooth tarplant **or other special-status plants** exists on-site, then ~~a smooth tarplant~~ **CDFW-approved habitat mitigation credits or occupied replacement lands shall be purchased and conserved and managed in perpetuity at a minimum 2:1 ratio (acres mitigated to acres impacted) depending on species impacted or a rare plant** mitigation plan shall be developed for review and approval by City of Colton staff **and the California Department of Fish and Wildlife (CDFW)**. The plan shall include measures to salvage seed and topsoil from the project site **at times of year when plants have gone to seed**. The plan shall also include success criteria **to ensure germination and recruitment to support a sustainable population** ~~for implementing smooth tarplant mitigation~~ at ~~both~~ **an** on-site ~~and~~ **or** off-site location~~s~~. The plan shall be implemented prior to construction. Seed or salvaged topsoil will be distributed at a suitable location on-site, as determined by a qualified Biologist. The qualified Biologist will determine whether there is a suitable location on-site that could support **translocated** smooth tarplant **or other special-status plant seed**. If a suitable location is not available on-site,

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then seeds will be distributed off-site at a nearby location with suitable habitat, as determined by the qualified Biologist in concurrence with City staff. City staff will ~~have the discretion on whether to~~ seek ~~input~~ **approval of the translocation site** from CDFW .

3 CONT

Additionally, a Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status species or other sensitive resources, and to instruct them on proper avoidance~~, required~~ measures and practices for protecting biological resources and contacts and procedures in case species are injured or encountered during construction.

2. Nesting Birds. CDFW appreciates the inclusion of MM BIO-1b, which proposes pre-construction nesting bird surveys to verify absence of active nests. Fish and Game Code sections 3503 and 3503.5 makes it unlawful to take, possess, or destroy the nest or eggs of any bird or birds in the orders Falconiformes or Strigiformes (birds-of-prey) except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. CDFW recommends the pre-construction surveys focus on both direct and indirect evidence of nesting to ensure all nests are identified. In addition, MM BIO-1b does not consider impacts to birds that may nest on the bare ground, burrows, cavities, or structures and instead focuses on tree nesting birds. Burrowing owls are preyed on a by a wide variety of birds including crows, ravens, kestrels, and loggerhead shrikes. Fencing, flag stakes, and poles, etc., which can support the weight of a bird and are posted as part of a buffer around a burrowing owl burrow can serve as a perch point for predatory birds to wait outside the burrow and ambush emerging owls and their fledglings. CDFW recommends amending MM BIO-1b to require use of a buffer materials that cannot support the weight of a perching bird. Thus, CDFW offers the following revisions to MM BIO-1b (edits are in ~~strikethrough~~ and **bold**):

4

MM BIO-1b: Nesting Bird Protection

Pursuant to Fish and Game Code sections 3503 and 3503.5, ~~T~~**t**o prevent impacts to ~~Migratory Bird Treaty Act (MBTA) protected~~ birds and their nests by the proposed project, tree removal ~~would~~ **shall** be limited to outside the nesting season **(generally, raptor nesting season is January 1 through September 15; and passerine bird nesting season is February 1 through September 1)** ~~or between September 1 and February 14~~, and will adhere to the provisions of the City's Tree Preservation Ordinance. ~~If trees cannot be removed outside the nesting season,~~ ~~p~~**P**re-construction surveys will be conducted 3 days prior to ~~tree removal~~ **commencement of project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions** to verify the absence of active nests. **Pre-construction surveys should focus on**

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both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors).

If an active nest is located during pre-construction surveys, United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest **and the qualified Biologist shall immediately establish a conservative buffer surrounding the nest, as indicated below**. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it ~~is~~ **h**as **been** determined by a qualified Biologist **that the juveniles have fledged or are independent of the nest**. 4 CONT

Restrictions ~~may~~ **shall** include the establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of ~~1~~**3**00 feet around an active raptor nest and a ~~5~~**10**0-foot radius around an active ~~migratory~~ **passerine** bird nest)**, or at a distance determined by the qualified Biologist that will prevent project-related disturbances** ~~to help ensure project activities do not cause nest failure and subsequent violations of the MBTA, or alter the construction schedule~~. A qualified Biologist will delineate the buffer using **materials that will not provide perching habitat for predatory bird species that could prey on the burrowing owls.**~~Environmentally Sensitive Area (ESA) fencing, pin flags, and/or yellow caution tape.~~ The buffer zone will be maintained around the active nest site(s) until the young have fledged and are foraging independently**, as confirmed by the qualified Biologist**.

3. Burrowing Owl. CDFW appreciates the incorporation of Mitigation Measure (MM) BIO-1c, which considers burrowing owl preconstruction surveys as well as a passive relocation program. Please note that CDFW does not recommend the exclusion of owls using passive relocation unless there are suitable burrows available within 100 meters of the closed burrows (Trulio 1995, CDFG 2012) and the relocation area is protected through a long-term conservation mechanism (e.g., conservation easement). CDFW recommends that the City notify CDFW if owls are found to be present onsite and develop a conservation strategy in cooperation with CDFW, in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012). CDFW offers the following revisions to MM BIO-1c (edits are in ~~strikethrough~~ and **bold**): 5

   MM BIO-1c: Burrowing Owl Surveys

   1. On the parcel**s** where the activit~~y~~**ies** ~~is~~ **are** proposed, the Biologist shall perform a series of breeding season and non-breeding season surveys ~~of~~ **within** the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and**/or burrowing**

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owls. The surveys shall take place near the sunrise or sunset in accordance with California Department of Fish and Wildlife**'s** (CDFW) ~~(2012)~~ guidelines **provided in *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012)**. All burrows or burrowing owl shall be identified and mapped. During the breeding season (February 1–August 31), a series of three surveys shall document whether burrowing owl are nesting on or directly adjacent to ~~disturbance areas~~ **the Project site**. During the non-breeding season (September 1– January 31), a series of three surveys shall document whether burrowing owl are using habitat on or directly adjacent to ~~any disturbance area~~ **the Project site**. Survey results will be valid only for the season during which the survey is conducted.

5
CONT

2. If burrowing owl are not discovered, further mitigation is not required. If burrowing owl are observed during the breeding season or non-breeding season surveys, the applicant shall**: 1) notify CDFW with seven days of burrowing owl detection and 2) conduct an impact assessment in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio and** perform the following measures to limit the impact on the burrowing owl~~.~~**:**

3. No more than ~~30~~ **14** days **and 3 days** prior to the first ground-disturbing activities, ~~the project applicant shall retain~~ a qualified Biologist ~~to~~ **shall** conduct a preconstruction survey of the project site. The survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW**'s** ~~(2012)~~ survey guidelines **provided in *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012)**. **If no burrowing owls are found during the clearance survey, a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction.**

4. **If an active burrowing owl nest is discovered or signs thereof are observed during the pre-construction clearance survey, construction activities shall avoid the occupied area**. Avoidance shall include the establishment of a ~~160~~**500**-foot non-disturbance buffer zone. **If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls.** ~~Construction may occur during the breeding season if a qualified Biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project applicant shall avoid the owls and the burrows they~~

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~~are using, if possible. Avoidance shall include the establishment of a 160 foot non-disturbance buffer zone.~~

5. If it is not possible to avoid occupied burrows, passive relocation shall be implemented **if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows**. **A qualified biologist, in coordination with the applicant and the City, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities onsite. The relocation plan must include all of the following and as indicated in Appendix E:** Owls shall be excluded from burrows in the immediate impact zone and within a ~~160~~**500**-foot buffer zone **(or other qualified-Biologist determined buffer)** by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation **of burrows**. The project area shall be monitored **twice** daily for 1 week to confirm that the owl has abandoned the burrow. ~~Whenever possible,~~ ~~b~~**B**urrows should be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. **When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.**

6. **Prior to passive relocation, suitable replacement burrows site(s) shall be provided within adjacent open space lands at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the City. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.**

5 CONT

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). Information can be submitted online or via completion of the CNDDB field survey form at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. 6

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW requests that the City include in the FEIR the suggested revised mitigation measures and recommendations offered by CDFW to reduce project impacts.

CDFW appreciates the opportunity to comment on the DEIR for the Barton Road Logistic Center Project (SCH No. 2020029049) and hopes our comments assist the City of Colton in identifying and mitigating Project impacts on biological resources. If you should have any questions pertaining to the comments provided in this letter, please contact Cindy Castaneda, Environmental Scientist, at 805-712-0346 or at Cindy.Castaneda@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Heather Pert
DF423498814B441...

For
Scott Wilson
Environmental Program Manager

ec: Cindy Castaneda, Environmental Scientist
Inland Deserts Region
Cindy.Castaneda@wildlife.ca.gov

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HCPB CEQA Coordinator
Habitat Conservation Planning Branch

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html

Trulio, L.A. 1995. Passive Relocation: A Method to Preserve Burrowing Owls on Disturbed Sites. Journal of Field Ornithology 66:99-106

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1
This comment is informational. No analysis or response is warranted.

Response to CDFW-2
The project Biologist has reviewed the CDFW's comment letter and the proposed revisions to the mitigation measures for biological resources and will make the requested revisions. The revised mitigation measures are provided in Responses to Comments CDFW-3, CDFW-4, and CDFW-5. These revisions provide clarification and enhance the identified mitigation. They do not result in any new or more severe environmental impacts and do not change the analysis or conclusions in the Draft EIR, and therefore, the Draft EIR does not need to be recirculated. Please see Responses to Comments CDFW-3 through CDFW-5 for the revised mitigation language. The revised mitigation language has been added to Section 3, Errata.

Response to CDFW-3
The Biological Resources Assessment prepared for the proposed project concluded that the project site does not contain suitable habitat for Parry's spineflower (*Chorizanthe parryi var. parryi*) or Plummer's mariposa-lily (*Calochortus plummerae*) due to the high level of regular disturbance from mowing and other vegetation management activities. However, MM BIO-1a has been revised and includes the suggestion of a mitigation credit option, should any special-status plant species be observed on-site during the pre-construction survey. Section 3, Errata, has been updated with the revised MM BIO-1a as follows (edits are in ~~strikethroug~~h and **bold)**:

MM BIO-1a Special-status Plant ~~Smooth Tarplant~~ Protection

Prior to any vegetation removal or ground-disturbing activities, a qualified Biologist shall conduct a protocol-level rare plant survey according to the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities at the appropriate time of year to determine if smooth tarplant and other special-status plants are ~~is~~ present on the project site in areas of suitable habitat, focusing on the vacant lot in the center of the project site and along the utility easement east of the project site. Field surveys shall be scheduled to coincide with known blooming periods of the species, and/or during periods of physiological development that are necessary to identify the plant species of concern. The rare plant surveys should be conducted between April and September to identify ~~the plant~~ special-status plants during ~~its~~ their blooming ~~period~~ periods. Reference sites (nearby accessible occurrences of the plants) shall be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. If no smooth tarplant or other special-status plant species are found within the project site, then the project will not have any impacts to the species and no additional mitigation measures are necessary.

If the qualified Biologist determines smooth tarplant or other special-status plants exists on-site, then a ~~smooth tarplant~~ California Department of Fish and Wildlife (CDFW)-approved habitat mitigation credits or occupied replacement lands shall be purchased and conserved and managed in perpetuity at a minimum 2:1 ratio (acres mitigated to acres impacted) depending on species impacted or a rare plant mitigation plan shall be developed for review and approval by City of Colton staff and the CDFW. The plan shall include measures to salvage seed and topsoil from the project site at times of year when plants have gone to seed. The plan shall also include success criteria to ensure germination and recruitment to support a sustainable population ~~for implementing smooth tarplant mitigation~~ at ~~both~~ an on-site ~~and~~ or off-site ~~locations~~ location. The plan shall be implemented prior to construction. Seed or salvaged topsoil ~~will~~ shall be distributed at a suitable location on-site, as determined by a qualified Biologist. The qualified Biologist will determine whether there is a suitable location on-site that could support translocated smooth tarplant or other special-status plant seed. If a suitable location is not available on-site, then seeds ~~will~~ shall be distributed off-site at a nearby location with suitable habitat, as determined by the qualified Biologist in concurrence with City staff. City staff will ~~have the discretion on whether to~~ seek ~~input~~ approval of the translocation site from the CDFW.

Additionally, a Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status species or other sensitive resources, and to instruct them on proper avoidance, ~~required~~ measures and practices for protecting biological resources and contacts and procedures in case species are injured or encountered during construction.

Response to CDFW-4

The CDFW's suggested revisions to MM BIO-1b have been made as shown below, in order to ensure adequate protection of nesting birds. Section 3, Errata, has been updated with the revised MM BIO-1b as follows (edits are in ~~strikethroug~~h and **bold)**:

MM BIO-1b Nesting Bird Protection

Pursuant to Fish and Game Code Sections 3503 and 3503.5, to prevent impacts to ~~Migratory Bird Treaty Act (MBTA) protected~~ birds and their nests by the proposed project, tree removal ~~would~~ shall be limited to outside the nesting season (generally, raptor nesting season is January 1 through September 15; and passerine bird nesting season is February 1 through September 1) ~~or between September 1 and February 14~~, and ~~will~~ shall adhere to the provisions of the City's Tree Preservation Ordinance. ~~If trees cannot be removed outside the nesting season, pre-construction~~ Pre-construction surveys ~~will~~ shall be conducted 3 days prior to ~~tree removal~~ commencement of project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions to verify the absence of active nests. Pre-construction surveys should focus on both direct and indirect evidence of nesting,

including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nestbuilding, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors).

If an active nest is located during pre-construction surveys, United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest and the qualified Biologist shall immediately establish a conservative buffer surrounding the nest, as indicated below. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it ~~is~~ has been determined by a qualified Biologist that the juveniles have fledged or are independent of the nest.

Restrictions ~~may~~ shall include the establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of ~~100~~ 300 feet around an active raptor nest and a ~~50-foot~~ 100-foot radius around an active ~~migratory~~ passerine bird nest), or at a distance determined by the qualified Biologist that will prevent project-related disturbances ~~to help ensure project activities do not cause nest failure and subsequent violations of the MBTA, or alter the construction schedule.~~ A qualified Biologist ~~will~~ shall delineate the buffer using materials that ~~will~~ shall not provide perching habitat for predatory bird species that could prey on the burrowing owls. ~~Environmentally Sensitive Area (ESA) fencing, pin flags, and/or yellow caution tape.~~ The buffer zone ~~will~~ shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by the qualified Biologist.

Response to CDFW-5

The CDFW's suggested revisions to MM BIO-1c have been made as shown below, in order to ensure adequate protection of burrowing owl. Section 3, Errata, has been updated with the revised MM BIO-1c as follows (edits are in ~~strikethroug~~h and **bold)**:

MM BIO-1c Burrowing Owl Surveys

1. On the ~~parcel~~ parcels where the ~~activity is~~ activities are proposed, the Biologist shall perform a series of breeding season and non-breeding season surveys ~~of~~ within the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and/or burrowing owls. The surveys shall take place near the sunrise or sunset in accordance with California Department of Fish and ~~Wildlife~~ Wildlife's (CDFW) ~~(2012)~~ guidelines provided in Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). All burrows or burrowing owl shall be identified and mapped. During the breeding season (February 1–August 31), a series of three surveys shall document whether burrowing owl are nesting on or directly adjacent to ~~disturbance areas~~ the project site. During the non-breeding season (September 1– January 31), a series of three surveys shall document whether

burrowing owl are using habitat on or directly adjacent to ~~any disturbance area~~ the project site. Survey results ~~will~~ shall be valid only for the season during which the survey is conducted.

2. If burrowing owl are not discovered, further mitigation is not required. If burrowing owl are observed during the breeding season or non-breeding season surveys, the applicant shall: (1) notify the CDFW with 7 days of burrowing owl detection and (2) conduct an impact assessment in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio and perform the following measures to limit the impact on the burrowing owl.
3. No more than ~~30~~ 14 days and 3 days prior to the first ground-disturbing activities, ~~the project applicant shall retain~~ a qualified Biologist ~~to~~ shall conduct a pre-construction survey of the project site. The survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with ~~CDFW (2012)~~ CDFW's survey guidelines provided in Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If no burrowing owls are found during the clearance survey, a letter shall be prepared by the qualified Biologist documenting the results of the survey. The letter shall be submitted to the CDFW prior to construction.
4. If an active burrowing owl nest is discovered or signs thereof are observed during the pre-construction clearance survey, construction activities shall avoid the occupied area. Avoidance shall include the establishment of a ~~160~~ 500-foot non-disturbance buffer zone. If determined appropriate, a smaller buffer may be established by the qualified Biologist following monitoring and assessments of the project's effects on the burrowing owls. ~~Construction may occur during the breeding season if a qualified Biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160 foot non-disturbance buffer zone.~~
5. If it is not possible to avoid occupied burrows, passive relocation shall be implemented if a qualified Biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified Biologist, in coordination with the applicant and the City, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities on-site. The relocation plan must include all of the following and as indicated in Appendix E: Owls shall be excluded from burrows in the immediate impact zone and within a ~~160~~ 500-foot buffer zone (or other qualified Biologist determined buffer) by installing one-way doors in burrow entrances. These doors shall be in place for 48

hours prior to excavation of burrows. The project area shall be monitored twice daily for 1 week to confirm that the owl has abandoned the burrow. ~~Whenever possible, burrows~~ Burrows should be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. When a qualified Biologist determines that burrowing owls are no longer occupying the project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified Biologist documenting the results of the passive relocation. The letter shall be submitted to the CDFW.

6. Prior to passive relocation, suitable replacement burrows site(s) shall be provided within adjacent open space lands at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the City. A qualified Biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.

Response to CDFW-6

During field surveys conducted at the project site for the project's Biological Resources Assessment, the project Biologist did not observe any special-status species and/or natural communities. If special-status species and/or natural communities are observed during subsequent pre-construction surveys, the project Biologist shall report the findings to the applicant, the City's Director of Development Services, and the CDFW. In addition, any relevant data would be uploaded to the California Natural Diversity Database (CNDDB) as requested.

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From: OWEN CHANG <owen_chang@cjusd.net>
Sent: Wednesday, February 17, 2021 11:34 AM
To: Mark Tomich <mtomich@coltonca.gov>
Subject: District Comment Letter for the Barton Road Logistic Center Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

Please find attached our response to the Notice of Availability for the Boarton Road Logistics Center EIR.

Regards,
--
Owen Chang
Facilities Planning and Construction
p 909.580.6642
owen_chang@cjusd.net

Colton Joint Unified School District

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February 17, 2021

Mark Tomich, Director of Development Services
City of Colton
Development Services/Planning Division
mtomich@coltonca.gov

Subject: Response to Notice of Availability for the Barton Road Logistics Center Environmental Impact Report (State Clearinghouse No. 2020029049)

Dear Mr. Tomich:

Thank you for the opportunity to provide our input on the Environmental Impact Report (EIR) for the Barton Road Logistics Center project. The project is located on a 54.82-acre project site and includes the following addresses: 21700 Barton Road, 275 De Berry Street, 280 De Berry Street, and 375 De Berry Street in the City of Colton in San Bernardino County, California.

Colton Joint Unified School District (District or CJUSD) operates six schools in the vicinity of the Project Site and along truck routes leading to the project site including:

- Grand Terrace High School (21810 Main St, Grand Terrace, CA), approximately 0.3 miles southeast of site;
- Grand Terrace Elementary School (12066 Vivienda Ave, Grand Terrace, CA), approximately 0.4 miles east;
- Terrace Hills Middle School (22579 DeBerry Street, Grand Terrace, CA), approximately 1 mile east;
- Terrace View Elementary School (22731 Grand Terrace Road, Grand Terrace, CA), approximately 1.1 miles northeast;
- San Salvador Preschool (471 Agua Mansa Rd, Colton, CA), approximately 1.2 miles north; and
- Woodrow Wilson Elementary (750 S. 8th Street, Colton, CA), approximately 1.3 miles north. Below we outline our understanding of the project and provide our comments on to DEIR.

Understanding of the Project

The project site is currently developed with six buildings including two warehouses and one office north of Barton Road and three industrial buildings south of Barton Road. The proposed project would demolish five buildings on the project site and maintain one industrial building located at 280 De Berry Street (on the southern side of the project site). The project would demolish 659,435 square feet of building space. Total amount of hardscape to be demolished and removed is an additional 1,603,931 square feet.

The proposed project includes the construction of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics buildings with a total square footage of 960,040 square feet. Currently both buildings are proposed as speculative ambient temperature dry warehouse facilities; however, as a potential alternative, the project could include one refrigerated warehouse facility and one dry warehouse facility. This alternative would be implemented if a qualified build-to-suit tenant or user-buyer proposes such a use. This alternative is evaluated in the alternatives section of the DEIR.

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The first building (Building 1) would include 540,920 square feet with 336,662 square feet of paving on 26.23-acres north of Barton Road. The second building (Building 2) would include 419,920 square feet with 491,211 square feet of paving. Building 2 would occupy 17.62 acres south of Barton Road and north of the remaining 280 De Berry Street industrial building. The existing industrial building at 280 De Berry Street would remain, and the following improvements would occur on this parcel: driveway improvements and relocation of guard shack to allow for increased vehicle queueing on the site. Overall, the project would result in a net increase of 300,605 square feet of building space compared to existing conditions and would develop 45.52 acres of the 54.82-acre project site.

As part of the project, S. Terrace Avenue south Barton Road and a portion of De Berry Street would be vacated. Offsite improvements include widening of Barton Road from the project's western boundary to the project's eastern boundary along with curb, gutter, and sidewalk improvements to Walnut Avenue and South Terrace Avenue along the project frontage.

Comments on Environmental Impact Report

AIR QUALITY

The proposed project includes 960,040 square feet of warehousing and the EIR does not currently identify any significant long-term operational impacts, despite the magnitude of trucks and mobile-source emissions potentially generated by the project. As a result, no mitigation measures are proposed to reduce the proposed project's emissions to sensitive receptors[1], including schools proximate to the project site. However, as identified below, the thresholds utilized in the analysis do fully address the proposed project's emissions impacts for GHG emissions and health risk. 1

» Cold Storage. Because modeling conducted for the proposed project does not assume any cold storage, it is recommended that a Condition of Approval or Mitigation Measure be identified that prohibits cold storage. If this is not an acceptable condition, then modeling should conservatively assume that a percentage of warehouse space could be used for cold storage. Additionally, if cold storage will be permitted then an additional mitigation measure should be included that requires that the docking bays for cold storage be electrified to prevent diesel TRU idling/use.

» Cargo Handling Equipment. The EIR includes Mitigation Measures GHG-1c and GHG-1b requiring infrastructure to support zero emission cargo handling; however, the EIR makes no attempt at quantifying emissions associated with this equipment onsite and thus, emissions from onsite equipment are not included in any of the emissions tables. The current mitigation measure, as written, does not preclude use of diesel cargo equipment. The EIR needs to quantify potential air quality and GHG emissions from this equipment use to disclose impacts to decision makers and the public.

» Air Quality Impacts on Disadvantaged Communities. The proposed project is located in a community with some of the highest pollution burden in all of California. Pollution burden represents the potential exposures to pollutants and the adverse environmental conditions caused by pollution.

[1] Except to ensure consistency with the City's Climate Action Plan

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The proposed project would introduce new sources of air pollution, including diesel particulate matter (DPM), which is a known toxic air contaminant (TAC) proximate to sensitive receptors that already are exposed to elevated air pollution levels. The health risk thresholds utilized in the analysis do not consider cumulative health risk impacts, including cumulative health risk impacts in an area with a high pollution burden. This is because the health risk assessment isolates the incremental effect of the proposed project without considering the cumulative incremental effect of approving warehouse and other industrial projects proximate to the community over time. Thus, the 10 in a million incremental maximum incremental cancer risk threshold is applied equally to areas without a high pollution burden and areas with low pollution burden. The health risk assessment cites South Coast AQMD's guidance, which states that they use the same significance criteria for project specific and cumulative impacts (see page 67 of Appendix B). Therefore, it is clear that when the health risk threshold was developed it did not consider the underlying, cumulative health risks to which communities may be exposed. Therefore, the threshold itself does not adequately provide protection to disadvantaged communities that bear a higher pollution burden. 1 CONT

- The City should consider a more restrictive health risk threshold for areas that have a high air quality burden, as identified on CalEnviroScreen, to address the cumulative pollution burden to residents and students proximate to the project site. For example, in the Bay Area, the Bay Area Air Quality Management District updated Regulation 11, Rule 18 to address health risk impacts in priority communities. Priority communities are areas where levels of TACs are higher than other areas and where people may be particularly vulnerable and bear a disproportionately higher adverse health effect. In their rule, a significant risk threshold for a single facility in a priority community was identified as 1 in a million, rather than 10 in a million. While South Coast AQMD has not yet modified their existing regulations to address disadvantaged communities, conservatively applying this criterion to the proposed project's health risk impacts would help address the existing pollution burden since it would set a 'lower bar' (i.e., higher threshold), requiring additional mitigation to ensure help reduce the exposure burden and effects on disadvantaged communities are considered.
- The EIR needs to provide information on the existing air quality pollution burden in the Existing Setting of the EIR. Information from CalEnvironScreen should be used to disclose that the project would add emissions in an area with a high pollution burden for decision-makers.
- The EIR should also disclose the cumulative health risks in the project area and South Coast Air Quality Management District as a whole, based on the most recent Multiple Airborne Toxics Exposure Study (MATES).
- The EIR should identify Assembly Bill 617 and South Coast AQMD's AB 617 Priority Areas. To identify communities for consideration in South Coast AQMD's jurisdiction the community must have a CalEnviroScreen 3.0 score in the top 25 percent statewide; have a MATES IV air toxics cancer risk in the top 25 percent in the South Coast Air Basin; and have an average percentage of industrial land use and freeways within 1,000 feet from school/daycare boundaries in the top 20 percent. The project area meets this criterion and Colton, Grand Terrace, San Bernardino (southwest) has been identified as a Year 3-5 community for which the South Coast AQMD will prepare a Community Emissions Reduction Plan (CERP). This information should also be disclosed within the EIR.

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OPERATIONAL HEALTH RISK ASSESSMENT

» The Health Risk Assessment (HRA) provided in Appendix B does not include a graphical representation of the air dispersion model nor the model output summary files. Without a figure depicting the extent of the modeling, it is difficult to ascertain the extent of off-site roadway segments modeled and their relation to offsite residences and nearby schools.

» There are several schools along the potential truck routes (Grand Terrance Elementary School, Grand Terrace High School, San Salvador School, Woodrow Wilson Elementary School). Although these sites are beyond the 1,000 feet radius used for the HRA, the EIR should include discussion of how the determined residential health risks compare to these sensitive receptors. 2

» The HRA modeling and emissions calculations conducted for the proposed project did not assume any cold storage. In the Traffic Analysis provided in Appendix J (Table 4-2), the alternative with cold storage would generate more than double the truck trips (468 trucks per day for alternative with cold storage) compared to the proposed project (218 trucks per day). Additionally, TRUs used to maintain cold temperatures at docking bays would be an additional source of diesel particulate matter which was not evaluated as part of the HRA. It is recommended that a Condition of Approval or Mitigation Measure be identified that prohibits cold storage. If this is not an acceptable condition, then health risk modeling should conservatively assume that a percentage of warehouse space could be used for cold storage and the additional daily truck trips due to cold storage should be evaluated. Additionally, if cold storage will be permitted then an additional mitigation measure should be included that requires that the docking bays for cold storage be electrified to prevent diesel TRU idling/use.

GREENHOUSE GAS EMISSIONS

» Greenhouse Gas Threshold. South Coast AQMD's permit threshold is 10,000 metric tons of carbon dioxide-equivalent (MTCO2e) for projects with South Coast AQMD as the lead agency. Per the recent Newhall Ranch case, the GHG emissions threshold should be directly correlated to the project's emissions. South Coast AQMD's threshold includes stationary sources and should not be used in development projects because there is no substantial evidence that this level of emissions for a development project is less than significant. Because the threshold was developed based on emissions from stationary sources of emissions (e.g., boilers, generators) the substantial evidence that the threshold was based is not correlated to development-projects, like warehouses, where truck traffic is the primary source of emissions. South Coast AQMD's bright-line threshold is based on a "90% Capture Rate" approach recommended in the preliminary guidance by CARB and the Air Pollution Control Officer's Association (CAPCOA). The 10,000 MTCO2e capture rate does not capture mobile-source emissions or other indirect emissions generated by development projects. There is no substantial evidence that supports use of the 10,000 MTCO2e threshold emissions for a warehousing-type development project. Therefore, the warehouse project would be classified as a commercial project (development project) by South Coast AQMD and CARB (not industrial sector emissions covered by a South Coast AQMD permit). The more applicable threshold is the 3,000 MTCO2e development project bright-line threshold for all land use types, which does include commercial warehousing (i.e., captures 90% of emissions from all land use project types). The lead agency should have used a bright-line threshold for all project types of 3,000 MTCO2e. It should be noted that several industrial and warehouse projects in the City have used 3,000 MTCO2e ;[1] and therefore, the precedent for using this threshold in the City has already been set. 3

[1] Examples include Tropica Ranch Commerce Center, Colton Center Street Warehouse, and Gateway Sign/Station 215.

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» **Mitigation Measures.** The DEIR should include a mitigation measure requiring infrastructure to support the future installation of truck charging stations and dedicated truck trailer spaces for truck charging. Zero emission (ZE) trucks are just being introduced into the market and the recent Executive Order N-79-20 directs California to accelerate transition to a ZE vehicle economy by requiring all new car and truck sales in California to be electric vehicles by 2035 and all medium and heavy trucks to be ZE by 2045. This also dovetails the South Coast AQMD Indirect Source Review for warehouses rule development under Proposed Rules 2305 and 316 and the California Air Resources Board's adoption of the Advanced Clean Truck Regulation. Truck charging would not occur at docking bays; therefore, there should be dedicated truck trailer spaces for trucks charging onsite. These chargers should be available for all trucks that accommodate the tenants to avoid on-street truck parking and idling. Because this technology is so new, it is unknown whether 350 kw chargers or even larger electric vehicle chargers for trucks would be needed. Therefore, we recommend that the EIR include a mitigation measure requiring infrastructure and truck trailer spaces to support the transition to a ZE truck economy in California and reducing diesel emissions in an area that is already burdened by poor air quality. The truck trailer spaces that would accommodate ZE truck charging should be clearly shown on the site plan. Currently, Mitigation Measure GHG-1b lumps both EV vehicles and EV trucks into one measure, never specifying the percentage of truck trailer spaces that would be "EV capable". This mitigation measure should be modified to specify the percentage of passenger vehicle spaces and truck trailer spaces that would accommodate ZE vehicle charging separately. Additionally, the requirement to show where these spaces are on the site plan should also be added to Mitigation Measure GHG-1b.

3 CONT

» **Mitigation Measures.** Mitigation Measure GHG-1c and GHG 1d only requires that applicant provide infrastructure to support electric powered cargo handling equipment. This is not sufficient. The mitigation measure should be restructured to require that tenants use electric-powered cargo handling equipment, such as forklifts and yard trucks and that diesel -powered forklifts and yard trucks are prohibited onsite.

NOISE

The World Health Organization guidelines specify 35 dBA Leq as the maximum background noise level for school classrooms. Appendix A5, Section A5.507.5, of the California Building Code specifies a maximum background noise level of no more than 45 dBA Leq in classrooms. For young children and those experiencing hearing loss and/or Auditory Processing Disorder (APD), a limit of 40 dBA is used (McLaren, SJ, and Page, WH, 2015). Assuming standard building construction with windows closed would reduce exterior-to-interior noise levels by approximately 25 dBA, exterior noise affecting school classrooms (which would be increased by the proposed project truck traffic) should not exceed 65 dBA Leq (1 hr) at the classroom façade to avoid classroom disruption.

4

» **Ambient Noise Monitoring.** According to Page 22 of the Noise Impact Analysis (Appendix H), "these measurements provide a baseline for existing noise conditions in the project vicinity." However, ambient noise monitoring was conducted during a pandemic (October 2020). It should be noted that due to shelter-in-place orders and school closures, ambient noise levels are likely artificially low and not representative of typical baseline existing conditions due to decreased vehicles on the road.

» **Grand Terrace Elementary.** The EIR states that all trucks would access the project site via Barton Road or De Berry Street. However, the EIR does not quantify existing traffic noise levels along Barton Road east of I-215, which is adjacent to Grand Terrace

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Elementary. If the project would not add trips along Barton Road east of I-215, the EIR should clearly state this. In either case, the EIR should address the addition of project truck traffic and associated noise impacts on Barton Road and/or I-215 for the roadway segments adjacent to Grand Terrace Elementary. (The need to consider truck traffic from east of I-215 is further discussed under Transportation).

» Terrace Hills Middle School. As discussed above, the EIR states that all trucks would access the project site via Barton Road or De Berry Street. The EIR does not quantify existing traffic noise levels along De Berry Street east of I-215, which is adjacent to Terrace Hills Middle School. If the project would not add trips along De Berry Street east of I-215, the EIR should state this. If the project would add truck trips to the roadway segment adjacent to Terrace Hills Middle School, the increase in traffic noise needs to be addressed. (The need to consider truck traffic from east of I-215 is further discussed under Transportation).

4 CONT

» Traffic Noise Modeling and Analysis. The vehicle mix assumptions used for traffic noise modeling appear to be from the Riverside County Noise Element Appendix. The vehicle mix assumptions used from the County Noise Element are for secondary, collector, or smaller roadways, which means medium-duty and heavy-duty truck percentages assumed for this industrial project is likely low and not representative of the actual truck mix on nearby roadways with the project. The noise analysis should use project-specific vehicle mix to accurately quantify the traffic noise increases along roadway segment adjacent to the District's schools, and not generic inputs from the Riverside County Noise Element for secondary, collector, and smaller roadways.

» Cumulative Noise Impacts. Finally, the noise assessment does not properly address cumulative noise impacts. A review of Table 10 of the Noise Impact Analysis indicates that only the project's contribution to a potentially significant cumulative impact has been addressed (Year 2040 Plus Project traffic noise levels minus Year 2040 No Project traffic noise levels). This skips the crucial step of first identifying if the cumulative traffic noise increase would be significant. The cumulative traffic noise increase would be the difference between the Year 2040 Plus Project noise levels and Existing noise levels. Then, if a potentially significant cumulative noise impact is identified, the project's contribution to the cumulative impact may be considered. A threshold of 1 dBA or more is reasonable when considering a project's contribution to a potentially significant cumulative traffic noise impact. Evaluating impacts based only on the traffic noise increase between Plus Project and No Project conditions under future scenarios (2040) is using a future baseline to assess noise impacts, which was ruled to be inadequate in the Sunnyvale West Neighborhood Association v. City of Sunnyvale case.

TRANSPORTATION

» ITE Code Assumptions. The DEIR is unclear as to why the selected ITE land use code (ITE Land Use Code 154, high-cube transloading and short-term storage warehouse) was used if the tenant is unknown at this time. The ITE land use code that was used generates the smallest number of trips compared to other types of warehouses. We request that ITE land use code selection be justified.

5

» VMT for Trucks. We request that VMT for trucks be included in the VMT calculations, or if not included, provide consistency analysis with goods movement plans and CARB Mobile Source Strategy to show consistency with the State's greenhouse gas reduction goals.

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» **Truck Routes.** The DEIR states that the most direct routes to the project site are La Cadena Drive or Interstate 215 (I-215). Based on the "Barton Road Logistics Center Traffic Analysis" (Appendix J to the DEIR), it is assumed that all truck trips associated with the project site travel along La Cadena Drive and Rancho Avenue to/from I-10 or Barton Road to/from I-215. The Traffic Study does not consider truck trips to/from the Project Site travelling east of the I-215, through the City of Grand Terrace. Similar to the concerns raised during the Planning Commission Workshop held on January 26, 2021, the District is concerned about truck traffic through the City of Grand Terrace, and truck traffic impacts to District schools in the Cities of Colton and Grand Terrace along truck routes. The traffic analysis should account for truck traffic along truck routes in the City of Grand Terrace and address the impacts to school routes from of increased truck traffic, including pedestrian safety and disruption of school pick-up/drop-off.

5 CONT

» **School Bus Routes.** The District operates three schools adjacent to designated truck routes within the City of Colton, including Woodrow Wilson Elementary School along La Cadena Drive; San Salvador Preschool adjacent to Rancho Avenue; and Grand Terrace Elementary along I-215. Page 3.11-42 of the DEIR states that "[S]chool bus routes would not be affected by truck trips because the project would not include roadway changes to Palm Avenue or La Cadena Drive that would change bus routes or pick up/drop off points." However, the increase in truck trips would generate increased pedestrian safety concerns and disrupt pick-up and drop off operations for schools near these routes, such as Woodrow Wilson Elementary School. The DEIR does not adequately address pedestrian safety.

» **Barton Road Bridge.** While outline on page 3.11-1 as being addressed in the Transportation chapter, the safety of Barton Road bridge is not discussed in the chapter. To echo safety concerns raised during the Planning Commission Workshop, the District is concerned for the safety of drivers along the bridge and the bridge's ability to withstand increased truck traffic.

» **Alternative 2.** The DEIR and Traffic Analysis determined that the proposed project would contribute 218 daily truck trips. However, as further discussed under "Alternatives" below, the Alternative 2 (Cold Storage) is a reasonable outcome of the proposed project. However, this alternative results in 468 trucks per day compared to the proposed project's 218 daily truck trips. The potential transportation impacts of the 468 truck trips per day is not adequately disclosed nor evaluated in the Alternatives section.

ALTERNATIVES

» **Alternative 2 (Cold Storage Alternative).** As disclosed in Section 2.2.1, Proposed Project, the project may involve the construction of one ambient temperature dry warehouse facility and one refrigerated warehouse facility depending on the ultimate tenant for the proposed project. This alternative is analyzed as Alternative 2 (Cold Storage Alternative) in Chapter 5, Alternatives. Alternative 2 does not meet the criteria of an alternative pursuant to CEQA Guidelines Section 15126.6(a).

6

Pursuant to Section 15126.6(a) of the CEQA Guidelines, "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (emphasis added). As discussed in chapter 5, Alternatives, and summarized in Table 5-1, Alternative 2 would result in greater impacts than the proposed project related to Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Public Services

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and Utilities, and Transportation. Alternative 2 would result in similar impacts to all other topic areas. This alternative does not meet the requirements of CEQA Guidelines section 15126.6 as it does not reduce the project's impacts for any topic. It actually results in greater impacts to many topics. Therefore, Alternative 2 does not qualify as an alternative, which leaves only Alternative 1 (No project Alternative), mandated by CEQA, and Alternative 3 (Barton Road South Side Redevelopment Alternative). These two alternatives do not encompass a range of reasonable alternatives to the project. The District requests that the DEIR analyze an additional alternative so that the public is presented with an adequate range of reasonable alternatives.

» Alternative 2 Conclusion. Since Alternative 2 appears to be a reasonable likely outcome of the proposed project, as discussed in the project description, this alternative should have been analyzed as the proposed project not merely an alternative that results in greater impacts than the proposed project. Implementation of this alternative results in greater impacts to all environmental topics discussed above. 6 CONT

The conclusion for Alternative 2 and Table 5-2, Project Objectives Attainment Comparison, shows that Alternative 2 meets all of the project objectives, except for Objective 2, "Develop highly functional and efficient industrial buildings in close proximity to the I-215 Freeway that would be placed into inventory and service of the Southern California supply chain and goods movement network. Replace existing outdated facilities with more modern, high-cube and energy-efficient facilities." and Objective 3, "Minimize VMT and traffic congestion on city streets by siting the proposed project immediately west of the newly reconstructed I-215 interchange at Barton Road." The conclusion does not substantiate why Alternative 2 does not meet Objective 2 and Objective 3. The conclusion purely states that it does not.

Alternative 2 appears to meet all project objectives. Alternative 2 is described as, "Similar to the proposed project, under Alternative 2, the existing buildings would be demolished, and two new state-of-the-art warehouse buildings would be developed on the project site. The buildings would include one 480,020-square-foot high-cube dry goods transload and short-term storage warehouse and one 480,020-square-foot high-cube cold storage warehouse. High-cube cold storage warehouses are used for storage or consolidation of manufactured goods prior to distribution and are characterized by permanent temperature-controlled environments in at least part of the building for perishable foods and products…" (page ES 4). As such, Alternative 2 would replace existing building onsite with two industrial warehouse buildings on a site in close proximity to the 215 Freeway, which would serve goods movement network. Similar to the proposed project, Alternative 2 would also replace outdated facilities with more modern, energy efficient facilities. Therefore, Alternative 2 seems to meet Objective 2. Objective 3 is related to the siting of the project on the site as a way to reduce VMT and traffic congestion. Since Alternative 2 would occur on the same site as the proposed project, Alternative would also meet Objective 3. Therefore, Alternative 2 would ultimately meet all project objectives. More information should be provided as to why Alternative 2 does not meet objectives 2 and 3.

The DEIR should also explain why Alternative 2 is not analyzed as the proposed project as it meets all project objectives and results in greater or equal impacts as the current proposed project. This is especially important as Alternative 2 appears to be a likely outcome as discussed in the project description.

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We appreciate the opportunity to submit these comments on the proposed Barton Road Logistics Center project. The District has serious concerns about the potential impacts on its schools.

Sincerely,

Colton Joint Unified School District

Owen Chang

Owen Chang
Facilities Energy Management Director

Cc: Rick Jensen, Assistant Superintendent Business Services

Local Agencies

Colton Joint Unified School District (CJUSD))

Response to CJUSD-1

Implementation of MM GHG-1b through MM GHG-1d would ensure that the proposed project would be consistent with all applicable Senate Bill 32 (SB 32) 2017 Scoping Plan Update reduction measures.[1] 2017 Scoping Plan Update reduction measures that are applicable to the proposed project include the following:

- **Mobile Source Strategy (Cleaner Technology and Fuels Scenario).** Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million Zero Emission Vehicles (ZEVs) on the road by 2030 and increasing numbers of ZEV trucks and buses.
- **Sustainable Freight Action Plan.** The Plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030.
- **Short-Lived Climate Pollutant Reduction Strategy.** The Short-Lived Climate Pollutant (SLCP) Reduction Strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.

Implementation of GHG-1d would ensure that all on-site vehicles would be all-electric and, thus, would not result in additional emissions that were not already accounted for the analysis presented in the Draft EIR. As MM GHG-1d did not clarify what was meant by on-site vehicles, the mitigation measure was revised in the Errata.

Cold Storage

As described previously, the proposed project does not include cold storage. Please refer to Response to Comment ARB-2 and Response to Comment TSAI-5. As discussed in Response to Comment ARB-2, if the project applicant intends to pursue cold storage uses in the future, the changes to the proposed project shall be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. As discussed in Response to Comment TSAI-5, cold storage design, engineering, and construction is unique and requires the integration of multiple systems. CEQA does not require speculation regarding potential design features not included in a proposed project. In the absence of specialized designs for cold storage, it is appropriate to analyze the proposed project for uses consistent with the project application.

[1] California Air Resources Board (ARB). 2017. Final 2017 Scoping Plan. Website: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2017-scoping-plan-documentst. Accessed July 7, 2021.

Additionally, in response to the commenter's concern about cold storage facilities and Transport Refrigeration Units (TRUs), see Response to Comment ABJC-3-9. As discussed in Response to Comment ABJC-3-9, the proposed project would not include cold storage or result in the use of TRUs. TRUs require specific infrastructure that is not included in the project. Therefore, potential impacts associated with the use of TRUs are not applicable to the proposed project.

Cargo Handling Equipment

MM GHG-1c and MM GHG-1d require the applicant to include electric-powered or otherwise zero emission interior and yard vehicles, which would not use diesel or gasoline fuel. Thus, the only potential greenhouse gas (GHG) emissions from the use of cargo handling equipment would be from electricity demand generated by charging the batteries of this equipment. Any GHG emissions resulting from the use of electric interior and yard vehicles would be substantially less than the use of standard diesel or gasoline fuel powered equipment because it would not require the use of fossil fuels.

Air Quality Impacts on Disadvantaged Communities

With respect to the Community Air Protection Program (CAPP) (Assembly Bill [AB] 617), each year the ARB's governing board (Board) is required to consider selecting communities for participation in the CAPP. Communities are selected for developing community air monitoring systems, emissions reduction programs, or both in order to improve air quality in their community. Over the first 3 years of the CAPP (2018 and 2019), the Board selected 15 communities where these focused actions are underway.[2] The City of Colton is not one of the selected communities, and to date has not been nominated to participate in the CAPP.[3]

CalEviroScreen is a general mapping tool developed by the California Office of Environmental Health Hazard Assessment (OEHHA) to help identify California communities that are most affected by sources of pollution. The project area and its immediately surrounding area are designated by California Environmental Protection Agency (Cal/EPA) as being part of a disadvantaged community for the purpose of SB 535. SB 535 targets disadvantaged communities in California for investment of proceeds from the State's cap-and-trade program to improve public health, quality of life, and economic opportunity in California's most burdened communities, while also reducing pollution. The CalEnviroScreen general mapping tool was not developed for use in evaluating potential impacts under CEQA. The proposed project entails the development of two industrial warehouse buildings, which would bring jobs and other economic opportunities to the local area without State assistance. The environmental effects of the proposed project are fully evaluated in the Draft EIR and feasible mitigation measures are identified for significant impacts that are within the City of Colton's jurisdictional authority to impose and enforce as required by the State CEQA Statute and Guidelines. The Draft EIR provides a disclosure of localized impacts which may affect this Cal/EPA- designated disadvantaged community. As described in the methodology section under Section 3.2, Air Quality, the Draft EIR's analysis was based on the most applicable South Coast AQMD guidelines and

[2] California Air Resources Board (ARB). 2021. Community Selection Process and 2021 Community Recommendations. Website: https://ww2.arb.ca.gov/capp-selection. Accessed: July 21, 2021.

[3] California Air Resources Board (ARB). 2021. Community Air Protection Program Communities. Website: https://ww2.arb.ca.gov/capp-communities. Accessed: July 21, 2021.

thresholds and is supported by substantial evidence based, in part, on project-specific information. As indicated in the preceding analysis, the proposed project's construction and operational localized emissions would not exceed the South Coast AQMD localized significance threshold (LST), and the proposed project would not result in significant health impacts due to DPM emissions. The proposed project also would not cause or contribute to any carbon monoxide (CO) "hot spots."

Cumulative Impacts

By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants is a result of past and present development within the air basin, and this regional impact is a cumulative impact. In other words, new development projects (such as the proposed project) within the air basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in regional emissions that exceed the South Coast AQMD regional thresholds of significance for construction and operations on a project level. As described in Section 3.2, Air Quality, the proposed project would not exceed South Coast AQMD thresholds, with implementation of MM AIR-1. Furthermore, MM GHG 1a through MM GHG-1d identified in Section 3.6, Greenhouse Gas Emissions, would ensure that the proposed project would be consistent with all applicable 2017 Scoping Plan Update reduction measures. Inclusion of MM GHG 1a through MM GHG-1d further ensures that the proposed project would not include on-site diesel-fueled equipment during operations. As shown in Section 3, Errata, and described in Response to Comment ABJC-4-8, the proposed project would comply with MM GHG-1a and the Colton CAP by including project design features that would reduce operational GHG emissions, such as Cool Roof, low water demand landscaping, solar ready roof, and would achieve a minimum of 85 points, above the 75 point requirement. Therefore, implementation of MM GHG 1a through MM GHG-1d further ensures that the proposed project's generation of air quality emissions were not underestimated, and project construction or operations would not result in an exceedance of applicable South Coast AQMD thresholds.

Also, the South Coast AQMD has published a report on how to address cumulative impacts from air pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (46). In this report the South Coast AQMD clearly states (page D-3):

> " . . . the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

> Projects that exceed the project-specific significance thresholds are considered by the [South Coast] AQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."

Thus, here, as recommended by the AQMD, because the proposed project's air quality impacts do not exceed South Coast AQMD thresholds and thus are not significant, the proposed project's air quality impacts are not considered cumulatively considerable, and the proposed project's cumulative impacts are not considered to be significant. As shown in Table 3.2-5 of the Draft EIR, the proposed project's NO_X emissions would not exceed the South Coast AQMD regional thresholds of significance during construction and would not require mitigation. As shown in Appendix A, the California Emissions Estimator Model (CalEEMod) input for operational truck trips was adjusted from the default values ranging from 6.90 to 16.60 miles to 40 miles. This adjustment represents a conservative estimation of project generated emissions, further demonstrating that the project's operational emissions were not underestimated in the analysis. Additionally, the Draft EIR analysis did not net emissions; instead, a baseline of zero emissions was assumed in the analysis rather than only looking at the incremental increase compared to existing emissions. This further demonstrates a worst-case scenario for project NO_X emissions and demonstrates that project NO_X emissions estimated using conservative assumptions that would result in higher emissions compared to other scenarios that would be appropriate would still not exceed South Coast AQMD thresholds. CEQA does not require the imposition of mitigation measures with regard to less than significant impacts. (PRC § 21100; CEQA Guidelines § 15126.4.)

Response to CJUSD-2

Although there was no visual representation of the air dispersion model included in the Draft EIR, the calculations used in the HRA, assumptions used in the HRA, and the HRA model summary output files are located in Appendix B of the Draft EIR. The comment specifically mentions that without a figure depicting the extent of the modeling, it is difficult to ascertain the extend of the off-site roadway segments modeled. As requested in this comment, Exhibit 3.2-1 and Exhibit 3.2-2 depicting the sources modeled in the HRA are included in the Final EIR. These exhibits follow at the end of the responses to CJUSD's comments and are included in the Errata (see Section 3). The construction and operational HRA was performed to calculate the cancer health risks, and the non-hazard indices for sensitive receptors within 1,000 feet of the project boundary. As shown in Tables 3.2-10 and 3.2-11 of the Draft EIR, the proposed project would not exceed South Coast AQMD health risk thresholds. Further, the analysis did not include receptors outside of 1,000 feet because the HRA consultant determined that this is an appropriate distance, as health risk impacts would decrease the further away from the project due to dispersion and meteorological effects, such as wind and weather, that would significantly dilute any project DPM emissions compared to areas closer to the project site. As shown in Figure 1-3 of the ARB Land Use Handbook (https://ww3.arb.ca.gov/ch/handbook.pdf), DPM emissions from distribution centers, such as the proposed project, reduce by 80 percent at 1,000 feet and further decrease exponentially the further away from the source. Concentrations of toxic air contaminants from emissions generated by the proposed project are expected be elevated at the project site, as truck trip-ends would either start or end at the project site. Emissions generated from truck travel away from the project site would be distributed throughout the local roadway network, with emissions generated in one area occurring at different times. These factors

would lead to concentrations of toxic air containments from emissions generated by the proposed project to be lower in areas further away from the project site, even if these areas are close to roads that may be used by truck traffic generated by the project. As a result, receptors over 1,000 feet from the project site would experience significantly lower health risks compared to receptors closer to the project site. As stated previously, in response to the commenter's concern about cold storage facilities and TRUs, see Response to Comment ABJC-3-9. As discussed in Response to Comment ABJC-3-9, the proposed project would not include cold storage or result in the use of TRUs. TRUs require specific infrastructure that is not included in the project. Therefore, potential impacts associated with the use of TRUs are not applicable to the proposed project. Additionally, the Cold Storage Alternative would likely result in greater energy use and additional sources of TACs as compared to the proposed project and increased air quality impacts. Accordingly, analysis of the potential effects associated with operation of TRUs has already been included in Chapter 5, Alternatives.

Response to CJUSD-3

The City of Colton does not have its own quantitative threshold for determining significant GHG impacts. As described in the Methodology of Section 3.6, Greenhouse Gas Emissions, the South Coast AQMD's draft threshold uses the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap carbon dioxide (CO_2) concentrations at 450 parts per million (ppm), thus stabilizing global climate. In 2010, the South Coast AQMD Tier 3 threshold was expanded to include non-industrial projects, as explained in the minutes from the most recent working group meeting.[4] The threshold of 10,000 metric tons (MT) carbon dioxide equivalent (CO_2e) per year established for industrial facilities is recommended in South Coast AQMD's latest air quality significance thresholds.[5] The South Coast AQMD's draft local agency threshold for industrial uses of 10,000 MT CO_2e per year is appropriate for this project and is utilized to determine whether the proposed project would have a significant impact with respect to the generation of GHG emissions. The commenter is incorrect in classifying the proposed project as a commercial project. The South Coast AQMD-adopted industrial threshold was selected by the City because the proposed project is more analogous to an industrial use than any other land use such as commercial or residential in terms of its expected operating characteristics. The proposed project would involve proposed warehouse uses, characteristic of an industrial operation. The use of a commercial classification would underrepresent the operational vehicle trips and emissions generated by the proposed project because the primary emission source from vehicle trips for commercial projects would be passenger vehicles while industrial projects would be from heavy-duty trucks and delivery vehicles. Recommendations that are only applicable to industrial projects, such as extending the truck trip lengths, were followed in estimating emissions. For example, FCS used a 40-mile average truck trip length rather than the default values (which range from 6.9 miles to 16.6 miles) based on recommendations from the South Coast AQMD warehouse-type projects. Further, analysis of the proposed project's traffic generation in this report

[4] South Coast Air Quality Management District (South Coast AQMD). 2010. Greenhouse Gas CEQA Threshold Stakeholder Working Group Meeting #15. September 28. Website: www.aqmd.gov/ceqa /handbook/GHG/2010/sept28mtg/ghgmtg15-web.pdf. Accessed August 5, 2020.

[5] South Coast Air Quality Management District (South Coast AQMD). 2019. South Coast AQMD Air Quality Significance Thresholds. April. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf. Accessed August 5, 2020.

is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017, for warehouse and industrial land use categories. Also, 10,000 MT CO_2e has been used as the significance threshold by many local government lead agencies for logistics projects throughout the Southern California Association of Governments (SCAG) region since the South Coast AQMD adopted this threshold for its own use. Use of this threshold is also consistent with guidance provided in the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change handbook, as such, the City has opted to use a non-zero threshold approach based on Approach 2 of the handbook. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) establishes a numerical threshold based on capture of approximately 90% of emissions from future development. The latest threshold developed by the South Coast AQMD using this method is 10,000 MT CO_2e based on the review of 711 CEQA projects. Further, to ensure that the threshold is conservative in its application, although the South Coast AQMD uses their adopted 10,000 MT CO_2e threshold to determine the significance of stationary source emissions for industrial projects, the 10,000 MT CO_2e threshold used in this CEQA document is applied to all sources of project related GHG emissions whether stationary source, mobile source, area source, or other.

Other recommendations that are only applicable to industrial projects, such as extending the truck trip lengths, were followed in estimating emissions. For example, the operational modeling scenarios included average trip length estimates for each type of vehicle expected to be used, such as passenger vehicles and heavy-duty trucks. In order to best represent the project's operational truck trip lengths, FCS used a 40-mile average truck trip length rather than the default values (which range from 6.9 miles to 16.6 miles) based on recommendations from the South Coast AQMD warehouse-type projects. As such, the 10,000 MT CO_2e per threshold for industrial projects would be applicable to the proposed project. The proposed project would generate approximately 7,744 MT CO_2e per year after the inclusion of 67 MT CO_2e per year from project construction and is therefore below the threshold. Because the proposed project would not exceed the 10,000 MT CO_2e per year threshold of significance, the proposed project's construction and operational GHG emissions would not result in a significant impact on the environment.

As described in Response to ABJC-4-5, Response to ABJC-4-6, Response to ABJC-4-7, Response to BLUM-18, and Response to BLUM-20, the use of a 10,000 MT CO2e threshold is appropriate for this project and is supported by substantial evidence. Additionally, in response to comments received after the EIR was published, additional discussion was added to Section 3.0, Errata. This additional discussion provides decision-makers and the public with a more conservative approach and addresses the application of a 3,000 MT CO2e threshold and additional measures that would further reduce the already less than significant impact. As shown in Section 3.0: Errata, the proposed project would generate approximately 7,744 MT CO_2e per year after the inclusion of 67 MT CO_2e per year from project construction. To further reduce MT CO_2e, the proposed project would implement MM GHG-1. MM GHG-1 would require the project to purchase voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 142,320 MT CO2e total over the lifetime of the project. With the implementation of MM GHG-1, there would be a less than significant impact.

The proposed project would provide a total of 567 parking spaces, of which 46 spaces would be clean air vehicle stalls and 35 spaces would be electric vehicle stalls, consistent with the applicable California Green Building Standards Code Section 5.106.5.2. While the proposed project meets these

code requirements, MM GHG-1b is recommended to ensure to provide the City with a method for documenting the applicant's compliance with these requirements as well as to ensure incorporation of design features that would meet the City's minimum requirements to be consistent with AB 32 GHG reduction goals. Additionally, MM GHG-1b provides the specifications that must be met for a parking space to be counted as an electric vehicle charging space and provides a mechanism to ensure the specified parking spaces are included as part of the proposed project. Additionally, as shown in Section 3, Errata, MM GHG-1b has been edited to satisfy the commenter's request and to demonstrate that the City would require infrastructure to support installation of truck and truck trailer charging spaces. The proposed project must implement MM GHG-1c and MM GHG-1d, which require the installation of infrastructure for the support and operation of zero and near-zero forklifts and/or other electric-powered interior vehicles, electric yard trucks, and electric on-site vehicles powered by renewable energy. The inclusions of these mitigation measures would ensure the use of electric on-site equipment, which further satisfies the commenters request.

Response to CJUSD-4

Ambient Noise Monitoring

The comment regarding ambient noise measurements is noted. The fact that measurements were taken during a period when ambient noise levels were potentially lower than normal reinforces the fact that this analysis is providing the most conservative analysis possible because the analysis is comparing potential increases to a conservatively low number. No further clarification is required.

Grand Terrace Elementary and Terrace Hills Middle School

The comment regarding recommended noise levels for school land uses is noted. The comments regarding analysis of project-related truck trip noise impacts on roadway segments east of Interstate 215 (I-215) Freeway are noted. The traffic report (see Draft EIR Appendix J) contains the project trip distribution analysis. This analysis shows that the proposed project would not generate any project truck trips on any roadway segments on the east side of the I-215 interchange that are adjacent to Grand Terrace Elementary School or adjacent to Terrace Hills Middle School. Therefore, no project-related truck traffic noise impact would occur for any land use adjacent to Barton Road or De Berry Street east of the I-215 Freeway, including Grand Terrace Elementary School. No potential impacts are identified or anticipated, and no further analysis is required.

Traffic Noise Modeling and Analysis

The comment regarding vehicle mix and traffic noise modeling assumptions is noted. The designation of "secondary" and "collector" roads is the accepted designation for 2- and 4-lane roadways segments with speed limits of 30 and 45 miles per hour, such as these portions of Barton Road and La Cadena Drive. The modeled vehicle mix percentages for medium and heavy-duty trucks for "secondary" or "collector" roads is higher than the standard traffic vehicle mix percentages for urban streets. The exact vehicle mix percentages for each type of vehicle and for each time of the day are provided in the noise appendix traffic noise modeling files. The same vehicle mix percentages were applied to without and with project modeling scenarios to provide a conservative comparison of project impacts.

Cumulative Noise Impacts

The comment about cumulative traffic noise impacts is noted. Impacts that do not result at least in part from the proposed project should not be evaluated in the Draft EIR (14 California Code of Regulations [CCR] § 15130(a)(1)). The City's significance threshold for a cumulative traffic noise impact is identified as whether the project traffic noise levels would result in a substantial increase (defined as 5 A-weighted decibel [dBA] or more) above conditions that would exist without the project, as discussed in Section 4.2.9 of the Draft EIR. The cumulative impact analysis first establishes that the greatest traffic noise increase along modeled roadway segments in the project site vicinity would be a 0.5 dBA increase along Barton Road, which is well below the 5 dBA increase that would be considered a substantial increase. This is a less-than-significant increase and demonstrates that there is no identified considerable contribution to any cumulative traffic noise impact with the contribution of project-related traffic. The commenter states, "A threshold of 1 dBA or more is reasonable when considering a project's contribution to a potentially significant cumulative traffic noise impacts." Therefore, even utilizing the standard recommended by the commentor, the proposed project's contribution to traffic noise levels is less than the 1 dBA or greater contribution that the commenter states is appropriate for determining cumulative traffic noise impacts. No further analysis is required.

Response to CJUSD-5

ITE Code Assumptions. As discussed in Response to Comment ABJC-3-14, in 2017 the ITE released and updated their Trip Generation Manual (10th Edition) which extrapolated the High-Cube Warehouse use into the following categories: Transload/Short-term Storage, Cold Storage, Parcel Hub, and Fulfillment Center uses. ITE also released, in February 2020, a supplement to their Trip Generation Manual that further stratified the High-Cube Fulfillment Center category into non-sort and sort facilities. The 1.4 trips per day referenced in the Draft EIR is specific to the High-Cube Transload/Short-Term Storage Warehouse use (ITE Land Use 154) from the ITE's latest Trip Generation Manual.

Although the proposed project is speculative in nature, the applicant is not proposing any refrigerated use (cold storage), parcel delivery/hub use, or e-commerce/fulfillment center use, nor does the design of the proposed project lend itself to these other High-Cube Warehousing categories. As such, the High-Cube Transload Short-Term Storage Warehouse was deemed the most suitable ITE land use code and was confirmed with the lead agency prior to commencing the technical analysis.

Vehicle Miles Traveled for Trucks. As stated in the City of Colton Vehicle Miles Traveled Guidelines, "For the purpose of analysis, all subsequent references to Vehicle Miles Traveled (VMT) defines the automobile travel as the distance attributable to cars and light trucks. As per the Technical Considerations of the December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA by the California Governor's Office of Planning and Research (OPR), heavy-duty trucks are excluded from the VMT analysis for modeling convenience and ease of calculation unless deemed required per City judgment. As the primary developments planned for the City of Colton consist of warehouses, distribution and logistics centers serving mainly heavy-duty trucks, exemptions have

been made for these development types (See 2.3–Land Development Projects: Retail for more information).[6]

Truck Routes. As noted in the comment, the project-related truck traffic is directed towards the most direct routes to the regional freeway system as these trips are accessing the freeway for deliveries or trips to and from the ports. While there may be nominal truck traffic that utilizes other truck routes, these trips are anticipated to have a negligible effect on peak-hour intersection operations.

School Bus Routes. 10 percent of the trucks are anticipated to use La Cadena Drive near Woodrow Wilson and San Salvador Preschool, which equates to approximately three trucks in the morning peak-hour and two trucks during the evening peak-hour (one truck every 20-30 minutes). All project trucks are routed to access the surrounding freeway system; for this reason, it is unlikely that project-related truck traffic would continue eastbound on Barton Road into the City of Grand Terrace, east of the I-215 Freeway. Accordingly, no trucks are anticipated to conflict with Grand Terrace Elementary on the east side of the I-215 Freeway.

Truck-related uses such as the proposed project are anticipated to have limited truck activities during the morning and evening peak commute hours (the morning peak-hour would coincide with traditional morning drop-offs for local schools). As noted above, the anticipated project-related truck traffic on La Cadena Drive would result in a nominal increase (two to three trucks during peak-hour periods), compared to existing traffic volumes.

Barton Road Bridge. The Traffic Study prepared for the proposed project by Urban Crossroads on September 8, 2020 (Appendix J of the Draft EIR), evaluated Barton Road Bridge over the railroad crossing west of the project site and concluded that the addition of proposed project traffic would not result in an immediate, project level, need to widen the bridge. However, there is an anticipated long-range cumulative need to widen the bridge, as traffic in the surrounding area increases over time. Per MM TRANS-1a and MM TRANS-1b, the proposed project would be required to contribute fair share fees towards this future widening. Pursuant to MM TRANS-1a, the applicant would be required to pay the project's fair share amount of $24,421 for the improvements, and pursuant to MM TRANS-1b, the Developer's fair share fee would be $4,297. The CEQA Guidelines specifically recognize that requiring a project to implement or fund its fair share of a measure designed to mitigate a cumulative impact is an effective way to address the project's contribution to the impact (CEQA Guidelines § 15130(a)(3)). Fair share contributions to a mitigation fund are adequate mitigation if they "are part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v City of Anderson (2005) 130 CA4th 1173, 1187*). Here, the City of Colton shall collect fair share payments from the project developer and developers of future projects that will have impacts on the Barton Road Bridge, and the City shall use these payments to ultimately fund the widening of this bridge through the City's Capital Improvement Program (CIP).

Response to CJUSD-6
Cold storage is not part of the proposed project. Please refer to Response to Comment TSAI-5 and Response to Comment ARB-2. As discussed in Response to Comment TSAI-5, the proposed project

[6] City of Colton. City of Colton Vehicle Miles Traveled (VMT) Guidelines. 2020. Website: https://www.ci.colton.ca.us/AgendaCenter/ViewFile/Item/2599?fileID=3138. Accessed May 6, 2021.

does not include, nor it is designed or engineered for, cold storage. Cold storage design, engineering, and construction is unique and requires the integration of multiple systems. CEQA does not require speculation regarding potential design features not included in a proposed project. As discussed in Response to Comment ARB-2, changes to a project after project approval, such as the incorporation of cold storage, would require additional discretionary review. Such changes to the proposed project would be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval.

Although an EIR should focus on alternatives that will reduce or avoid environmental impacts, this does not prevent an EIR from also presenting alternatives that meet most project objectives but with the same or greater environmental impacts. In this case, Alternative 2 would not meet the applicant's project objectives to the same extent as the proposed project. For example, it would not minimize VMT and therefore would not meet the project objectives related to air quality (Draft EIR, page 5-11). Although Alternative 2 is identified in the Project Description, it is not accurate to characterize it as a "likely outcome." It is a reasonable project alternative that is discussed in the Draft EIR to provide sufficient information for the lead agency to exercise its discretion in approving a project.

Although the Draft EIR ultimately concludes that Alternative 2 would have similar or greater impacts than the proposed project, its inclusion as an alternative is appropriate. Notably, cold storage facilities are raised in public comment regarding this project and are of community interest and therefore the City appropriately identified cold storage for analysis in the alternatives section. Additionally, for the purposes of the traffic analyses, high-cube warehouse cold storage facilities have a different trip generation rate and therefore have the potential to reduce traffic impacts. Accordingly, the Draft EIR appropriately considered the development identified in Alternative 2.

The Draft EIR ultimately considered five alternatives: three described in detail in Section 5, and two additional alternatives that were eventually rejected from detailed discussion as explained in Section 5.7. Taken together, these alternatives provide a reasonable range of potential development for the lead agency to consider. The commenter requests that the Draft EIR include an additional alternative; however, the commenter does not identify an additional alternative to be studied.

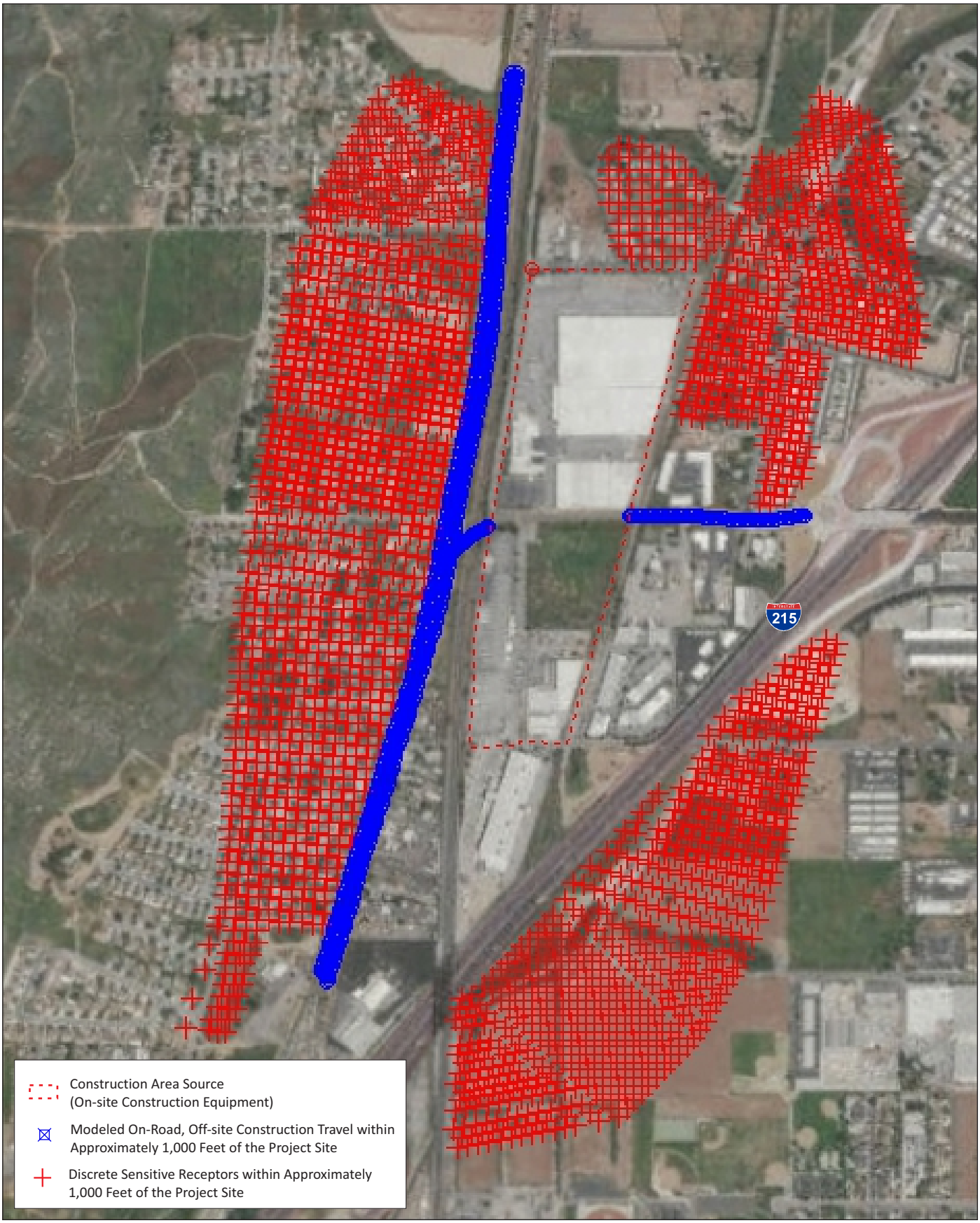

Exhibit 3.2-1
Project Construction Health Risk
Assessment Dispersion Modeling Parameters

FIRSTCARBON SOLUTIONS™

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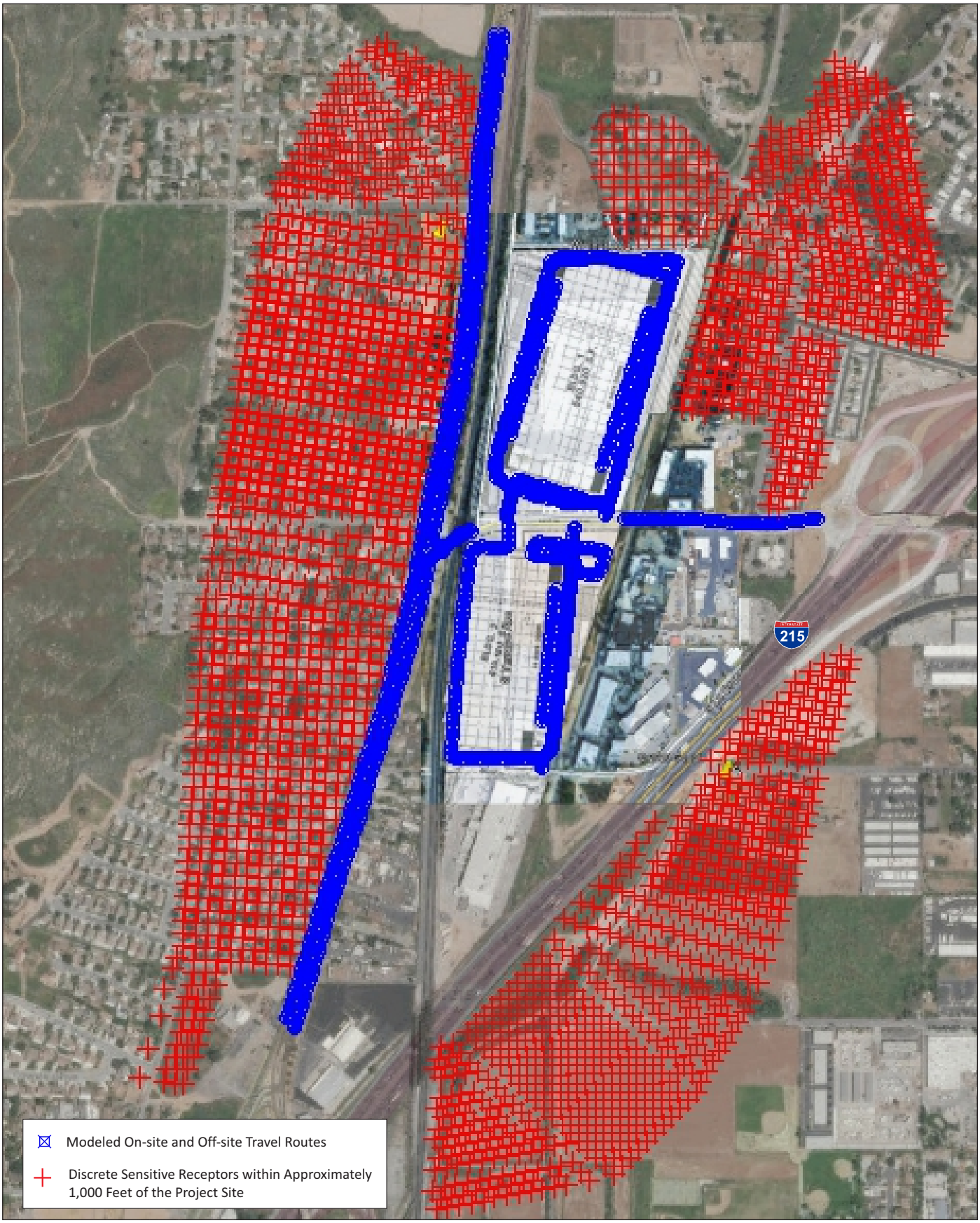

Exhibit 3.2-2
Project Operations Health Risk Assessment Dispersion Modeling Parameters

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JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
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www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

236372

January 26, 2021

City of Colton
Planning Division
659 N. La Cadena Drive
Colton, CA 92324

Attention: Mark Tomich Re: Barton Road Logistics Center

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided. 1

The District's review is based on the above-referenced project transmittal, received January 4, 2021. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

☒ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

☐ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. For further information, contact the District's Encroachment Permit section at 951.955.1266.

☐ The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information 2

required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy. 2 CONT

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit. 3

Very truly yours,

Deborah de Chambeau

DEBORAH DE CHAMBEAU
Engineering Project Manager

ec: Riverside County Planning Department
Attn: Phayvahn Nanthavongdouangsy

SLJ:blm

Riverside County Flood Control and Water Conservation District (RCFCWCD)

Response to RCFCWCD-1

The proposed project would comply with the California State Water Resources Control Board (State Water Board) and National Pollutant Discharge Elimination System (NPDES) permit requirements, including implementation of a Storm Water Pollution Prevention Plan (SWPPP) and identification and implementation of Best Management Practices (BMPs). No further analysis or response is required.

Response to RCFCWCD-2

According to the Federal Emergency Management Agency (FEMA), the project site is located outside of the 100 and 500-year flood hazard zones and would not be subject to flooding. No further analysis or response is required.

Response to RCFCWCD-3

Chapter 7 of the Draft EIR, Effects Found not to be Significant, confirms that the project site does not contain any wetlands or riparian areas and would not therefore have an impact on federally protected waters of the United States or the State. No regulatory permitting according to the Clean Water Act or Section 1602 of the Fish and Game Code would be needed. No further analysis or response is required.

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From: Montes, Paloma <PMontes@riversideca.gov>
Sent: Thursday, February 4, 2021 4:07 PM
To: Mario Suarez <msuarez@coltonca.gov>
Subject: RE: [External] RE: 1/26 Planning Commission Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mario,

Thanks for your answer and for the reminder! I had a follow up question: since the EIR for this project doesn't specify the traffic flow produced when Stater Bros. was the warehouse manager, is that information that you would have record of? If so, please share what their truck trips/known traffic impacts were over ten years ago. I appreciate your help! 1

In gratitude,

Paloma Montes
Office of Ward 1 Councilmember Erin Edwards
Direct: 951.826.5242
Cell: 951.640.9853
RiversideCA.gov

From: Mario Suarez <msuarez@coltonca.gov>
Sent: Wednesday, January 27, 2021 10:01 AM
To: Montes, Paloma <PMontes@riversideca.gov>
Subject: [External] RE: 1/26 Planning Commission Meeting

Hello:

The EIR will be moving forward to it's next steps in receiving comments and responding to each as noted in the NOA (link to NOA: https://www.ci.colton.ca.us/779/Environmental-Documents). Once that is completed, a meeting will be scheduled with the Planning Commission that will include a staff report, back up material (as necessary) and other materials.

A public notice does go out for the meetings. We do post our meetings on our website as well: https://www.ci.colton.ca.us/785/Planning-Commission-Meetings-Neighborhoo

Please note that the Council Member also invited you to a meeting.

Mario Suarez, AICP
Planning Manager
City of Colton
909-370-5523

From: Montes, Paloma <PMontes@riversideca.gov>
Sent: Wednesday, January 27, 2021 9:40 AM
To: Mario Suarez <msuarez@coltonca.gov>
Subject: 1/26 Planning Commission Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mario,

I hope you are well. Thank you and your colleagues for hosting last night's planning commission meeting, and for ensuring my questions got answered. Since this was a workshop, I was wondering what the follow-up steps to this will be? Thanks so much.

In gratitude,

Paloma Montes
Office of Ward 1 Councilmember Erin Edwards
Direct: 951.826.5242
Cell: 951.640.9853
RiversideCA.gov

Stay safer at home: Slow the spread of COVID-19 by wearing a face covering, maintaining physical distance, washing hands, and getting tested.

RiversideCA.gov/COVID-19

Montes, Paloma (MONTES)

Response to MONTES-1

The City does not have any data on the operations existing on this site 10 years ago. Please note that the Draft EIR analysis took a conservative approach in that it did not take any credit for existing uses as part of the trip generation. All trips generated by the proposed project are conservatively identified as “net new” and were added to the baseline for the analysis without any other reductions.

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From: Matthew Bates <mbates@evmwd.net>
Sent: Thursday, February 18, 2021 8:54 AM
To: Mark Tomich <mtomich@coltonca.gov>; Nancy Ferguson <nancy@jericho-systems.com>
Cc: Margie Armstrong <margie@evmwd.net>; Parag Kalaria <pkalaria@evmwd.net>
Subject: Barton Road Logistic Center - EVMWD DEIR Response Letter

Mark and Nancy,

Please accept the District's response letter regarding the Barton Road Logistic Center attached.

Thank you,
Matthew

Matthew Bates, P.E.
Engineering Manager
Elsinore Valley Municipal Water District

Office 951-674-3146 Ext. 8208 Cell 951-457-3133
31315 Chaney Street, Lake Elsinore, CA 92530

Sent from my iPad

Board of Directors
Phil Williams, President
Darcy Burke, Vice President
Harvey R. Ryan, Treasurer
Andy Morris, President
Jared K. McBride, Director

Elsinore Valley Municipal Water District

General Manager
Greg Thomas
District Secretary
Terese Quintanar
Legal Counsel
Best Best & Krieger

Our Mission…
EVMWD will provide reliable, cost-effective, high quality water and wastewater services that are dedicated to the people we serve.

February 17, 2021

City of Colton
Mark Tomich, Director
Development Services Department
650 N. La Cadena Drive
Colton, CA 92324

SUBJECT: BARTON ROAD LOGISTICS CENTER (PLANNING CASE DAP-001-602) DRAFT EIR RESPONSE LETTER

Dear Mr. Tomich:

The Elsinore Valley Municipal Water District ("District") received the Notice of Availability for a Draft Environmental Impact Report ("DEIR") dated January 4, 2021 ("NOA") for the Barton Road Logistics Center ("Project") Environmental Impact Report and is providing this letter to express our concerns regarding the Project.

The District is the owner of APN: 1167-051-02-0000 ("Property"), located along Barton Road at the intersection of Terrace Avenue. The District's Palm Avenue Well ("Well"), which is located on the Property, is utilized for groundwater extraction purposes and is a vital asset to the District. Based on our review of the DEIR and exhibits provided, the District has concerns over potential significant impacts caused by the Project. 1

The District provided a comment letter dated April 6, 2020 ("April Letter") in response to receiving the Project's Notice of Preparation of a DEIR. The District's first communication from the Project Team was on January 18, 2021 when it received an email from Patrick Remolacio. The District has received some additional clarifying information from the Project Team following Mr. Remolacio's email however, the District's comments as presented in our April Letter remain and we do not feel they were adequately addressed.

1. Vacation of Terrace Avenue: The District utilizes Terrace Avenue as a means of ingress and egress to our Property and has significant concerns with the vacation of Terrace Avenue. The District uses large vehicles and crane trucks to operate and maintain the Well and it is unreasonable to expect these vehicles to safely turnaround onsite or reverse onto Barton Road. The vacation of Terrace Avenue impacts the District ability to properly operate and maintain the Well and our Property. 2

2. Terrace Avenue Right-of-Way: When right-of-way ("ROW") is vacated, it reverts to the property from which it was originally acquired. Based on our review of the DEIR and subsequent information received from the Project Team during the Public Review Period, the Applicant has incorporated the full ROW vacation of Terrace Avenue ("Vacated Area") into the Site Plan. Furthermore, the Vacated Area is an ingress/egress point to Building Two along Barton Road. The District has not agreed to a land transfer and therefore, the proposed Project includes improvements upon District Property which, the District does not support. 3

3. Barton Road Dedication and Landscape Requirements: The District assumes the City will require the Applicant to complete full street improvements, including landscape, along Barton Road and dedicate the necessary ROW per General Plan and/or Traffic Impact Study requirements. As such, the Property and the District's ability to utilize the Property will be negatively impacted. 4

4. Palm Avenue Well Discharge Waterline: The District owns and operates a waterline in Barton Road. The District is concerned with impacts the street improvements may have on our waterline. The District requests that the Applicant evaluate such potential impacts. Mr. Remolacio agreed in his January 18, 2021 email to pothole the waterline however, the potholing is not complete. 5

The District is committed to working with the City and Applicant to resolve these concerns and we look forward to meeting with you to discuss them further. Please feel free to contact me at mbates@evmwd.net or 951-674-3146 x8208.

Thank you,

Matthew Bates, P.E.
Engineering Manager

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Elsinore Valley Municipal Water District (EVMWD)

Response to EVMWD-1
The City shared the District's comment letter with the project applicant. To address the District's issues and concerns, the applicant submitted a proposal on March 17, 2021, to the District (via an email to City staff) that proposes a number of measures, including a no-cost expansion of the District's land parcel. The District has not yet responded to the proposal. This comment consists of introductory statements and does not raise any environmental issues related to the proposed project. Therefore, no further response is required.

Response to EVMWD-2
This comment raises a general concern regarding ingress and egress on the project site. The new Appendix M of this document contains documents showing project site access and circulation, including ingress and egress. As shown in new Appendix M of this document, the March 17, 2021, proposal to the District described a reconfiguration (i.e., a no-cost expansion) of the District's parcel to ensure unfettered access to and from its parcel. The parcel reconfiguration would allow and would potentially enhance the District's ability to service the water well situated at the southeast corner of the parcel. The District's large vehicles and crane trucks would be able to enter onto its property frontage from Barton Road, and would exit southward into the project's driveway, which connects to Barton Road. The parcel reconfiguration would not change the impact conclusions as determined in the Draft EIR.

Furthermore, the applicant supports the City's proposal to vacate to the District a 20-foot-wide strip of land along its westerly property line (portion of vacated South Terrace Avenue). Additionally, the applicant proposes to grant to the District's parcel an additional approximately 20-foot-wide strip running from Barton Road to the northeast corner of the water well enclosure. The expansion area would add approximately 1,655 square feet to the District's parcel. Collectively, the expansion of the District's parcel via the vacation by the City to the District, together with a lot line adjustment that would further expand the District's parcel, and an easement allowing service vehicles to exit onto the proposed project's drive aisle that leads to Barton Road would address the District's service vehicle access and operational needs.

Response to EVMWD-3
The concerns raised in this comment do not raise any associated environmental issues and are therefore not within the purview of CEQA. As noted in the proposal dated March 17, 2021, the applicant no longer proposes a "land swap" to make the District whole from the loss of use of the portion of the public right-of-way that was previously granted to the City by the prior property owner. Rather, in connection with the vacation of South Terrace Avenue, the City proposes to vacate to the District (add back to its parcel) a 20-foot-wide strip of land area along the District's westerly property line. Additionally, via a lot line adjustment, the applicant proposes to further increase the District's parcel by expanding it along its easterly (north-south) property line by another approximately 20-foot-wide strip running from the Barton Road frontage to the northeast corner of the water well enclosure. The level of impacts would remain unchanged from those analyzed in the Draft EIR. This information has been added to Section 3, Errata. As there are no environmental issues raised in this comment, no further analysis is required. This comment will be provided to the City decision-makers for their review and consideration of the proposed project as a whole.

Response to EVMWD-4

The Barton Road Bridge that currently crosses over the former Union Pacific Railroad right-of-way east of the project site would be removed, and the roadway would be lowered considerably, as the railroad is no longer active at this location. The current schedule indicates that construction would commence in 2022 and would be complete in mid-2023. In addition to the removal and replacement of the Barton Road Bridge and public roadway, the City of Colton would reconstruct Barton Road to its ultimate full width as a Major Arterial (100-foot right-of-way) commencing from the Grand Terrace side of the bridge to a point located roughly in the center of the District's parcel (Appendix M). The proposed project would include completion of the remainder of the Barton Road improvements from this point westerly to Terrace Avenue north of Barton Road. These additional details about the Barton Road Bridge have been added to Section 3, Errata; the impact conclusions remain unchanged from the Draft EIR.

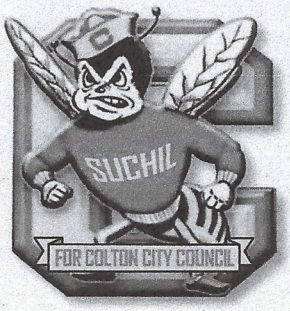
Response to EVMWD-5

The applicant has agreed to pothole the District's waterline as noted and will share the results of the potholing report when completed. Potholes are vertical holes that are dug in order to physically verify underground utility line locations.[10]

[10] Occupational Safety and Health Administration (OSHA). 2018. Avoiding Underground Utilities during Horizontal Directional Drilling Operations: Safety and Health Information Bulletin. Website: https://www.osha.gov/sites/default/files/publications/shib031318.pdf. Accessed July 8, 2021.

Suchil

COLTON CITY COUNCIL



GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt. (due to its proximity to Santa Anna River) 1

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Traffic Safety Concerns

Due to an existing bridge built in the early 1900 at Barton Rd. / La Cadena Dr. possess a significant traffic safety concern as it may have survived Semi Truck Traffic during the Stater Bros Operation which was approximately 10 years ago and at that time said trucks were approximately 45ft max, todays Semi Trucks range from 45ft to 55ft when coming from other states. In addition, Semi Trucks turning right (northbound) from said bridge has suffered various degrees of damage when said turns are attempted causing Colton City staff and a cost to repair said damage. 2

Possible Mitigation for this safety concern would be to have said bridge widened as it will be directly impacted by this proposed project, which a nexus can be found.

Truck Traffic Impacts

I believe a traffic (number of trucks traveled) assessment was based on the aforementioned Stater Bros Operations which would be inaccurate as that assessment should be using the current operation which is significantly less, and therefore it would show a significant impact in truck traffic with this new proposed project. 3

Safety Impacts On Street closure

The proposed street closure of S. Terrace Ave & De Berry St possess a significant safety concern as it leaves current businesses on La Crosse Ave with only one way in. and in the event of a fire on said street would trap all businesses in without any true safe exit. The project has proposed some form of gate access thru the proposed project in the event of such hazard, but that would not be sufficient or practical. 4

Proposed & Practical Mitigation would be for this project to purchase the vacated rail line which runs north / south and parallel to said project thus giving businesses a true road out back on to Barton Rd.

I submit this memo of concern ref: Barton Road Logistic Center and request that it be filled and submitted to the project applicant.

Respectfully Submitted

Isaac T Suchil

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Suchil, Isaac (SUCHIL)

Response to SUCHIL-1
Please refer to Response to Comment RCFCWCD-3. As discussed in Response to Comment RCFCWCD-3, the project site does not contain any wetlands or riparian areas and would not therefore have an impact on federally protected waters of the United States or the State. No regulatory permitting according to the Clean Water Act or Section 1602 of the Fish and Game Code would be needed.

Response to SUCHIL-2
The Traffic Study prepared for the proposed project by Urban Crossroads on September 8, 2020 (Appendix J of the Draft EIR), evaluated Barton Road Bridge and concluded that the addition of project traffic would not result in an immediate, project level, need to widen the bridge. Additionally, the Traffic Analysis utilized the WB-67 truck in its templates, which accounts for trucks over 50 feet.

However, there is an anticipated long-range cumulative need to widen the bridge, as traffic in the surrounding area increases over time. Per MM TRANS-1a and MM TRANS-1b, the proposed project would be required to contribute fair share fees towards this future widening. Additionally, improvements identified in Table 1-3 of the Traffic Analysis, as specified in MM TRANS-1, would include the addition of a second westbound turning lane at La Cadena Drive and Barton Road, as well as the addition of an eastbound left turning lane, a second eastbound through lane, and a second westbound through lane at South Terrace Avenue and Barton Road. Pursuant to MM TRANS-1a, the applicant would be required to pay the project's fair share amount of $24,421 for the improvements, and pursuant to MM TRANS-1b, the Developer's fair share fee would be $4,297. The CEQA Guidelines specifically recognize that requiring a project to implement or fund its fair share of a measure designed to mitigate a cumulative impact is an effective way to address the project's contribution to the impact (CEQA Guidelines § 15130(a)(3)). Fair share contributions to a mitigation fund are adequate mitigation if they "are part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v City of Anderson (2005) 130 CA4th 1173, 1187)*. See also *Save Our Peninsula Comm. v Monterey County Bd. of Supervisors (2001) 87 CA4th 99, 141)* (traffic impact fees upheld as adequate mitigation on basis that a "reasonable plan" to mitigate traffic impacts was in place). Here, the City of Colton shall collect fair share payments from the project developer and developers of future projects that will have impacts on the Barton Road Bridge, and the City shall use these payments to ultimately fund the widening of this bridge through the City's CIP.

Response to SUCHIL-3
Traffic counts collected for this project were pre-COVID-19 and this baseline would include any activity that was occurring on the site at that time. Although the Traffic Study, prepared for the proposed project by Urban Crossroads on September 8, 2020 (Appendix J of the Draft EIR), acknowledges the existing uses, the Traffic Study conservatively did not take any credit for the existing uses. All trips generated by the project are conservatively identified as "net new" and were added to the baseline for the analysis without any other reductions.[11]

[11] FirstCarbon Solutions (FCS). 2021. Draft Environmental Impact Report, Barton Road Logistics Center, City of Colton, San Bernardino County, California. Prepared for City of Colton. January 4.

Response to SUCHIL-4

The applicant has submitted a proposed realignment of South Terrace Avenue to move the street to the west along the site's westerly property boundary. This would be a new public street to replace the existing South Terrace Avenue. Existing South Terrace Avenue would be vacated to allow for the development of the new building, and the new South Terrace Avenue would realign the street between Barton Road and De Berry Street. De Berry Street would continue to connect to La Crosse Avenue to the east of the project site.

From: Steven Weiss <sweiss@grandterrace-ca.gov>
Sent: Monday, February 22, 2021 10:59 AM
To: Mark Tomich <mtomich@coltonca.gov>
Cc: Harold Duffey <HDuffey@grandterrace-ca.gov>; Cynthia Fortune <cfortune@grandterrace-ca.gov>; Debra Thomas <dthomas@grandterrace-ca.gov>; Debra Thomas <dthomas@grandterrace-ca.gov>; Craig Bradshaw <CBradshaw@grandterrace-ca.gov>; Haide Aguirre <haguirre@grandterrace-ca.gov>; Frank J. Navarro <fnavarro@coltonca.gov>
Subject: Official Comment Letter; Barton Road Logistics Center; State Clearinghouse Number (SCH) 2020029049; Notice of Availability

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark Tomich, AICP
Director of Development Services
City of Colton

Dear Mark,

Please accept the attached Draft Environmental Impact Report comments on behalf of the City of Grand Terrace.

-
Steven Weiss, AICP
Planning and Development Services Director
City of Grand Terrace
22795 Barton Road
Grand Terrace, Ca 92313
909-824-6621 Ext 225
FAX 909-824-6624
sweiss@grandterrace-ca.gov

February 22, 2021

Mark Tomich
City of Colton
Director of Development Services
650 North La Cadena Drive
Colton, CA 92324

Re: Official Comment Letter; Barton Road Logistics Center; State Clearinghouse Number (SCH) 2020029049; Notice of Availability

Dear Mr. Tomich:

The City of Grand Terrace is writing in response to the Draft Environmental Impact Report (DEIR), Architectural Site Plan Review, Conditional Use Permit, Tentative Parcel Map, Variance-Major, and Development Agreement of the northerly 43.85-acres of the 53.15-acre former Stater Brothers Market headquarters and warehousing/distribution campus. The total proposed square footage of the new facilities is 960,040 square feet. The project is proposed to be located within two (2) "High Cube" logistics warehouse buildings along both sides of Barton Road and North Terrace Avenue and the proposed abandonment of South Terrace Avenue and a portion of Deberry Street. Based upon the project design, all traffic will be directed to the east through the City of Grand Terrace with no traffic using La Cadena Drive.

As stated in our letter dated March 25, 2020, a copy attached hereto, regarding the Notice of Preparation (NOP) and public comments expressed at the January 26, 2020 DEIR Scoping Session held by the City of Colton Planning Commission, the City takes exception to the project, including Aesthetics, Air Quality, Greenhouse Gas Emissions, Land Use, Planning, Historical and Transportation. 1

As documented in the DEIR, the proposed location will result in several unavoidable and significant impacts, including:

- Unmitigable impacts effecting the City of Grand Terrace through a statement of overriding consideration documented through VMT screening tables which is unacceptable. Section 3.11 – Transportation and Traffic Impact Analysis 1a

- Depleting Grand Terrace's ability to build by crippling the ability of a brand new I-215 roundabout interchange to function acceptably. Section 3.11 – Transportation and Traffic Impact Analysis | 1b

- Failure to analyze in the Traffic Impact Analysis (TIA) Surface Transportation Act (STAA) 53 foot and larger trucks, intended as long-haul freeway carriers only. Section 3.11 – Transportation and Traffic Impact Analysis | 1c

- Failure of CalTrans to analyze STAA 53 Trucks/trailers and which are most certainly not allowed within Grand Terrace or any other local circulation network in the State of California. Section 3.11 – Transportation and Traffic Impact Analysis | 1d

- Failure of considering impacts to our local street system. Grand Terrace further has a real challenge, that being large trucks illegally using under designed roadways and residential streets as cut throughs. I am sure you can share similar experiences. Of specific concern is Mount Vernon Avenue from Washington Street to Grand Terrace Avenue, also known as "The Mount Vernon Slope." We are aware Colton has a small 'No Trucks" sign at the base of the slope southern border at the I-215 North off ramp intersection. Unfortunately, truckers ignore this warning and proceed at their own risk. We use the Sheriff for enforcement but that is not a permanent solution. This route is prohibited by the City of Grand Terrace. Section 3.11 – Transportation and Traffic Impact Analysis; Section 3.2 – 44 Air Quality; Section 3.2 – 44 Air Quality; Section 3.5-1-20 – Geology, Soils and Seismicity; 3.7-14 – Hazards and Hazardous Materials | 2

- Failure to route proposed vehicles, automobiles, and trucks westerly to La Cadena Drive. It is inexcusable to not consider upgrading the Barton Road Bridge westerly from the proposed project access points as a project design feature and how the DEIR is "silent" about this issue considering the bridge is a local and not a regional facility as has been incorrectly stated throughout the documents and at the DEIR scoping meeting. Section 3.5-1-20 – Geology, Soils and Seismicity; 3.7-14 – Hazards and Hazardous Materials

- Failure to justify without analysis any benefit to Grand Terrace by the abandonment of North Grand Terrace Avenue and Deberry Street. Section 3.11 – Transportation and Traffic Impact Analysis; Section 3.11 – Transportation and Traffic Impact Analysis; 3.8-1-19 – Land Use Planning; Section 3.2 – 44 Air Quality; Section 3.2 – 44 Section 3.2 – 44 Air Quality; Noise 3.9-1-25 | 3

Many residents choose to live in Grand Terrace due to its outstanding quality of life. The project if approved and built will have a dramatic adverse change not only to the City's surroundings, but to the entire region. The City believes this project will impact current and potentially future residents desire to live in Grand Terrace. | 4

For the reasons discussed herein, attached communications, and DEIR technical transportation and circulation comments, The City of Grand Terrace officially opposes the proposed Barton Road Logistics Center and recommends Alternative 1 - "No Project Alternative." 4 CONT

Should you have any questions or require additional information, please do not hesitate to contact me at (909) 824-6621 ext. 225.

Sincerely,

Steven Weiss

Steven Weiss, AICP
Planning and Development Services Director
City of Grand Terrace
sweiss@grandterrace-ca.gov

ec: Honorable Mayor Darcy McNaboe
Mayor Pro Tem William Hussey
Council Member Sylvia Robles
Council Member Doug Wilson
Council Member Jeff Allen

G. Harold Duffey, City Manager
Cynthia Fortune, Assistant City Manager
Debra Thomas, City Clerk
Craig Bradshaw, Engineering Consultant, Interwest

Honorable Mayor Frank Navarro, City of Colton

Attachments

1. March 25, 2020 NOP Correspondence Letter to the City of Colton
2. January 26, 2021 DEIR Scoping Session Comments
3. DEIR Technical Comments (Traffic)

Planning and Development Services Department

Delivered by Electronic Mail

March 25, 2020

Mr. Tomich, Development Services Director
City of Colton Development Services Department
659 N. La Cadena Drive
Colton, CA 92324

Re: **Notice of Preparation (NOP) Prepared for Barton Warehouses** APNs: 1167-051-15, 16, 18, 19 & 20 and 1167-061-06, 1167-131-03 & 04 and 0275-223-23, 44, 45 & 46)

Dear Mr. Tomich,

Thank you for the opportunity to comment on the NOP prepared for the above-referenced Project with development applications for **Architectural Site Plan Review, Conditional Use Permit, Tentative Parcel Map, Variance-Major, and Development Agreement** of the northerly 43.85-acres of the 53.15-acre former Stater Bros. Markets headquarters and warehousing/distribution campus. Obtain entitlement approvals for the development of two (2) state-of-the-art speculative concrete tilt-up industrial warehouse logistics facilities (type 111-B); Construct Building 1 on the approx. 28.14-acre site north of Barton Road and will feature 540,920 sq. ft. of rentable building area; Building 2 constructed on approx. 19.46-acre site south of Barton Road, and will feature 419,920 sq. ft. of rentable building area; The total proposed I square footage of the new facilities is **960,040** square feet. office/warehouse building

When we recently met, you indicated this proposed project does not have an approved scope of work for the traffic impact analysis. Also, without preparation of an initial study, it is impossible for us to comment on what traffic improvements that the applicant will assume responsibility.

The City requests that the technical studies provide substantive analysis with acceptable mitigation. Since most of the vehicles might use Grand Terrace streets, any form of an override is unacceptable We request the Draft Environmental Impact Report examine the following:

1. Addressing potential traffic impacts at the intersection of Barton Road and Terrace Avenue with acceptable mitigation.

2. Keep Terrace Avenue open or propose an acceptable alternative with complete

ATTACHMENT 1

analysis Closing Terrace Avenue south of Barton Road to De Berry will impact the existing business park off Deberry as well as the traffic circulation in the immediate area.

3. Include the intersection of Barton and Grand Terrace and the intersections with the freeway on and off ramps in the TIA with a VMT analysis, Greenhouse Gas Analysis (GHG), Noise Analysis and Air Quality Analysis.

4. Provide the operation of the Barton and Terrace intersection for truck turning movements assuming Terrace is vacated with the proposed alternative.

5. Submit a bridge operations analysis with recommendations and mitigation due to the expanded use on the properties.

6. Provide a visual analysis with sections depicting all four sides of both buildings and height to grade analysis since you are proposing a refrigerated high cube warehouse that exceeds your height limit with a variance request that justifies wht exceeding the height limit is a hardship.

As this proposal also includes a Development Agreement (DA), Grand Terrace will experience the most impact and requests to be included in the DA discussion to ensure our infrastructure preserved through a community benefit.

Thank you again or the opportunity to comment. Should you have any questions or require additional information, feel free to contact me at (909) 824-6621 ext. 225.

Sincerely,

Steve Weiss

STEVE WEISS, AICP
Planning and Development
Services Director

cc: G. Harold Duffey, City Manager
Alan French, Public Works Director

Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for the Barton Road Logistics Center

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FEB 14 2020

Planning & Development Services

DATE:	February 14, 2020
TO:	Reviewing Agencies and Other Interested Parties
FROM:	City of Colton Development Services Department, 650 North La Cadena Drive, Colton, CA 92323
PROJECT TITLE/SUBJECT:	Barton Road Logistics Center / Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting
PROJECT APPLICANT:	EBS Realty, Inc. and Hagar Pacific Properties
NOTICE OF PREPARATION REVIEW PERIOD:	February 14, 2020 through March 17, 2020
NOTICE OF PUBLIC SCOPING MEETING:	*Location:* Luque Community Center, 294 East O Street, Colton, CA 92324 *Date/Time:* Wednesday, February 26th, from 5:00 pm to 7:00 pm.

The City of Colton is the Lead Agency and will prepare an Environmental Impact Report (EIR) for the proposed Barton Road Logistics Center (proposed project). The City hereby solicits comments and suggestions from Responsible Agencies and members of the public regarding (1) the scope and content of the EIR and (2) the environmental issues and alternatives that should be addressed in the EIR (per California Environmental Quality Act [CEQA] Guidelines § 15082). This Notice of Preparation also provides notice to interested parties, organizations, and individuals that a public scoping meeting will be held on February 26, 2020, to gather public input on the proposed project pursuant to CEQA Section 21083.9(2). The City of Colton has determined that the proposed project may have area-wide significance. The proposed project is briefly summarized below.

PROJECT LOCATION: The project site occupies approximately 53.15 acres within the southwestern portion of the City of Colton. The project site is located west of Interstate 215 (I-215) and east of La Cadena Drive and is accessed via Barton Road (see Exhibit 1, Regional Location Map, and Exhibit 2, Local Vicinity Map Aerial Base). The project site formerly housed the Stater Bros. Markets headquarters and warehousing/distribution campus located at 12700 Barton Road, with additional buildings located at 275, 280, and 375 DeBerry Street, south of Barton Road. Regional access is provided via the I-215 located approximately 0.25 mile east of the site at the Barton Road interchange; or via La Cadena Drive southerly approximately 0.6 mile to the I-215 at the Iowa Street interchange. The project site is designated as Light Industrial on the General Plan and Zoning maps.

PROJECT DESCRIPTION: The project applicant proposes to redevelop 43.85 acres of the 53.15-acre former Stater Bros. Markets headquarters and warehousing/distribution campus located at 12700 Barton Road. Redevelopment of the project site would include the demolition of four industrial buildings and an office building totaling 659,432 square feet and ground-up development of two state-of-the-art (speculative) concrete tilt-up industrial warehouse buildings totaling 960,040 square feet. The 125,801-square-foot building located at 280 DeBerry Street would remain, and only improvements to site access to add additional vehicle on-site queueing would be made to that property. The project site

ATTACHMENT

Oppose abandoning Terrace Rd. S.

plan is depicted in Exhibit 3. The project also includes a Tentative Parcel Map to consolidate 12 parcels into 2 separate legal parcels, the vacation of S. Terrace Rd, south of Barton Road and DeBerry St between S. Terrace Rd and the first project driveway, a Height Variance for building height up to 50 ft in a zone that allows a maximum height of 40 feet, and a Development Agreement.

NOTICE OF POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT: The City of Colton has determined that the proposed project could result in potentially significant environmental impacts and therefore will prepare a Draft EIR to evaluate the potential physical environmental impacts of the project. As required pursuant to CEQA, the EIR will analyze those potential impacts, identify mitigation measures, and indicate whether the proposed mitigation measures would reduce potentially significant environmental impacts to a less than significant level. The Draft EIR will also evaluate a no project alternative, which will assume that no changes would occur to affect existing conditions at the project site, as well as additional project alternatives that could potentially reduce or avoid any significant environmental impacts associated with the proposed project. As part of the review process under CEQA, the City will convene a public scoping meeting at which public comments will be solicited on the issues to be covered in the EIR.

Requested extension granted

NOP COMMENT PERIOD AND DEADLINE: Due to the time limits mandated by State law, responses must be received at the earliest possible date but not later than 30 days after receipt of this notice. Please send your written comments (including name, affiliation, telephone number, and contact information) on or before March 17, 2020 by 5:00 p.m. to the Lead Agency contact listed below. The comments received during the public scoping process will be considered during preparation of the Draft EIR.

City of Colton
Planning Division
650 North La Cadena Drive
Colton, CA 92324
Attn: Mark Tomich, Development Services Manager
mtomich@ci.colton.ca.us, 909 370 5079

NOTICE OF PUBLIC SCOPING MEETING: Pursuant to CEQA Guidelines Section 15082, the City of Colton will conduct a public scoping meeting to solicit written and oral comments regarding the scope and content of the Draft EIR from public agencies and interested parties or persons. The public scoping meeting will be held on Wednesday February 26, 2020, from 5.00 p.m. to 7:00 p.m. at the following location.

Luque Community Center
294 East O Street
Colton, CA 92324

Date:

Signature:

Title: Development Services Director

Attachments: Exhibit 1: Regional Location Map
Exhibit 2: Local Vicinity Map Aerial Base
Exhibit 3: Site Plan

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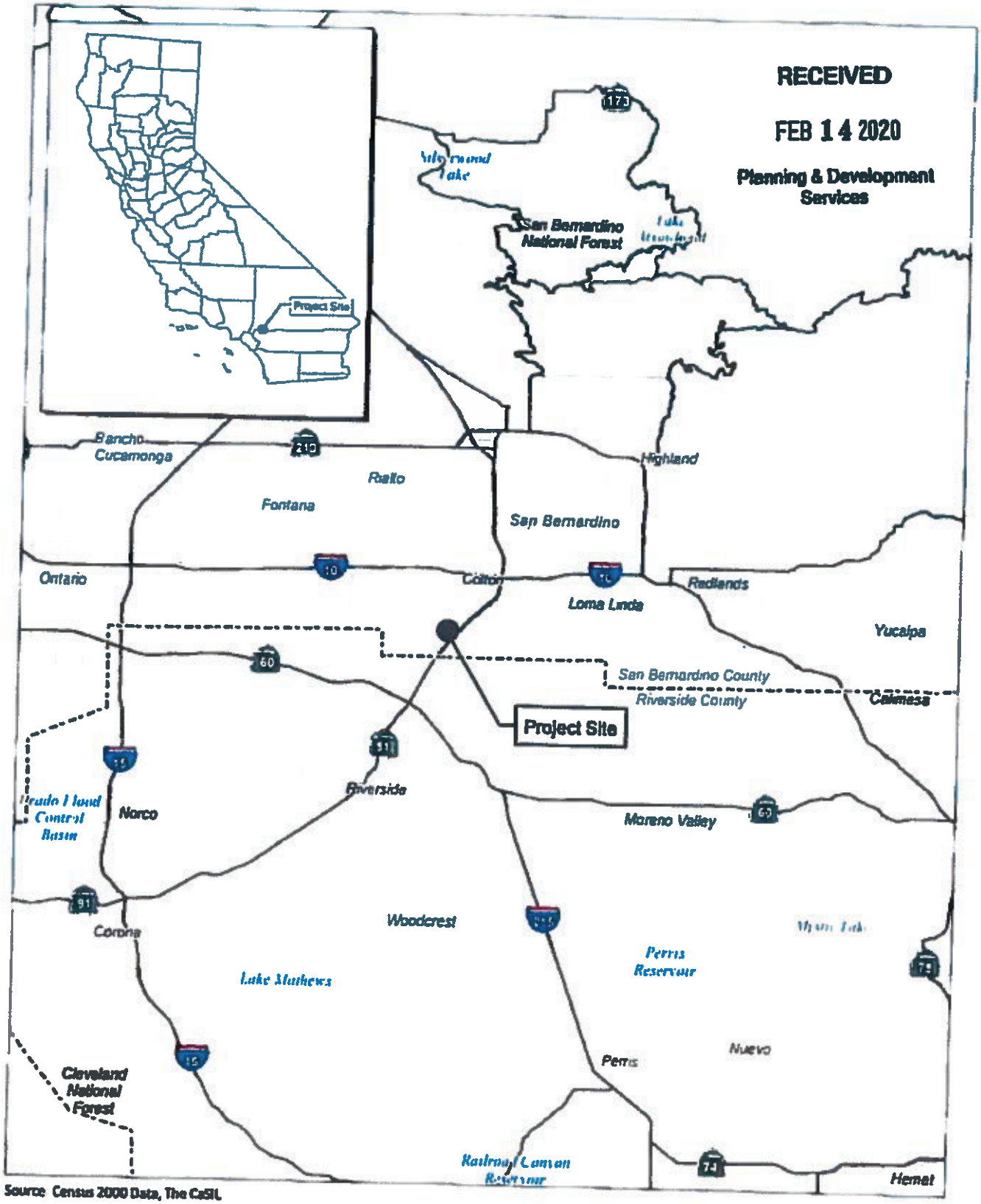
FEB 14 2020

Planning & Development Services

RECEIVED

FEB 14 2020

Planning & Development Services



Source: Census 2000 Data, The CaSIL

FIRSTCARBON

5 2.5 0 5 Miles

02370027 • 02/2020 | 1_regional.mxd

Exhibit 1
Regional Location Map

CITY OF COLTON
BARTON ROAD LOGISTICS CENTER
NOTICE OF PREPARATION

Source: ESRI Aerial Imagery

FIRSTCARBON

800 400 0 800
Feet

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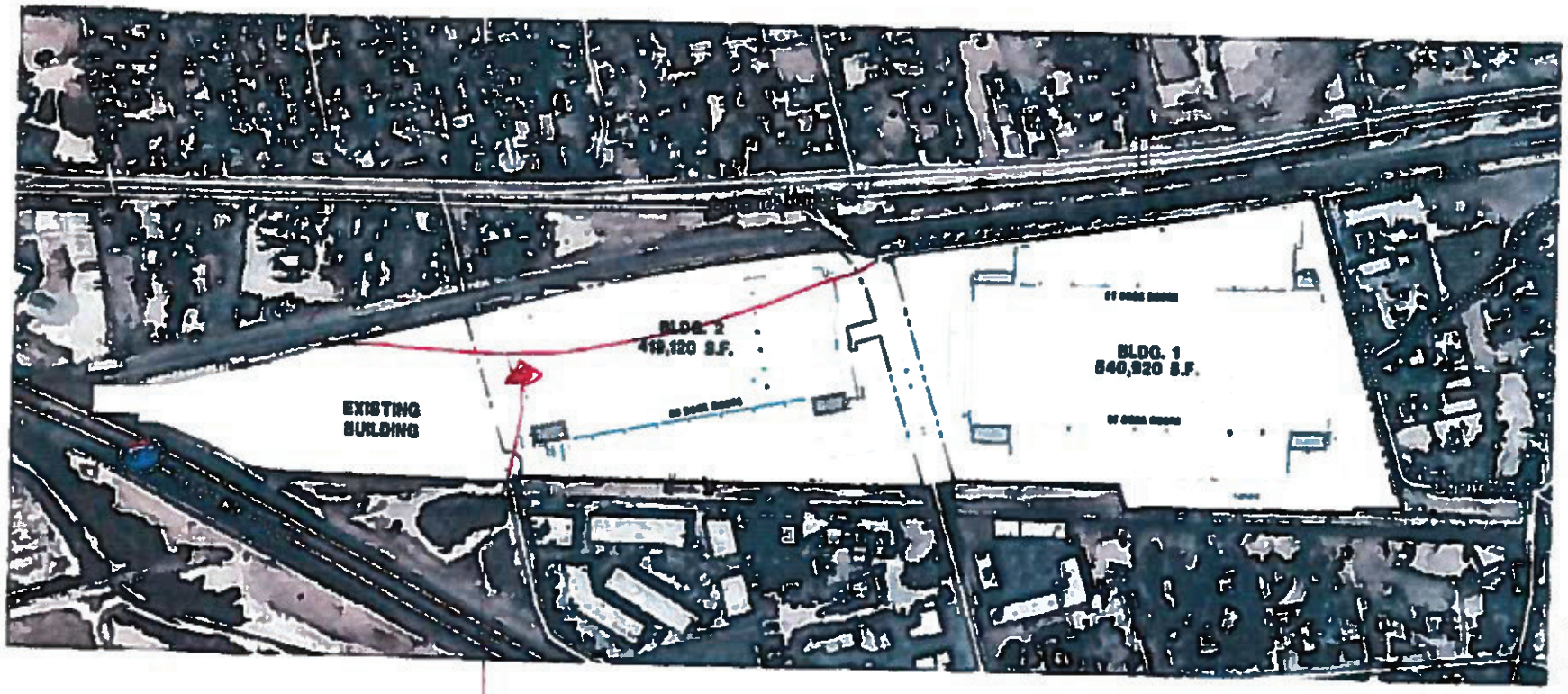
Exhibit 2
Local Vicinity Map
Aerial Base

02370027 • 02/2020 2_local_vicinity.mxd

CITY OF COLTON
BARTON ROAD LOGISTICS CENTER
NOTICE OF PREPARATION



Describe of identify abandonement of Terrace Rd. S if that is what is proposed

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FEB 14 2020

Planning & Development Services

Source: HPA, Inc Architecture, 7/3/2019

FIRSTCARBON

02370027 • 02/2020 | 3_site_plan.cdr

Exhibit 3
Site Plan

CITY OF COLTON
BARTON ROAD LOGISTICS CENTER
NOTICE OF PREPARATION

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee
$ 3.55

Extra Services & Fees (Check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $ 2.85
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ .50

Total Postage and Fees
$ 6.90

Sent To
MR. JOMICH, DEVELOPMENT SERVICES DIRECTOR

Street and Apt. No., or PO Box No.
659 N. LA CADENA DRIVE

City, State, ZIP+4®
COLTON, CA 92324

Postmark Here
3/25/2020

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 1120 0000 6550 9781

MAILING/POSTING VERIFICATION (Affidavit)

On this date 3/25/2020, the attached document (s) NOP RESPONSE LETTER

_____ Posted at the subject site.

_____ Posted at City Hall, the library and the Child Care Center.

_____ Mailed to the property owner(s) (list attached if not addressed).
_____ By regular mail _____ By certified mail
_____ By other means _____

✓ Mailed to reviewing agency(s) (list attached if not addressed).
_____ By regular mail _____ By certified mail
_____ By other means MR. TOMICH, CITY OF COLTON

_____ Delivered to the newspaper.
_____ City Newspapaper _____ The Sun _____ Press Enterprise
_____ By Email _____ By Hand _____ By regular mail

Comments: NOP, BARTON WAREHOUSES

I verify that the above actions occurred as noted

H. AGUIRRE PLANNING

F. COMMISSION WORKSHOP

Barton Road Logistics Center (DAP-001-602) Draft EIR (DEIR)

1. Presentation by contract planning consultant, Nancy Ferguson, Jericho Systems.
2. Commission and Public comments and questions.

Grand Terrace Staff provided verbal comments and questions regarding project design, intensity, capacity and circulation concerns

G. PUBLIC HEARINGS

1. FILE INDEX NO. DAP-001-378 **Hillside Cluster Development Subdivision**

APPLICANT: Scott McKhann, Modern Pacific Homes, LLC

PROPERTY OWNER: W & P La Loma Hills Inc./Fred Wald

PROPERTY LOCATION: 300 West Litton Avenue, west and south of the intersection of Litton Avenue and Bostick Avenue

ASSESSORS PARCEL NOS.: 0275-071-15; 0275-081-01; 0275-081-02; & 0163-351-25

REQUEST: (1) Lot Line Adjustment to re-subdivide three of four parcels measuring approximately 242.8-acre partially vacant site, except for a telecommunication (cell phone) tower, into three parcels, including two parcels for a proposed subdivision project; **(2) Tentative Tract Map No. 18233** for proposed development ("Phase 1" and "Phase 2") of 86 single-family residential units on a 49.39 acre -acre portion of a 242.8-acre site consisting of three parcels, including private park site; **(3) Architectural & Site Plan Review** for development of property with an average slope grade greater than 20 percent consistent with the City's Hillside Ordinance (CMC 18.41), which requires landform grading on steep hillsides with slopes greater than 25%; **(4) Variances** to development standards of the City's Hillside Ordinance (CMC 18.41), including private property driveway steepness greater than maximum allowed of 5% within 20 feet of garage door **(5) Conditional Use Permit (CUP)** for a cluster development with deviations to required development standards, including reduced lot sizes, lot dimensions, dwelling sizes, building setbacks and increased lot coverage, to allow for preservation of steep hillsides as open space on properties within the R-1 (Low Density Residential) and V-L (Very Low Density Residential) zones.

ENVIRONMENTAL DETERMINATION: Pursuant to California Environmental Quality Act (CEQA), a draft Initial Study has been prepared to assess environmental impacts for the proposed project. The draft Initial Study determined that the project would not create any significant adverse impacts on the environment and therefore a Mitigated Negative Declaration was prepared for the project.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission:

(a) Provide direction to Staff and the Applicant; and
(b) Continue the public hearing to February 23, 2021 for final action.

2. FILE INDEX NO. DAP-001-646 **New Mono-Pine**

APPLICANT: Scott Dunaway, D4 Communications

PROPERTY OWNER: Word of Faith Fellowship Church

PROPERTY LOCATION: 1471 W. San Bernardino Avenue

ATTACHMENT 2

ITEM F – BARTON ROAD LOGISTICS CENTER WORKSHOP

CITY OF COLTON
NOTICE OF AVAILABILITY OF A DRAFT EIR
AND NOTICE OF PUBLIC WORKSHOP

Project Title: Barton Road Logistics Center

Project Location: 12700 Barton Road, 275 DeBerry Street, 280 DeBerry, and 375 De Berry Street.

Parcel Maps Numbers: 0275-223-23, 44, 45, and -4; 1167-051-15, 16, 18, 19, and 20; 1167-061-06, 1167-131-03 and 04; and 1167-151-03

Quadrangle Location: Section 6, T2S R4W, San Bernardino South 7.5' Quadrangle.

Project Location – City: City of Colton

Project Location – County: San Bernardino County

Description of Nature, Purpose, and Beneficiaries of Project: The project applicant, EBS Realty Partners, proposes the redevelopment of the northerly 45.52 acres of a 54.82-acre site designated as Light Industrial within the Light Industrial (M-1) District in the City of Colton. The project site includes six buildings within the following addresses: 21700 Barton Road (three buildings), 275 De Berry Street (one building), 280 De Berry Street (one building), and 375 De Berry Street (one building). The proposed project includes the demolition of four existing industrial buildings totaling 612,515 square feet (sqft). and an existing 46,920-sqft office building for a total of 659,435 sqft. The building at 280 DeBerry St. will remain with only driveway improvements proposed. The total amount of hardscape to be demolished or removed, including asphalt concrete, concrete pavement, and concrete building slabs is an additional 1,603,931 sqft. The applicant is requesting the following entitlements: Architectural and Site Plan Review, a Variance for building height of up to 50 feet where permitted height is 40 feet; a Tentative Parcel Map to consolidate 12 parcels into two parcels; and a Development Agreement between the applicant and the City. Approval of these entitlements would allow the applicant to develop the site with two state-of-the-art speculative concrete tilt-up industrial warehouse logistics buildings with a total square footage of 960,040 sqft. Building 1 would be 540,920 sqft with 336,662 sqft of paving occupying the 26.23-acre site north of Barton. Building 2 would be 419,920 sqft with 491,211 square feet of paving and would occupy a 17.62-acre site south of Barton Road. The project would result in a net increase of 300,605 square feet of building space when compared to existing conditions.

Project Site – specify if project site is included on any list of hazardous waste facilities: The Project sites is/are not listed on any list of hazardous materials compiled pursuant to Government Code §65962.5.

Place and time of scheduled meetings: The project and associated Draft EIR will be discussed at a future Planning Commission Workshop to be held at the City Council chambers located at 650 North La Cadena Drive, Colton, CA. at 5:30 p.m. on Tuesday, January 26, 2021. Pursuant to Governor Gavin Newsom's Executive Order N-29-20, Government Code Section 54953(b), this meeting may be conducted by teleconference and there will be no in-person public access to the meeting location. Teleconference locations utilized by Planning Commission members will not be accessible to the public and are not subject to special posting requirements. However, although in-person comments will not be taken, persons wishing to testify/participate in the public hearing will be instructed on how to do so as part of the agenda posting 72 hours prior to the meeting date.

The Planning Commission meeting may be viewed live at the City's website at **https://colton.12milesout.com/#page=1** or Colton Community Cable (Channel 3) for the following project:

A subsequent Planning Commission hearing and city council hearing will be held at future dates to be determined.

Lead Agency: City of Colton

Division: Development Services/Planning

Date when project noticed to public: January 4, 2020

Address where copy of the EIR and reference documents are available and how they can be obtained in an electronic format: City of Colton Development Services Department/Planning Division, 659 N. La Cadena Drive, Colton, CA; Colton Public Library (main branch), 656 North 9th Street, Colton, CA; Electronic copy available on Website: https://www.ci.colton.ca.us/779/Environmental-Documents

In order to protect the well-being of our residents, visitors, businesses and City staff, the Development Services Department's Public Service Counter is open by appointment only. Please contact us should you need to make an in-person appointment to review the EIR: (909) 370-5079 or Developmentservices@coltonca.gov. The Main Library is also open by appointment only until further notice. Please contact (909) 370-5083 for information on Library access to review the EIR.

Review Period: January 4 to February 17, 2021

Contact Person: Mark Tomich, Director of Development Services

Telephone: (909) 370-5079

Email: mtomich@coltonca.gov

Notice of Public Workshop: The Project and associated Draft EIR will be discussed at a planning commission workshop during the regularly scheduled meeting of January 26, 2021 at 5:30 PM, to be held at the City Council chambers located at 650 North La Cadena Drive, Colton, CA. In order to protect the well-being of our residents, visitors, businesses and City staff, you are invited to a Zoom webinar. Please click the link below to join the webinar:

https://coltonca-gov.zoom.us/j/94144423130

Or Telephone:
Dial: 1 669 900 6833
Webinar ID: 941 4442 3130

Barton Road Logistics Center Draft Environmental Impact Report Technical Circulation Comments

February 17, 2021

Section 3.11 – Transportation and Traffic Impact Analysis

The primary access road to the I-215 for the proposed Barton Road Logistics Center is Barton Road within the City of Grand Terrace. The impact of the proposed project's heavy trucks is not adequately addressed in the Traffic Analysis, as follows:

1. **Exhibit 1-6.** The project trip generation analysis indicates that 136 of the daily truck trips will be those with 4+ axles. Some of those 4+ axle trucks will be Surface Transportation Assistance Act (STAA) trucks with a single trailer. This assumption is supported by the report's use of a WB-67 type trucks in **Exhibits 1-5 and 1-6**, which show a truck's wheel paths at project driveways and at the roundabout on Barton Road at the I-215 southbound ramps. Of particular concern are the wheel paths where trucks maneuver around the roundabout.

2. Provide overlays for all approach/destination combinations.

3. Provide separate exhibits for each overlay showing the roundabout circle magnified so it is clear how much the truck tires would encroach into the roundabout skirt/circle.

4. Refine maneuverability assumptions since the legs of the roundabout are skewed. The truck turning template overlays are not necessarily mirrored for traveling in the opposite direction.

5. Examine alternate local routes based upon regional congestion. Although the analysis assumes that project traffic will primarily access the I-215 freeway from Barton Road, the freeway is often congested under current conditions and when this occurs, motorists use surface streets to avoid using the freeway.

6. The Traffic Analysis must address slope stability issues this project will generate. Mt. Vernon Avenue and the I-215/Washington Street/Mt. Vernon Avenue interchange also need to be shown on the Traffic Analysis exhibits. Analyze for those heading north, the preferred alternate route is Mt. Vernon Avenue. This is of particular concern, since the segment of Mt. Vernon Avenue between Canal Street and the I-215 northbound off-ramp at the Washington Street/Mt. Vernon Avenue exit, runs adjacent to an unstable slope that has historical landslides. The large trucks illegally using the Mt. Vernon slope exacerbate the problem. There will eventually be a catastrophic slope failure and the road will be closed without mitigation and considerable work. The City is currently applying for a FEMA grant for the Mt. Vernon slope, however, the funding may be limited to geotechnical studies to better define the project.

7. Barton Road is a designated truck route in the City of Grand Terrace, it is not a designated STAA truck route. There are currently no designated STAA routes in the City. The section of Mt. Vernon Avenue from Barton Road to Washington Street is not a designated truck route, nor is it an STAA designated route. As previously stated, STAA trucks are over-long trucks, more commonly used in other states, and are federally approved for use on interstate highways. Due to their length, STAA

trucks are not able to successfully navigate most surface streets and Caltrans has placed restrictions on them. For STAA trucks to be able to exit interstate highways onto State routes and local streets, an encroachment permit must be obtained from Caltrans in order to install the guide signs. The local jurisdiction, must, naturally, approve the use of STAA trucks on their streets. There are two types STAA signs. One is the T-Sign, for state route terminal access, which shows where STAA trucks may exit off the interstate and travel onto State routes and local streets. The other is the S-Sign, for service access, which shows where STAA trucks may exit an interstate highway onto a local road, for one mile only, for food, fuel, lodging or repair.

8. For STAA trucks to access the project from I-215 using Barton Road, T-Signs would need to be posted on the freeway and on Barton Road. The signs would also need a Caltrans encroachment permit. Since it is not clear that the STAA trucks' will be able to navigate the I-215 ramps at Barton Road, there is a concern about safety and the potential for damage to the roundabout. There is also a concern about the STAA trucks (or other project trucks) being driven on other City streets to avoid freeway congestion or to use local services. The City does not plan to designate Barton Road as a terminal access route or as a service route for STAA trucks and would be opposed to submitting the necessary encroachment permit to Caltrans. Without the encroachment permit, STAA trucks would not be allowed to access I-215 from Barton Road. The Traffic Analysis must reflect these restrictions on STAA trucks and also provide a mechanism to ensure compliance with the restrictions by the applicant or future property/business owner.

9. In December 2020, Caltrans released Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review (LDIGR) Safety Review Practitioners Guide, to be used to assess a land use project's impact on the safety of state highways, and also as a guideline for local government agencies for their local streets. The safety review is mandated by SB 743, which is primarily known for requiring VMT analyses for CEQA projects. Update the Traffic Analysis to include a safety review of the project in accordance with the Interim LDIGR Practitioners Guide.

10. **Exhibit 1-6**, I-215 SB Ramps & Barton Road Truck Circulation:
    a. Provide overlays for all approach/destination combinations since the legs of the roundabout are skewed, the truck turning template overlays are not mirrored for traveling in the opposite direction.
    b. Provide separate exhibits for each overlay showing the roundabout circle magnified so it clearly defines how much the truck tires would encroach in the roundabout skirt/circle.

11. **Exhibit 3-1**, Existing Number of Through Lanes and Intersection Controls:
    a. Correct the exhibit and all level of service calculations for the intersection.

12 **Intersection #17** – Correct the existing lane configurations for the southbound and eastbound legs.

13. **Intersection #19** – Correct the existing lane configuration for the northbound leg. Correct the exhibit and all level of service calculations for the intersection.

14. **Exhibit 3-11**, City of Colton Truck Routes: Adjust to accurately reflect truck routes in the City of Grand Terrace, however, it does not indicate that no STAA trucks are allowed on any streets in Grand Terrace. The exhibit does note, however, that one truck route in Colton has size restrictions that are consistent with prohibiting STAAs. Modify Exhibit 3-11 to indicate that STAA trucks are not allowed on any City of Grand Terrace streets.

15. **Table 4-1**, Trip Generation Summary:

a. Recalculate the percentages shown for the Passenger Car Equivalency (PCE) trip generation as they are backward calculated, based on the trip generation rates, which many are incorrect. There is no need to show these percentages since the PCE trip generation rates are the Actual Vehicle rates x PCE factors.
b. Show the PCE factor for each PCE row instead of the passenger car/truck percentages as the PCE trip generation rates shown are correct.
c. Expand project trip generation to include the Peak Hours of the Generator, in accordance with the City of Grand Terrace's new TIA guidelines. The generator peak hour rates are greater than the adjacent street peak hour rates.

16. **Table 4-2**, Alternative Trip Generation Summary: See Comment 5.

17. **Exhibits 4-1 & 4-2**, Trip Distribution:

a. Modify your assumption. The exhibits indicate that Project Driveways 1 and 4, at the north end of the project, will be for passenger cars only, no trucks. They also indicate that the passenger car trips will only use Walnut Avenue. and S. Terrace Avenue to access Barton Road. However, the employees could also use "back roads" like Vivienda Avenue to proceed east and south through City of Grand Terrace residential areas to access Barton Road and I-215.
b. The project should be redesigned restrict Project Driveways 1 and 4 to right-turns-in only and left turns out only, to prevent employees from using the "back way" out.

City of Grand Terrace, Weiss, Steven (GRANDTERRACE)

Response to GRANDTERRACE-1
The Draft EIR addressed the issues raised regarding the NOP in the letter dated March 25, 2020, and comments raised in the scoping meeting, in Section 3.1, Aesthetics, Light, and Glare; Section 3.2, Air Quality; Section 3.4, Cultural Resources; Section 3.6, Greenhouse Gas Emissions; Section 3.8, Land Use and Planning; Section 3.11, Transportation; and Section 3.12, Tribal Cultural Resources.

This comment consists of four separate transportation-related issues, as outlined below.

Response to GRANDTERRACE-1a
The commenter states, "Unmitigable impacts effecting the City of Grand Terrace through a statement of overriding consideration documented through VMT screening tables which is unacceptable. Section 3.11–Transportation and Traffic Impact Analysis."

The VMT memorandum follows the VMT methodology adopted by the City of Colton. Until additional mitigation is recommended by the City of Colton, the VMT impacts are addressed using feasible mitigation, as documented in the San Bernardino County Transportation Authority (SBCTA) Transportation Demand Management (TDM) Report.

As discussed in the Draft EIR, although the proposed project would implement TDM measures aimed at reducing project VMT, the associated reduction in project VMT would not be enough to reduce project generated VMT to a less-than-significant level. Potential VMT reduction strategies were considered to address project generated VMT that exceeds the City's threshold, consistent with City Guidelines.

As stated in the Draft EIR, TDM strategies have been evaluated for the purpose of reducing VMT impacts determined to be potentially significant. The effectiveness of TDM strategies to reduce VMT has been determined based on the SB 743 Implementation Mitigation and TDM Strategy Assessment prepared for SBCTA which was based on a current assessment of the previously published Quantifying Greenhouse Gas Mitigation Measures for applicability to projects in the SBCTA region.5 The SBCTA TDM Report indicates that of the 50 transportation measures presented by the CAPCOA, only 41 of those measures are applicable at a building and site level. The remaining nine measures are functions of, or depend on, site location and/or actions by local and regional agencies or funders. Based on a review of the 41 transportation measures identified by CAPCOA, the SBCTA TDM Report identifies that only seven of those measures may be effective at the project level. Land use context is a major factor relevant to the potential application and effectiveness of TDM measures. More specifically, the land use context of the project is characteristically suburban. Based on a review of the potentially relevant TDM measures presented in the SBCTA TDM Report, the following TDM measures were evaluated for their applicability to the project based on its suburban context and their ability to reduce project generated VMT:

Measure 1: Increase Diversity of Land Uses. Having different types of land uses near one another can decrease VMT since trips between land use types are shorter and may be accommodated by nonauto modes of transportation. For example, when residential areas are in the same

neighborhood as retail and office buildings, a resident does not need to travel outside of the neighborhood to meet their trip needs.

The proposed project would construct 960,040 square feet of industrial warehouse use. In order for the above measure to apply, at least three of the following land uses should be located on-site, or if not on-site then within 0.25 mile or less of the project site: residential development, retail development, office development, park, or open space. As the proposed project does not include a mix of land uses on-site, and is instead located within 0.25 mile to other industrial uses and low density residential, this particular TDM measure was not evaluated further as a means of providing a reduction in project VMT.

Measure 2: Provide Pedestrian Network Improvements. Providing on-site pedestrian access network to link areas of the project to the off-site pedestrian network encourages people to walk for short rips instead of drive. This mode shift results in people driving less for nearby trips (typically less than 0.25 mile and no greater than 0.5 mile) and thus a reduction in VMT.

The proposed project would provide for on-site pedestrian connections linking the site to existing pedestrian network along Barton Road, South Terrace Avenue, Walnut Avenue, and De Berry Street (with the exception of the Southern California Edison easement to the east of the project site that currently does not have a sidewalk) that would provide pedestrian connectivity to other nearby industrial uses and residential homes to the north. In a suburban context, a maximum 2 percent reduction in project VMT may be achieved through this measure, as noted by CAPCOA.

Measure 3: Provide Traffic Calming Measure (SDT-2). Providing traffic calming measures encourages people to walk or bike instead of using a passenger car. This mode shift would result in a decrease in VMT. Traffic calming features may include marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others.

There is limited opportunity for the proposed project to implement meaningful enhanced traffic calming measures in the area. Therefore, this measure is not evaluated further as a means of providing a reduction in project VMT.

Measure 4: Implement Car Sharing Program. Implementing a car sharing program would allow individuals to have on-demand access to a shared fleet of vehicles on an as-needed basis. User costs are typically determined through mileage or hourly rates, with deposits and/or annual membership fees.

This measure would likely require the proposed project to pay fees toward its inclusion in an existing car sharing program, which may not be feasible for a project of this size. The potential reduction in VMT is also extremely limited with a maximum reduction in VMT between 0.4 percent and .07 percent as noted by CAPCOA; therefore, this measure is not evaluated further as a means of providing a reduction in project VMT.

Measure 5: Increase Transit Service Frequency and Speed. This measure serves to reduce transit passenger travel time through more reduced headways and increased speed and reliability. This makes transit service more attractive and may result in a mode shift from auto to transit which reduces VMT.

Omnitrans Route 215 provides service in the project area but there is not currently a route with a transit stop within 0.25 mile of the project site; therefore, this measure is not further evaluated as a means of reducing project VMT.

Measure 6: Encourage Telecommuting and Alternative Work Schedule (TRT-6). Encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.

The effectiveness of this strategy depends on the ultimate building tenant(s) and is a factor in considering any potential VMT reduction. As the future building tenant(s) are unknown, this measure is not evaluated further as means of providing a reduction in project VMT.

Measure 7: Provide Ride-Sharing Programs (TRT-3). This strategy focuses on encouraging carpooling and vanpooling, but its ultimate implementation is limited as Measure 6 above.

Vanpool and carpool parking spaces will be provided at each on-site building per the City's development code. The potential reduction in VMT is between 1 percent and 15 percent as noted by CAPCOA. The effectiveness of this strategy depends on the ultimate building tenant(s) and is a factor in considering any potential VMT reduction. As the future building tenant(s) are unknown, the low range of 1.0 percent reduction in project VMT may be achieved through this measure.

In summary, the baseline project VMT per employee was found to exceed the City of Colton baseline VMT per employee threshold by about 25 percent. With implementation of the limited feasible TDM measures discussed above, a potential reduction in project VMT of 3 percent would not be enough to reduce project generated VMT to a level of less than significant.

Because the proposed project would still exceed the City of Colton baseline VMT per employee threshold, the proposed project would result in a significant and unavoidable impact related to VMT.

Response to GRANDTERRACE-1b
The commenter states, "Depleting Grand Terrace's ability to build by crippling the ability of a brand new I-215 roundabout interchange to function acceptably. Section 3.11–Transportation and Traffic Impact Analysis."

The roundabout located west of the I-215 Freeway has already been constructed and is in operation. The traffic counts conducted for the Traffic Study therefore reflect operation of the completed roundabout and interchange. Also, in response to comments raised during the public scoping session, a truck turn template was overlaid on the existing roundabout to ensure that the current design could accommodate heavy trucks.

Response to GRANDTERRACE-1c
The commenter states, "Failure to analyze in the Traffic Impact Analysis (TIA) Surface Transportation Act (STAA) 53 foot and larger trucks, intended as long-haul freeway carriers only. Section 3.11 – Transportation and Traffic Impact Analysis."

The turning templates used in the Traffic Analysis for both the roundabout and project driveways utilized an interstate semitrailer (WB-67) truck, which has a trailer length of 53 feet, and is equivalent to the STAA 53-foot truck. The interstate semitrailer (WB-67) truck was used to determine appropriate curb radii and to verify that trucks will have sufficient space to execute turning maneuvers.

According to Urban Crossroads, the California Department of Transportation (Caltrans) standard truck is the STAA vehicle, which assumes a 53-foot maximum trailer with 40 feet maximum between kingpin to rearmost axle; however, the overall length is unlimited. The WB-67 truck has a trailer length of 53 feet, consistent with the STAA 53-foot truck. Per Caltrans' classification of this truck type, the STAA 53-foot truck can access interstates and State highways.

Response to GRANDTERRACE-1d
The commenter states, "Failure of CalTrans to analyze STAA 53 Trucks/trailers and which are most certainly not allowed within Grand Terrace or any other local circulation network on the State of California. Section 3.11–Transportation and Traffic Impact Analysis." Please refer to Response to Comment GRANDTERRACE-1c.

Response to GRANDTERRACE-2
The City of Grand Terrace has identified La Cadena Drive and Barton Road (within the city limits) as truck routes; therefore, project-related truck traffic would be required to utilize La Cadena Drive to access the I-215 Freeway to the south and also the I-10 Freeway to the north via Rancho Avenue. Additionally, the City of Colton has identified La Cadena Drive, Iowa Avenue, Barton Road, and portions of Rancho Avenue as truck routes. The City's truck route map, as shown in the Traffic Analysis, has been utilized to route truck traffic from both the project site and future cumulative development projects. According to the Mobility Element of the General Plan, truck routes are designated for the purpose of protecting residential neighborhoods from the impacts of truck traffic and in order to form an integrated regional network for the movement of goods.[12] Furthermore, Policy 3.3.4 of the City of Grand Terrace Circulation Element states that the City shall route truck traffic away from residential areas and work with regional agencies in order to mitigate potential impacts from regional traffic.[13] The proposed improvements to the circulation system would help to ensure that trucks use the designated routes as intended, thereby preventing truck traffic on residential streets or roadways that are not designated as truck routes. Please also note that the Traffic Study identifies that all project-related trucks would be required to access the I-215 Freeway

[12] City of Colton. 2012. City of Colton General Plan. Mobility Element. Website: https://www.ci.colton.ca.us/AgendaCenter/ViewFile/Item/227?fileID=186. Accessed April 19, 2021.
[13] City of Grand Terrace. 2010. Grand Terrace General Plan. Circulation Element. Website: https://www.grandterrace-ca.gov/UserFiles/Servers/Server_12337255/File/Departments/Planning%20&%20Development/city_of_gt_general_plan.pdf. Accessed July 12, 2021.

at Barton Road. As a condition of approval, no semi-trucks would be allowed to enter the City of Grand Terrace to the east of the Freeway.

The Barton Road Bridge has also been evaluated as part of the Traffic Study, which found that the addition of project traffic would not directly cause a need to widen the bridge, although the study acknowledges a future need for widening as traffic grows in the area. Pursuant to MM TRANS-1a and MM TRANS-1b, the proposed project will be required to contribute to this future needed widening through the payment of fees and/or fair share contribution. As discussed in Response to Comment CJUSD-5, pursuant to MM TRANS-1a, the applicant would be required to pay the project's fair share amount of $24,421 for the improvements, and pursuant to MM TRANS-1b, the Developer's fair share fee would be $4,297. The CEQA Guidelines specifically recognize that requiring a project to implement or fund its fair share of a measure designed to mitigate a cumulative impact is an effective way to address the project's contribution to the impact.

Response to GRANDTERRACE-3
This comment does not raise any environmental issues related to the proposed project and is therefore outside the purview of CEQA. The redistribution of traffic associated with the vacation of North Grand Terrace Avenue and De Berry Street is addressed in the Traffic Study, prepared for the proposed project by Urban Crossroads on September 8, 2020 (Appendix J of the Draft EIR), which evaluated the effect to study area intersections. Furthermore, there was also a focused analysis prepared by Ganddini Group for the vacation of Terrace Avenue (dated January 4, 2019, included in Appendix M of this document). According to the Ganddini study, Barton Road is currently the only interchange directly serving the City of Grand Terrace. Therefore, improvements to the interchange would benefit the City of Grand Terrace by improving traffic circulation, increasing capacity, providing congestion relief at Barton Road and I-215 Freeway, and serving as a gateway to the City of Grand Terrace. Project benefits are discussed in the Draft EIR's Statement of Overriding Considerations.

Response to GRANDTERRACE-4
This comment states a general opposition to the proposed project and raises concerns about the proposed project's potential impacts to quality of life and the desirability of Grand Terrace as a place to live. These general allegations about the desirability of a community do not identify specific potentially adverse environmental impacts, nor does it address significant environmental issues. These generalized allegations are not within the purview of CEQA. The City of Colton decision-makers will consider all comments received on the proposed project as part of their review and consideration of the project as a whole. No further analysis is warranted.

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February 2, 2021

Via Email and U.S. Mail

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Carolina R. Padilla
City Clerk
Office of the City Clerk
650 N. La Cadena Drive
Colton, CA 92324
CityClerkOffice@Coltonca.gov

Re: Public Records Act Request for Documents Related to Barton Road Logistics Center (DAP-001-602)

Dear Mr. Cory and Ms. Padilla:

We are writing on behalf of District Council of Ironworkers to request *immediate access* to any and all records related to the Barton Road Logistics Center Project, DAP-001-602, ("Project") proposed by EBS Realty Partners, LLC ("Applicant"). The Project calls for construction of two speculative industrial warehouse logistics buildings with a total square footage of 960,040 square feet. Addresses associated with the project site include: 21700 Barton Road, 275 DeBerry Street, 280 DeBerry Street and 375 DeBerry Street ("Properties").

Pursuant to the **California Public Records Act, Government Code Section 6250 et seq**., we request that the City of Colton Water & Wastewater ("City") make immediately available for inspection and copying the following documents:[1] 1

[1] Please include in your response to this request the following examples of "documents," as well as any similar physical or electronic forms of communication: any form of writing such as correspondence, electronic mail records ("email"), legal and factual memoranda, facsimiles, photographs, maps, videotapes or other video recordings, film, data, reports, notes, audiotapes, or drawings. Responsive correspondence should include, *inter alia*, emails and any and all other forms of internal agency correspondence. *Citizens for Ceres v. Super. Ct.* (2013) 217 Cal.App.4th 889, 909; *Citizens for Open Gov't v. City of Lodi* (2012) 205 Cal.App.4th 296, 307, 311.

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1) Any and all documents related to the Project

2) Any and all documents related to water use at the property from January 1, 2010 to the present, including but not limited to all documents related to the water supplied to the Properties by the City and any other water provider; all documents related to the amount of water allocated annually by the City for the Properties; and all documents related to water purchased by the City and any other water provider by all owners and occupants of the Properties, for use at the Properties.

3) Any and all documents related to existing aquifer conditions of the three underlying groundwater basins (Colton/Rialto Basin, Bunkerhill Basin, and North Riverside Basin), including but not limited to all documents related to groundwater levels, overdraft conditions, and existing pumping from the basin/sub-basins, and any and all studies and reports prepared by or on behalf of the City related to the three groundwater basins from 1990 to the present.

4) Any and all documents referencing the emergency connections with the City of San Bernardino, Riverside Highland Water Company, West Valley Water District, and the City of Riverside that can be activated, if necessary, including but not limited to any documents detailing the conditions under which the emergency connections would be activated.

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CONT

We request ***immediate access*** to review the above documents pursuant to section 6253(a) of the Public Records Act, which requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record."[2] This request seeks access to the above documents for inspection under Section 6253(a) only, and does not request that the City provide copies of these documents. Therefore, the ten-day response period applicable to a "request for a copy of records" under Section 6253(c) does not apply to this request.

This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest

[2] Gov. Code § 6253(a).

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access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

In responding to this request, please bear in mind that any exemptions from disclosure the City may believe to be applicable are to be narrowly construed.[3] If the City declines to produce any of the requested documents on the grounds of an exemption, please bear in mind that the Public Records Act imposes a duty on the City to distinguish between the exempt and the non-exempt portion of any such records, and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.[4] Please bear in mind further that should the City choose to withhold any document from disclosure, the City has a duty under Government Code section 6255, subd. (a) to "justify withholding any record by demonstrating that the record in question is exempt under express provisions" of the Public Records Act or that "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record."[5] The City may not seek recovery of costs for any staff time related to responding to this Public Records Act request.[6]

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CONT

If any of the requested items are available on the Internet, we request that the City provide us with an electronic link for direct download of the responsive documents. Pursuant to Government Code section 6253.9, if the requested documents are in electronic format, please provide them via a file hosting program such as Dropbox. Alternatively, if the documents are 10 MB or less (or can be easily broken into chunks of 10 MB or less), they may be emailed as attachments to jlaurain@adamsbroadwell.com and agraf@adamsbroadwell.com. We request access to the above documents, including any electronic documents, in their original form, as maintained by the City.[7] We reserve the right to have a copy service make copies of any and all of the requested documents depending on the volume.

Once you have located the requested documents, please contact us to arrange a date and time for inspection and/or copying. We will pay for any direct costs of

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[3] *Marken v. Santa Monica-Malibu Unif. Sch. Dist.* (2012) 202 Cal.App.4th 1250,1262; *Citizens for Ceres v. Super. Ct.* (2013) 217 Cal.App.4th 889, 913 (common interest doctrine cannot apply to communications between a developer and a reviewing public agency made before project approval).
[4] Gov. Code § 6253(a).
[5] *Id.*
[6] *North County Parents v. Dept. of Education* (1994) 23 Cal.App.4th 144; *County of Los Angeles v. Super. Ct.* (2000) 82 Cal.App.4th 819, 826.
[7] Gov. Code § 6253.9(a)(1); *See Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161.
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duplication associated with filling this request up to $200. However, please contact me at (650) 589-1660 with a cost estimate before copying/scanning the materials. 1 CONT

My contact information is:

U.S. Mail

Andrew J. Graf
Janet Laurain
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
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agraf@adamsbroadwell.com
jlaurain@adamsbroadwell.com

Please leave a voicemail at (650) 589-1660 if you have any questions. I will return you call promptly. Thank you for your assistance with this matter.

Sincerely,

Janet Laurain

Janet Laurain
Paralegal

JML:acp

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Organizations

Adams Broadwell Joseph & Cardozo (ABJC-1)

Response to ABJC-1-1

The City of Colton responded to the request for records on January 21, 2021, and February 11, 2021. The request for records does not raise any environmental issues and is therefore outside the purview of CEQA. No further analysis is warranted.

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From: Mark Tomich <mtomich@coltonca.gov>
Sent: Tuesday, February 16, 2021 9:54 AM
To: Nancy Ferguson <nancy@jericho-systems.com>; Cecilia So <cso@fcs-intl.com>
Subject: FW: Request for an Extension of the Comment Period for the Draft Environmental Impact Report Prepared for the Barton Road Logistics Center (SCH No. 2020029049) and Immediate Access to Reference Documents

Fyi – Our City Atty will draft a response.

Mark

From: Alisha C. Pember <apember@adamsbroadwell.com>
Sent: Friday, February 12, 2021 2:09 PM
To: Mark Tomich <mtomich@coltonca.gov>; Carolina Padilla <cpadilla@coltonca.gov>
Cc: Andrew J. Graf <Agraf@adamsbroadwell.com>
Subject: Request for an Extension of the Comment Period for the Draft Environmental Impact Report Prepared for the Barton Road Logistics Center (SCH No. 2020029049) and Immediate Access to Reference Documents

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please see the attached correspondence re **Request for an Extension of the Comment Period for the Draft Environmental Impact Report Prepared for the Barton Road Logistics Center (SCH No. 2020029049) and Immediate Access to Reference Documents.**

If you have any questions, please contact Andrew Graf.

Thank you.

Alisha Pember

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February 12, 2021

Via Email and U.S. Mail

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Re: **Request for an Extension of the Comment Period for the Draft Environmental Impact Report Prepared for the Barton Road Logistics Center (SCH No. 2020029049) and Immediate Access to Reference Documents**

Dear Mr. Tomich:

We are writing on behalf of the District Council of Ironworkers ("Council") to respectfully request that the City of Colton ("City") extend the public review and comment period for the Draft Environmental Impact Report ("DEIR")[1] prepared for the Barton Road Logistics Center Project (SCH No. 2020029049) ("Project"), which currently ends on February 18, 2021,[2] by at least 30 days due to the City's failure to provide timely access to all documents referenced and relied upon in the DEIR and 1

[1] City of Colton, Draft Environmental Impact Report Barton Road Logistics Center (Jan. 4, 2021) (hereinafter "DEIR"), available at https://www.ci.colton.ca.us/DocumentCenter/View/7073/02370027-Colton-Barton-Road-Draft-EIR.

[2] The Notice of Availably ("NOA") for the proposed Project on the City's website incorrectly states that the comment period ends on February 17, 2021. City of Colton, Notice of Availability of Draft EIR and Notice of Public Workshop, https://www.ci.colton.ca.us/DocumentCenter/View/7071/Barton-Road-NOA_12-28-2020 (last visited Feb. 12, 2021). The NOA posted to CEQANet states that the comment period ends on February 18, 2021. City of Colton, Notice of Availability of a Draft EIR and Notice of Public Workshop, https://files.ceqanet.opr.ca.gov/259304-4/attachment/6rd6VOSHegqHb8EjC0SSvIY8k7U0Ssd6bzWktZcBMgRfXg0LhO_KAkcLHQ06WLhxmVnE7s1IEKDwAOSv0 (last visited Feb. 12, 2021). Given that the Project is subject to a 45-day comment period (Pub. Resources Code § 21091(a)), and 45 days from January 4 is February 18, the NOA on CEQANet provides the correct end date.

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public records in the City's possession related to the Project. We ask that the City fully and immediately comply with our January 13, 2021 request for immediate access to all documents referenced and incorporated by reference in the DEIR by providing access to outstanding DEIR reference documents, including, but not limited to, (1) documents referenced and incorporated by reference in the DEIR which are not available via weblink, (2) missing documents referenced and incorporated by reference in DEIR Appendix F, (3) AERMOD, CalEEMod and AERMAP modeling files referenced and incorporated by reference in the DEIR's air quality analysis and DEIR Appendix B,[3] (4) cultural resources documents, and (5) tribal cultural resources documents. 1 CONT

On January 13, 2021, our office submitted a request, pursuant to the California Environmental Quality Act ("CEQA"),[4] for immediate access to any and all *documents referenced or relied upon in the Draft Environmental Impact Report*, excluding the NOC, DEIR, and any appendices already posted on the City's website.[5] CEQA's section 21092(b)(1) and CEQA Guidelines section 15087(c)(5) require that "all documents referenced" and "all documents incorporated by reference" in an environmental impact report shall be "readily accessible to the public during the lead agency's normal working hours" during the entire public comment period.[6]

The following day, our office submitted a separate public records requests pursuant to the Public Records Act ("PRA").[7] As you are aware, that request sought immediate access to any and all *public records* referring or related to the Project.

On January 14, 2021, the City responded that all documents incorporated by reference in the DEIR were available via weblink, and hard copies of those same documents were available for inspection by appointment at the City's Development

[3] *See e.g.* DEIR at pp. 3.2-1, 3.2-39, 3.2-41, appen. B, pp. 60-61, 80-82.
[4] Pub. Resources Code §§ 21000 *et seq*.
[5] Letter to Mark Tomich, City of Colton from Janet Laurain, Adams Broadwell Joseph & Cardozo re: Requests for Immediate Access to Documents Referenced in the Draft Environmental Impact Report – Barton Road Logistics Center (SCH 2020029049 (Jan. 13, 2021).
[6] Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15087(c)(5).
[7] Letter to Mark Tomich, Development Services Department, City of Colton from Janet Laurain, Adams Broadwell Joseph & Cardozo re: Request for Immediate Access to Public Records – Barton Road Logistics Center (DAP-001-602) (Jan. 14, 2021).
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Services Department.[8] However, the City still has not provided access to all documents referenced or relied upon in the DEIR. Specifically, the DEIR and its supporting appendices omits the data used to support the DEIR's operational energy impact analysis.[9] While the DEIR cites to Appendix F, that appendix only contains data relevant to the analysis of construction impacts.[10] In addition, while the City included output data from the AERMOD, CalEEMod, and AERMAP programs, the City did not provide the modeling files, which are critical to the public's review of the Project's health impacts.[11] Finally, the City failed to provide many documents identified in footnotes throughout the DEIR that were not available via weblink or included in the DEIR appendices, including: aerial photography;[12] cultural resources references;[13] and tribal cultural resources references.[14] These documents are not available at the weblinks provided by the City. 1 CONT

CEQA compels a lead agency to make all documents referenced in an environmental impact report "available for review" during the entire public comment period.[15] The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the public review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.[16] It is also well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.[17] 2

To date, the City has failed to provide the Council, and potentially other members of the public, with access to all documents referenced and relied upon in

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[8] Email to Janet Laurain, Adams Broadwell Joseph & Cardozo from Mark Tomich, City of Colton re: Request for Immediate Access to Documents Referenced in DEIR – Barton Road Logistics Center Project – Colton (5004) (Jan. 14, 2021).
[9] DEIR at pp. 7-5 to 7-6.
[10] *Id*. at p. 7-6 ("inputs used to calculate values are described in more detail in Appendix F"), *ibid*. ("Based on estimates contained in the California Emissions Estimator Model (CalEEMod) output files (see Appendix F).").
[11] *Id*. at p. 3.2-39.
[12] *Id*. at p. 3.1-1, fn. 1.
[13] *Id*. at pp. 3.4-1 to 3.4-8, fns. 1-70, p. 3.4-9, fns. 71-75, 78, p. 3.4-10, fns. 79-80, 82, p. 3.4-17, fn. 88.
[14] *Id*. at p. 3.12-1, fns. 1-7.
[15] Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15087(c)(5).
[16] *Ultramar v. South Coast Air Quality Man. Dist*. (1993) 17 Cal.App.4th 689, 699.
[17] *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").
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the DEIR, as required by law. Moreover, the City has only recently produced a portion of documents in response to our PRA request and stated on February 11 that the City does not anticipate producing additional documents until just two days before the DEIR comment period ends, providing inadequate time to review them before the public comment period ends.[18]

2 CONT

By failing to make all documents and underlying data referenced in the DEIR readily available during the entirety of the public comment period, the City is depriving members of the public the ability to meaningfully comment on the potentially significant environmental impacts of the Project and is violating the procedural mandates of CEQA. Therefore, we respectfully request that the City extend the public review and comment period on the DEIR by at least 30 days from the date on which the City releases ***all*** the DEIR reference documents for public review.

In sum, we request the City:

1) Extend the public review and comment period **for at least 30 days from the date on which the City releases *all* DEIR reference documents** for public review.

2) Immediately provide access to the DEIR reference documents, including but not limited to, operational energy data omitted from Appendix F, AERMOD, CalEEMod, and AERMAP modeling files, aerial photography, cultural resources documents, and tribal cultural resources documents.

3

Given the short time before the current comment deadline ends, please contact me as soon as possible with your response to this request, but no later than close of business on **Tuesday, February 16, 2020**.

/ / /

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/ / /

[18] Letter to Janet Laurain, Adams Broadwell Joseph & Cardozo from Christine N. Wood, Best Best & Krieger, LLP re: City of Colton – Public Records Act Request Received January 14, 2021 – Production # 1 (Feb. 11, 2021).

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Thank you for your prompt attention and response to this matter.

Sincerely,

Andrew J. Graf
Associate

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Adams Broadwell Joseph & Cardozo (ABJC-2)

Response to ABJC-2-1

The City of Colton responded to the request for records on January 21, 2021, and February 11, 2021. The request for records does not raise any environmental issues and is therefore outside the purview of CEQA. CEQA makes a distinction between documents cited in an EIR and those specifically incorporated by reference (see *El Morro Community Ass'n v. Department of Parks & Recreation* (2004) 122 CA4th 1341, n.5.) CEQA Guidelines Section 15150(b) requires that documents incorporated by reference in an EIR be available for inspection together with the EIR. Section 15148 does not contain such a requirement for documents that are cited in an EIR, but not incorporated by reference. All documents incorporated by reference were available for public review and were provided to the commenter on March 2, 2021, and were available until April 2, 2021, via Weblink. No further analysis is warranted. Information regarding each document request is provided below.

Documents Referenced and Incorporated by Reference in the Draft EIR

The commenter requested, "documents referenced and incorporated by reference in the DEIR which are not available via Weblink." Footnotes in the Draft EIR refer to City documents or other agency reports, regulations, policies, etc. For those cited, website addresses have been provided within the footnote. The requested documents were provided by the City to the commenter via Weblink on March 2, 2021.

Draft EIR Appendix F Documents

The commenter requested, "missing documents referenced and incorporated by reference in DEIR Appendix F." The requested documents were provided by the City to the commenter via Weblink on March 2, 2021.

AERMOD, CalEEMod, and AERMAP Modeling Files

The commenter requested "AERMOD, CalEEMod and AERMAP modeling files referenced and incorporated by reference in the DEIR's air quality analysis and DEIR Appendix B." The requested documents were provided by the City to the commenter via Weblink on March 2, 2021.

Cultural Resources and Tribal Cultural Resources Documents

The commenter requested cultural resources documents and tribal cultural resources documents. Due to the sensitive and confidential nature of archaeological and tribal cultural resources, the Phase I CRA is exempt and not subject to public disclosure pursuant to Public Resources Code, Section 21082.3(c)(2). Environmental documents distributed to the public must also not include information about the location of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code of Regulations [CCR] § 15120(d); *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 220). Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects are also exempt from disclosure (Public Resources Code [PRC], §§ 5097.9, 5097.993, and Government Code Section 6524(r)).

This exclusion reflects California's strong policy in favor of protecting Native American artifacts. Confidential cultural resource inventories or reports generated for environmental documents should be maintained by the lead agency under separate cover and shall not be available to the public. (*Clover Valley* at 221, citing Governor's Office of Planning and Research, California Tribal Consultation Guidelines, [Nov. 14, 2005, supp. p. 27]).

Response to ABJC-2-2
As requested, the public review period was extended by 43 days, from an original end date of February 18, 2021, to an extended end date of April 2, 2021. Furthermore, the City provided documents via Weblink on March 2, 2021, as discussed in Response to Comment ABJC-2-1. No further analysis is warranted.

Response to ABJC-2-3
The commenter reiterates Comments ABJC-2-1 and ABJC-2-2 above. No further response is required.

From: Alisha C. Pember <apember@adamsbroadwell.com>
Sent: Thursday, February 18, 2021 4:01 PM
To: Mark Tomich <mtomich@coltonca.gov>; Mark Tomich <mtomich@coltonca.gov>
Cc: Andrew J. Graf <Agraf@adamsbroadwell.com>
Subject: Preliminary Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find attached **Preliminary Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602 and Attachment A**.

We are also providing a Dropbox link containing supporting references: https://www.dropbox.com/sh/bs9mho4h830rv2l/AABDy60SkPN_nDTqQfopzX96a?dl=0. We request that all reference documents be included in the record of proceedings.

A hard copy of our Comments, Attachments A and a flash drive containing the contents of the provided Dropbox link will be sent out today via overnight delivery.

If you would like to request hard copies of the supporting references and have any questions, please contact Andrew Graf.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
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South San Francisco, CA 94080
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apember@adamsbroadwell.com

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Of Counsel

*Not admitted in California.
Licensed in Colorado.

February 18, 2021

Via E-mail and U.S. Mail

Mark Tomich, Director
Development Services Department
City of Colton
659 North La Cadena Drive
Colton, CA 92324
Email: mtomich@coltonca.gov
mtomich@ci.colton.ca.us

Re: **Preliminary Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602**

Dear Mr. Tomich:

We write on behalf of the Coalition for Sustainable Development (the "Coalition") to provide preliminary comments on the Draft Environmental Impact Report[1] ("DEIR") (SCH No. 2020029049) for the Barton Road Logistics Center ("Project") prepared by the City of Colton ("City") pursuant to the California Environmental Quality Act ("CEQA").[2] On February 12, 2021, our office submitted a letter to the City requesting an extension of the public review and comment period on the DEIR due to the City's failure to provide timely access to all documents referenced and relied upon in the DEIR, as required by CEQA.[3] The City did not respond to our letter, and has not provided our office with access to outstanding

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[1] City of Colton, Draft Environmental Impact Report: Barton Road Logistics Center (Jan. 4, 2021) (hereinafter "DEIR"), *available at* https://www.ci.colton.ca.us/DocumentCenter/View/7073/02370027-Colton-Barton-Road-Draft-EIR.
[2] Pub. Resources Code §§ 21000 *et seq.*
[3] Letter to Mark Tomich, City of Colton et al. from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Request for an Extension of the Comment Period for the Draft Environmental Impact Report Prepared for the Barton Road Logistics Center (SCH No. 2020029049) and Immediate Access to Reference Documents (February 12, 2021) (hereinafter "Extension Request Letter").

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DEIR reference documents. The Coalition reserves the right to supplement these comments following review of outstanding Project records, and at any later hearings and proceedings related to the Project.[4] 1 CONT

I. INTRODUCTION

Applicant EBS Realty Partners LLC ("Applicant") proposes to redevelop the northern 45.52 acres of a 54.82-acre site in the southwestern portion of the City.[5] The site is the former headquarters and warehousing/distribution campus for Stater Bros. Markets.[6] It currently consists of six industrial buildings, one office building, and a vacant lot.[7]

The Applicant proposes to demolish five of the existing structures to construct two high cube warehouse logistics facilities.[8] Building 1 would be 540,920 square feet with 336,662 square feet of non-asphalt paving and would occupy a 26.23-acre site north of Barton Road.[9] Building 2 would 419,920 square feet with 491,211 square feet of non-asphalt paving and would occupy a 17.62-acre site south of Barton Road.[10] The proposed warehouses also require a 10-foot height variance to allow for the development of structures higher than 40-feet, which is the current maximum allowable height for industrial buildings in the M-1 (light industrial) zone.[11]

Off-site improvements would include the widening of Barton Road, improvements along Walton Avenue and South Terrace Avenue (north of Barton Road) and vacation of South Terrace Avenue (south of Barton Road), including the installation of new sewar and water lines.[12] Local access to the site is provided by Barton Road, which connects to the I-215 freeway approximately 2,000 feet east of

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[4] Gov. Code § 65009(b); Pub. Resources Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121
[5] DEIR at p. 2-1.
[6] *Ibid.*
[7] *Ibid.*
[8] *Id.* at p. 2-6.
[9] *Ibid.*
[10] *Ibid.*
[11] *Id.* at p.2-7.
[12] *Id.* at p. 2-6.

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the site.[13] The DEIR estimates that the Project will generate 1,348 vehicle trips per day and operate 24 hours a day, seven days a week.[14]

The DEIR fails to comply with CEQA's basic requirement to act as an "informational document." It is devoid of meaningful details in critical areas, such as air quality, health risk, and groundwater impacts, without which the public and decisionmakers cannot adequately assess the Project's significant impacts. Because of the DEIR's shortcomings, it is deficient as a matter of law because it fails to properly disclose and mitigate the Project's potentially significant impacts. The DEIR also lacks substantial evidence to support the City's conclusions regarding the Project's impacts and proposed mitigation. These deficiencies render the document inadequate for purposes of compliance with CEQA. 2

We reviewed the DEIR, technical appendices, and reference documents, with the assistance from air quality and hazardous materials expert James J.J. Clark, Ph.D., whose comments and qualifications are included as Attachment A.[15] Dr. Clark provides substantial evidence of potentially significant impacts that have not been adequately disclosed, analyzed, or mitigated. The City must address and respond to their comments separately and fully.[16]

II. STATEMENT OF INTEREST

The Coalition is an unincorporated association of individuals and labor organizations with members who may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The association includes City residents John Martinez and Michael Vasquez, the District Council of Ironworkers and its members and their families, and other individuals that live, recreate and/or work in and around the City and in San Bernardino County. 3

The Coalition supports the development of sustainable commercial and industrial centers where properly analyzed and carefully planned to minimize

[13] *Id*. at p. ES-1.
[14] *Id*. at pp. 3.2-33, 3.11-16, appen. B at pdf p. 570.
[15] **Attachment A**, Letter to Andrew Graf, Adams Broadwell Joseph & Cardozo from James J.J. Clark, Ph.D., Clark & Associates re: Comment Letter on Draft Environmental Impact Report (DEIR) for Barton Road Logistics Center, City of Colton, San Bernardino County, California – State Clearinghouse Number 2020029049 (Feb. 18, 2021) (hereinafter "Clark Comments").
[16] 14 Cal. Code Regs. ("CEQA Guidelines) §§ 15088(a), (c).

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impacts on public health and the environment. Logistics centers like the Project should avoid adverse impacts to air quality, water resources, transportation, and public health, and should take all feasible steps to ensure unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can commercial and industrial development truly be sustainable.

3
CONT

The individual members of the Coalition and the members of the affiliated labor organizations live, work, recreate and raise their families in and around the City. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work constructing the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

The Coalition and its members also have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members they represent. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand in the City, and by making it less desirable for businesses to locate and people to live and recreate in the City, including the Project vicinity. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities.

Finally, the Coalition is concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.[17] It is in this spirit we offer these comments.

III. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[18] "The foremost principle under CEQA

[17] Pub. Resources Code § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.
[18] Pub. Resources Code § 21100.

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is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[19]

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[20] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[21] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[22] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[23]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[24] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[25] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to

4

[19] *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).
[20] Pub. Resources Code § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[21] *Citizens of Goleta Valley,* 52 Cal.3d at p. 564 (quoting *Laurel Heights I*, 47 Cal.3d at 392).
[22] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; *see also Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).
[23] CEQA Guidelines § 15003(b).
[24] *Id.* § 15002(a)(2), (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.
[25] CEQA Guidelines § 15002(a)(2).
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the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[26]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[27] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process."[28] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[29] 4 CONT

IV. THE DEIR FAILS TO DISCLOSE AND MEANINGFULLY DESCRIBE THE EXISTING ENVIRONMENTAL SETTING

The existing environmental setting is the starting point from which the lead agency must measure whether a proposed Project may cause a significant environmental impact.[30] CEQA defines the environmental setting as the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, from both a local and regional perspective.[31] An accurate and complete description of the setting for each environmental condition in the vicinity of the Project is critical to an accurate and meaningful evaluation of

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[26] Pub. Resources Code § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.
[27] *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).
[28] *Berkeley Jets*, 91 Cal.App.4th at p. 1355; *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).
[29] *Sierra Club,* 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).
[30] CEQA Guidelines § 15125(a); *see, e.g*., *Communities for a Better Environment v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 316; *Fat v. City of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 (citing Remy, et al.; Guide to the Calif. Environmental Quality Act (1999) p. 165).
[31] CEQA Guidelines §15125(a)(1); *Riverwatch v. City of San Diego* (1999) 76 Cal.App.4th 1428, 1453.

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environmental impacts. Courts have made it clear that "[b]efore the impacts of a Project can be assessed, and mitigation measures considered, an [EIR] must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined."[32]

4 CONT

A. The DEIR Fails to Inform Decisionmakers and the Public About Existing Adverse Health Conditions in Historically Burdened Communities Surrounding the Project

The DEIR fails to disclose the fact that many of the Project's surrounding communities are already disproportionately affected by environmental pollution and experience elevated levels of negative health effects. The Project will exacerbate these conditions.[33] By failing to disclose the baseline health conditions of communities in the direct vicinity of the Project site, the DEIR fails to accurately assess the Project's health impacts.

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For purposes of analyzing a project's adverse environmental impacts under CEQA, "[t]he significance of an activity depends upon the setting."[34] Thus, a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.[35] In order to accurately evaluate the severity of a project's health impacts, the DEIR's environmental setting should therefore describe both the background environmental burdens faced by impacted communities and any unique sensitivities of those communities to pollution.

The census tract in which the Project is sited ranks in the 93rd percentile for overall pollution burden according to the California Environmental Protection Agency's CalEnviroScreen tool.[36] The I-215 is less than a mile east of the Project

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[32] *County of Amador,* 76 Cal.App.4th at p. 952.
[33] Clark Comments at p. 3.
[34] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.
[35] *Id.*; *see* CEQA Guidelines §§ 15125(a); 15126.2(a) (EIR shall analyze any significant environmental effects project might cause or risk exacerbating by bringing development and people into affected area).
[36] Clark Comments at p. 3; CalEnviroScreen is a tool created by the Office of Environmental Health Hazard Assessment that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. California Office of Environmental Health and Hazard Assessment, CalEnviroScreen 3.0, https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30 (updated June 2018); s*ee also* CalEnviroScreen 3.0 Data, Microsoft Excel Spreadsheet, ces3results.xlxs,

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site, a contributing factor in placing the community in the 98th percentile for ozone pollution, the 94th percentile for drinking water, the 92nd percentile for $PM_{2.5}$ pollution, and the 90th percentile for traffic burdens.[37] This community is primarily composed of people of color (73%) and suffers from high rates of cardiovascular disease and asthma.[38]

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CONT

The census tract immediately west of the Project site ranks in the 98th percentile for overall pollution burden.[39] The community also ranks in 99th percentile for hazardous waste, the 98th percentile for ozone pollution, 96th percentile for cleanup sites, the 98th percentile for groundwater threats, the 93rd percentile for $PM_{2.5}$ pollution, and the 83rd percentile for traffic burdens.[40] This community is majority Hispanic (71%) and has low birth weights relative to the rest of the state.[41] Other features of these communities tend to make them more vulnerable to pollution include housing burdens, high poverty, and high rates of unemployment.[42]

The DEIR fails to disclose any of this information, and fails to analyze the extent to which the Project's impacts will exacerbate these existing conditions. An agency is required to find that a "project may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."[43] CEQA requires lead agencies to "identify critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached."[44] The fact that an area already is polluted makes it more likely that any additional, unmitigated pollution will be significant.

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https://oehha.ca.gov/media/downloads/calenviroscreen/document/ces3results.xlsx (updated June 2018).
[37] *Ibid.*
[38] *Ibid.*
[39] *Ibid.*
[40] *Ibid.*
[41] *Ibid.*
[42] *Ibid.*
[43] Pub. Res. Code § 21083(b)(3); *see also* CEQA Guidelines § 15126.2 (project may cause a significant effect by bringing people to hazards).
[44] Pub. Res. Code § 21000(d).
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CEQA also requires the lead agency to consider cumulative impacts.[45] The term "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.[46] The DEIR fails to consider the cumulative impacts from air emissions and health risks in these already overburdened communities. 5 CONT

Because the DEIR does not disclose relevant information pertaining to the existing environmental, health, and safety conditions facing the communities near the Project, it fails to provide decisionmakers and the public with an accurate characterization of the Project's environmental setting, rendering the DEIR's subsequent analysis of the Project' individual and cumulative air quality and public health impacts unsupported.

B. The DEIR Fails to Quantify the Baseline Water Use at the Project Site

The DEIR concludes that the impacts to the City's groundwater supplies and recharge are less than significant because "the water supplied to the project site at the completion of the project would be similar in quantity to the current conditions."[47] The DEIR makes no attempt to quantify the baseline water use at the Project site. Instead, the DEIR simply assumes that post-Project water use would remain the same as pre-Project conditions because "the project would redevelop the existing uses on site with similar uses."[48] These conclusory statements are clearly erroneous and unsupported by substantial evidence. 6

Because the City's water supply originates from groundwater resources,[49] an accurate estimate of the amount of water currently utilized by the existing on-site buildings is critical to analyzing whether the proposed Project's water use will substantially deplete or interfere with groundwater recharge.[50] The "baseline determination is the first rather than the last step in the environmental review

[45] *Id*. § 21083(b)(3).
[46] *Ibid*.
[47] DEIR at p. 7-11.
[48] *Ibid*.
[49] *Ibid*.
[50] CEQA Guidelines, appen. G § X.b; *see generally Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 119-28 (holding that the EIR's discussion of baseline groundwater use was inadequate).

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process" because the "significance of a project's impacts cannot be measured unless the EIR first establishes the actual physical conditions on the property."[51] "If an EIR fails to include relevant information and precludes informed decisionmaking and public participation, the goals of CEQA are thwarted and a prejudicial abuse of discretion has occurred."[52]

Here, the DEIR failed to quantify the current water use at the project site despite being the current water supplier for the existing buildings.[53] While an agency may choose the methodology for determining the baseline conditions, the agency cannot abdicate its responsibility to obtain the necessary information to support a determination of baseline water use.[54] In fact, CEQA mandates that the lead agency "conduct an investigation and obtain documentation to support a determination of pre-existing conditions."[55] 6 CONT

Moreover, the DEIR's assertion that the proposed Project is the same as pre-existing conditions is clearly erroneous for several reasons. First, the proposed Project "would result in a net increase of 300,605 square feet of building space when compared with existing conditions."[56] Even utilizing the DEIR's flawed methodology for estimating post-project water demand,[57] the proposed Project would require 20,290 gallons per day ("GPD"), or 22.72 acre feet per year, more than existing uses based solely on the additional square footage. Second, unlike the existing structures, the proposed high-cube warehouses would exceed the current 40-foot maximum allowable building height allowed by the City's municipal code for the project site.[58] Finally, the proposed Project includes development of a 6.3-acre vacant lot with no pre-existing water use.[59]

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[51] *Save Our Peninsula Committee,* 87 Cal.App.4th at p. 125.
[52] *Id.* at pp. 127-28; CEQA Guidelines § 15125(c) ("The EIR must demonstrate that the significant environmental impacts of the proposed project **were adequately investigated** and discussed and it must permit the significant effects of the project to be considered in the full environmental context.") (emphasis added).
[53] DEIR at p. 7-11 ("Because the proposed project site is currently developed with light industrial structures **which are supplied by with water by the City**…") (emphasis added).
[54] *Save Our Peninsula Committee,* 87 Cal.App.4th at p. 122.
[55] *Ibid.*
[56] DEIR at p. 2-6.
[57] *See id.* at p. 3.3-11, fn. 14.
[58] *Id.* at p. 2-9.
[59] *Id.* at p. 2-3.
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Because the DEIR fails to provide an accurate estimate of the baseline water use at the existing sites, decisionmakers and the public cannot adequately analyze whether the proposed Project's water use would have a significant impact on groundwater resources and public utilities. 6 CONT

V. THE DEIR FAILS TO DISCLOSE AND MEANINGFULLY ANALYZE ALL POTENTIALLY SIGNIFICANT PROJECT IMPACTS

CEQA requires an analysis of the potential environmental impacts an agency's proposed actions may have in an EIR, except in certain limited circumstances.[60] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[61] 7

"[T]he adequacy of an EIR's discussion of environmental impacts is an issue distinct from the extent to which the agency is correct in its determination whether the impacts are significant."[62] "An adequate description of adverse environmental effects is necessary to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR."[63] "[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question."[64] Indeed, "[a] conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence."[65]

The ultimate inquiry is whether the EIR includes enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.[66]

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[60] *See, e.g.*, Pub. Resources Code § 21100.
[61] *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal. App.4th 98, 109.
[62] *Sierra Club,* 6 Cal.5th at p. 514.
[63] *Ibid.*
[64] *Ibid.*
[65] *Ibid.*
[66] *Id.* at p. 516.

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A. The DEIR Fails to Meaningfully Disclose the Project's Health Impacts on Nearby Disadvantaged Communities

An EIR must discuss the health and safety problems that the proposed project may induce.[67] Here, the DEIR fails to sufficiently disclose the nature and magnitude of the Project's health impacts on nearby disadvantaged communities before concluding the impacts would be less than significant.[68] 8

The DEIR attempts to analyze the health impacts of the Project by comparing the Project's onsite emissions to the applicable localized significance thresholds ("LSTs") established by the South Coast Air Quality Management District ("SCAQMD").[69] The DEIR concludes the Project would not result in emissions that exceed the LSTs, implying that the health impacts to nearby sensitive receptors will therefore be insignificant.[70] However, the DEIR does not disclose the concentrations at which the pollutants trigger the identified health symptoms, acknowledge the rates at which nearby communities are already experiencing the identified health symptoms, or analyze the specific health impacts that may result from emissions associated with the Project.[71]

CEQA requires a detailed analysis of human health impacts. An EIR fails as an informational document when it fails to disclose the public health impacts from air pollutants that would be generated by a development project.[72] The DEIR's failure to disclose Project's health impacts on nearby disadvantaged communities renders the DEIR inadequate as a matter of law.

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[67] CEQA Guidelines § 15126.2(a).
[68] *Sierra Club,* 6 Cal.5th at p. 523 (emphasizing that "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.").
[69] DEIR at pp. 3.2-23 to 3.2-27, 3.2-34 to 3.2-37.
[70] *Id.* at pp. 3.2-34 to 3.2-37.
[71] *See Sierra Club,* 6 Cal.5th at p. 523 (holding that an EIR's discussion of air quality impacts was inadequate where it failed to indicate the concertation's at which pollutants emitted by the proposed project would trigger identified health effects, or to explain why such analysis was not possible.).
[72] Pub. Res. Code § 21083(b)(3), (d); *Sierra Club,* 6 Cal.5th at pp. 518-22; *Berkeley Jets,* 91 Cal.App.4th at p. 1367.
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B. The DEIR Fails to Disclose the Impacts from Transport Refrigeration Units

To comply with CEQA, the lead agency must make "a reasoned and good faith effort to inform decision makers and the public" about the project's potential impacts.[73] This includes a meaningful analysis of all reasonably foreseeable project impacts, including the project's various allowed uses.[74] The DEIR fails to adequately analyze the air emissions and health impacts from cold storage uses. Specifically, the DEIR does not meaningfully consider the Project's proposed use of transport refrigeration units ("TRUs").[75] 9

TRUs are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including trucks, semi-trailers, shipping containers, and rail cars.[76] The diesel engines that power TRUs emit multiple air pollutants, including diesel particulate matter ("DPM"), particulate matter ("$PM_{2.5}$"), nitrogen oxides ("NOx"), carbon monoxide ("CO"), hydrocarbons, and greenhouse gases ("GHGs").[77] Significant numbers of vehicles with TRUs congregate at distribution centers resulting in the potential for health risks to those that live and work nearby.[78] In addition, TRUs commonly idle for long periods in order to keep the goods inside the truck or trailer at appropriate temperatures.[79]

The DEIR must be revised and recirculated to analyze the increased air pollutant emissions from cold storage and to include enforceable mitigation

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[73] *Berkeley Jets,* 91 Cal.App.4th at 1367.
[74] *Laurel Heights I,* 47 Cal.3d at 396.
[75] Clark Comments at p. 7.
[76] California Air Resources Board, Transport Refrigeration Unit, About, https://ww2.arb.ca.gov/our-work/programs/transport-refrigeration-unit/about (last visited Feb. 18, 2021).
[77] California Air Resources Board, Preliminary Health Analyses: Transport Refrigeration Unit Regulation Public Review Draft (Oct. 18, 2019) pp. ES-2 to ES-3 (hereinafter "CARB Preliminary Health Analyses: TRUs"), *available at* https://ww2.arb.ca.gov/sites/default/files/classic//cc/cold-storage/documents/hra_healthanalyses2019.pdf.
[78] *Ibid.*
[79] South Coast Air Quality Management District, Preliminary Draft Staff Report: Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305 (Jan 2021) p. 25, *available at* https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/preliminary-draft-staff-report.pdf?sfvrsn=14.

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measures to reduce the impacts from cold storage to less than significant levels, or to prohibit cold storage entirely if impacts cannot be rendered less than significant. 9 CONT

C. The DEIR Fails to Analyze All Health Risks from Exposure to TAC Emissions Due to Project Operation and Construction

The DEIR concludes the surrounding community would not be exposed to substantial emissions of tox air contaminants ("TACs") during Project construction and operation.[80] However, the DEIR reaches this conclusion without quantifying all the known releases that will occur on site. While the DEIR evaluates cancer risks and non-cancer hazard indices from DPM emissions,[81] it fails to account for other TACs which may be emitted from the Project.[82] 10

For air toxic sources, hazard identification begins with determining the type of adverse health effect associated with the exposure pollutants that may be emitted because of the project, including whether a pollutant is considered a human carcinogen or a potential human carcinogen.[83] According to the California Almanac of Emissions and Air Quality, the TACs that pose the greatest risk from breathing ambient air in California are DPM, benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent, chromium, ethylbenzene, chloroform, formaldehyde methylene chloride, and perchloroethylene.[84] In the South Coast Air Basin, acetaldehyde, benzene, 1-3-butadiene, formaldehyde, and DPM are emitted primarily from mobile sources.[85] Indeed, the DEIR recognizes benzene as a TAC of concern.[86]

As Dr. Clark explains, diesel exhaust includes many of these TACs, but only DPM is identified in the risk assessment utilized by the DEIR.[87] Without

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[80] DEIR at pp. 3.2-37 to 3.2-42.
[81] *Id*. at p. 3.2-37 ("The principal TAC emission analyzed in this assessment was DPM from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction and operation.").
[82] Clark Comments at pp. 7-8.
[83] South Coast Air Quality Management District, Risk Assessment Procedures for Rule 1401, 1401.1 and 212 (Sept. 1, 2017) p. 2, *available at* http://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/riskassessproc-v8-1.pdf?sfvrsn=12.
[84] California Air Resources Board, The California Almanac of Emissions and Air Quality (2009) pp. 5-1 to 5-42, *available at* https://www.cityofdavis.org/home/showpublisheddocument?id=4103.
[85] *Id*. at pp. 5-46 to 5-50.
[86] DEIR at pp. 3.2-7.
[87] Clark Comments at p. 8.
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quantifying the health impacts of all hazardous emissions associated with diesel exhaust, the DEIR's health risk analysis is incomplete, and its health risk assessment remains flawed. Therefore, the DEIR's conclusion that the Project's health impacts due to TACs exposure is less than significant is not supported by substantial evidence. 10 CONT

D. The DEIR Fails to Meaningfully Analyze Groundwater Impacts

1. The DEIR's Discussion of Groundwater Impacts Is Conclusory

An EIR's designation of a particular adverse effect as "less than significant" does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect.[88] "An adequate description of the environmental effects is necessary to inform the critical discussion of mitigation measures and project alternatives at the core of the EIR."[89] This is because an EIR must be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.[90] "To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."[91] 11

The DEIR concludes that the impacts to the City's groundwater supplies and recharge are less than significant because "the water supplied to the project site at the completion of the project would be similar in quantity to the current conditions."[92] As shown in Section IV.B., the DEIR fails to demonstrate that the Project would use the same amount of water as the existing uses at the site. Without an accurate estimate of pre- and post-project water use, decisionmakers and the public cannot properly assess the significance of the proposed Project's impact on groundwater resources.

[88] *Sierra Club,* 6 Cal.5th at p. 514.
[89] *Ibid.*
[90] *Ibid.*; CEQA Guidelines § 15151.
[91] *Laurel Heights I*, 47 Cal.3d at pp. 404-05.
[92] DEIR at p. 7-11.

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2. The DEIR Omits Discussion and Analysis of Construction Impacts on Groundwater Resources

The DEIR acknowledges that SCAQMD Rule 403 applies to the Project.[93] Rule 403 requires the implementation of best available dust control measures during active operations capable of generating fugitive dust.[94] Rule 403 identifies water use as a best available control measure for the following construction activities: backfilling, clearing and grubbing, clearing forms, crushing, cut and fill, demolition, disturbed soil, earth-moving activities, importing/exporting of bulk materials, landscaping, road shoulder maintenance, screening, trenching, and truck loading.[95] Many of these activities will be implemented during construction of the proposed Project.[96] In fact, the DEIR identifies the following Rule 403 measure as potentially applicable to the proposed Project: "Water active sites at least three times daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)."[97] 11 CONT

Despite this requirement, the DEIR does not estimate of the amount of water to be utilized by the Project during construction. Nor does it identify the water source for construction activities. If the water is supplied by the City, then the Project's impacts on groundwater would be greater than those disclosed in the DEIR because the City's water source originates entirely from groundwater resources.[98] Without an accurate estimate of water use by the Project, the impacts on groundwater resources cannot be adequately assessed.

E. The DEIR Fails to Include a Water Supply Assessment, As Required by Water Code § 10910 and CEQA Guidelines § 15155 12

The DEIR erroneously concludes a water supply assessment ("WSA") is not required for the Project because it "does not meet the size requirements for

[93] *Id*. at p. 3.2-9.
[94] *Id*. at p. 3.2-9, 3.2-15; South Coast Air Quality Management District, Rule 403: Fugitive Dust, https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4 (June 2005).
[95] *See generally* South Coast Air Quality Management District, Rule 403: Fugitive Dust, https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4 (June 2005) p. 403-13 to 403-18 (Table 1: Best Available Construction Measures (Applicable to All Construction Activity Sources)).
[96] DEIR at pp. 2-10 to 2-11.
[97] *Id*. at p. 3.2-15.
[98] *Id*. at pp. 2-10, 7-21.
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application of SB 610."[99] As a threshold matter, the DEIR's bare conclusion that a WSA is not required subverts CEQA's disclosure requirements.

An agency must disclose the analytical route it traveled form evidence to action.[100] "To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."[101] The ultimate inquiry is whether the EIR includes enough detail to enable those who did not participate in its reparation to understand and to consider meaningfully the issues raised by the proposed project.[102]

12 CONT

Here, the DEIR fails to include any facts or analysis to support the inference that a WSA is not warranted.[103] For example, the DEIR does not disclose the applicable standard for determining whether a WSA is required – that is, whether the proposed logistics center is a "project" within the meaning of Water Code § 10912.[104] Nor does the DEIR cite a single fact to support its assertion that the proposed logistics center does not meet the size requirements.[105] As a result, the DEIR fails to meaningfully consider whether the propose Project has sufficient water supplies available to serve the project and reasonably foreseeable future development.

Notwithstanding the lack of meaningful analysis, the DEIR's conclusion that a WSA is not required is clearly erroneous. Water Code § 10910 requires a city considering a project to obtain a WSA from the applicable "public water system" at the outset of the CEQA process.[106] A "public water system" is defined as "a system for the provision of piped water to the public for human consumption that has 3000 or more service connections."[107] Here, the City is responsible for preparing a WSA

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[99] DEIR at p. 3.13-7.
[100] *Laurel Heights I*, 47 Cal.3d at p. 403.
[101] *Id.* at pp. 404-05.
[102] *Sierra Club,* 6 Cal.5th at p. 516; *see also* CEQA Guidelines § 15151 ("An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.")
[103] *Sierra Club,* 6 Cal.5th at p. 522.
[104] Water Code § 10910 *et seq.*
[105] DEIR at p. 3.13-7.
[106] Water Code § 10910(b).
[107] *Id.* § 10912(d).
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because it is the lead agency under CEQA, has approximately 45,000 service connections,[108] and will supply water to the Project.[109]

WSA's must also be included in any CEQA document the city prepares for the project, and circulated for public comment with the DEIR as one of the Project's required approvals.[110] In turn, CEQA requires compliance with these Water Code provisions.[111]

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CONT

A WSA must be completed if the lead agency determines a proposed project is subject to CEQA and is also a "project" within the meaning of Water Code § 10912. As relevant here, Water Code § 10912(a)(5) defines the term "project" as, among other things, an "industrial plant" "occupying more than 40 acres of land" or "having more than 650,000 square feet of floor area."[112]

As noted above, the DEIR asserts that the proposed Project does not meet the size requirement.[113] Contrary to the DEIR's unsupported conclusion, the Project exceeds the size threshold because it has more than 650,000 square feet of floor area.[114] In fact, the DEIR acknowledges that the total floor area of the Project is 960,040 square feet.[115]

Combining the square footage of the two warehouse buildings is consistent with the court's interpretation of "project" in *Center for Biological Diversity v. County of San Bernardino*.[116] In that case, the court held that an open-air composting facility was a "project" within the meaning of Water Code § 10912(a)(5) because it was a "processing plant" conducted on more than 40 acres of land.[117] Even though the facility only contained several small buildings on site, the court concluded that the facility met the acreage requirement because the term "plant" is "commonly defined as including the *land*, as well as buildings, machinery and

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[108] Water Systems Consulting, Inc., 2015 San Bernardino Valley Regional Urban Water Management Plan (June 2017) p. 13-3 (hereinafter "SBVR UWMP"), *available at* https://www.sbvmwd.com/Home/ShowDocument?id=5660.
[109] DEIR at p. 3.13-1.
[110] Water Code § 10910(b).
[111] Pub. Resources Code § 21151.9.
[112] Water Code § 10912(a)(5) (emphasis added); CEQA Guidelines § 15155(a)(1)(E).
[113] DEIR at p. 3.13-7.
[114] *Id*. at p. 2-6.
[115] *Ibid*.
[116] *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866.
[117] *Id*. at pp. 887-89.

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fixtures, used to carry out a trade or industrial business."[118] Here, the proposed logistics center qualifies as a "project" because the total facilities available for service equal 960,040 square feet.[119]

The proposed logistics center also qualifies as a "project" within the meaning of Water Code § 10912(a)(5) because it exceeds the acreage requirement. "Building 1 would be 540,920 square feet with 336,662 square feet of non-asphalt paving and would occupy a 26.23-acre site north of Barton Road."[120] "Building 2 would be 419,920 square feet with 491,211 square feet of non-asphalt paving and would occupy a 17.62 acre site."[121] Thus, the land and buildings to be utilized for the proposed logistics center is 45.52 acres, more than the 40 acre threshold.[122]

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CONT

Finally, the DEIR cannot rely on the San Bernardino Valley Regional Urban Water Management Plan ("SBVR UWMP") to evade its responsibility to prepare a WSA. An urban water management plan's information and analysis may be incorporated in the water supply and demand assessment only "[i]f the projected water demand associated with the project was accounted for in the most recently adopted urban water management plan."[123] However, the proposed Project was not considered as part of the SBVR UWMP because the site is not located within the City's service territory, nor is it located within the Riverside Highland Water Company's service territory.[124] Because the water demand associated with the proposed Project was not included as part of the most recently adopted urban water management plan for the City, a WSA is required.

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[118] *Id.* at p. 888 (emphasis in original). Merriam-Webster also defines "plant" as "the total facilities available for production or service" or "the buildings and other physical equipment of an institution." Merriam-Webster, Plant, https://www.merriam-webster.com/dictionary/plant?src=search-dict-hed (last visited Feb. 18, 2021).
[119] DEIR at pp. ES-1 to ES-2, 2-6.
[120] *Id.* at p. 2-6.
[121] *Ibid.*
[122] *Id.* at pp. ES-1, 2-1 to 2-2.
[123] Water Code § 10910(c)(2); *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434-35.
[124] DEIR at p. 3.13-1 ("The proposed project site is located between the City of Colton and riverside Highland Water Company service areas."); SBVR UWMP at p. 13-2 (Figure 13-1: City of Colton Service Area), p. 15-1 (Figure 15-1: Riverside Highland Water Company Service Area).
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VI. THE DEIR'S IMPACT ANALYSIS AND CONCLUSIONS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

An agency's conclusions must be supported by substantial evidence.[125] Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[126] It includes "facts, reasonable assumption predicated upon facts, and expert opinion supported by facts,"[127] but does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate."[128] 13

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'"[129] As courts have explained, "a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[130]

A. The DEIR Underestimates Vehicle Miles Traveled and Operational Mobile Source Emissions Due to Unsubstantiated Trip Generation Rates

14

The DEIR explains that "[t]rip generation represents the amount of traffic that is attracted to and produced by a development and is based upon the specific land uses planned for a given project."[131] However, the DEIR utilizes an average daily trip generation rate of 1.4 per 1,000 square feet, citing a high cube warehouse distribution center trip generation analysis conducted by SCAQMD.[132] This

[125] CEQA Guidelines § 15384(a).
[126] *Ibid*.
[127] *Id*. § 15384(b).
[128] *Id*. § 15384(a).
[129] *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (quoting *Laurel Heights I*, 47 Cal.3d at pp. 391, 409, fn. 12).
[130] *Ibid*.; *San Joaquin Raptor*, 27 Cal.App.4th at p. 722; *Galante Vineyards,* 60 Cal.App.4th at p. 1117; *County of Amador,* 76 Cal.App.4th at p. 946.
[131] DEIR, appen. J at pp. 3, 60.
[132] *Ibid*; Clark Comments at pp. 4-5.

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estimate is substantially less than the rates recommended by Dr. Clark and SCAQMD, and is unsupported by evidence in the record.

In comments on the Notice of Preparation, SCAQMD recommended that the City utilize an average daily trip rate of 1.68.[133] SCAQMD developed this estimate based on the same study, which found that the relationship between building gross square footage and vehicle trips "*does not produce an acceptable level of correlation to develop a fitted curve equation.*"[134] Dr. Clark emphasizes that "[t]his suggests the value used to justify the number of vehicle trips per day utilized by the City are not supportable and the higher rate of 1.68 daily vehicle trips per 1,000 [gross square foot] recommended by SCAQMD is more appropriate for this project."[135] 14 CONT

Substantial evidence demonstrates that the DEIR underestimates vehicle miles traveled ("VMT") and air emissions, resulting in a fatally flawed impact analysis. Given the additional emissions that would result from utilizing a the SCAQMD recommended trip generation rate, there is substantial evidence demonstrating the Project's actual emissions will exceed the relevant significance thresholds. For example, a higher trip generation rate will increase NOx emissions, which would likely create a significant impact given that the DEIR's current assumption is only 0.05 pounds per day below the applicable threshold. Therefore, the DEIR must include feasible mitigation measures to reduce this impact to a level of insignificance.

B. The DEIR Underestimates Operational Mobile Source Emissions Due to Unsubstantiated Daily Truck Trip Lengths

To estimate mobile-source emissions from trucks during Project operation, the DEIR assumes a one-way trip length of 40 miles.[136] The DEIR and supporting materials provide conflicting explanations for this assumption. The DEIR claims this assumption was based on recommendations from SCAQMD for warehouse-type 15

[133] DEIR, appen. A at pdf. p. 59; letter to Mark Tomich, City of Colton from Lijin Sun, South Coast Air Quality Management District re: Notice of Preparation of Draft Environmental Impact Report for the Proposed Barton Road Logistics Center (Mar. 10, 2020) p. 3.
[134] Institute of Transportation Engineers, High-Cube Warehouse Vehicle Trip Generation Analysis (Oct. 2016) p. 15, *available at* http://library.ite.org/pub/a3e6679a-e3a8-bf38-7f29-2961becdd498; Clark Comments at p. 5 (emphasis added).
[135] Clark Comments at p. 5.
[136] DEIR, appen. J at p. 58.

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projects,[137] but it never identifies the specific guidance document and Dr. Clark could not verify this assumption.[138] On the other hand, assumptions contained in CalEEMod data in Appendix B cite to the project-specific traffic report in support of the truck trip length assumption.[139] However, the traffic report in Appendix J does not identify any trip length estimates for trucks.

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Notwithstanding these contradictory references in the DEIR, the DEIR's trip length estimate is still inconsistent with the actual miles that Project-related trucks are likely to travel within the South Coast Air Basin. Substantial evidence in the DEIR demonstrates that the actual distances from the Project site to major transport distribution hubs in the South Coast Air Basin are up to 70 miles, vastly exceeding the SCAQMD 40 mile average VMT assumption.[140] As Dr. Clark explains, increasing the VMT by just 1 mile (from 40 to 41 miles) results in increases of NOx emissions from mobile sources from 51.94 lbs per day to 52.786 lbs per day.[141] Dr. Clark calculates that the net impact of an additional 1 mile of VMT would be to increase the cumulative NOx emissions from 54.95 lbs per day to 55.80 lbs per day, thus exceeding the SCAQMD significance threshold of 55 lbs per day.[142]

Given the substantially longer travel distances anticipated for the Project, there is substantial evidence demonstrating that the Project's actual NOx emissions will greatly exceed the DEIR's assumptions, resulting in significant NOx emissions which the DEIR fails to disclose and mitigate.

C. The DEIR Underestimates Operational Health Impacts Due to Unsubstantiated On-Site Vehicle Trip Lengths

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In determining whether the Project's operational emissions would expose sensitive receptors to substantial pollution concentration, the DEIR assumes that vehicles will travel 0.1 miles on-site.[143] This assumption significantly underestimates emissions that would result from on-site transit. As Dr. Clark

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[137] *Ibid*.
[138] Clark Comments at p. 5.
[139] DEIR, appen. B at pdf p. 410 ("Vehicle Trips – Truck trip generation rate consistent with project-specific traffic report 40-mile trip length for trucks.")
[140] Clark Comments at pp. 5-6.
[141] *Id*. at p. 5.
[142] *Ibid*.
[143] DEIR at p. 3.2-36.

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explains, the average distances vehicles will travel on-site is 0.65 miles.[144] Therefore, the DEIR undervalues on-site emissions by a factor of 6.5.[145] Because the operational health risk assessment relies on an unsubstantiated assumption, it cannot serve as substantial evidence to support the DEIR's conclusion that the Project's health impacts are less than significant.

16 CONT

D. The DEIR Underestimates Construction Emissions Due to Unsubstantiated Hauling Trip Lengths During Demolition

The DEIR estimates that the demolition of the Project will require 11,934 hauling trips.[146] The DEIR utilizes a default trip length of 20 miles for the removal of materials from the Project site during demolition.[147] This assumption fails to account for the additional distance that the hauling trucks must travel to dispose of the materials because the existing structures were found to contain asbestos.[148] In California, only 5 landfills can receive asbestos containing materials, with the closest landfill approximately 40 miles from the Project site.[149]

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Project demolition activities will include removal of asbestos-containing materials.[150] Those materials must be hauled to an authorized landfill, but the DEIR is silent as to which of the 5 authorized landfills will be used. Because even the nearest asbestos landfill is 40 miles from the Project site, hauling trips carrying asbestos-containing materials will be at least 40 miles, double the trip length analyzed in the DEIR.[151] Since the DEIR's emissions analysis relies on the unsubstantiated assumption that hauling trips will not exceed 20 miles, it cannot serve as substantial evidence to support the DEIR's conclusion that the Project's construction emissions are less than significant.

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[144] Clark Comments at p. 6; *see also* DEIR, appen. B at pdf p. 564, 566.
[145] Clark Comments at p. 6.
[146] DEIR, appen. B at p. 56.
[147] *Id*., appen. B at p. 55 ("CalEEMod default values for trip lengths … were used."), pdf pp. 116, 174, 221, 269, 304, 333, 709.
[148] *Id*. at p. 3.7-10, appen G. at pp. v, 8, 17-18.
[149] Clark Comments at p. 6; San Bernardino County, Department of Public Works, Can I Take it to the Landfill?, https://cms.sbcounty.gov/dpw/SolidWasteManagement/AcceptedWaste.aspx (last visited Feb. 18, 2021).
[150] DEIR at pp. 3.7-5, 3.7-10 to 3.7-12, 5-6.
[151] Clark Comments at p. 6.
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E. The DEIR Omits and Withholds Evidence Used to Support Its Energy Impact Analysis, Therefore Its Conclusions Are Not Supported by Substantial Evidence

CEQA requires that EIRs include a detailed discussion of the potential energy impacts of proposed projects, including: 18

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.[152]

The DEIR concludes the Project's operational energy impacts are less than significant because the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.[153] In support of this conclusion, the DEIR purports to rely on energy use estimates contained in Appendix F of the DEIR.[154] However, Appendix F only contains data to support the DEIR's conclusions regarding the Project's construction energy impacts. It does not contain any supporting data or calculations regarding the Project's operational energy impacts.

Recent cases interpreting Appendix F hold that, to comply with CEQA, the lead agency must not only describe a project's energy impacts in an EIR, it must also quantify them.[155] CEQA also compels a lead agency to make all documents

[152] CEQA Guidelines Appendix F, Section II(C).
[153] DEIR at p. 7-5 to 7-7.
[154] *Id.* at p. 7-6 ("inputs used to calculate values are described in more detail in Appendix F"); *ibid.* ("Based on estimates contained in California Emissions Estimator Model (CalEEMod) output files (see Appendix F)…").
[155] *Ukiah Citizens for Safety First v. City of Ukiah ("Ukiah Citizens"*) (2016) 248 Cal.App.4th 256, 264-65 (energy impact analysis requires clarification and technical information regarding project-related energy usage and conservation features); *Spring Valley Lake Association v. City of Victorville*

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referenced in an environmental impact report "available for review" during the entire public comment period.[156] The courts have held that the failure to provide even a few pages of a CEQA document for a portion of the public review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment.[157] It is well settled that a CEQA document may not rely on hidden studies or documents that are not provided to the public.[158] 18 CONT

Here, the DEIR relies on undisclosed data to support its energy impact analysis, in violation of CEQA. The Coalition requested that the City provide the data utilized to support its conclusions.[159] However, the City did not respond to the Coalition's request before the end of the public comment period for the DEIR. Without access to the supporting documents used to analyze the Project's operational energy impacts, decisionmakers and the public are unable to verify whether the Project's operational energy impacts are, in fact, less than significant. As a result, the DEIR's operational energy analysis and impact conclusions are unsupported by substantial evidence.

F. The DEIR's Water Consumption and Wastewater Generation Estimates Are Not Supported by Substantial Evidence 19

The DEIR estimates that the proposed project would have a water demand of 64,803 GPD and a wastewater demand of 57,602 GPD.[160] In support of these estimates, the DEIR cites the City's Hub City Centre Specific Plan ("CHCCSP")

("Spring Valley") (2016) 248 Cal.App.4th 91, 103 (EIR must show factual basis of its assumptions that both energy use and greenhouse gas emissions will be reduced); *California Clean Energy Committee v. City of Woodland ("CCEC")* (2014) 225 Cal.App.4th 173, 210 ("CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount").

[156] Pub. Resources Code § 21092(b)(1); 14 C.C.R. § 15087(c)(5).

[157] *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

[158] *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("Whatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report.").

[159] Extension Request Letter at pp. 2-4; *see also* letter to Mark Tomich, City of Colton et al. from Janet Laurain, Adams Broadwell Joseph & Cardozo re: Requests for Immediate Access to Documents Referenced in Draft Environmental Impact Report – Barton Road Logistics Center (SCH 2020029049) (Jan. 13, 2021).

[160] DEIR at pp. 3.13-11 to 3.13-13.

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Draft Environmental Impact Report.[161] Although not directly cited, the DEIR adopts the consumption and generation rates for the Business Park ("BP") land use identified in Table 4.16-4.[162] Specifically, the DEIR assumes a water consumption rate of 67.5 GPD per 1,000 square feet and a wastewater generation rate of 60 GPD per 1,000 square feet.[163] The DEIR's reliance on these consumption and generation rates is flawed for two reasons. 19 CONT

First, the CHCCSP did not contemplate high-cube warehouse uses in the plan area. The building standards applicable to BP uses includes a maximum building floor area to avoid "big box" warehouse and distribution uses in the plan area.[164] Because the specific plan expressly excludes high-cube warehouses from its analysis, the DEIR cannot rely on the water consumption and waste generation rates for that land use category, or any of the other land use categories in the CHCCSP area, to estimate water use and wastewater generation for the proposed Project.

Second, the Project site is not within the CHCCSP area. The CHCCSP applies to land in the western part of the City, adjacent to the City of Rialto and the I-10 freeway.[165] On the other hand, the Project site is in the southern part of the City, adjacent to the City of Grand Terrace and the I-215 freeway.[166]

As discussed in Section V.E., the City must complete a WSA for the proposed Project. The WSA must include specified information, such as "a discussion with

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[161] City of Colton, Colton's Hub City Centre Specific Plan Draft EIR (May 2014) (hereinafter "CHCCSP DEIR"), *available at* https://www.ci.colton.ca.us/DocumentCenter/View/1816/14-5-21_CHCCSP-Draft_EIR?bidId=.

[162] DEIR at p. 3.13-11, fn. 14, p. 3.13-12, fns. 17-18, p. 3.13-13, fns. 19, 20; *see also* CHCCSP DEIR at p. 4.16-15 (Table 4.16-4: Water Consumption and Wastewater Generation in the CHCCSP Project Area).

[163] *Ibid.*

[164] CHCCSP DEIR at p. 4.10-17 ("Building size restrictions are included in the development standards in order to avoid "big box" warehouse appearances from overwhelming other land uses as envisioned in the CHCCSP project area."); *see also* City of Colton, Colton's Hub City Centre Specific Plan (Nov. 2014) at p. 4-10 ("Maximum building floor areas have been defined to avoid "big box" warehousing and distribution uses …"), 6-28 ("The intent is to avoid big box warehousing and distribution developments and the associated truck traffic, which detracts from the health, safety, and welfare of the larger community.") (hereinafter "CHCCSP"), *available at* https://www.ci.colton.ca.us/DocumentCenter/View/2553/Coltons-HUB-City-Centre-SP_Chapters-2---5?bidId=.

[165] CHCCSP at p. 1-3.

[166] *Ibid.*

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regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year project, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses."[167] Further, Water Code § 10910 requires that when "a water supply for a proposed project includes groundwater," the WSA must include additional information about the sufficiency of the groundwater supply.[168] Without groundwater information, "the true impact of the Project on groundwater supplies cannot be adequately evaluated."[169] 19 CONT

VII. THE DEIR FAILS TO MEANINGFULLY ANALYZE ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must "[d]escribe the range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives."[170] The discussion must "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly."[171] A major function of the EIR is to ensure thorough assessment of all reasonable alternatives to proposed projects by those responsible for the decision.[172] 20

The DEIR's alternative analysis is flawed in two respects. First, the DEIR's air quality and health analyses fail to meaningfully account for the Project's potential cold storage uses. Second, the DEIR's selection of Alternative 3 as the environmentally superior alternative is misleading.

[167] Water Code § 10910(c)(4).
[168] *Id*. § 10910(f)
[169] *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 654, 663.
[170] CEQA Guidelines § 15126(d).
[171] *Id*. § 15126(d)(3).
[172] *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d at 203.
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A. The DEIR Fails to Perform a Comparative, Quantitative Analysis of Air Quality and Health Impacts Associated with the Cold Storage Alternative

An EIR must evaluate the "comparative merits of the alternatives" identified in an EIR.[173] To comply with this requirement, the EIR must include "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."[174] Stated differently, the analysis must contain concrete information about each alternative sufficient to allow a fact-based comparison of the alternatives with the project.[175] If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the proposed project.[176] 21

The alternative analysis must reflect the analytic route the agency traveled from evidence to action.[177] The degree of specificity required in an EIR depends upon the degree of specificity in the underlying activity described in the EIR.[178] The sufficiency of the information contained in an EIR is reviewed in the light of what is reasonably feasible.[179]

The DEIR failed to perform a meaningful analysis of the Project's cold storage alternative. A meaningful analysis of the cold storage alternative is essential because the "alternative would be implemented if a qualified build-to-suit tenant or user-buyer proposes such a use during the entitlement preconstruction timeframe."[180] The DEIR concludes the cold storage alternative would generate greater air emissions than the proposed Project because the cold storage facility would generate more vehicle trips per day.[181] While the DEIR quantifies the traffic impacts associated with the cold storage alternative,[182] it does not quantify the additional emissions associated with the increased traffic impacts. Nor does the

[173] CEQA Guidelines § 15126.6(a).
[174] *Id*. § 15126.6(d).
[175] *Ibid*.
[176] *Ibid*.
[177] *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.
[178] CEQA Guidelines § 15146.
[179] *Id*. § 15151.
[180] DEIR at pp. 2-6 to 2-7.
[181] *Id*. at p. 5-11.
[182] *See generally id*., appen. J (traffic impact and VMT report).

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DEIR quantify the additional impacts associated with TRUs. Without relevant data regarding the expected emission levels associated with the increased vehicle traffic created by the cold storage facility, the significance of this impact is not disclosed. As a result, the DEIR fails to meaningfully evaluate the impacts and feasibility of the cold storage alternative.

21
CONT

If the impact were quantified, it would reveal a significant, unmitigated air quality impact. Take, for example, operational NOx emissions. Operational emissions for the proposed Project derive primarily from mobile-source emissions that travel to and from the project site.[183] The DEIR estimates that operational NOx emissions for the Project would be 54.95 pounds per day.[184] The DEIR concludes the project would not result in a cumulative considerable net increase of NOx because it falls just 0.05 pounds (a hair) below the SCAQMD significance threshold of 55 pounds per day.[185]

As Dr. Clark explains, increasing the VMT by just 1 mile (from 40 to 41 miles) results in increases of NOx emissions from mobile sources from 51.94 lbs per day to 52.786 lbs per day.[186] Dr. Clark calculates that the net impact of an additional 1 mile of VMT would be to increase the cumulative NOx emissions from 54.95 lbs per day to 55.80 lbs per day, thus exceeding the SCAQMD significance threshold of 55 lbs per day.[187] Given the increased traffic anticipated for the Project related to cold storage uses, there is substantial evidence demonstrating that the Project's actual NOx emissions will greatly exceed the DEIR's assumptions, resulting in significant NOx emissions.

Dr. Clark demonstrates that, if the cold storage alternative is implemented, operational NOx emissions would exceed the significance threshold because of the increased vehicle trips to and from the site.[188] Moreover, operation of refrigerated warehouses requires use of trucks with TRUs, which emit significantly higher levels of toxic DPM, $PM_{2.5}$, NOx, and GHG emissions than trucks without TRUs.[189] The DEIR fails to disclose this potentially significant impact, and fails to include any feasible mitigation measures to reduce the impact to less than significant levels.

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[183] DEIR at pp. 3.2-21, 3.2-31.
[184] *Id.* at p. 3.2-33.
[185] *Id.* at p. 3.2-33.
[186] Clark Comments at p. 5.
[187] *Ibid.*
[188] *Id.* at p. 7.
[189] CARB Preliminary Health Analyses: TRUs at pp. ES-2 to ES-3.

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The DEIR must be revised and recirculated to disclose and mitigate this significant NOx impact. 21 CONT

B. The DEIR's Conclusion that Alternative 3 Is the Environmentally Superior Alternative Is Misleading and Not Supported by Substantial Evidence

CEQA Guidelines § 15126(e)(2) requires an EIR to identify an environmentally superior alternative ("ESA"). If the "no project" alternative is the ESA, the EIR must also identify an ESA from among the other alternatives.[190] The DEIR identifies Alternative 3 as the ESA.[191] Under this alternative, all demolition and development would occur on the south side of Barton Road.[192] 22

The DEIR's conclusion that Alternative 3 is the ESA is misleading for two reasons. First, the DEIR found that "Alternative 3 would be environmentally inferior to the proposed project."[193] This is because most impacts would remain the same as the proposed Project and several impacts would increase significantly.[194] Moreover, the DEIR claims three of the Project's impacts would decrease with implementation of Alternative 3;[195] however, under closer scrutiny, the DEIR's conclusion is not supported by substantial evidence.

For example, the DEIR claims that the transportation impacts from implementing Alternative 3 would be less than the proposed Project even though the alternative would generate only 1 less employee trip per day.[196] Similarly, the DEIR asserts the energy impacts from implementing Alternative 3 would be less than the Project despite admitting that the existing buildings that would remain operational are not as energy efficient as the new structure intended for the northern site.[197] Finally, the DEIR states the impacts on aesthetics, light, and glare from Alternative 3 are only incrementally less than the proposed Project.

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[190] CEQA Guidelines § 15126(e)(2).
[191] DEIR at p. 5-28.
[192] *Id*. at p. 5-17.
[193] *Id*. at p. 5-25.
[194] *Id*. at pp. 5-25 to 5-26.
[195] *Id*. at p. 5-24.
[196] *Id*. at pp. 5-23 to 5-24.
[197] *Id*. at p. 5-19.

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Second, the DEIR selected Alternative 3 because it would achieve the greatest reduction in trip generation rates, resulting in the greatest reduction to significant and unavoidable transportation impacts, as well as associated impacts to GHG emissions and air quality development.[198] While technically true, the insubstantial reduction in transportation impacts (1 less VMT per day) does not overcome the increased impacts that would be created from implementation of the Project. Further, as discussed above, the claimed decrease in impacts if Alternative 3 is implemented are *de minimus* at best.

22 CONT

The DEIR's inability to identify an environmentally superior alternative demonstrates its failure to select alternatives that "could avoid or substantially lessen one or more effects."[199] The DEIR should consider additional feasible alternatives, including those that avoid or reduce the Project's significant air quality, health and transportation impacts.

VIII. CITY OF COLTON MUNICIPAL CODE VIOLATIONS

The proposed Project requires a conditional use permit.[200] Before approving a conditional use permit, the Planning Commission must make three findings: (1) that the proposed use is in accord with the General Plan, the zoning ordinance, and the purposes of the zone in which the site is located; (2) that the proposed use is not detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and (3) that the proposed use complies with each appliable provisions of the City's zoning code.[201]

23

Given the Project's adverse impacts to the nearby communities of color, which are already overburdened with substantial pollution, that would result from long-term operation of the two high-cube warehouse logistics, including a round-the-clock source of harmful air and noise pollution, and the significant air quality and health impacts identified by Dr. Clark, the City cannot conclude the Project will not be detrimental to the health, safety and welfare to these disadvantage communities. In addition, the City cannot rely on the DEIR's inadequate environmental analysis to in support of these required findings.

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[198] *Id*. at p. 5-28.
[199] CEQA Guidelines § 15126.6(c)
[200] City of Colton Zoning Ordinance §§ 18.04.439.1, 18.06.060.G.
[201] *Id*. § 18.58.060.H.

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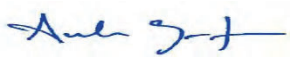
IX. CONCLUSION

We urge the City to fulfill its responsibilities under CEQA by revising the DEIR and preparing a legally adequate document rectifying the legal and factual errors and addressing the potentially significant impacts described in this comment letter, the attached letters from Dr. Clark, and the other public comments in the record. This is the only way the City and the public will be able to ensure that the Project's potentially significant environmental and public health impacts are mitigated to less than significant levels. 24

Sincerely,



Andrew J. Graf
Associate

AJG:acp
Attachment

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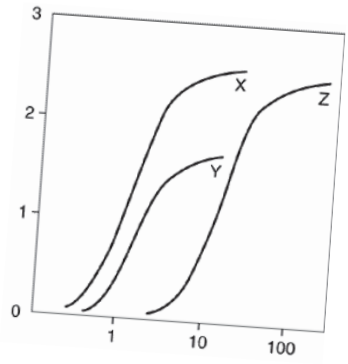
ATTACHMENT A



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February 18, 2021

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Mr. Andrew Graf

Subject: Comment Letter on Draft Environmental Impact Report (DEIR) for Barton Road Logistics Center, City of Colton, San Bernardino County, California - State Clearinghouse Number 2020029049

Dear Mr. Graf:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the 2021 City of Colton Draft Environmental Impact Report (DEIR) of the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The Project Applicant, EBS Realty Partners, proposes to redevelop the northerly 45.52 acres of a 54.82-acre site designated as Light Industrial within the Light Industrial (M-1) District in the City of Colton. The site is the former location of Stater Bros. Markets headquarters and warehousing/distribution campus and consists of six industrial buildings and one office building situated on 13 legal lots. The project site is currently developed with three buildings north of Barton Road and three buildings south of Barton Road. The site also contains a large vacant lot southeast of the intersection of South Terrace Avenue and Barton Road.

The 45.52-acre project site is part of a larger 54.82-acre site within the southwestern portion of the City of Colton, in San Bernardino County, California. The project site includes the following addresses: 21700 Barton Road, 275 De Berry Street, 280 De Berry Street, and 375 De Berry Street. The site borders the boundary of the City of Grand Terrace on the east, north, and northwest portions of the site. The project site is bisected by Barton Road, which is an east and west oriented roadway. North of Barton Road, the project site is bound by Walnut Avenue to the north, Barton Road to the south, a Southern California Edison (SCE) easement and vacant rail spur alignment to the east, and South Terrace Avenue to the west. South of Barton Road, the project site is bound by Barton Road to the north, the I-215 Freeway to the south, a SCE easement and vacant rail spur alignment to the east, and the BNSF Railway line to the west. Local access to the site is provided by Barton Road, which connects to the I-215 Freeway approximately 2,000 feet northeast of the site and intersects with South La Cadena Drive at its terminus to the west of the site.

The proposed project would include the demolition of four industrial buildings totaling 612,515 square feet and the existing 46,920-square-foot office building, as well as the construction of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics facilities. Building 1 would be 540,920 square feet with 336,662 square feet of non-asphalt paving and would occupy a 26.23- acre site north of Barton Road. Building 2 would be 419,920 square feet with 491,211 square feet of non-asphalt paving and would occupy a 17.62-acre site south of Barton Road. The existing building located at 280 De Berry Street would remain in place. Proposed improvements to this site would be limited to improvements to the entrance and drive aisle and relocation of the guard shack to allow for increased vehicle queueing on that site. No building improvements on this parcel are proposed.

No General Plan Amendment or zone changes are proposed or required. However, the proposed project would require a 10-foot height variance to allow for the development of structures higher than 40-feet, which is the current maximum allowable height for industrial buildings in the M-1 zone under the City's Municipal Code. The variance would allow for the construction of two industrial warehouse buildings each with a height of 50 feet.

General Comments:

The proposed project involves the introduction of is located in a heavily impacted portion of San Bernardino County, where the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD) have noted[1] that the project would expose nearby disadvantaged communities to elevated levels of air pollution. CARB noted that the census tract in which the project is located is within the top 5 percent for Pollution Burden according to the California Communities Environmental Health Screening Tool Version·3.0 (CalEnviroScreen) based on the existing toxic diesel particulate matter (DPM) emission sources, which include existing industrial uses and vehicular traffic along Interstate 215 (1-215) and Interstate 10 (1-10). The community is therefore considered a disadvantaged community. Increasing the number of DPM sources within the community via the construction of the project will increase the Pollution Burden on the community even more placing a greater health burden on the community. 25

SCAQMD[2] expressed concerns that siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. They cite that the SCAQMD's Multiple Air Toxics Exposure Study (MATES IV) concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions, and that the South Coast Air Basin portion of San Bernardino County has an estimated population-weighted average cancer risk at 339 in one million. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM, fine particulate matter ($PM_{2.5}$), nitrogen oxides (NOx), and greenhouse gases (GHGs). When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks. Thus, cumulative impacts from warehouse projects in communities with existing industrial sources should be evaluated and disclosed. 26

[1] CARB. 2020. Comment Letter From Richard Boyd, Chief of Risk Reduction Branch, Transportation and Toxics Division of the CARB to Mark Tomich, Director of Development Services, City of Colton. Dated March 16, 2020.

[2] SCAQMD. 2020. Comment Letter From Lijin Sun, Program Supervisor, CEQA IGT Planning, Rule Development and Area Sources, South Coast Air Quality Management District to Mark Tomich, , Director of Development Services, City of Colton. Dated March 10, 2020.

No cumulative impact analysis was performed for the sensitive receptors identified in the DEIR. The City should revised its analysis and present it in an R-DEIR to address the previously noted concerns from the air quality district. 26 CONT

Specific Comments:

1. **The Underlying Assumptions Regarding The Number of Vehicles Associated With Each Square Foot of Building Utilized In The Air Quality Analysis Is Not Supported By ITE Guidance On High Cube Warehouses. The Critical Value For Estimating Daily Trips From The Project (Weighted Average Daily Trip Per 1,000 Square Feet) Has A Low Level Of Correlation Between Building Gross Square Footage And Vehicle Trips.** 27

The City ignores the SCAQMD's recommendation to utilize an average daily vehicle trip rate per 1,000 square feet and an average daily truck trip rate per 1,000 square feet: "The Proposed Project will include, among others, construction of two warehouses totaling 960,040 square feet on 43.85 acres. South Coast AQMD staff recommends the use of truck trip rates from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in South Coast AQMD (i.e. 1.68 average daily vehicle trips per 1,000 square feet and 0.64 average daily truck trips per 1,000 square feet). Consistent with CEQA Guidelines, the Draft EIR for the Proposed Project may use a non-default trip rate if there is substantial evidence supporting another rate is more appropriate for the air quality analysis.[3]

The City's analysis cites the use of the 2016 study of High-Cube Warehouse Distribution Centers (HCWs) by the SCAQMD and Institute of Transportation Engineers (ITE) included an analysis of high-cube warehouses (HCW) as a reason for using a different daily trip rate. An HCW was defined as a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses.

[3] SCAQMD. 2020. Comment Letter From Lijin Sun, Program Supervisor, CEQA IGT Planning, Rule Development and Area Sources, South Coast Air Quality Management District to Mark Tomich, , Director of Development Services, City of Colton. Dated March 10, 2020.

In the 2016 SCAQMD study, a value of 1.432 daily vehicle trips per 1,000 GSF is calculated for Transload and Short-term Storage HCWs. The study further states that while the dataset for Transload and Short-term Storage HCWs is larger than those for Cold Storage HCWs, Fulfillment Center HCWs, and Parcel Hub HCWs, the relationship between building gross square footage and vehicle trips for Transload and Short-term HCWs *does not produce an acceptable level of correlation to develop a fitted curve equation (emphasis added)*. This suggests that the value used to justify the number of vehicle trips per day utilized by the City are not supportable and the higher rate of 1.68 daily vehicle trips per 1,000 GSF recommended by SCAQMD is more appropriate for this project. The City should re-evaluate the operational emissions based on the recommended SCAQMD rate in an R-DEIR.

27 CONT

2. **The Assumptions Used to Support That The Operational Emissions Show That The Levels Of NOx Are Below The SCAQMD Level of Significance Threshold Are Unsupported And Contrived.**

The City's cumulative analysis of the criteria pollutant emissions from the Project include assumptions that are designed to keep the project under the SCAQMD level of significance threshold. In Table 13, Operational Regional Pollutants, the oxides of nitrogen (NOx) cumulative emissions is calculated to be 54.95 lbs per day just under the SCAQMD Significance Threshold of 55 lbs per day. The vast majority of the emissions is attributed to trucks coming to and leaving the project site. A review of the CALEEMOD analyses of the trucks only impacts reveals that the limiting factor in the analysis is the vehicle miles traveled (VMT) per trip. In the City's analysis the VMT it set at 40 miles per trip "based on recommendations from the SCAQMD for warehouse-type projects." This statement is not supported with evidence that may be verified. Increasing the VMT by just 1 mile has a significant impact on the operational emissions from the site. When the VMT is increased from 40 to 41 miles the NOx emissions from mobile sources increase from 51.94 lbs per day to 52.786 lbs per day. The net impact would be to increase the cumulative NOx emissions from 54.95 lbs per day to 55.80 lbs per day, exceeding the SCAQMD Threshold of Significance for NOx.

28

Clear evidence that the use of the 40 mile VMT is not supported are the actual distances from the project site to major transport distribution hubs in the South Coast Air Basin. The distance from the

site to the Port of Los Angeles (a major center of inbound shipping containers) is approximately 70 miles. The distance to BNSF Intermodal Site in Los Angeles is approximately 60 miles from the site. Trucks starting at either of these hubs would clearly exceed the assumed value of 40 miles used in the Air Quality Analysis. 28 CONT

The City must re-evaluate the operational emissions of the project and include verifiable and support distances in a revised Draft Environment Impact Report (R-DEIR).

3. **The City's Analysis Of On-Site Emissions Fails To Include Accurate Distances Traveled For On-Site Transit, Significantly Underestimating Impact Of On-Site Transit.**

The City's cumulative analysis of the criteria pollutant emissions from the Project for on-site transit uses a value of 0.1 miles (default assumption). The actual distance around Building 1 is approximately 0.7 miles. The distance around Building 2 is approximately 0.6 miles. The averaged distance around the site would be 0.65 miles or 6.5 times greater than assumed by the City. The City must evaluate this error in the calculated operational emissions for the project. This evaluation should be included in an R-DEIR. 29

4. **The Construction Emission Estimates From The Project Inaccurately Assess The Impacts Of PM10 and PM2.5 From Demolition Of The Existing Structures.**

In the CALEEMOD analysis of construction emissions, the City utilizes a hauling trip length of 20 miles (default value) for the removal of demolition materials from the Site. Asbestos Containing Materials (ACM) are documented in the building materials at the project site in Section 3.7.6 of the DIER. In California, 5 landfills are capable of receiving ACM. Those landfills include Antelope Valley Landfill (Los Angeles County), Bishop Landfill (Inyo County), Lassen County/Bass Hill Landfill (Lassen County), Ridgecrest-Inyo Kern Landfill, (Kern County), and Azuza Land Reclamation (Azuza, CA). The closest landfill is in Azuza, approximately 40 miles away from the project site is twice as far as assumed in the CALEEMOD analysis. Given that the model assumes 11,934 hauling trips, underestimating the haul trip length will have a significant impact on the project emissions. The City must correct this error in the construction emission modeling and resubmit as a 30

R-DEIR.

5. The City Fails To Quantify The Impact That The Cold Storage Warehouse Alternative Will Have On Air Quality Impacts From The Proposed Project In The Alternative Project Analysis.

30 CONT

The DEIR's assessment of alternative projects uses a qualitative method and does not quantify the impacts of each of the alternatives. The summary of the air quality impacts for the alternative focuses on the increased number of vehicle trips per day rather than increase in total emissions based on the types of emission sources onsite. A clear and accurate analysis of the impacts would include not just the emissions from refrigeration units on site, but would also include diesel particulate matter emissions from transportation refrigeration units (TRUs) installed on insulated cargo vans, rail cars and shipping containers used in transporting fresh produce, meat, dairy products, beverages, film, prescription drugs, and other temperature sensitive goods. In addition to the health impacts from exposure to DPM that must be assessed in the analysis, the impacts on greenhouse gas (GHG) emissions must be included in the analysis.

6. The City Has Failed To Quantify All Of The Health Impacts From Emissions From The Project On The Surrounding Community.

The DEIR states that the Project would not result in any substantial emission of TACs during the construction or operational phases without any quantification of the known releases that will occur on site. CARB[4] defines diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

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[4] CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

The City attempts to argue that it is not required to analyze the health risk from operational exposure to TAC emissions. However, there is notable precedent requiring a quantitative analysis of TACs from diesel exhaust in DEIRs. Moreover, the absence of this analysis renders the DEIR's health risk analysis incomplete. In a 2017 Air Quality Technical Report[5] submitted in support of a Draft EIR for the Turk Island Landfill Consolidation and Residential Subdivision[6], proponents accounted for the gaseous phase of diesel emission and detailed the speciated diesel total organic gas (TOG) emissions along with the DPM emissions for all construction equipment. The speciated diesel TOG emissions and DPM emissions were utilized in dispersion modeling to identify the maximally exposed individual sensitive receptor (MEISR) of the project to determine the health risks associated with all sources of air toxins from the construction phase of the project.

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CONT

Here, the City's analysis ignores the presence of TACs being emitted with diesel exhaust during the construction and operational phases of the project without making any attempt to quantify the impacts. This omission is a continuing flaw that must be addressed by the City. The results should then be presented in a recirculated DEIR.

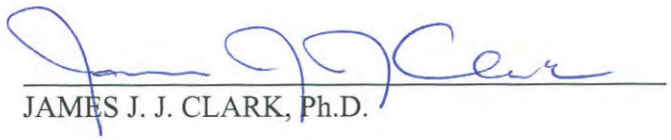
[5] Ramboll Environ. 2017. Air Quality Technical Report Turk Island Landfill Consolidation And Residential Subdivision Project. Prepared For City of Union City, Union City, CA. Prepared by Ramboll Envion US Corporation, San Francisco, CA August, 2017. https://www.unioncity.org/DocumentCenter/View/1867/Turk-Island---App-D---AQ-Emissions-Report?bidId=

[6] Union City. 2018. Draft Environmental Impact Report (DEIR) Turk Island Landfill Consolidation And Residential Subdivision Project. SCH Number 20008112107. Dated 3/15/2018. https://www.unioncity.org/DocumentCenter/View/1863/Turk-Island-DEIR?bidId=

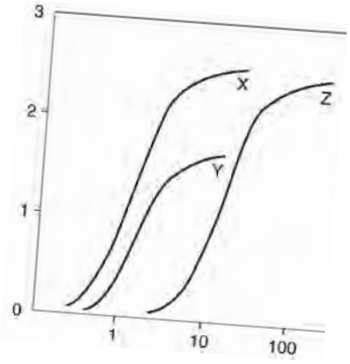
Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the conditions of approval are not binding. 32

Sincerely,



JAMES J. J. CLARK, Ph.D.



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well-recognized toxicologist, air modeler, and health scientist. He has 30 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling, RESRAD, GENII); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client(s) - Confidential

Dr. Clark performed a historical dose reconstruction for community members from an active 700 acre petroleum refinery in Los Angeles. The analysis included a multi-year dispersion model was performed in general accordance with the methods outlined by the U.S. EPA and the SCAQMD for assessing the health impacts in Torrance, California. The results of the analysis are being used as the basis for injunctive relief for the communities surrounding the refinery.

Client(s) – Multiple

Indoor Air Evaluations, California: Performed multiple indoor air screening evaluations and risk characterizations consistent with California Environmental Protection Agency's (Cal/EPA) Department of Toxic Substances Control (DTSC) and Regional Water Quality Control Board (RWQCB) methodologies. Characterizations included the use of DTSC's

modified Johnson & Ettinger Model and USEPA models, as well as the attenuation factor model currently advocated by Cal/EPA's Office of Environmental Health and Hazard Assessment (OEHHA).

Client – Adams, Broadwell, Joseph Cardozo, P.C.

Dr. Clark has performed numerous air quality analyses and risk assessments of criteria pollutants, air toxins, and particulate matter emissions for sites undergoing evaluation via the California Environmental Quality Act (CEQA) process. The analyses include the evaluation of Initial Study (IS) and Environmental Impacts Reports (EIR) for each project to determine the significance of air quality, green house gas (GHG), and hazardous waste components of the projects. The analyses were compiled as comment letters for submittal to oversight agencies.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model were used to estimate acute and chronic exposure concentrations to multiple contaminants and were be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

PUBLIC HEALTH/TOXICOLOGY

Client: Confidential

Dr. Clark performed a historical dose reconstruction for community members from radiologically impacted material (RIM) releases from an adjacent landfill. The analysis was performed in general accordance with the methods outlined by the Agency for Toxic Substances Control (ATSDR) for assessing radiation doses from historical source areas in North St. Louis County, Missouri.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark managed the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa

Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark assisted the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential

Dr. Clark performed a historical dose reconstruction for community members exposed to radioactive waste released into the environment from legacy storage facilities. The releases resulted in impacts to soils, sediments, surface waters, and groundwater in the vicinity of the sites. The analysis was performed in general accordance with the methods outlined by the Agency for Toxic Substances Control (ATSDR) for assessing radiation doses from historical source areas in the community.

Client: Confidential

Dr. Clark performed a dose assessment of an individual occupationally exposed to metals and silica from fly ash who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding his exposure and later development of cancer.

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to hexavalent chromium who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding her exposure and later development of cancer.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment.* Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment.* Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equialency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, Volume 70 (2008) page 002254.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. Organohalogen Compounds, Volume 70 (2008) page 000527

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research.* 105:194-199.

Rosenfeld, P.E., **Clark, J. J.,** Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" Water Science & Technology. 55(5): 345-357.

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants –

DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.

Clark, J.J.J. 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophnoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.

Clark, J.J.J., Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.

Clark, J.J.J. 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Clark, J.J.J., Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.

Clark J.J.J., Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.

Clark, J.J.J.; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. Toxicologist. 30(1):14.

Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. Toxicologist. 30(1):117-118.

Paulo, M.T.; Gong, H., Jr.; **Clark, J.J.J.** (1992). Effects of Pretreatment with Ipratroprium Bromide in COPD Patients Exposed to Ozone. American Review of Respiratory Disease. 145(4):A96.

Harber, P.H.; Gong, H., Jr.; Lachenbruch, A.; **Clark, J.**; Hsu, P. (1992). Respiratory Pattern Effect of Acute Sulfur Dioxide Exposure in Asthmatics. American Review of Respiratory Disease. 145(4):A88.

McManus, M.S.; Gong, H., Jr.; Clements, P.; **Clark, J.J.J.** (1991). Respiratory Response of Patients With Interstitial Lung Disease To Inhaled Ozone. American Review of Respiratory Disease. 143(4):A91.

Gong, H., Jr.; Simmons, M.S.; McManus, M.S.; Tashkin, D.P.; Clark, V.A.; Detels, R.; **Clark, J.J.** (1990). Relationship Between Responses to Chronic Oxidant and Acute Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

Tierney, D.F. and **J.J.J. Clark.** (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. American Review of Respiratory Disease. 139(4):A41.

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Adams Broadwell Joseph & Cardozo (ABJC-3)

Response to ABJC-3-1
The City of Colton responded to the request for records on January 21, 2021, and February 11, 2021. Additional documents requested by the commenter were made available on March 2, 2021 (Refer to Response to Comment ABJC-2-1). The request for records does not raise any environmental issues and is outside the purview of CEQA. No further analysis is warranted.

Response to ABJC-3-2
The commenter summarizes specific comments included further in this letter. Please refer to Response to Comment ABJC-3-5 through 3-32 below.

Response to ABJC-3-3
This comment consists of introductory information and summarizes the commenter's concerns about potential impacts resulting from the project. The concerns pertaining to environmental impacts are addressed in the following responses. Economic and business-related concerns raised in this comment do not raise any associated environmental issues and are therefore not within the purview of CEQA. This comment will be provided to the City decision-makers for their review and consideration of the project as a whole.

Response to ABJC-3-4
The commenter summarizes or quotes from various sections of the State CEQA Guidelines and California case law. This summary does not raise any environmental issues related to the proposed project and no further response is required.

Response to ABJC-3-5
Please refer to Response to Comment ABJC-3-8 regarding the Draft EIR's discussion of Historically Burdened Communities surrounding the proposed project. As discussed in the Draft EIR Air Quality section and noted in Table 3.2-12, the health risks and hazard index for project operations would be below the South Coast AQMD's thresholds of significance.

Furthermore, as discussed in Response to Comment ABJC-3-8, the Friant Ranch Case found that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the Brief of Amicus Curiae by the South Coast AQMD in the Friant Ranch case (Brief), the South Coast AQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes. The South Coast AQMD notes that it may be infeasible to quantify health risks caused by projects similar to the proposed project, due to various factors. The Brief states that it may not be feasible to perform an HRA for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s)). Even where an HRA can be prepared, the resulting maximum health risk value is only a calculation of risk; it does not necessarily mean anyone will contract cancer as a result of the project. Similarly, South Coast AQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NO_X or volatile organic compound (VOC) emissions from relatively small projects, due to photochemistry and regional model limitations. The Brief concludes, with respect to the Friant

Ranch EIR, that although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful.

Economic and business-related concerns raised in this comment do not raise any associated environmental issues and are therefore not within the purview of CEQA. This comment will be provided to the City decision-makers for their review and consideration of the project as a whole.

Response to ABJC-3-6

The commenter states, "the DEIR simply assumes that post-Project water use would remain the same as pre-Project conditions because 'the project would redevelop the existing uses on-site with similar uses.'" However, the commenter quoted the section of the Draft EIR that analyzed whether the proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (Section 7.2.7, Effects Found not to be Significant – Hydrology and Water Quality, Question b, page 7-11). Therefore, the impacts on groundwater management of the basin were found to be less than significant. An analysis of the project-related *water use* is provided in Section 13, Utilities and Service Systems.

As discussed on page 3.13-11 of the Draft EIR, the proposed project's water demand was conservatively estimated to be 64,803 gallons per day (GPD), which corresponds to 23,653,095 gallons per year, or 72.6 acre-feet annually.[14] As discussed on Page 3-13-13 of the Draft EIR, the water demand estimate that was provided in the Draft EIR was a conservative estimate, as it assumed that the existing structures and active uses on-site generate no water demand. A Water Supply Assessment (WSA) was prepared for the proposed project and approved on [date of approval] 2021, to clarify the project's estimated water demand (See Appendix N of this document). The WSA, which provides an estimate of the project's water demand, as did the Draft EIR, determined that the proposed project would generate an average daily water demand of just 14,413 gpd, or 16.1 acre-feet per year. This represents a much lower water demand than the conservative estimate provided in the Draft EIR.

The Draft EIR conservatively estimated that the total projected water demand for the proposed project would be approximately 0.006 percent of the City's remaining water capacity, which was determined to be a nominal amount of the City's remaining water supply capacity. A WSA was prepared for the proposed project and approved on [date of approval], 2021, to clarify the project's estimated water demand (See Appendix N of this document). The WSA is based, in part, on the City's 2016 Water Master Plan and information from the 2020 Integrated Regional Urban Water Management Plan for the Upper Santa Ana River Watershed. The WSA, which provides an estimate of the project's water demand than the Draft EIR, determined that the proposed project would result in a net increase of 300,605 square feet of building space, when compared to existing conditions, and that the net increase represents the additional water demand to the City of Colton water supply. The WSA determined that the proposed project would generate an average daily water demand for the entire project of just 14,413 gpd, or 16.1 acre-feet per year. However, because the project includes removal of 659,435 existing square feet of buildings space that have previously been served by the City of Colton, after subtracting the water demands for the existing buildings to be

[14] Water consumption rate: 67.5 GPD/1,000 square feet. 960,040 square feet * 67.5 GPD/1,000 square feet=64,803 GPD.

demolished, the net increase in the water demands to the City of Colton water system is 4,521 gpd or 5.1 acre-feet per year. The water demand identified in the WSA for the entire project and for the new increase represents a much lower water demand than the conservative estimate provided in the Draft EIR. Based on the project-specific water demand identified in the WSA, the proposed project's demand would be lower than what was previously analyzed in the Draft EIR. Although the proposed project will result in a small incremental increase in the overall water supply demand, the increase in the demand is included in the City of Colton's planning documents. Therefore, based on the entire administrative record, the proposed project's water demand would be a nominal amount of the City's remaining water supply capacity. The City of Colton Public Utilities Department has confirmed that with existing commitments, there is sufficient water supply to meet the demands of the proposed project, a copy of the will serve letter can be found in Appendix K.[15]

Because the analysis in the Draft EIR regarding water usage was based on conservative estimate assuming a current net-zero water use at the project site, and because the WSA provides additional clarifying details that demonstrate a lower demand, the administrative record provides sufficient information for the public and decision-makers to evaluate whether the proposed project's water use would have a significant impact on groundwater resources and public utilities. The commenter's assertion that the Draft EIR methodology is flawed does not provide specific details and is not based upon substantial evidence. As discussed in this response, the commenter incorrectly states that the pre-project water use is the same as with the development of the project.

Furthermore, the commenter claims that because the water supply originates from groundwater resources, the analysis of groundwater recharge is inadequate. However, in its estimate of water use, the WSA for the proposed project considered actual and projected groundwater supplies and accounted for the fact that the City of Colton gets 100 percent of its potable water supply from groundwater (See Appendix N of this document). Furthermore, the WSA determined that the City's water supply would continue to meet the City's demands, and that there are no water supply shortages anticipated for the three groundwater basins that the City relies upon. The City's 2040 projected demand before the proposed project is approximately 10,941 acre-feet per year (AFY). With the 16.1 AFY demand for the project, the water supply balance is conservatively calculated at 1,804 AFY. Therefore, based on the future demand and system supply projection, the City's projected supply will continue to meet demands for the City in the single and multiple dry year scenarios.

As explained in the WSA, if the City, along with the other users of the three groundwater basins, exceeds the safe yield for groundwater pumping, additional imported water can be purchased for replenishment purposes allowing the City to continue to meet its supply needs solely through groundwater. Therefore, the proposed project would not impede sustainable groundwater management. The analysis and conclusions of the Draft EIR remain unchanged with the additional information available in the WSA.

With the preparation of the WSA, the following information has been added to the Errata for purposes of clarification and to provide additional information. All additions to the text are underlined (<u>underlined</u>) and all deletions from the text are stricken (~~stricken~~).

[15] Soto, Jess, PE. Utilities Engineer, Colton Public Utilities. Personal communication: letter. January 15, 2019.

Section 3.13–Utilities and Service Systems

Page 3.13-7, Second Paragraph

The following paragraph has been edited to clarify that the completion of a WSA is necessary for the proposed project. The WSA has been included in Appendix N of the Final EIR.

> *California Senate Bills 610 and 221*
>
> Senate Bill (SB) 610 and SB 221 (Water Code § 10910(c)(2)) amended State law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 seek to promote more collaborative planning between local water suppliers and cities and counties by requiring that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a Water Supply Assessment (WSA), which is then included in the administrative record that serves as the evidentiary basis for an approval action by a city or county. SB 221 is narrower in application than SB 610, applying to a residential "subdivision," as defined as Government Code Section 66473.7(a)(1)). SB 221 requires verification of an adequate water supply for certain large residential subdivisions before recordation of a final subdivision map. ~~and The proposed project does not meet the size requirements for application of SB 610 or the definition of residential subdivision requiring compliance with SB 221.~~ Pursuant to the regulatory requirements outlined above, the administrative record includes the completion of a WSA. The WSA was prepared on July 13, 2021, and is included in Appendix N of the Final EIR.

Page 3.13-11 Water or Wastewater Treatment Facilities

The following analysis of the proposed project's water demand is updated with the following revisions based on the WSA that was prepared for the proposed project on July 13, 2021.

Water or Wastewater Treatment Facilities

Impact USS-1: The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Impact Analysis

Water

The proposed project would involve the construction of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics buildings totaling 960,040 square feet. According to the Water Supply Assessment (WSA) prepared for the proposed project on July 13, 2021, ~~The~~ the proposed project~~'s water demand is estimated to be 64,803 gallons per day (GPD), which corresponds to 23,653,095 gallons per year, or 72.6 acre-feet annually.~~ would generate an average daily water demand of 14,413 gallons per day (GPD), or 16.1 acre-feet per year. The total projected water demand for the proposed project would be ~~approximately~~ less than 0.006 percent of the City's remaining water capacity.

Page 3.13-11 Water Supplies

The following analysis of the proposed project's water demand is updated with the following revisions based on the WSA that was prepared for the proposed project on July 13, 2021.

Impact Analysis

As described above under Impact USS-1, the proposed project would have an estimated water demand of ~~64,803~~ 14,413 GPD. As shown in Table 3.13-4, the City of Colton would be able to meet the project water demand and have sufficient water supplies during normal, dry, and multiple dry years. The 2015 UWMP indicates that the City of Colton would have up to 14,853 acre-feet per year (AFY) of water supply available for the service area in 2040, which would leave excess capacity of 45 acre-feet. ~~Conservatively assuming the existing structures and active uses on-site generate a net zero use, the~~ The proposed project's estimated water demand would result in ~~an~~ a net increase of ~~23,653,095~~ 1,650,192 gallons in a year, which is ~~72.6~~ 5.1 acre-feet per year. As a result, the proposed project's new water demand is a nominal amount of the City's remaining water supply capacity. Furthermore, the City of Colton would initiate a water shortage contingency plan that would go into effect during drought conditions and would prohibit certain water uses depending on the severity of the drought.

The WSA is part of the administrative record and is incorporated in the Final EIR. The information contained within the WSA clarifies and expands on information in the Draft EIR and does not identify any new or more significant environmental impacts or constitute "significant new information" requiring recirculation of the Draft EIR. The Draft EIR provided a comprehensive analysis of potential impacts of the project and alternatives with. The modifications that have been made to the EIR to reflect information in the WSA include minor changes. The significance of impacts disclosed in the Draft EIR would not change.

Response to ABJC-3-7

The commenter summarizes or quotes from various sections of the State CEQA Guidelines and California case law. This summary does not raise any environmental issues related to the proposed project and no further response is required.

Response to ABJC-3-8

The South Coast AQMD sets pollutant thresholds at which health risks occur. For pollutants without defined significance standards or air contaminants not covered by the standard criteria cited in the Draft EIR, the definition of substantial pollutant concentrations varies. For example, "substantial" TACs is taken to mean that the individual cancer risk exceeds a threshold considered a prudent risk management level. The South Coast AQMD has established the following project-specific health risk significance thresholds:

- Maximum Incremental Cancer Risk: >=10 in 1 million.
- Hazard Index (project increment) >=1.0.

A significant impact would occur if a project's impacts exceeded any of these thresholds. The Environmental Setting and Tables 3.2-1 and -2 contained in Section 3.2, Air Quality, describe the health impacts of criteria air pollutants. Tables 3.2-1 and 3.2-2, disclose the types of criteria air

pollutants that the nearby communities could experience, the sources of the pollutants, and the health effects on people. For example, suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings that is caused by activities such as construction and demolition that can cause lung and throat irritation in the short-term and reduced lung function in the long term. Additionally, under Section AIR-3, the analysis describes how exposure to TACs can also result in both short-term (acute) or long-term (chronic) non-cancer health impacts. For example, the analysis states "Such impacts could include illnesses related to reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system, birth defects, or other adverse environmental effects." The analysis evaluates DPM emissions and determined that project construction, the peak emission period, would not exceed the cancer risk significance threshold or non-cancer hazard index significance threshold at the Maximally Impacted Sensitive Receptor (MIR). As noted in Table 3.2-12, the health risks and hazard index for project operations are below the South Coast AQMD's thresholds of significance.

In the 5th District Court of Appeal case *Sierra Club v. County of Fresno* (Friant Ranch, LP) (also referred to as "Friant Ranch") the Court found the project EIR deficient because it did not identify specific health-related effects resulting from the estimated amount of pollutants generated by the project (See Response to Comment ABJC-3-5). The ruling stated that the EIR should give a "sense of the nature and magnitude of the 'health and safety problems' caused by a project's air pollution. The EIR should translate the emission numbers into adverse impacts or to understand why such translation is not possible at this time (and what limited translation is, in fact, possible)."

The California Supreme Court held that when an EIR concludes that a project would have significant impacts to air quality, an EIR should "make a reasonable effort to substantively connect a project's air quality impacts to likely health consequences." In order to determine compliance with this Case, the Court developed a multi-part test that includes the following:

1. The air quality discussion shall describe the specific health risks created from each criteria pollutant, including DPM.

The Draft EIR, in Section 2.3, Air Quality, Environmental Setting, Air Pollutants, details the specific health risks created from each criteria pollutant. As such, this analysis meets the Part 1 of the Friant Ranch case test.

2. The analysis shall identify the magnitude of the health risks created from the project. Page 24 of the Ruling states, "[t]he Court of Appeal identified several ways in which the EIR could have framed the analysis so as to adequately inform the public and decision-makers of possible adverse health effects."

The Friant Ranch Case found that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. As noted in the Brief of Amicus Curiae by the South Coast AQMD in the Friant Ranch case (Brief), the South Coast AQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts

in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes. The South Coast AQMD notes that it may be infeasible to quantify health risks caused by projects similar to the proposed project, due to various factors. The Brief states that it may not be feasible to perform an HRA for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s)). Even where an HRA can be prepared, the resulting maximum health risk value is only a calculation of risk; it does not necessarily mean anyone will contract cancer as a result of the project. Similarly, South Coast AQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NO_X or VOC emissions from relatively small projects, due to photochemistry and regional model limitations. The Brief concludes, with respect to the Friant Ranch EIR, that although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful.

The South Coast AQMD determines project impacts by the estimated emissions generated by the proposed project and not necessarily by square footage. Projects under the South Coast AQMD threshold of 6,620 pounds per day of NO_X or 89,190 pounds per day of VOC emissions are not considered large regional projects. For extremely large regional projects (unlike the proposed project), the South Coast AQMD states that it has been able to correlate potential health outcomes for very large emissions sources; as part of their rulemaking activity, the South Coast AQMD specifically identifies that 6,620 pounds per day of NO_X and 89,180 pounds per day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to ozone.

As shown in the Draft EIR Table 3.2-6, project-related construction activities would generate a maximum of 49.0 pounds per day of VOC and 60.8 pounds per day of NO_X with MM AIR-1 incorporated; and, as shown in Section 3.2, Air Quality, Table 3.2-7, operation of the proposed project is estimated to generate 22.04 pounds per day of VOC and 54.95 pounds per day NO_X. The proposed project would not, therefore, generate emissions anywhere near the 6,620 pounds per day of NO_X or 89,190 pounds per day of VOC emissions that South Coast AQMD identifies in their rulemaking that would trigger the need to conduct regional modeling to correlate health effects on a basin-wide level.

Notwithstanding, the analysis in the Draft EIR does evaluate the proposed project's localized impact to air quality for emissions of NO_X, CO, PM_{10}, and $PM_{2.5}$, by comparing the proposed project's on-site emissions to the South Coast AQMD's applicable LST thresholds. As evaluated in the Draft EIR, the proposed project would not result in emissions that would exceed the South Coast AQMD's LSTs during either the operational period. As shown in Table 3.2-8, the proposed project's unmitigated maximum daily on-site emissions would not exceed the applicable South Coast AQMD LSTs for NO_X or CO and localized construction impacts related to these air pollutants would be less than significant. However, the proposed project's maximum daily on-site emissions would exceed the applicable South Coast AQMD LSTs for PM_{10} and $PM_{2.5}$. As discussed in Section 3.2-Air Quality, the LSTs are screening criteria developed by the South Coast AQMD to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in a potentially significant air quality impact. If a project exceeds an applicable LST, then the South Coast AQMD recommends that project-specific air quality modeling be performed to determine localized

impacts on sensitive receptors. To determine localized impacts related to construction-generated PM_{10} and $PM_{2.5}$, a project-specific construction HRA was performed. Localized impacts from the project's generation of PM during construction on sensitive receptors were evaluated by performing a project-specific construction HRA that was included as part of the Draft EIR. As explained in the Draft EIR, the principal TAC emission analyzed in the HRA prepared for the proposed project was DPM from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction and operation. DPM represented as exhaust PM_{10} adequately addresses impacts from PM_{10} and $PM_{2.5}$ emissions, as $PM_{2.5}$ comprises a component of PM_{10}. Fugitive dust components of PM_{10} and $PM_{2.5}$ would be controlled through the implementation of required dust control practices during project construction. As detailed in the Draft EIR, the HRA demonstrated that estimated health risks from project's DPM emissions would not exceed any applicable health risk threshold. Therefore, the proposed project would not be expected to exceed the most stringent applicable federal or State ambient air quality standards for emissions of NO_X, CO, PM_{10}, or $PM_{2.5}$. Accordingly, the analysis provided in the Draft EIR and administrative record for this project is accurate, complete, and provides sufficient information and analysis to facilitate informed decision-making. The commenter provides no substantial evidence concerning why the Draft EIR impacts analysis is improper.

Response to ABJC-3-9

As described in the Project Description, the proposed project would develop buildings as speculative ambient temperature dry warehouse facilities and would not include cold storage or result in the use of TRUs. TRUs require specific infrastructure that is not included in the project. Therefore, potential impacts associated with the use of TRUs are not applicable to the proposed project. The alternative that evaluates a cold storage warehouse is contained in Chapter 5, Alternatives to the Proposed Project, as Alternative 2. As described in Chapter 5, the Cold Storage Alternative would likely result in greater energy use and additional sources of TACs as compared to the proposed project and increased air quality impacts. Furthermore, if the project applicant intends to pursue cold storage uses in the future, the applicant will be required to undertake an additional CEQA analysis, as a condition of approval. Accordingly, analysis of the potential effects associated with operation of TRUs has already been included in Chapter 5, Alternatives. Additionally, the Errata has been updated to include Air Quality impacts due to additional sources of TACs under Alternative 2. The updates to the Errata include the following (edits are in ~~strikethrough~~ and underline):

Section 5: Alternatives to the Proposed Project

Page 5-10

5.4-Alternative 2—Cold Storage Alternative

Similar to the proposed project, under Alternative 2, the existing buildings would be demolished, and two new state-of-the-art warehouse buildings would be developed on the project site. The buildings would include one 480,020-square-foot high-cube dry goods transload and short-term storage warehouse and one 480,020-square-foot high-cube cold storage warehouse. High-cube cold storage warehouses are used for storage or consolidation of manufactured goods prior to distribution and are characterized by permanent temperature-controlled environments in at least part of the building for perishable foods and products. Energy use would likely increase compared to the proposed project due to the increased energy demands required to support a cold storage

warehouse. For the purposes of the traffic analyses, high-cube warehouse cold storage facilities have separate trip generation rates based on the land use and therefore have the potential to reduce traffic impacts as compared to other land uses. Similar to the proposed project, the new buildings would require a height variance. Additionally, the Cold Storage Alternative would result in the use of Transport Refrigeration Units (TRUs).

Page 5-11, Paragraph 3

Air Quality

Construction emissions would be similar to the proposed project because the construction for Alternative 2 would be similar to the proposed project. Additionally, volatile organic compounds (VOC) emissions would be similar because similar to the proposed project, two new warehouses would be constructed. Because VOC emissions result from painting and architectural coatings, mitigation would still be required for Alternative 3 since architectural coatings would be applied to the buildings. Additionally, because Alternative 2 would generate 1,696 actual vehicle trips per day, as compared to the proposed project, which would generate 1,348 actual vehicle trips per day, this alternative would increase air quality emissions. Therefore, compared with the proposed project, air quality emissions would be greater under the Alternative 2. This increase would be largely due to mobile emissions generated by an increased number of vehicle trips associated with passenger cars and truck trips as determined by the Traffic Impact Analysis (TIA), as well as the use of TRUs, which is an additional source of TACs. Additionally, Alternative 2 would not minimize VMT and impacts would be similar to the proposed project, and therefore would not meet the project objectives related to air quality.

Page 5-16

Transportation

Under the proposed project, baseline project VMT per employee was found to exceed the City of Colton baseline VMT per employee threshold by about 25 percent. There would be significant and unavoidable cumulative impact related to VMT, and no feasible mitigation measures are available.

The proposed project is anticipated to generate 1,348 actual vehicle trips per day, with 81 AM peak-hour trips and 99 PM peak-hour trips. Under Alternative 2, the project would generate 1,696 actual vehicle trips per day, with 99 AM peak-hour trips and 115 PM peak-hour trips. Therefore, Alternative 2 would result in an increased trip generation. This alternative would fail to reduce the impacts of the proposed project. Additionally, the Cold Storage Alternative would result in the use of Transport Refrigeration Units (TRUs) that would generate emissions that would be greater than the proposed project because the proposed project would not include the use of TRUs. Similar to the proposed project, impacts would be significant and unavoidable; however, the level of impacts would be greater under Alternative 2.

Response to ABJC-3-10

Impact AIR-3 in the Draft EIR discusses project construction and operational impacts related to health risks from exposure to TAC emissions. As described in the Methodology of Section 3.2, Air Quality, the South Coast AQMD has established project-specific health risk significance thresholds

that lead agencies can use in assessing a project's health risk impacts. The following South Coast AQMD thresholds are used by the City for this analysis:

- Maximum Incremental Cancer Risk: >=10 in 1 million.
- Hazard Index (project increment) >=1.0.

A significant impact would occur if a project's construction or operational impacts exceeded any of these thresholds.

The South Coast AQMD has also published guidance on how to address cumulative impacts from air pollution. In the report, the South Coast AQMD clearly states:

> ". . . the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts."

Projects that exceed the project-specific significance thresholds are considered by the South Coast AQMD to be cumulatively considerable.

The Draft EIR states that the principal TAC emission analyzed in this assessment was DPM from operation of off-road equipment and diesel-powered delivery and worker vehicles during construction and operation. DPM has been identified by the ARB as a carcinogenic substance. For purposes of this analysis, DPM is represented as exhaust emissions of PM_{10}. The main source of DPM from the long-term operations of logistical centers is from combustion of diesel fuel in diesel-powered engines in on-road delivery trucks. Motor vehicle emissions refer to DPM exhaust emissions from the motor vehicle traffic that would travel to and from the project site each day. The Draft EIR did not analyze the impact of other TACs, such as benzene and chromium, because these types of TACs would not be emitted by the project during construction or operation. Benzene is primarily emitted during the combustion of gasoline and during re-fueling at gas stations. Land uses such as gas stations would not be included in the project and no re-fueling of vehicles would occur on-site, as such, benzene would not be emitted by the project at anywhere near levels to warrant an analysis.[16] Chromium is primarily emitted into the atmosphere through heavy metal combustion typically involved in metal industries, such as steel production. The proposed project would not include metal production or metal combustion and as such, would not result in the emission of chromium.[17]

[16] United States Environmental Protection Agency (EPA). 2018. Website: https://emergency.cdc.gov/agent/benzene/basics/facts.asp. Accessed: July 16, 2021.

[17] Center for Disease Control and Prevention (CDC). Agency for Toxic Substances and Disease Registry. 2013. Website: https://www.atsdr.cdc.gov/csem/chromium/where_is_chromium_found.html. Accessed July 16, 2021.

As shown in Table 3.2-12, the proposed project would result in a cancer risk of 7.3 and a chronic non-cancer hazard index of 0.009, both of which are under the South Coast AQMD thresholds of 10 and 1 respectively. Furthermore, the Draft EIR analyzes the other TACs that the commenter notes. As described in the Methodology of Section 3.2, Air Quality, the South Coast AQMD has defined LSTs for project areas up to 5 acres in size. Specifically, Table 3.2-4 shows the LSTs for NO_2, CO, PM_{10}, and $PM_{2.5}$ for both construction and operational activities for sensitive receptors being 25 meters away. If a project exceeds an applicable LST, then the South Coast AQMD recommends that project-specific air quality modeling be performed. According to the Draft EIR, the proposed project would not exceed the South Coast AQMD's regional thresholds of significance during construction or operation of the project after implementation of MM AIR-1. Therefore, the proposed project would not exceed regional thresholds and would be consistent with the Air Quality Management Plan (AQMP) after incorporation of mitigation.

Finally, the proposed project would not include heavy industrial uses, such as oil refinery or steel production, that would typically result in the significant generation of other TACs besides DPM. Furthermore, the proposed project would not engage in gasoline dispensing activities that would warrant inclusion of benzene in the HRA. As such, the HRA included in the Draft EIR adequately addresses TACs of concern for the proposed project. As previously discussed, projects that exceed the project-specific significance thresholds are considered by the South Coast AQMD to be cumulatively considerable (see Response to Comment CJUSD-1 for previous discussion). Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. For this reason, project-specific and cumulative significance thresholds are the same. The commenter provides no substantial evidence that these other TACs create a significant unavoidable impact.

Response to ABJC-3-11
See Response to Comment ABJC-3-6 for the proposed project's groundwater impacts.

Construction impacts are estimated to create a total demand of 2.2–2.4 million gallons of water. Demolition and grading would create the largest demands for water, estimated at 1.9–2.1 million gallons of water. During construction, water will be from a water tower, which is typically a water truck suspended on its end. Water supplied to the water tower will be sourced from the City's water supply. The water tower would source water from a nearby fire hydrant and would get a water meter and pay for the water that was used for construction. Additionally, as a condition of approval, the applicant shall enter into an access agreement with EVMWD prior to commencement of grading on the Building 2 site south of Barton Road. The commenter provides no substantial evidence that the proposed project's groundwater impacts are significant.

Response to ABJC-3-12
The City has determined that the proposed project must include the preparation of a WSA. The Errata contains the revisions made to the Draft EIR based on the approved WSA (See Response to Comment ABJC-3-6 for a complete list of the changes). The proposed project would include the demolition of four industrial buildings totaling 612,515 square feet, as well as a 46,920-square-foot office building. These existing structures would be replaced with two new state-of-the-art speculative concrete tilt-up industrial warehouse logistics facilities s: Building 1 would be 540,920

square feet with 336,662 square feet of non-asphalt paving. Building 2 would be 419,120 square feet with 491,211 square feet of non-asphalt paving. The proposed project thus results in a net increase of 300,605 square feet of building space when compared to existing conditions.

According to Water Code Section 10912(a), preparation of a WSA would be required for the project if any of the following requirements are met:

(a) "Project" means any of the following:
  (1) A proposed residential development of more than 500 dwelling units.
  (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
  (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
  (4) A proposed hotel or motel, or both, having more than 500 rooms.
  (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
  (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
  (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Although the project site was previously developed, because the proposed project would occupy more than 40 acres of land; the proposed project would include the preparation of a WSA. The proposed project would result in a net increase of 300,605 square feet of building space, or 6.9 acres when compared to existing conditions, which represents the additional water demand to the City of Colton water supply. A WSA was prepared on July 13, 2021, and is part of the administrative record. The information contained within the WSA clarifies and expands on information in the Draft EIR and does not identify any new or more significant environmental impacts or constitute "significant new information" requiring recirculation of the Draft EIR. The Draft EIR provided a comprehensive analysis of potential impacts of the project and alternatives with. The modifications that have been made to the Draft EIR to reflect information in the WSA include minor changes. The significance of impacts would not change.

The Regional Urban Water Management Plan (RUWMP) includes the City of Colton and is specifically incorporated by reference in the Draft EIR. The RUWMP evaluated the adequacy of water supplies to meet future demands through 2040, and also included a water supply reliability assessment. The RUWMP determined that the City of Colton Water Department will have adequate water supplies to meet water demands in normal, single dry, and multiple dry years. Accordingly, it concluded that the City has, and will have, adequate water supplies to meet all demands within its service area through year 2040. The project site is located within the RUWMP planning area. As per the discussion in the Due Diligence Report, prepared by Thienes Engineering, Inc. in January 2019 (Appendix K of the Draft EIR), the project site is in the service area of Riverside Highland Water Company, which uses

the RUWMP. The following information in the RUWMP addresses the requirements of Water Code Section 10910 for WSAs:

- A detailed description of each groundwater basin that supplies the City with potable water.
- The City acquires 100 percent of its potable water supply from groundwater in three different basins. These three basins are adjudicated and copies of the Court decrees and judgments for each groundwater basin is identified in the RUWMP.
- A detailed description and analysis of the amount and location of groundwater pumped by the City for the last five years.
- A detailed description and analysis of the amount and location of the groundwater projected to be pumped from each groundwater basin by the City.
- An analysis of the sufficiency of each groundwater basin to meet the City's projected amounts to be pumped under normal, single dry year, and multiple dry year conditions for the next 20 years (2015–2040) in 5-year increments.

As explained on page 3.13-11 and page 3.13-13 the Draft EIR, the proposed project's total projected water demand for the proposed project would be approximately 0.006 percent of the City's remaining water capacity (Refer to Response to Comment ABJC 3-6). Furthermore, the City of Colton Public Utilities Department has confirmed that with existing commitments, there is sufficient water supply to meet the demands of the proposed project. A copy of the will serve letter can be found in Appendix K. The commenter's citation of *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, is inapplicable, because in this case, the project site was unimproved and not being used for composting purposes, and thus the project included activities on greater than 40 acres, requiring the preparation of a WSA. Here, however, the proposed project's environmental baseline consists of four industrial buildings totaling 612,515 square feet, as well as a 46,920-square-foot office building, occupying 45.52 acres of the project site. In addition, a WSA was prepared for the proposed project on July 13, 2021.

Response to ABJC-3-13
The commenter summarizes or quotes from various sections of the State CEQA Guidelines and California case law. This summary does not raise any environmental issues related to the proposed project and no further response is required.

Response to ABJC-3-14
The commenter is correct that a daily trip rate of 1.68 is the daily trip rate for High-Cube Warehousing (ITE Land Use Code 152) use from the ITE's 9th Edition Trip Generation Manual (2012). However, in 2017 the ITE released and updated their Trip Generation Manual (10th Edition) which extrapolated the High-Cube Warehouse use into the following categories: Transload/Short-term Storage, Cold Storage, Parcel Hub, and Fulfillment Center uses. ITE also released, in February 2020, a supplement to their Trip Generation Manual that further stratified the High-Cube Fulfillment Center category into non-sort and sort facilities. The 1.4 trips per day referenced in the Draft EIR is specific to the High-Cube Transload/Short-Term Storage Warehouse use (ITE Land Use 154) from the ITE's latest Trip Generation Manual. According to the expert consultant, Urban Crossroads, the referenced

1.68 trip rate is based on outdated ITE Trip Generation Manual data, as it is reference to a rate from the 9th Edition (2012) Trip Generation Manual. The latest ITE Trip Generation Manual has been used for the Traffic Study as it is based on the latest data/surveys available. The latest ITE Trip Generation Manual is the 10th Edition published in 2017.

Although the proposed project is speculative in nature, the applicant is not proposing any refrigerated use (cold storage), parcel delivery/hub use, or e-commerce/fulfillment center use, nor does the design of the proposed project lend itself to these other High-Cube Warehousing categories. As such, the High-Cube Transload Short-Term Storage Warehouse was deemed the most suitable ITE land use code and was confirmed with the lead agency prior to commencing the technical analysis. The commenter fails to take into account CEQA Guidelines Section 15064.3, which now provides that a project's effects on automobile delay no longer constitutes a significant environmental impact. Thus, if the commenter is claiming that the EIR discussion of average daily trip rates, based upon ITE Land Use Codes, underestimates congestion or auto delay, such a claim is irrelevant.

Response to ABJC-3-15

The commenter does not provide evidence to demonstrate that truck trips generated by the proposed project would create primary trips to or from these transportation distribution hubs. The 40-mile average truck trip length is an average and is more than double the CalEEMod default values of 6.90 miles to 16.60 miles. Therefore, the analysis in the Draft EIR utilizes a conservative assumption for average trip length, and accounts for transportation hubs located both farther and closer than the 40-mile average. Furthermore, the average trip length for heavy trucks were based on the South Coast AQMD documents for the implementation of the Facility-Based Mobile Source Measures (FBMSMs) adopted in the 2016 AQMP. South Coast AQMD's "Preliminary Warehouse Emission Calculations" cites 39.9-mile trip length for heavy-heavy trucks. The assumptions used to estimate the proposed project's emissions presented in the Draft EIR appropriately rely on approved methodologies and standard assumptions supported by substantial evidence, the comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft EIR.

Response to ABJC-3-16

The commenter's assumption that on-site trip length should be 0.65 mile is not supported by substantial evidence. It is reasonable to assume that any passenger vehicle or truck making a trip to the project site would go to one of the proposed buildings and would use a direct route to their destination using adjacent roadways instead of detouring or taking a deviated route. The commenter is assuming that all on-site trips would be conducted in a circuitous manner and cover the entire project site before arriving at the ultimate destination, which is not how drivers would operate vehicles while traveling on the site. Additionally, the on-site trip length of 0.1 mile is an average and therefore accounts for longer and shorter trips. The commenter provides no substantial evidence that a different on-site trip length should be used.

Response to ABJC-3-17

As described in Section 3.7, Hazards and Hazardous Materials, given the age of the buildings, the potential for asbestos to be present in certain building materials including roofing, floor coverings, ceiling tiles and wallboard systems of certain buildings on the site is considered moderate. Products

such as vinyl asbestos tiles, asbestos cement, or other building materials containing asbestos can be expected to occur in buildings constructed prior to the 1970s, when the United States Environmental Protection Agency (EPA) began to impose bans on certain uses of asbestos. As a result, even though asbestos could be present in existing buildings, there is no basis to presume that all of the buildings are composed of asbestos material and not every single haul trip would therefore need to be to a certified landfill that can receive asbestos containing materials. In addition, the CalEEMod default construction truck hauling trip is 20 miles. While some hauling trips might be greater than 20 miles, the Draft EIR's use of a 20-mile average includes the assumption that some hauling trips (i.e., those related to asbestos containing materials) may be greater than 20 miles, while those trips comprised of non-asbestos containing materials would be less than 20 miles. The commenter provides no substantial evidence that, even if the Draft EIR's assumption underestimates construction emissions (this is not the case, based upon the Draft EIR and this response), any such an underestimation would generate a significant impact.

Response to ABJC-3-18
Draft EIR Appendix A shows the proposed project's operational natural gas and electricity demand for both the unmitigated and mitigated scenario under Section 5, Energy Detail. As shown in Appendix A, the proposed project's mitigated operational energy use associated with building operations would be 1,977,680 kilo-British Thermal Unit (kBTU)/year and 2,508,751 kilowatt-hour (kWh)/year. The energy use efficiencies by amount and fuel type for construction are shown in Draft EIR Appendix F. Although the Draft EIR did not quantify operational fuel consumption, the Effects Found not to be Significant section explains the amount of VMT and fuel consumption by passenger vehicles and truck trips during both construction and operations. Further, without a threshold for which operational energy consumption can be measured against, the Draft EIR satisfies the commenters request by explaining that project truck trips, passenger vehicles, and building operation would result in energy consumption. As described above, the CalEEMod output files determine project operational electricity demand and natural gas consumption as well. In addition, the construction contractor would be required to limit vehicle idling which would further reduce energy use. Section 1956.8, Title 13, California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures while the ARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program and the Heavy-Duty Diesel In-Use Compliance Program. Furthermore, the proposed project would comply with California Code of Regulations Title 24, Part 6 Energy Efficiency Standards, which are the most stringent energy reducing regulations in California.

CEQA requires an EIR to disclose the project's potential energy use and consumption, not evaluate the effects on local and regional energy supplies or effect on peak or base demand. Regarding CEQA Guidelines Appendix F, Section 11(c) includes references to peak demands; however, contrary to commenter's suggestion, Appendix F does not include any mandatory requirements. The commenter's citation to *Ukiah Citizens for Safety First. City of Ukiah* (2016) 248 Cal.App.4th 256, *Spring Valley Lake Association v. City of Victorville* (2016) 248 Cal.App.4th 91 and *Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, concerning CEQA Guidelines Appendix F, all are inapplicable because they predate amendments to CEQA Guidelines Appendix G, the environmental checklist, which specifies what should be included in an energy impacts analysis. The

Draft EIR adequately analyzes the proposed project pursuant to the most recently adopted Appendix G guidelines.

Response to ABJC-3-19

See Response to Comment ABJC-3-6 for water demand estimations. As noted in Response to Comment ABJC-3-6, the water demand estimate was a conservative estimate. The Draft EIR used water and wastewater rates from the Colton Hub City Centre Specific Plan (CHCCSP) to be consistent with previous projects recently completed in the City of Colton. However, a WSA prepared and approved for the proposed project determined that the proposed project would generate an average daily water demand of just 14,413 gpd, or 16.1 acre-feet per year (See Appendix N). This represents a much lower water demand than the conservative estimate provided in the Draft EIR.

Similarly, wastewater demand rates were conservatively estimated in the Draft EIR. The estimations were based on an assumption that the existing structures and active uses on-site generate a net-zero use. Because the wastewater demand rates were based on a conservative estimate, the actual wastewater generation would likely be lower than those estimated in the Draft EIR.

See Response to Comment ABJC-3-12 regarding the requirements for preparation of a WSA. The proposed project includes the preparation and approval of a WSA. The commenter provides no substantial evidence that the project's water consumption and wastewater generation impacts are significant.

Response to ABJC-3-20

This comment summarizes the requirements of State CEQA Guideline Section 15126(d) and *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d at 203. With respect to potential air quality and health issues related to cold storage, please see response ABJC-3-21; the proposed project would not include any cold storage uses. Regarding the selection of Alternative 3 as the environmentally superior alternative, please see Response to Comment ABJC-3-22.

Response to ABJC-3-21

As described in the Project Description, the proposed project would develop buildings as speculative ambient temperature dry warehouse facilities and would not include any cold storage. If the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project would be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. Furthermore, a quantitative analysis of alternatives is not required by CEQA, and there is no legal authority specifically requiring a quantitative analysis with respect to alternatives. Courts have specifically declined to require such detail. (See *Los Angeles Conservancy v. City of W. Hollywood* (2017) 18 CA5th 1031, 1038 [declining to require the preparation of design plans of architectural drawings for alternatives]). As required by CEQA, the EIR provides an objective, good faith effort to provide sufficient information about each alternative and provides sufficient information for the decision-makers to evaluate the relative merits of the alternatives and the project (14 CCR § 15126.6(a)). A quantitative analysis is not required for alternatives. Additionally, the Errata has been updated to include Air Quality impacts due to additional sources of TACs under Alternative 2, as discussed in Response to Comment ABJC-3-9.

The analysis of alternatives must contain concrete information about each alternative sufficient to allow a fact-based comparison (14 CCR § 15126.6(d)). Moreover, an EIR's discussion and analysis of alternatives need not be exhaustive, nor does CEQA require a quantitative analysis of impacts in the alternatives discussion. Importantly, although the significant adverse environmental effects of each alternative must be discussed, it is appropriate for the alternatives analysis to provide less detail than is required for the analysis of the project's effects. State CEQA Guidelines Section 15126.6, subd. (d) explicitly states that "[a] matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison (*Sierra Club v. City of Orange* (2008) 163 CA4th 523, 547, [Court found that text discussing the alternatives selected for evaluation, along with a comparative matrix, is sufficient.]).

The Alternatives analysis explains that construction impacts of the Cold Storage Alternative would result in similar construction impacts compared to the proposed project because both projects would develop two warehouse buildings and involve the similar VOC emissions. The Alternatives analysis also explained that the Cold Storage Alternative would result in 1,696 vehicle trips per day compared to the proposed project which would generate 1,348 vehicle trips and as a result would have greater operation impacts compared to the proposed project. To provide additional explanation and context, the Errata includes the following related to TRUs, "Additionally, the Cold Storage Alternative would result in the use of Transport Refrigerated Units (TRUs) that would generate emissions that would be greater than the proposed project because the proposed project would not include the use of TRUs." This additional language is shown in Response to Comment ABJC-3-9. An EIR's analysis of alternatives can take account of the obvious; some conclusions are so simple they are almost self-explanatory. *Save Our Residential Env't v. City of W. Hollywood* (1992) 9 CA4th 1745. Here, because use of TRUs would generate additional GHG emissions from refrigerants, it is obvious that there would be greater emissions.

Response to ABJC-3-22

The range of alternatives that must be discussed in an EIR is subject to the rule of reason (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 C3d 376, 406). CEQA does not require that the discussion be exhaustive, and a crystal ball inquiry is not required (*Sierra Club v. City of Orange* (2008) 163 CA4th 523, 547; Foundation for *San Francisco's Architectural Heritage v. City & County of San Francisco* (1980) 106 CA3d 893, 910). To satisfy the requirements of CEQA, the City should make an objective, good faith effort to compare the proposed project with the alternatives, which has been done here.

The evaluation is necessarily limited by what is realistically possible given limitations on time, energy, and funds (*Residents Ad Hoc Stadium Comm. v. Board of Trustees* (1979) 89 CA3d 274, 286). CEQA only requires that alternatives be environmentally superior to the project in some respects or that an alternative would substantially reduce or avoid "any" significant project impacts (*Sierra Club v. City of Orange* (2008) 163 CA4th 523, 547; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 CA4th 477, 14 CCR § 15126.6(a)). Accordingly, the environmentally superior alternative does not need to demonstrate a reduction in all potential project-related impacts.

The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1. The environmentally superior project need not be significantly superior.

Compared to the proposed project, Alternative 3 would have fewer employees (799 compared to 804) and would result in a reduction in trip generation rates and a slight corresponding decrease in transportation impacts, as well as associated impacts related to GHG emissions and air quality. Due to the decreased development footprint, Alternative 3 would also have lesser impacts with respect to aesthetics, light, and glare; and energy compared to the proposed project. As such, Alternative 3 is the environmentally superior alternative.

Response to ABJC-3-23

Please refer to Response to Comment ABJC-3-8 regarding the Draft EIR's discussion of Historically Burdened Communities surrounding the proposed project. As discussed in Section 3.2, Air Quality, of the Draft EIR and noted in Table 3.2-12, the health risks and hazard index for project operations would be below the South Coast AQMD's thresholds of significance. This comment will be provided to the City decision-makers for their review and consideration, and the City decision-makers will evaluate the proposed project's compliance with the City's Municipal Code prior to making a decision on the project as a whole.

Response to ABJC-3-24

As demonstrated in the responses above, the Draft EIR is legally adequate and adequately analyzes the proposed project's potential impacts. Mitigation measures have been included where appropriate to mitigate impacts to less-than-significant levels. No further analysis is required.

Response to ABJC-3-25

Please refer to Response to Comment ABJC-3-8 and Response to Comment ABJC-3-23 regarding the Draft EIR's discussion of Historically Burdened Communities surrounding the proposed project and the health risks and hazard index for project operations. This comment will be provided to the City decision-makers for their review and consideration, and the City decision-makers will evaluate the proposed project's compliance with the City's Municipal Code prior to deciding on the proposed project as a whole. As discussed in the Draft EIR Air Quality section and noted in Table 3.2-12, and as discussed in Response to Comment CJUSD-1 and Response to Comment CJUSD-2, the health risks and hazard index for project operations would be below the South Coast AQMD's thresholds of significance.

Response to ABJC-3-26

Please refer to Response to Comment ABJC-3-8 regarding the Draft EIR's discussion of sensitive land uses and DPM, $PM_{2.5}$, NO_X, and GHGs. Please refer to Response to Comment CJUSD-1 regarding cumulative air quality and GHG impacts and the analysis that was included Draft EIR.

Response to ABJC-3-27

Please refer to Response to Comment ABJC-3-14 regarding the trip rate that was used in the Draft EIR, which was based on High-Cube Transload/Short-Term Storage Warehouse use (ITE Land Use 154) from the ITE's latest Trip Generation Manual.

Response to ABJC-3-28

Please refer to Response to Comment ABJC-3-8 and Response to Comment ABCJ-3-15 regarding the Draft EIR's discussion of cumulative NO_X emissions and the Draft EIR's discussion of VMT and average trip lengths. As outlined in these responses, the assumptions used to estimate the proposed

project's emissions presented in the Draft EIR appropriately relied on approved methodologies and standard assumptions supported by substantial evidence.

Response to ABJC-3-29
Please refer to Response to Comment ABJC-3-16 regarding the average on-site trip length of 0.1 mile.

Response to ABJC-3-30
Please refer to Response to Comment ABJC-3-17 regarding the average hauling trip of 20 miles.

Additionally, please refer to Response to Comment ABJC-3-9 and Response to Comment ABJC-3-21 regarding the Draft EIR's discussion of TRUs associated with the Cold Storage Alternative.

Response to ABJC-3-31
Please refer to Response to Comment ABJC-3-10 regarding the Draft EIR's analysis of TAC emissions. As noted in the response, and detailed in the analysis in the Draft EIR, a quantitative analysis of health risks from exposure to DPM was included in the Draft EIR. As shown in Table 3.2-12 of the Draft EIR, the proposed project would result in a cancer risk of 7.3 and a chronic non-cancer hazard index of 0.009, both of which are under the South Coast AQMD thresholds of 10 and 1, respectively. As discussed in greater detail in Response to Comment CJUSD-1 and Response to Comment ABJC-3-8, the health risks and hazard index for project operations are below the South Coast AQMD's thresholds of significance.

Response to ABJC-3-32
This comment concludes the letter and states general opposition to the proposed project. This general comment does not identify specific potentially adverse environmental impacts, nor does it address significant environmental issues within the purview of CEQA. The City of Colton decision-makers will consider all comments received on the proposed project as part of their review and consideration of the project as a whole. No further analysis is warranted.

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From: Alisha C. Pember <apember@adamsbroadwell.com>
Sent: Friday, April 2, 2021 2:15 PM
To: Mark Tomich <mtomich@coltonca.gov>; Mark Tomich <mtomich@coltonca.gov>
Cc: Andrew J. Graf <Agraf@adamsbroadwell.com>
Subject: Supplemental Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find attached **Supplemental Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602**.

We are also providing a Dropbox link containing supporting references: https://www.dropbox.com/sh/532ibnktqt24lnd/AAD_-LtsdPqXJUsuUKYTGQXca?dl=0. A hard copy of any reference document can be made available upon request. We request all reference documents be included in the record of the proceedings. 1

A hard copy of our Supplemental Comments and a flash drive containing the supporting references provided via Dropbox will be sent out via overnight delivery.

If you have any questions, please contact Andrew Graf.

Thank you.

Alisha Pember

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April 2, 2021

Via E-Mail and Overnight Delivery

Mark Tomich, Director
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Re: **Supplemental Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602**

Dear Mr. Tomich:

We write on behalf of the Coalition for Sustainable Development (the "Coalition") to provide supplemental comments on the Draft Environmental Impact Report[1] ("DEIR") (SCH No. 2020029049) for the Barton Road Logistics Center ("Project") prepared by the City of Colton ("City") pursuant to the California Environmental Quality Act ("CEQA").[2] The Coalition previously submitted preliminary comments to the City on February 18, 2021.[3] On March 7, 2021, after the close of the public comment period, the City issued a revised Notice of

[1] City of Colton, Draft Environmental Impact Report: Barton Road Logistics Center (Jan. 4, 2021) (hereinafter "DEIR"), *available at* https://www.ci.colton.ca.us/DocumentCenter/View/7073/02370027-Colton-Barton-Road-Draft-EIR.
[2] Pub. Resources Code §§ 21000 *et seq.*
[3] Letter to Mark Tomich, City of Colton from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Preliminary Comments on the Draft Environmental Impact Report for the Barton Road Logistics Center (SCH No. 2020029049), Permit No. DAP-001-602 (Feb. 18, 2021).

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Availability for the DEIR, which reopened the public comment period until April 2, 2021.[4]

Based on our review of the DEIR, its appendices, and documents provided to date, we have identified further inadequacies with the DEIR. Specifically, the DEIR fails to adequately disclose, analyze, and mitigate the Project's potentially significant greenhouse gas ("GHG") impacts. The City must correct the deficiencies discussed below in a revised EIR that is recirculated for public review. 2

In addition, the City still has not provided access to all responsive public records sought by the Coalition pursuant to the California Public Records Act.[5] These records are critical to the Coalition's analysis of the Project's potential environmental impacts. Therefore, the Coalition reserves the right to further supplement these comments following review of outstanding Project records, and at any later hearings and proceedings related to the Project.[6] 3

I. STATEMENT OF INTEREST

The Coalition is an unincorporated association of individuals and labor organizations with members who may be adversely affected by the potential public and worker health and safety hazards and environmental and public service impacts of the Project. The association includes City residents John Martinez and Michael Vasquez, the California State Association of Electric Workers and its members and their families, the District Council of Ironworkers and its members and their families, and other individuals that live, recreate and/or work in and around the City and in San Bernardino County. 4

[4] City of Colton, Revised Notice of Availability of a Draft EIR: Barton Road Logistics Center (Mar. 7, 2021) p. 2, *available at* https://www.ci.colton.ca.us/DocumentCenter/View/7137/3-03-21-Revised-Barton-Road-NOA.

[5] *See* Letter to Janet Laurain, Adams Broadwell Joseph & Cardozo from Christine Wood, Best Best & Krieger re: City of Colton – Public Records Act Request Received March 16, 2021 – 14-Day Extension Letter (Mar. 26, 2021); Letter to Janet Laurain, Adams Broadwell Joseph & Cardozo from Christine Wood, Best Best & Krieger re: City of Colton – Public Records Act Request Received January 14, 2021 – Production #5 Letter (Mar. 26, 2021); Letter to Janet Laurain, Adams Broadwell Joseph & Cardozo from Christine Wood, Best Best & Krieger re: City of Colton – Public Records Act Request Received February 2, 2021 – Production #4 Letter (Mar. 26, 2021).

[6] Gov. Code § 65009(b); Pub. Resources Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121

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The Coalition supports the development of sustainable commercial and industrial centers where properly analyzed and carefully planned to minimize impacts on public health and the environment. Logistics centers like the Project should avoid adverse impacts to air quality, water resources, transportation, and public health, and should take all feasible steps to ensure unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can commercial and industrial development truly be sustainable.

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The individual members of the Coalition and the members of the affiliated labor organizations live, work, recreate and raise their families in and around the City. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work constructing the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

The Coalition and its members also have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members they represent. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand in the City, and by making it less desirable for businesses to locate and people to live and recreate in the City, including the Project vicinity. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities.

Finally, the Coalition is concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.[7] It is in this spirit we offer these supplemental comments.

[7] Pub. Resources Code § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

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II. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT GREENHOUSE GAS EMISSIONS

The CEQA Guidelines require agencies to "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project."[8] In determining the significance of the project's GHG emissions, the "agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes."[9] The agency must consider "[w]hether the project emissions exceed a threshold of significance that the lead agency determines applies to the project."[10] 5

While the lead agency has discretion to choose a modeling system and methodology, the selection of the methodology and its application must be supported by substantial evidence.[11] Finally, as with the analysis of all impact areas, the agency must employ all feasible mitigation measures to reduce or eliminate impacts.[12]

The DEIR's discussion of GHG impacts fails to comply with CEQA in two ways. First, the DEIR utilizes an improper significance threshold for analyzing GHG emissions. As a result, the DEIR's conclusions that the Project's GHG impacts are less than significant are not supported by substantial evidence. Second, the DEIR fails to analyze the efficacy of the mitigation measure ("MM") GHG-1a.

A. The DEIR's 10,000 MTCO2e/year Significance Threshold for GHG Emissions Is Not Supported by Substantial Evidence

To evaluate the significance of the Project's GHG emissions, the DEIR relies on a significance threshold of 10,000 metric tons of carbon dioxide equivalent per year ("MTCO2e/year").[13] The DEIR claims this threshold is appropriate because the Project's emissions assumptions are consistent with the recommendations of the South Coast Air Quality Management District's ("SCAQMD") for industrial land use 6

[8] CEQA Guidelines§ 10564.4(a).
[9] *Id*. § 10564.4(b).
[10] *Id*. § 10564.4(b)(2).
[11] *Id*. § 10564.4(c); *see also Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204.
[12] Pub. Resources Code § 21002.
[13] DEIR at pp. 2.6-24 to 3.6-25.

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projects.[14] However, the DEIR's reliance on this threshold is not supported by substantial evidence for several reasons.

First, the DEIR improperly classifies the proposed Project as an industrial project for purposes of analyzing GHG emissions. In its Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, SCAQMD defines "industrial projects" as "stationary source equipment whose emissions are largely permitted or regulated by the SCAQMD."[15] On the other hand, SCAQMD defines non-industrial projects (i.e., residential, commercial and mixed-use) as "mostly residential, commercial (may also include industrial) building structures that attract or generate mobile source emissions."[16] SCAQMD further defines residential and commercial projects to include warehouses and industrial parks.[17]

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Because the Project would construct high cube warehouse facilities and the Project's GHG emissions are primarily from mobile sources,[18] it is more appropriately classified as a non-industrial project under the SCAQMD guidance. In fact, SCAQMD specifically recommended that the non-industrial threshold of 3,000 MTCO2e/year be utilized by lead agencies for warehouse projects.[19] Therefore, the DEIR's reliance on the 10,000 MTCO2e/year threshold is not supported by substantial evidence.

Moreover, the DEIR acknowledges SCAQMD's recommendation that a single numerical threshold of 3,000 MTCO2e/year can be used for all non-industrial projects.[20] The DEIR states that the SCAQMD "Guidance Document provides substantial evidence supporting ***the approaches*** to significance of GHG emissions that can be considered by a lead agency in adopting its own thresholds."[21] Thus, the appropriate threshold to apply to the Project under the SCAQMD guidance would be 3,000 MTCO2e/year.

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[14] *Id*. at pp. 3.6-25 to 3.6-26.
[15] South Coast Air Quality Management District, Attachment E: Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold (Oct. 2008) p. 3-12 (hereinafter "SCAQMD Draft Guidance Document"), *available at* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf?sfvrsn=2.
[16] *Ibid*.
[17] *Id*. at p. 3-15.
[18] DEIR at p. 3.6-27 to 3.6-28.
[19] SCAQMD Draft Guidance Document at p. 3-16.
[20] DEIR at p. 3.6-24.
[21] *Id*. at p. 3.6-25 (emphasis added).
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The DEIR also incorrectly claims that the SCAQMD GHG threshold was expanded to include non-industrial projects at a 2010 stakeholder working group meeting.[22] At the meeting, SCAQMD staff recommended expanding the 10,000 MTCO2e/year threshold for use by all lead agencies when evaluating industrial projects, not to expand the threshold to non-industrial projects.[23]

For non-industrial projects, SCAQMD staff proposed two options that were consistent with the Draft Guidance Document.[24] First, lead agencies could to choose separate numerical thresholds depending upon the type of the project (i.e., residential, commercial, or mixed use).[25] Second, lead agencies could adopt a single numerical threshold of 3,000 MTCO2e/year for all non-industrial projects.[26] SCAQMD staff recommended the use of a single numerical threshold for all non-industrial projects, but lead agencies were free to choose one of the separate numerical thresholds for non-industrial projects if they preferred that approach.[27]

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Second, CARB recommends that lead agencies apply a consistent approach to analyzing the GHG impacts of all projects in its jurisdiction.[28] However, the City's utilization of the 10,000 MTCO2e/year threshold for the proposed Project is not consistent with the City's prior analysis of GHG impacts for similar projects when it is the lead agency. For example, the City previously utilized a 3,000 MTCO2e/year threshold for a logistics center located in the City.[29] The City has

[22] *Ibid.*
[23] South Coast Air Quality Management District, Minutes for GHG CEQA Significance Threshold; Stakeholder Working Group #15 (Sept. 28, 2010) p. 1, *available at* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2.
[24] *Ibid.*
[25] *Ibid.*
[26] *Ibid.*
[27] *Ibid.*
[28] Governor's Office of Planning and Research, Discussion Draft: CEQA and Climate Change Advisory (Dec. 2018) p. 7, *available at* https://opr.ca.gov/docs/20181228-Discussion_Draft_Climate_Change_Adivsory.pdf.
[29] City of Colton, Ashley Way Logistics Center Project: Initial Study/Mitigated Negative Declaration (Mar. 22, 2019) pp. 2, 66-71, *available at* https://files.ceqanet.opr.ca.gov/250103-2/attachment/9V86XJIpUFK5YG5oH3lsakn0mw9qzf5CsKTe_7UjwAWddfQEdiK-AsymPj-FWSk2gccHcJQqeCdh-Kzu0.

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also utilized a 3,000 MTCO2e/year threshold for a warehouse project[30] and a series of three "industrial buildings" comprising office space, parking, and landscaping.[31]

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For all the reasons described above, the DEIR lacks substantial evidence to support the selected significance threshold for evaluating GHG emissions. This deficiency must be corrected in a revised and recirculated EIR.

B. The DEIR's Conclusions that Impacts GHG-1 and GHG-2 Are Less than Significant Are Not Supported by Substantial Evidence

The DEIR concludes that the Project's GHG emissions are less than significant because the total annual GHG emissions are less than 10,000 MTCO2e/year.[32] The DEIR also concludes that the Project would not conflict with the 2017 Climate Change Scoping Plan Update for the same reason.[33] As discussed in Section II.A., this threshold is not supported by substantial evidence. Under the methodology selected by the City – the SCAQMD GHG guidance – the 3,000 MTCO2e/year threshold should be utilized.

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If a 3,000 MTCO2e/year threshold is utilized, the Project's GHG emissions would result in a significant impact because the total annual Project emissions are 7,744 MTCO2e/year – more than double the threshold.[34] In fact, the Project's annual GHG emissions from mobile sources alone (4,930 MTCO2e/year from passenger vehicles and trucks) exceed the threshold, also resulting in a significant impact.[35]

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[30] City of Colton, Hillwood Center Street Industrial Project: Initial Study/Mitigated Negative Declaration (Nov. 27, 2016) p. 52, *available at* https://www.ci.colton.ca.us/DocumentCenter/View/3582/Colton-Center-Street-Warehouse-Initial-Study-11-27-17-final?bidId=.

[31] City of Colton, Tropica Ranch Commerce Center: Initial Study/Mitigated Negative Declaration (Oct. 5, 2018) p. 39, *available at* https://www.ci.colton.ca.us/DocumentCenter/View/3907/Draft-Tropica-IS-MND-CLEAN-10-05-2018?bidId=.

[32] DEIR at p. 3.6-28.

[33] *Id*. at p. 3.6-31 ("As shown in Impact GHG-1, the project's combined amortized construction and annual operational GHG emissions would not exceed the applicable threshold of 10,000 MT CO_2e per year").

[34] *Id*. at pp. 3.6-26 to 2.6-28; appen. B at p. 89-91.

[35] *Id*. at pp. 3.6-27 to 2.6-28 (4,930 MTCO2e/year from passenger vehicles and trucks).

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Moreover, the DEIR's calculation of 7,744 MTCO2e/year of GHG emissions from Project construction and operation[36] is not supported by substantial evidence because it relies on unsupported trip lengths for mobile source emissions. The DEIR explains that the Project's GHG emissions were estimated assuming average inputs from SCAQMD recommendations for industrial land use projects, including the use of a 40-mile truck trip length.[37] As Dr. James Clark explained, the DEIR's reliance 40-mile trip lengths is unsupported because the actual distances from the Project site to major transport distribution hubs in the South Coast Air Basin are substantially longer.[38]

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For example, the distance from the Project site to the Port of Los Angeles (a major center of inbound shipping containers) is approximately 70 miles, and the distance to BNSF Intermodal Site in Los Angeles is approximately 60 miles from the Project site.[39] Both are likely distribution hubs to support the Project, and the DEIR does not identify any closer distribution hubs that would serve the Project. Trucks starting at either of these hubs would clearly exceed the assumed value of 40 miles used in the DEIR. Therefore, the DEIR's GHG emissions calculations appear to be substantially underestimated.

The DEIR's conclusion that the Project's construction and operational GHG impacts are less than significant is not supported by substantial evidence. Neither is the DEIR's conclusion that it is consistent with the with the 2017 Scoping Plan Update. The DEIR must be revised to measure GHG impacts against a reasonable threshold, to calculate the emissions accurately, and to include all feasible mitigation measures to reduce GHG impacts below a level of significance.[40]

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[36] *Id*. at p. 3.6-27.
[37] *Id*. at p. 3.6-26.
[38] Letter to Andrew Graf, Adams Broadwell Joseph & Cardozo from James J.J. Clark, Ph.D. re: Comment Letter on Draft Environmental Impact Report (DEIR) for Barton Road Logistics Center, City of Colton, San Bernardino County, California – State Clearinghouse Number 2020029049 (Feb. 18, 2021) p. 5.
[39] *Id*. at pp. 5-6.
[40] *See* California Air Pollution Control Officers Association, Quantifying Greenhous Gas Mitigation Measures (Aug. 2010), *available at* http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf.

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C. The DEIR Fails to Analyze the Efficacy of MM GHG-1a

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid a project's potentially significant environmental impacts.[41] A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.[42] "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.[43] Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.[44]

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The DEIR concludes that the Project requires the incorporation of mitigation measures to ensure the proposed Project is consistent the City's Climate Action Plan ("CAP") and the 2017 Climate Change Scoping Plan Update.[45] Among the measures proposed is MM GHG-1a, which requires implementation of "features that will achieve at least 75 points from the City of Colton's Greenhouse Gas Emissions Screening Tables or achieve equivalent emission reductions from other measures approved by the City of Colton."[46] This mitigation measure is inadequate for two reasons.

First, the DEIR fails to evaluate the efficacy of MM GHG-1a. Specifically, the DEIR does not demonstrate that the Project's features collectively exceed the 75 point threshold. The screening table assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred to as "features").[47] The point system was devised to ensure that projects comply with the reduction measures in the CAP such that GHG emissions from new development, when considered together with existing development, will allow the City to meet its

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[41] Pub. Resources Code § 21002; CEQA Guidelines § 15126.4.
[42] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727.
[43] CEQA Guidelines § 15364.
[44] Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).
[45] DEIR at p. 3.6-28 to 3.6-31.
[46] *Id.* at p. 3.6-31.
[47] San Bernardino County Associated Governments, SANBAG CAP Implementation Tools Final Reports On Tracking Reductions Using the Screening Tables (Oct. 2015) p. 3 (hereinafter "Screening Table Report"), *available at* https://www.gosbcta.com/wp-content/uploads/2019/10/Tracking-Reductions-Using-Screening-Tables.pdf; *see also* County of San Bernardino, Greenhouse Gas Emissions: Development Review Processes (Mar. 2015) p. 19, (hereinafter "Development Review Processes"), *available at* http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGUpdate.pdf.

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GHG targets.[48] Point values correspond to the minimum emissions reduction expected from each feature.[49]

Projects in the City with at least 75 points are deemed consistent with the reduction anticipated in the City's CAP.[50] While the DEIR identifies the screening table applicable to the proposed Project in Appendix B,[51] the DEIR does not assign any point values for features of the proposed Project. Because the DEIR does not demonstrate that the Project's features exceed the 75 point threshold, the DEIR cannot conclude that the Project is capable of achieving the emission reductions necessary to ensure the GHG impact reduced to less than significant.

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CONT

Second, MM GHG-1a does not actually require that the Project exceed the 75 point threshold as the DEIR leads the reader to believe.[52] Instead, MM GHG-1a provides two options: either exceed the 75 point threshold **or** "achieve equivalent emission reductions from other measures approved by the City of Colton."[53] This alternative violates CEQA because it lacks performance standards that identify the criteria the agency will apply.[54] The City's screening table already provides guidance in measuring the reduction of GHG emissions attributable to certain design and construction measure incorporated into development projects.[55] The menu of features allows flexibility and options for how development projects can ensure GHG emissions are consistent with the reductions in the City's CAP.[56]

The DEIR must be revised to show that the Project can exceed the 75 point threshold. If it cannot, then the DEIR must include all feasible mitigation measure to reduce the GHG impacts to less than significant.

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[48] Development Review Processes at p. 2; *see also* San Bernardino Associated Governments, San Bernardino County: Regional Greenhouse Gas Reduction Plan (Mar. 2014) p. 4-31 to 4-32, *available at* https://www.gosbcta.com/wp-content/uploads/2019/10/Final-Plan-.pdf.
[49] Screening Table Report at p. 3.
[50] *Ibid.*
[51] *See* DEIR at p. 3.6-28 to 3.6-29; appen. B at pdf p. 711-17 (Screening Table for Implementation of GHG Reduction Measures for Commercial Development).
[52] *See id.* at p. 3.6-28 ("MM GHG-1a requires the project to incorporate and implement reduction measures from the City of Colton GHG Emissions Screening Tables totaling a minimum of 75 points.")
[53] *Id.* at p. 3.6-31.
[54] CEQA Guidelines § 15126.4(a)(1)(B).
[55] Screening Table Report at p. 3.
[56] *Ibid.*
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III. CONCLUSION

We urge the City to fulfill its responsibilities under CEQA by recirculating a revised EIR that corrects the legal and factual errors and addresses the potentially significant impacts described in our preliminary comment letter, this supplemental comment letter, and the other public comments in the record. This is the only way the City and the public will be able to ensure that the Project's potentially significant environmental and public health impacts are mitigated to less than significant levels. 9

Thank you for your consideration of these comments.

Sincerely,

Andrew J. Graf

AJG:acp

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Adams Broadwell Joseph & Cardozo (ABJC-4)

Response to ABJC-4-1
Receipt of supporting references is acknowledged. Supporting references included files such as the City of Colton CAP, other CEQA documents from the City of Colton, a County Regional Greenhouse Gas Reduction Plan and background documents related to the plan, requests for public records, a State CEQA and Climate Change Advisory Discussion Draft, AQMD documents, and San Bernardino Associated Governments (SANBAG) CAP Implementation Tools Final Report. No further analysis is warranted.

Response to ABJC-4-2
The Draft EIR provided an adequate analysis of GHG impacts. Please refer to Response to Comment ABJC-4-5 and Response to Comment ABJC-4-6.

Response to ABJC-4-3
The City of Colton responded to the request for records on January 21, 2021, and February 11, 2021, and provided the requested documents to the commenter on March 2, 2021. Refer to Response to Comment ABJC-2-1. The request for records is outside the purview of CEQA. No further analysis is warranted.

Response to ABJC-4-4
Please refer to Response to Comment ABJC-3-3. As discussed in Response to Comment ABJC-3-3, this comment consists of introductory information and summarizes the commenter's concerns about potential impacts resulting from the proposed project. The concerns pertaining to environmental impacts are addressed in the following responses. Economic and business-related concerns raised in this comment do not raise any associated environmental issues and are therefore not within the purview of CEQA. This comment will be provided to the City decision-makers for their review and consideration of the project as a whole.

Response to ABJC-4-5
This comment consists of introductory information and contains general concerns about GHG emissions. The concerns are addressed in the following responses. In general, as described in Section 3.6, Greenhouse Gas Emissions, regional construction and operational emissions reported in this analysis were modeled using CalEEMod Version 2016.3.2. As described in the Methodology of Section 3.6, Greenhouse Gas Emissions, the South Coast AQMD's draft threshold uses the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 ppm, thus stabilizing global climate. In 2010, the South Coast AQMD Tier 3 threshold was expanded to include non-industrial projects, as explained in the minutes from the most recent working group meeting.[19] The threshold of 10,000 MT CO_2e per year established for industrial facilities is recommended in South Coast AQMD's latest air quality significance thresholds.[20] The South Coast AQMD's draft local

[19] South Coast Air Quality Management District (South Coast AQMD). 2010. Greenhouse Gas CEQA Threshold Stakeholder Working Group Meeting #15. September 28. Website: www.aqmd.gov/ceqa /handbook/GHG/2010/sept28mtg/ghgmtg15-web.pdf. Accessed August 5, 2020.

[20] South Coast Air Quality Management District (South Coast AQMD). 2019. South Coast AQMD Air Quality Significance Thresholds. April. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf. Accessed August 5, 2020.

agency threshold for industrial uses of 10,000 MT CO_2e per year is utilized to determine whether the proposed project would have a significant impact with respect to the generation of GHG emissions. See Response to Comment ABJC-4-6 and ABJC-4-7.

Response to ABJC-4-6
See Response to Comment CJUSD-3

As discussed in Response to Comment CJUSD-3, the City of Colton does not have its own quantitative threshold for determining significant GHG impacts. As described in the Methodology of Section 3.6, Greenhouse Gas Emissions, the South Coast AQMD's draft threshold uses the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 ppm, thus stabilizing global climate. The commenter is incorrect in classifying the proposed project as a commercial project. In 2010, the South Coast AQMD Tier 3 threshold was expanded to include non-industrial projects, as explained in the minutes from the most recent working group meeting. The threshold of 10,000 MT CO_2e per year established for industrial facilities is recommended in South Coast AQMD's latest air quality significance thresholds. The South Coast AQMD's draft local agency threshold for industrial uses of 10,000 MT CO_2e per year is utilized to determine whether the proposed project would have a significant impact with respect to the generation of GHG emissions.

The South Coast AQMD-adopted industrial threshold was selected by the City because the proposed project is more analogous to an industrial use than any other land use such as commercial or residential in terms of its expected operating characteristics. The proposed project would involve proposed warehouse uses characteristic of an industrial operation. The use of a commercial classification would underrepresent the operational vehicle trips and emissions generated by the proposed project because the primary vehicle trips for commercial projects would be passenger vehicles while industrial projects would be from trucks and delivery vehicles. Further, analysis of the proposed project's traffic generation in this report is based on the ITE Trip Generation Manual, 10th Edition, 2017, for warehouse and industrial land use categories.

Other recommendations that are only applicable to industrial projects, such as extending the truck trip lengths, were followed in estimating emissions. For example, industrial land use projects can be expected to have longer than average truck trip lengths compared to the default trip length in CalEEMod (6.9 miles to 16.6 miles). To estimate mobile-source emissions from trucks during project operations, a one-way truck trip length of 40 miles was assumed based on recommendations from the South Coast AQMD for warehouse-type projects. Also, 10,000 MT CO_2e has been used as the significance threshold by many local government lead agencies for logistics projects throughout the SCAG region since the South Coast AQMD adopted this threshold for its own use. Use of this threshold is appropriate for this project and is also consistent with guidance provided in the CAPCOA CEQA and Climate Change handbook, as such, the City has opted to use a non-zero threshold approach based on Approach 2 of the handbook. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) establishes a numerical threshold based on capture of approximately 90 percent of emissions from future development. The latest threshold developed by South Coast AQMD using this method is 10,000 MT CO_2e based on the review of 711 CEQA projects. Further, to ensure that the threshold is conservative in its application, although the South Coast AQMD uses their adopted 10,000 MT CO_2e threshold to determine the significance of stationary source emissions for industrial

projects, the 10,000 MT CO_2e threshold used in this CEQA document is applied to all sources of project-related GHG emissions whether stationary source, mobile source, area source, or other.

Other recommendations that are only applicable to industrial projects, such as extending the truck trip lengths, were followed in estimating emissions. As such, the 10,000 MT CO_2e per threshold for industrial projects would be appliable for the proposed project. The proposed project would generate approximately 7,744 MT CO_2e per year after the inclusion of 67 MT CO_2e per year from project construction and is therefore below the threshold. Furthermore, as described in CJUSD-3, the proposed project would include purchasing voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 142,320 MT CO2e total over the lifetime of the project, pursuant to MM GHG-1, in order to further reduce the already less than significant impact. Because the proposed project would not exceed the 10,000 MT CO_2e per year threshold of significance, the project's construction and operational GHG emissions would not result in a significant impact on the environment.

Response to ABJC-4-7
See Response to Comment CJUSD-4. The Draft EIRs analysis is supported by substantial evidence based on project-specific information and using the most applicable South Coast AQMD guidelines and thresholds. Operational truck trip lengths used to calculate impacts were averaged at 40 miles, which is substantially longer than CalEEMod defaults. Further, Dr. Clark's assertion that there are major transportation distribution hubs that trucks would travel to is not supported with actual evidence, such as hub addresses and location. In addition, the transportation hubs that are listed are international distribution hubs and not every single operational truck trip would be between the project site and these hubs. Furthermore, the average trip length for heavy trucks were based on the South Coast AQMD documents for the implementation of the FBMSMs adopted in the 2016 AQMP. South Coast AQMD's "Preliminary Warehouse Emission Calculations" cites a 39.9-mile trip length for heavy-heavy trucks. Lastly, the 40-mile operational trip length is an average distance and takes into account trips to distribution hubs, such as the Port of Los Angeles. The commenter provides no substantial evidence that the proposed project's GHG impacts are significant.

Response to ABJC-4-8
MM GHG-1a and all mitigation measures are enforceable by the City of Colton through the issuance of grading, building, and occupancy permits. The project applicant would not be able to proceed with the proposed project without providing substantial evidence that they have satisfied the requirements of MM GHG-1a. As shown, in Table 2: Screening Table for Implementation of GHG Reduction Measures for Commercial Development, the proposed project would achieve a minimum of 85 points for design features that meet the standards of the Colton CAP. The proposed project would include the following design features:

- Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance)
- Enhanced Thermal Mass (80 percent of floor or 80 percent of walls 12 inches or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)

- Efficient Lights (25 percent of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures: 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40watt)
- Solar Ready Roofs (sturdy roof and electric hookups)
- Only low water using plants
- Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use)
- Water Efficient Showerheads (2.0 gpm)
- Water Efficient Toilets/Urinals (1.5 gpm)
- Water Efficient faucets (1.28 gpm)
- Provide public charging station for use by an electric vehicle

Collectively, these measures would implemented as part of project design and would be required to be shown on project plans as part of the City's issuance of building permit for the project.

Response to ABJC-4-9

As demonstrated in the responses above, the Draft EIR is legally adequate and adequately analyzes the proposed project's potential impacts. Mitigation measures have been included where appropriate to mitigate impacts to less-than-significant levels. No further analysis is required.

From: Mark Tomich <mtomich@coltonca.gov>
Sent: Tuesday, February 16, 2021 10:17 AM
To: Nancy Ferguson <nancy@jericho-systems.com>; Cecilia So <cso@fcs-intl.com>
Subject: FW: Barton Road Logistics

fyi

From: adam salcido <asalcido.07@gmail.com>
Sent: Tuesday, February 16, 2021 8:27 AM
To: Mark Tomich <mtomich@coltonca.gov>
Cc: Unknown <jbourg2271@aol.com>; jbourgeois029@gmail.com; Terrance Lucio <t.lucio57@gmail.com>; PATRICK HANINGER <phaninger1@gmail.com>
Subject: Barton Road Logistics

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Mr. Tomich,

Please provide any updates to the above mentioned project.

You will find attached our comments previously submitted.

I am requesting under Public Resource Code Section 21092.2 to add the email addresses and mailing address below to the notification list, regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. 1

t.lucio57@gmail.com

phaninger1@gmail.com

jbourg2271@aol.com

jbourgeois029@gmail.com

asalcido.07@gmail.com

Mailing Address:

P.O. Box 79222

Corona, CA 92877

Please confirm receipt of this email.

Thank You,

Adam Salcido

BLUM COLLINS, LLP
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ANGELES, CALIFORNIA 90017 (213) 572-0400

February 11, 2021

Mark Tomich
City of Colton
Lead/Public Agency
650 North La Cadena Drive
Colton, CA 92323
Ph: (909) 370-5079

Re: *Barton Road Logistics Center (SCH Number: 2020029049)*

Dear Mr. Tomich:

On behalf of the Golden State Environmental Justice Alliance ("GSEJA"), we hereby submit comments under the California Environmental Quality Act ("CEQA") on the Draft Environmental Impact Report ("DEIR") for The Barton Road Logistics Center ("Project").

GSEJA believes that the Project's air quality, health risk, and greenhouse gas impacts are not adequately evaluated by the DEIR. See the comments of Soil Water Air Protection Enterprise ("SWAPE") which we are submitting herewith and incorporating by reference. 2

For the foregoing reasons, GSEJA believes the DEIR is flawed and an amended DEIR must be prepared for the proposed project and recirculated for public review. GSEJA requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance, P.O. Box 79222, Corona, CA 92877.

Sincerely,

Gary Ho
Blum | Collins, LLP

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

2656 29th Street, Suite 201
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(949) 887-9013
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February 11, 2021

Gary Ho
Blum Collins LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the Barton Road Logistics Center Project (SCH No. 2020029049)

Dear Mr. Ho,

We have reviewed the January 2021 Draft Environmental Impact Report ("DEIR") for the Barton Road Logistics Center Project ("Project") located in the City of Colton ("City"). The Project proposes the demolition of four existing industrial buildings totaling 612,515-SF and a 46,920-SF office building, as well as the construction of Building 1, including 530,920-SF of warehouse space, 10,000-SF of office space, and 336,662-SF of non-asphalt paving; Building 2, including 409,120-SF of warehouse space, 10,000-SF of office space, and 491,211-SF of non-asphalt paving; 567 automobile parking spaces; and 200 trailer stalls on the 45.52-acre Project site.

Our review concludes that the DEIR fails to adequately evaluate the Project's hazards and hazardous materials, air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential hazards and hazardous materials, air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment. 3

Hazards and Hazardous Materials 4

Failure to Adequately Evaluate Potential Pesticide Contamination

The DEIR states:

> "The Phase I ESA states that while agricultural chemicals such as pesticides and fertilizers may have been used prior to development of the site between 1960 and 1979, there is a low likelihood that any such materials would remain in the soil at levels of concern. This is due to the amount of time that has transpired since application and that the site was graded for development of the current buildings" (p. 3.7-3).

4 CONT

The Phase I Environmental Site Assessment, completed in 2020 and included with the DEIR as Appendix G, includes no additional information about potential pesticide use associated with past agricultural practices at the Project site. The Phase I ESA, in making the conclusion that there is a "low likelihood" of residual pesticides at the Project site fails to consider that pesticides used prior to 1960 are known to be long lasting in soil. According to the Agency for Toxics Disease Registry, commonly used pesticides prior to 1960, such as DDT and DDE, can last in soil "potentially for hundreds of years."[1] The U.S. EPA identifies DDT and DDE as probable human carcinogens.[3] Construction workers and nearby residents may be exposed to carcinogenic pesticide-containing soils and dust when the Project site is graded.

An updated EIR should be prepared to include an evaluation that targets the potential for pesticides to be found in soil at the Project site through an evaluation of agricultural practices, including the types of crops that were grown and when they were cultivated. If DDT and DDE and other organochlorine pesticides are likely to be present, based on this evaluation, pesticide sampling in soil should be conducted site-wide. The sampling should adhere to guidance published by the DTSC, entitled "Interim Guidance for Sampling Agricultural Properties."[2] The results of the sampling should be evaluated for health risks through comparison to regulatory screening levels, including the US Environmental Protection Agency's Regional Screening Levels.[3]

Any mitigation that would be necessary to protect construction worker health and health of adjacent residents should be identified in an updated EIR. Mitigation, for handling any soil that would contain concentrations of pesticides at hazardous waste levels, should also be identified in the EIR.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

5

The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 3.2-1).[4] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[5] Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output

[1] https://wwwn.cdc.gov/TSP/PHS/PHS.aspx?phsid=79&toxid=20
[2] https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf
[3] https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables
[4] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.
[5] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 1, 9.

files disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.[6]

When reviewing the Project's CalEEMod output files, provided in the CalEEMod Output as Appendix A to the Air Quality and Greenhouse Gas Emissions Report ("AQ & GHG Report"), Appendix B to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. An updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality. 5 CONT

Underestimated Parking Land Use Size

According to the DEIR, the Project proposes to provide 567 automobile parking stalls and 200 trailer stalls (p. 2-8). As such, the models should have included at least 767 parking spaces as "Parking Lot."[7] When inputting the correct number of parking spaces as "Parking Lot" in CalEEMod, the default land use square footage is 306,800-SF. However, review of the CalEEMod output files demonstrates that the "Colton Barton Road - Unmitigated Construction," "Colton Barton Road - Mitigated Construction," "Colton Barton Road-Area, Building Operations, and Passenger Vehicle Operations," "Colton Barton Road-Truck Operations," "Area, Building Operations, and Passenger Vehicle LST Operations," and "Colton Barton Road-Truck Operations - LST Analysis" models include only 285,318-SF of "Parking Lot" (see excerpt below) (Appendix A, pp. 108, 167, 214, 261, 297, 326, 355, 377, 393, 409, 432, 448, 464, 480, 496, 512). 6

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area
General Office Building	20.00	1000sqft	0.46	20,000.00
Unrefrigerated Warehouse-No Rail	940.04	1000sqft	21.58	940,040.00
Other Non-Asphalt Surfaces	827.87	1000sqft	19.01	827,873.00
Parking Lot	6.55	Acre	6.55	285,318.00

As demonstrated above, the proposed parking land use is underestimated by approximately 21,482-SF. This underestimation presents an issue, as the land use size feature is used throughout CalEEMod to determine default variable and emission factors that go into the model's calculations. The square footage of a land use is used for certain calculations such as determining the wall space to be painted (i.e., VOC emissions from architectural coatings) and volume that is heated or cooled (i.e., energy impacts). Thus, by underestimating the size of the proposed parking land use, the model underestimates the Project's emissions and should not be relied upon to determine Project significance.

Failure to Consider Cold Storage Requirements

According to the DEIR, "the future building tenant(s) are unknown" (p. 3.11-40). Thus, the proposed warehouse land uses may include refrigerated warehouses (cold-storage), and therefore, should be 7

[6] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 11, 12 – 13. A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.
[7] Calculated: 567 automobile parking stalls + 200 trailer stalls = 767 total parking spaces.

modeled as such in order to conduct the most conservative analysis. However, review of the CalEEMod output files demonstrates that the "Colton Barton Road - Unmitigated Construction," "Colton Barton Road - Mitigated Construction," "Colton Barton Road-Area, Building Operations, and Passenger Vehicle Operations," "Colton Barton Road-Truck Operations," "Area, Building Operations, and Passenger Vehicle LST Operations," and "Colton Barton Road-Truck Operations - LST Analysis" models include all 940,040-SF of warehouse land use space as "Unrefrigerated Warehouse-No Rail" (see excerpt below) (Appendix A, pp. 108, 167, 214, 261, 297, 326, 355, 377, 393, 409, 432, 448, 464, 480, 496, 512).

7
CONT

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	116.43	1000sqft	2.67	116,429.00	0
Other Non-Asphalt Surfaces	58.34	1000sqft	1.34	58,336.00	0
Parking Lot	123.18	1000sqft	2.83	123,177.00	0

As demonstrated above, the models fail to include any amount of refrigerated warehouse space. This is incorrect, as the DEIR indicates that the future tenants are not known, and thus, may require cold storage. This inadequacy presents an issue, as refrigerated warehouses release more air pollutants and greenhouse gas ("GHG") emissions when compared to unrefrigerated warehouses for three reasons. First, warehouses equipped with cold storage (refrigerators and freezers, for example) are known to consume more energy when compared to warehouses without cold storage.[8] Second, warehouses equipped with cold storage typically require refrigerated trucks, which are known to idle for much longer when compared to unrefrigerated hauling trucks.[9] Third, according to a July 2014 *Warehouse Truck Trip Study Data Results and Usage* presentation prepared by the SCAQMD, it was found that hauling trucks that require refrigeration result in greater truck trip rates when compared to non-refrigerated hauling trucks.[10] Furthermore, as discussed by SCAQMD, "CEQA requires the use of 'conservative analysis' to afford 'fullest possible protection of the environment.'"[11] As such, the warehouse buildings should have been modeled as refrigerated space in order account for the additional emissions that refrigeration requirements may generate. By modeling the Project's emissions without any refrigerated warehouse space, the models may underestimate the Project's emissions and should not be relied upon to determine Project significance. An EIR should be prepared to account for the possibility of refrigerated warehouse needs by future tenants.

[8] Managing Energy Costs in Warehouses, Business Energy Advisor, *available at*: http://bizenergyadvisor.com/warehouses
[9] "Estimation of Fuel Use by Idling Commercial Trucks," p. 8, *available at:* http://www.transportation.anl.gov/pdfs/TA/373.pdf
[10] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2, p. 7, 9
[11] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Inland Empire Logistics Council, June 2014, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2

Use of an Unsubstantiated CO_2 Intensity Factor

Review of the CalEEMod output files demonstrates that all of the models include a reduction to the default CO_2 intensity factor (see excerpt below) (Appendix A, pp. 110, 145, 169, 197, 216, 244, 263, 299, 328, 357, 379, 395, 411, 434, 450, 466, 482, 498, 514).

8

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CO2IntensityFactor	702.44	598.29

As you can see in the excerpt above, the CO_2 intensity factor was reduced by approximately 15%, from the default value of 702.44 pounds per megawatt hour ("lbs/MWh") to 598.29 lbs/MWh. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[12] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is: "Colton Electric Utility not included as option in CalEEMod - CO2 intensity updated for Colton Electric Utility and accounts for compliance with RPS" (Appendix A, pp. 109, 144, 168, 196, 215, 243, 262, 298, 327, 356, 378, 394, 410, 433, 449, 465, 481, 497, 513).

However, this justification is insufficient for two reasons. First, the DEIR and associated documents fail to provide a source for the revised CO_2 intensity factor. Second, just because the ***state*** has Renewable Portfolio Standard ("RPS") ***goals*** does not mean that these reductions will be achieved locally at the Project site or by the Project's utility company. As a result, we cannot verify the revised CO_2 intensity factor. This unsubstantiated reduction presents an issue, as CalEEMod uses the CO_2 intensity factor to calculate the Project's greenhouse gas ("GHG") emissions associated with electricity use.[13] Thus, by including an unsubstantiated reduction to the default CO_2 intensity factor, the models may underestimate the Project's GHG emissions and should not be relied upon to determine Project significance.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "Colton Barton Road - Unmitigated Off-site Improvements" model includes several manual changes to the default individual construction phase lengths (see excerpt below) (Appendix A, pp. 145, 197, 244).

9

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	2.00	13.00
tblConstructionPhase	NumDays	5.00	31.00
tblConstructionPhase	NumDays	1.00	6.00

As a result of these changes, the model includes a construction schedule as follows (see excerpt below) (Appendix A, pp. 148, 200, 247).

[12] CalEEMod User Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9

[13] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.caleemod.com/, p. 17.

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Site Preparation	Site Preparation	9/25/2021	10/4/2021	5	6
2	Grading	Grading	10/5/2021	10/21/2021	5	13
3	Paving	Paving	10/22/2021	12/3/2021	5	31

9 CONT

As you can see in the excerpts above, the grading phase was increased by 550%, from the default value of 2 to 13 days; the paving phase was increased by 520%, from the default value of 5 to 31 days; and the site preparation phase was increased by 500%, from the default value of 1 to 6 days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[14] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is: "Off-site improvements would occur concurrently with on-site improvements. Adjusted schedule based on applicant-providing total duration for off-site improvements" (Appendix A, pp. 144, 196, 243). Furthermore, regarding the Project's construction schedule, the DEIR provides the proposed *on-site* construction schedule and states that "[o]ff-site improvements would occur concurrently with on-site improvements" (p. 2-10). However, simply stating that the proposed off-site improvements would occur concurrently with on-site improvements does not provide any information about the lengths of the off-site construction phases. As a result, the revised individual construction phase lengths for the off-site improvements are unsubstantiated.

These unsubstantiated changes present an issue, as they improperly spread out construction emissions over a longer period of time than is actually anticipated. Thus, by including unsubstantiated increases to the default individual construction phase lengths, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine the significance of the Project's air quality impacts.

Unsubstantiated Reductions to Operational Vehicle Trip Lengths

Review of the CalEEMod output files demonstrates that the "Area, Building Operations, and Passenger Vehicle LST Operations" and "Colton Barton Road-Truck Operations - LST Analysis" models include several manual reductions to the default operational vehicle trip lengths (see excerpt below) (Appendix A, pp. 466, 482, 498-499, 514-515).

10

Table Name	Column Name	Default Value	New Value
tblVehicleTrips	CC_TL	8.40	0.10
tblVehicleTrips	CNW_TL	6.90	0.10
tblVehicleTrips	CW_TL	16.60	0.10

As you can see in the excerpt above, the commercial-nonwork ("C-NW"), commercial–customer ("C-C"), and commercial-work ("C-W") operational vehicle trip lengths were manually reduced from their default values to 0.10-miles. As previously mentioned, the CalEEMod User's Guide requires any changes to

[14] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

model defaults be justified.[15] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

> "Trip lengths updated to 0.1 mile to account for on-site emissions from mobile sources as a conservative estimate for LST analysis" (Appendix A, pp. 465, 481, 497, 513).

10
CONT

Furthermore, regarding these changes, the DEIR states:

> "[T]he LST Methodology recommends that only on-site emissions are evaluated using LSTs. Because most of the proposed project's mobile-source emissions would occur on the local and regional roadway network away from the project, only the on-site area-, energy-, and mobile-source emissions were included in this analysis. A trip length of 0.1 mile was used in the modeling input assumptions to account for on-site emissions from mobile sources" (p. 3.2-36).

However, these justifications are insufficient. Review of Google Earth demonstrates that the Project site itself is 0.75 miles in length (see excerpt below).

As such, the revised operational vehicle trip lengths are underestimated by ***at least*** 0.65 miles. As such, the revised operational vehicle trip lengths are unsubstantiated. This presents an issue, as CalEEMod uses operational vehicle trip types and lengths to calculate motor vehicle emissions associated with Project operation.[16] By relying upon an underestimated on-site operational vehicle trip length of 0.1

[15] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9
[16] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 36.

miles, the models underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance. 10 CONT

Unsubstantiated Change to Consumer Product Emission Factor

Review of the Project's CalEEMod output files demonstrates that the "Colton Barton Road-Area, Building Operations, and Passenger Vehicle Operations," and "Area, Building Operations, and Passenger Vehicle LST Operations" models include a manual reduction to the default consumer product ROG emission factor ("ROG_EF") (see excerpt below) (Appendix A, pp. 357, 379, 395, 465, 481). 11

Table Name	Column Name	Default Value	New Value
tblConsumerProducts	ROG_EF	1.98E-05	1.62E-05

As you can see in the excerpt above, the ROG_EF value was reduced by 18%, from the default value of 1.98E-05- to 1.62E-5-pounds of ROG/VOC per square foot per day ("lb ROG/SF/day"). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[17] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

> "Updated based on 2017 ARB VOC inventory data and 2017 population estimates based on the State of California's Department of Finance demographic projections were used to estimate a statewide VOC EF for 2017." (Appendix A, pp. 356, 378, 394, 465, 481).

However, this justification is insufficient. The statewide ROG emission factor is calculated by converting statewide total VOC emissions in tons per day ("tons/day") to pounds per day ("lbs"), and dividing them by the statewide total building area.[18] Thus, in order to calculate the statewide ROG emission factor, both VOC inventory and statewide building area data is required. Here, however, the "User Entered Comments & Non-Default Data" table fails to provide a source for the statewide total building area value required for the calculation. As a result, we cannot verify the revised emission factor.

This presents an issue, as consumer product emission factors are used by CalEEMod to calculate the Project's ROG/VOC emissions.[19] Thus, by including an unsubstantiated change to the default consumer product emission factor, the models may underestimate the Project's area-source operational emissions and should not be relied upon to determine Project significance.

Incorrect Application of Construction-Related Mitigation Measures

Review of the CalEEMod output files demonstrates that the "Colton Barton Road - Unmitigated Construction," "Colton Barton Road - Unmitigated Off-site Improvements," and "Colton Barton Road - Mitigated Construction" models include the following construction-related mitigation measures (see excerpt below) (Appendix A, pp. 116, 150, 174, 201, 221, 248, 269, 304, 333): 12

[17] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9
[18] "CalEEMod User's Guide: Appendix E Technical Source Documentation." CAPCOA, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/06_appendix-e2016-3-2.pdf?sfvrsn=4, p. E-8.
[19] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

3.1 Mitigation Measures Construction

Water Exposed Area

Water Unpaved Roads

Reduce Vehicle Speed on Unpaved Roads

12
CONT

Furthermore, the models include a 12% moisture content and a vehicle speed of 15 miles per hour ("MPH") (see excerpt below) (Appendix A, pp. 109, 145, 168, 197, 215, 244, 262, 298, 327).

Table Name	Column Name	Default Value	New Value
tblConstDustMitigation	WaterUnpavedRoadMoistureContent	0	12
tblConstDustMitigation	WaterUnpavedRoadVehicleSpeed	0	15

As previously mentioned, the CalEEMod User's Guide requires any change to model defaults be justified.[20] According to the "User Entered Comments & Non-Default Data" table, the justification provided these construction-related mitigation measures is: "Compliance with SCAQMD Rule 403" (Appendix A, pp. 109, 144, 168, 196, 215, 243, 262, 298, 327). Furthermore, the DEIR states:

> "The PM_{10} and $PM_{2.5}$ emissions reflect the combined exhaust and mitigated fugitive dust emissions in accordance with SCAQMD Rule 403" (p. 3.2-32, Table 3.2-6).

However, these justifications are insufficient for two reasons.

First, simply because the DEIR states that the Project would comply with SCAQMD Rule 403 does not justify the inclusion of the above-mentioned construction-related mitigation measures in the models. According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[21]

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based on the Project's compliance with SCAQMD Rule 403, is unsubstantiated.

[20] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9
[21] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

Second, according to SCAQMD Rule 403, Projects can *either* water unpaved roads 3 times per day, water unpaved roads 1 time per day and limit vehicle speeds to 15 mph *or* apply a chemical stabilizer (see excerpt below).[22]

Table 2 (Continued)

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS	
Unpaved Roads	(4a)	Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day]; OR
	(4b)	Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR
	(4c)	Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.

12 CONT

As you can see in the above excerpt, to simply comply with SCAQMD Rule 403, the Project may *either* water unpaved roads 3 times per day, water unpaved roads 1 time per day and limit vehicle speeds to 15 mph, *or* apply a chemical stabilizer. Thus, none of the measures included in the CalEEMod models are explicitly required by SCAQMD Rule 403, and we cannot verify their inclusion in the models. By including several construction-related mitigation measures without properly committing to their implementation, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

Incorrect Application of Operational Mitigation Measures

Review of the CalEEMod output files demonstrates that the "Colton Barton Road-Area, Building Operations, and Passenger Vehicle Operations" and "Area, Building Operations, and Passenger Vehicle LST Operations" models include the following area- and water-related operational mitigation measures (see excerpt below) (Appendix A, pp. 369, 371, 389, 391, 405, 407, 476, 478, 492, 494):

13

Area-Related Operational Mitigation Measures:

6.1 Mitigation Measures Area

Use Electric Lawnmower
Use Electric Leafblower
Use Electric Chainsaw

[22] "RULE 403. FUGITIVE DUST." SCAQMD, June 2005, *available at:* http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf, p. 403-21, Table 2.

Water-Related Operational Mitigation Measures:

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

13
CONT

As previously mentioned, the CalEEMod User's Guide requires any change to model defaults be justified.[23] According to the "User Entered Comments & Non-Default Data" table, the justifications provided for inclusion of the area- and water-related mitigation measures are: "Statewide average" and "Compliance with Green Building Code Standards and California Model Water Efficient Landscape Ordinance," respectively (Appendix A, pp. 356, 378, 394, 465, 481).

However, these justifications are insufficient for three reasons.

First, the justification provided for the area-related operational mitigation measures fails to substantiate or provide any necessary information regarding why these measures were included.

Second, the DEIR includes mitigation measure ("MM") GHG-1d, which states:

> "Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the project design provides infrastructure to support the use of exterior electric yard trucks and electric on-site vehicles. All buildings shall provide infrastructure to support use of electric exterior yard trucks and on-site vehicles. The operation of yard trucks that are used to move trailers and on-site vehicles within the project site shall be powered by electricity unless the project applicant can reasonably demonstrate that such equipment is not available for a particular task" (p. 3.6-32).

However, while MM GHG-1d requires the use of electric yard trucks and on-site vehicles, MM GHG-1d fails to require the use of electric lawnmowers, leaf blowers, or chainsaws. As such, the inclusion of these measures is unsubstantiated.

Third, simply because the justification provided for the water-related operational mitigation measures states that the Project would comply with the Green Building Code Standards and California Model Water Efficient Landscape Ordinance does not justify the inclusion of the above-mentioned water-related mitigation measures in the model. According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the

[23] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[24]

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based on the Project's compliance with the Green Building Code Standards and California Model Water Efficient Landscape Ordinance, is unsubstantiated.

By incorrectly including several area- and water-related operational mitigation measures without committing to their implementation, the models underestimate the Project's operational emissions and should not be relied upon to determine Project significance.

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Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project's construction-related and operational emissions, we prepared an updated CalEEMod model, using the Project-specific information provided by the DEIR. In our updated model, we corrected the parking land use size; accounted for the possibility of cold storage requirements; omitted the unsubstantiated changes to the CO_2 intensity factor, consumer product emission factor, and the operational vehicle trip lengths; as well as excluded the unsubstantiated construction-related and operational mitigation measures. Our updated analysis estimates that the Project's operational NO_X emissions exceed the SCAQMD threshold of 55 pounds per day ("lbs/day"), as referenced by the DEIR (see table below) (p. 3.2-33, Table 3.2-7).

14

Model	NO_X
SWAPE Passenger Car Operation	15.57
SWAPE Truck Operation	51.51
SWAPE Total Operation	67.08
DEIR Total Operation	54.95
% Increase	22%
SCAQMD Regional Threshold (lbs/day)	**55**
Threshold Exceeded?	***Yes***

As demonstrated above, when modeled correctly, the Project's estimated operational NO_X emissions increase by approximately 22% and exceed the applicable SCAQMD threshold. Thus, our model demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR. As a result, an updated EIR should be prepared to adequately assess and mitigate the potential air quality impact that the Project may have on the surrounding environment.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that the Project's health risk impacts would be less than significant as a result of quantitative construction and mobile-source health risk assessments ("HRAs"). Specifically, the DEIR

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[24] "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at:* https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

estimates that the Project would result in a construction-related and operational cancer risk of 7.3 in one million, which would not exceed the SCAQMD threshold of 10 in one million (see excerpt below) (p. 3.2-41, Table 3.2-12).

15 CONT

Health Impact Metric	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index[1]
Risks and Hazards at the MIR over 30-year exposure	7.3	0.009
SCAQMD Significance Threshold	**10**	**1**
Exceeds Individual Source Threshold?	**No**	**No**

As a result, the DEIR concludes:

> "The maximum cancer risks at the MIR over the approximate 1.24-year construction period combined with cancer risks over a 30-year operational exposure duration would be less than 10 in one million, and the maximum hazard index for chronic HI would be less than 0.1. As noted in Table 3.2-12, the health risks and hazard index are below the SCAQMD's thresholds of significance. Therefore, the proposed project's operation would not expose sensitive receptors to substantial pollutant concentrations" (p. 3.2-42).

However, the DEIR's analysis of the Project's health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for four reasons.

First, the DEIR's construction HRA is incorrect, as it relies upon exhaust PM_{10} emissions estimates from underestimated air models (p. 3.2-37). As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the CalEEMod Output as Appendix A to the AQ & GHG Report, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR and associated documents. As a result, the HRA utilizes an underestimated DPM concentration to calculate the health risk associated with Project construction. As such, the DEIR's construction HRA underestimates the Project's construction-related cancer risk and should not be relied upon to determine Project significance.

Second, the fraction of time at home ("FAH") values relied upon by the DEIR's HRAs are inconsistent with those recommended by SCAQMD guidance. Specifically, the DEIR's construction HRA relies upon FAH values of 0.85, 0.85, 0.72, and 0.73 for 3rd trimester, infant, child, and adult receptors, respectively (see excerpt below) (Appendix B, pp. 540).

Construction Annual DPM Emissions (as PM10 Exhaust) Unmitigated

Year	Maximum DPM Concentration (ug/m3)	Age Sensitivity Factor	Daily Breathing Rate (L/kg-day)	Time At Home Factor	Exposure Duration (years)	Cancer Risk (/million)
3rd Trimester	0.045014196	10	361	0.85	0.25	0.5
0-1	0.045014196	10	1090	0.85	0.99	6.2
					Total	6.7

Cancer Risk Impacts from Construction at the Maximum Impacted Sensitive Receptor - Child

UTM: 469594.13 3766418.72

Cancer Potency Factor:	1.1 $(mg/kg\text{-}day)^{-1}$
Exposure Frequency	350 days/year
Averaging Period	25550 days

Construction Annual DPM Emissions (as PM10Exhaust) Unmitigated

Construction Year	Maximum DPM Concentration (ug/m3)	Age Sensitivity Factor	Daily Breathing Rate (L/kg-day)	Time At Home Factor	Exposure Duration (years)	Unit Risk Factor $(ug/m3)^{-1}$
1	0.045014196	3	572	0.72	1.24	1.0
					Total	1.0

Cancer Risk Impacts from Construction at the Maximum Impacted Sensitive Receptor - Adult

UTM: 469594.13 3766418.72

Cancer Potency Factor:	1.1 $(mg/kg\text{-}day)^{-1}$
Exposure Frequency	350 days/year
Averaging Period	25550 days

Construction Annual DPM Emissions (as PM10 Exhaust) Unmitigated

Construction Year	Maximum DPM Concentration (ug/m3)	Age Sensitivity Factor	Daily Breathing Rate (L/kg-day)	Time At Home Factor	Exposure Duration (years)	Unit Risk Factor $(ug/m3)^{-1}$
1	0.045014196	1	261	0.73	1.24	0.2
					Total	0.2

15 CONT

This is incorrect, as SCAQMD guidance recommends an FAH value of 1 for 3rd trimester gestation receptors, infants, and children, as well as an FAH value of 0.73 for adults (see excerpt below).[25]

[25] 'PERMIT APPLICATION PACKAGE "N".' SCAQMD, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/attachmentn-v8-1.pdf?sfvrsn=4, p. 15, Table 4.1 D.

Age	Daily Breathing Rate (L/kg-day)	Age Specific Factor	Exposure Duration (years)	Fraction of Time at Home	Exposure Frequency (350 days/year)	CEF_R
-0.25 to 0	361	10	0.25	1	0.96	677.4
0 to 2	1,090	10	2	1	0.96	
2 to 16	572	3	14	1	0.96	
16 to 30	261	1	14	0.73	0.96	

15 CONT

As demonstrated above, SCAQMD guidance recommends an FAH value of 1 for 3rd trimester gestation receptors, infants, and children, as well as an FAH value of 0.73 for adults. Thus, the DEIR's construction HRA is inconsistent with SCAQMD guidance and should not be relied upon to determine Project significance.

Third, the DEIR's construction HRA reports an average annual on-site DPM emission rate of 2.35E-8 grams per square meter per second ("g/m^2/s"), as well as average annual off-site DPM emission rates of 2.79E-5-, 1.52E-5-, 1.53E-5-, 1.55E-05-, and 1.52E-5-grams per second ("g/s") for road segments 1, 2, 3, 4, and 5, respectively (see excerpt below) (Appendix B, pp. 542).

Annual Average Onsite Total DPM Emission Rate (grams/m2/sec):	2.36E-08
Annual Average Offsite Total DPM Emission Rate - Road Segment 1 (grams/sec):	2.79E-05
Annual Average Offsite Total DPM Emission Rate - Road Segment 2 (grams/sec):	1.52E-05
Annual Average Offsite Total DPM Emission Rate - Road Segment 3 (grams/sec):	1.53E-05
Annual Average Offsite Total DPM Emission Rate - Road Segment 4 (grams/sec):	1.55E-05
Annual Average Offsite Total DPM Emission Rate - Road Segment 5 (grams/sec):	1.52E-05

However, while the DEIR indicates that the construction HRA relies upon exhaust PM_{10} emissions estimates from the Project's CalEEMod models, the DEIR fails to explain how the annual average DPM emission rates were calculated based on these emissions estimates (p. 3.2-37). Absent an explanation of how the annual average DPM emission rates were calculated, we cannot verify the inputs utilized to model the Project's DPM concentrations and estimate the Project's excess cancer risk value. As a result, the DEIR's construction HRA should not be relied upon.

Fourth, the DEIR's operational HRA fails to consider the toxic air contaminant ("TAC") emissions associated with the *existing* land uses that will remain operational on-site. Specifically, the DEIR indicates that an existing 125,801-SF high-cube cold storage warehouse would remain operational as a result of the proposed Project (p. 2-3). As such, the DEIR's mobile-source operational HRA should have accounted for the additional DPM emissions associated with this land use. However, review of the DEIR demonstrates that the mobile-source operational HRA only evaluates the potential health risk impacts associated with the proposed new industrial warehouse logistics facility (p. 3.2-40). By failing to evaluate the potential health risk impacts associated with operation of the existing warehouse, the DEIR's mobile-source operational HRA may underestimate the Project's operational excess cancer risk and should not be relied upon to determine Project significance.

Screening-Level Assessment Indicates a Potentially Significant Health Risk Impact

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.[26] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[27] and the California Air Pollution Control Officers Associated ("CAPCOA")[28] guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

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We prepared a preliminary HRA of the Project's construction and operational health-related impact to residential sensitive receptors using the annual PM_{10} exhaust estimates from SWAPE's updated CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. SWAPE's updated CalEEMod model indicates that construction activities will generate approximately 329 pounds of DPM over the 452-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{329\ lbs}{452\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00382\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.00382 grams per second ("g/s"). Subtracting the 452-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 28.76 years, approximately. The Project's operational CalEEMod emissions indicate that operational activities will generate approximately 410 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{410\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.0059\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.0059 g/s. Construction and operational activity was simulated as a 45.52-acre rectangular area source in AERSCREEN with dimensions of 1,204 by 153 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical

[26] U.S. EPA (April 2011) AERSCREEN Released as the EPA Recommended Screening Model, http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf
[27] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf
[28] CAPCOA (July 2009) Health Risk Assessments for Proposed Land Use Projects, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.[29] According to the DEIR, the nearest sensitive receptors are located approximately 25 meters from the Project site (p. 3.2-23). However, review of the AERSCREEN output files demonstrates that the *maximally exposed* individual resident ("MEIR") is located approximately 600 meters from the Project site. Thus, the single-hour concentration estimated by AERSCREEN for Project construction is approximately 1.273 µg/m^3 DPM at approximately 600 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.1273 µg/m^3 for Project construction at the MEIR. For Project operation, the single-hour concentration estimated by AERSCREEN is 1.966 µg/m^3 DPM at approximately 600 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.19665 µg/m^3 for Project operation at the MEIR.

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CONT

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA. Consistent with the 452-day construction schedule included in the Project's CalEEMod output files, the annualized average concentration for Project construction was used for the entire third trimester of pregnancy (0.25 years) and the first 0.99 years of the infantile stage of life (0 – 2 years); and the annualized averaged concentration for operation was used for the remainder of the 30-year exposure period, which makes up the remaining 1.01 years of the infantile stage of life, the entire child stage of life (2 – 16 years), and the entire the adult stage of life (16 – 30 years).

Consistent with the DEIR's methodology, we used Age Sensitivity Factors ("ASF") to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution (p. 3.2-41, Table 3.2-11). When applying ASFs, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) as well as multiplied by a factor of three during the child stage of life (2 – 16 years). Furthermore, in accordance with the guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.[30] Finally, according to SCAQMD guidance, we used a Fraction of Time At Home ("FAH") Value of 1 for the 3rd trimester and

[29] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." EPA, 1992, *available at*: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; *see also* "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 4-36.

[30] "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," July 2018, *available at:* http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588supplementalguidelines.pdf, p. 16.
"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

infant receptors.[31] We used a cancer potency factor of 1.1 (mg/kg-day)$^{-1}$ and an averaging time of 25,550 days. The results of our calculations are shown below.

The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	ASF	Cancer Risk with ASFs*
Construction	0.25	0.1273	361	10	1.7E-06
3rd Trimester Duration	***0.25***			***3rd Trimester Exposure***	***1.7E-06***
Construction	0.99	0.1273	1090	10	2.1E-05
Operation	1.01	0.1966	1090	10	3.3E-05
Infant Exposure Duration	***2.00***			***Infant Exposure***	***5.3E-05***
Operation	14.00	0.1966	572	3	7.1E-05
Child Exposure Duration	***14.00***			***Child Exposure***	***7.1E-05***
Operation	14.00	0.1966	261	1	7.9E-06
Adult Exposure Duration	***14.00***			***Adult Exposure***	***7.9E-06***
Lifetime Exposure Duration	**30.00**			**Lifetime Exposure**	**1.3E-04**

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CONT

As demonstrated in the table above, the estimated excess cancer risks posed to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 600 meters away, over the course of Project construction and operation, are approximately 7.9, 71, 53, and 1.7 in one million, respectively. The estimated excess cancer risk over the course of a residential lifetime (30 years), is approximately 130 in one million. The infant, child, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

An agency should include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. [32] The purpose of the screening-level construction and operational HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact,

[31] "Risk Assessment Procedures for Rules 1401, 1401.1, and 212." SCAQMD, August 2017, *available at:* http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

[32] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 1-5

when correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level HRA indicates a potentially significant impact, the City should prepare a Project-specific EIR with an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, the City should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation. 16 CONT

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual GHG emissions of 7,744 metric tons of carbon dioxide equivalents per year ("MT CO_2e/year"), which would not exceed the SCAQMD significance threshold of 10,000 MT CO_2e/year (see excerpt below) (p. 3.6-27 – 3.6-28, Table 3.6-3). 17

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Area	0.05
Energy	790
Waste	1,503
Water	454
Mobile—Passenger Vehicles	873
Mobile—Trucks	4,057
Amortized Construction Emissions	67
Total Annual Project Emissions	**7,744**
Applicable Threshold of Significance	**10,000**
Exceeds Threshold of Significance?	**No**
Source: FCS 2020; Appendix B.	

As a result, the DEIR concludes that the Project would result in a less-than-significant GHG impact, stating:

> "[T]he project's combined amortized construction and annual operational GHG emissions would not exceed the 10,000 MT CO_2e per year threshold of significance. Thus, the project's construction and operational GHG emissions would not result in a significant impact on the environment" (p. 3.6-28).

Furthermore, the DEIR relies upon the Project's consistency with the City's Climate Action Plan ("CAP") and CARB's *Scoping Plan* in order to conclude that the Project would have a less-than-significant GHG impact (p. 3.6-28). However, the DEIR's GHG analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for six reasons.

(1) The DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;
(2) The DEIR's quantitative GHG analysis relies upon an outdated threshold;
(3) The DEIR fails to identify a potentially significant GHG impact;
(4) SWAPE's updated analysis indicates a potentially significant GHG impact;
(5) The DEIR's reliance on the City's CAP is incorrect; and
(6) The DEIR fails to consider the performance-based standards under CARB's 2017 *Scoping Plan*.

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(1) Incorrect and Unsubstantiated Quantitative GHG Analysis

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 7,744 MT CO_2e/year (p. 3.6-27 – 3.6-28, Table 3.6-3). However, the DEIR's quantitative GHG analysis should not be relied upon, as it relies upon an unsubstantiated air model. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the CalEEMod Output as Appendix A to the AQ & GHG Report, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR and associated documents. As a result, the model underestimates the Project's GHG emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment.

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(2) Incorrect Reliance on the City's CAP

As previously mentioned, the DEIR relies upon the Project's consistency with the City's CAP in order to conclude that the Project would have a less-than-significant GHG impact (p. 3.6-28). Specifically, according to the DEIR:

> "[P]rojects within the City of Colton that achieve at least 75 points based on the City's screening tables are deemed consistent with the reduction quantities anticipated in the City's CAP… Because the proposed project would be required to incorporate GHG reduction measures totaling at least 75 points from the screening tables, the project's impacts would be less than significant after incorporation of mitigation" (p. 3.6-28 – 3.6-29).

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However, this is incorrect, as the City's CAP is not qualified to determine the significance of the Project's GHG impact. According to the DEIR:

> "The CAP is designed to ensure that the development accommodated by the buildout of the General Plan supports the goals of AB 32—the Global Warming Solutions Act of 2006. Since AB 32 GHG goals are based on targets for the year 2020, the CAP can no longer solely be relied upon to determine project significance" (p. 3.6-28).

Furthermore, AEP's *Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*, as referenced by the IS/MND, states:

"*Projects with a horizon year (e.g. the year in which the project is fully realized) beyond 2020 should not tier from a GHG reduction plan that may be qualified up to 2020 but is not yet qualified for a post-2020 period*" (emphasis added).[33]

As you can see in the excerpt above, projects that will become operational beyond 2020 should not tier from CAPs only qualified up to 2020. As such, the City's CAP, which is only qualified up to 2020, should not be relied upon to determine Project significance. As a result, the DEIR's less-than-significant impact conclusion regarding the City's CAP should not be relied upon.

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(3) Incorrect Reliance on an Outdated Threshold

As previously discussed, the DEIR estimates that the Project would generate net annual GHG emissions of 7,744 MT CO_2e/year, which would not exceed the SCAQMD significance threshold of 10,000 MT CO_2e/year (p. 3.6-27 – 3.6-28, Table 3.6-3). However, the DEIR's application of the SCAQMD threshold of 10,000 MT CO_2e/year is incorrect for two reasons.

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First, the SCAQMD threshold of 10,000 MT CO2e/year is for industrial projects. However, the DEIR indicates that the Project will include both office and warehouse land uses (p. ES-1, ES-2). Thus, the Project is considered a *mixed-use* development and the SCAQMD's *industrial* bright-line threshold of 10,000 MTCO_2e is not applicable to the proposed Project.[34]

Second, the guidance that provided the 10,000 MTCO_2/year threshold, the SCAQMD's 2008 *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans* report was developed when the Global Warming Solutions Act of 2006, commonly known as "AB 32", was the governing statute for GHG reductions in California. AB 32 requires California to reduce GHG emissions to 1990 levels by 2020.[35] As it is already January 2021, we know that the Project will not be operational by 2020. As such, the SCAQMD threshold is outdated and inapplicable to the proposed Project, and the DEIR's less-than-significant GHG impact conclusion should not be relied upon.

[33] "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at:* https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 38.

[34] See SCAQMD (Dec. 5, 2008) Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2; *see also* SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf; SCAQMD (Sep. 28, 2010) Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group # 15, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf.

[35] HEALTH & SAFETY CODE 38550, *available at:* https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=38550.

Rather, we recommend that the Project apply the AEP's "2030 Land Use Efficiency Threshold" of 2.6 metric tons of CO_2 equivalents per service population per year ("MT CO_2e/SP/year").[36] In support of this threshold for projects with a horizon year beyond 2020, AEP's guidance *states*:

> "Once the state has a full plan for 2030 (which is expected in 2017), and then *a project with a horizon between 2021 and 2030 should be evaluated based on a threshold using the 2030 target*. A more conservative approach would be to apply a 2030 threshold *based on SB 32* for any project with a horizon between 2021 and 2030 regardless of the status of the Scoping Plan Update" (emphasis added).[37]

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As the California Air Resources Board ("CARB") adopted *California's 2017 Climate Change Scoping Plan* in November of 2017, the proposed Project "should be evaluated based on a threshold using the 2030 target," according to the relevant guidance referenced above. We recommend that an updated EIR be prepared, including an updated air model and comparing the Project's estimated GHG emissions to the "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year.

(4) Failure to Identify a Potentially Significant GHG Impact

The DEIR's incorrect and unsubstantiated air model indicates a potentially significant GHG impact, when applying the "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year. As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 7,744 MT CO_2e/year (p. 3.6-27 – 3.6-28, Table 3.6-3). Furthermore, according to CAPCOA's *CEQA & Climate Change* report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project."[38] The DEIR estimates that the Project would employ approximately 803 people upon buildout (p. 3.10-5, Table 3.10-1). As the Project does not propose any residential land uses, we estimate a service population of 803 people.[39] Dividing the Project's GHG emissions, as estimated by the DEIR, by a service population value of 803 people, we find that the Project would emit approximately 9.6 MT CO_2e/SP/year (see table below).[40]

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[36] "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at:* https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 40.
[37] "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at:* https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 40.
[38] CAPCOA (Jan. 2008) CEQA & Climate Change, p. 71-72, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.
[39] Calculated: 803 employees + 0 residents = 803 service population.
[40] Calculated: (7,744 MT CO_2e/year) / (803 service population) = (9.6 MT CO_2e/SP/year).

DEIR Service Population Efficiency	
Project Phase	**Proposed Project (MT CO_2e/year)**
Total	**7,744**
Service Population	803
Service Population Efficiency	**9.6**
Threshold	2.6
Exceed?	***Yes***

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When we compare the Project's per service population GHG emissions to the AEP's "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year, we find that the Project would result in a significant GHG impact not previously identified or addressed by the DEIR. Therefore, an updated EIR should be prepared and recirculated for the Project, and mitigation should be implemented where necessary.

(5) Updated Analysis Indicates a Potentially Significant GHG Impact

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Applicable thresholds and site-specific modeling demonstrate that the proposed Project would result in a potentially significant GHG impact not previously identified or mitigated by the DEIR. The updated CalEEMod output files, modeled by SWAPE with Project-specific information, disclose the Project's mitigated emissions, which include approximately 1,983 MT CO_2e of total construction emissions (sum of 2021 and 2022) and approximately 21,926 MT CO_2e/year of net annual operational emissions (sum of area-, energy-, passenger car mobile-, truck mobile-, waste, and water-related emissions). When amortizing the Project's construction-related GHG emissions over a period of 30 years and summing them with the Project's operational GHG emissions, we estimate net annual GHG emissions of 21,992 MT CO_2e/year. As previously discussed, we estimate a service population of 803 people. When dividing the Project's GHG emissions (amortized construction + operational) by a service population value of 803 people, we find that the Project would emit approximately 27.4 MT CO_2e/SP/year (see table below).[41]

[41] Calculated: (618.69 MT CO_2e/year) / (183 service population) = (3.38 MT CO_2e/SP/year).

SWAPE Greenhouse Gas Emissions	
Project Phase	**Proposed Project (MT CO_2e/year)**
Construction (amortized over 30 years)	66.10
Area	0.07
Energy	14719.38
Mobile - Passenger Car	1500.47
Mobile - Truck	4023.95
Waste	453.74
Water	1228.38
Net Annual GHG Emissions	**21,992**
Threshold	10,000
Exceed?	***Yes***
Service Population	803
Service Population Efficiency	**27.4**
Threshold	2.6
Exceed?	***Yes***

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As demonstrated above, the Project's estimated net annual GHG emissions and service population efficiency value exceed the outdated SCAQMD bright-line threshold of 10,000 MT CO_2e/SP/year, as well as AEP's "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year, respectively, thus resulting in a significant impact not previously mitigated in the DEIR. Thus, an updated GHG analysis should be prepared in an updated EIR and additional mitigation should be incorporated accordingly, per CEQA Guidelines.

(6) Failure to Consider Performance-based Standards Under CARB's 2017 Scoping Plan

As previously discussed, the DEIR relies upon the Project's consistency with CARB's *Scoping Plan* in order to conclude that the Project would have a less-than-significant GHG impact (p. 3.6-28). However, this is incorrect, as the DEIR fails to consider performance-based measures proposed by CARB.

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i. Passenger & Light Duty VMT Per Capita Benchmarks per SB 375

In reaching the State's long-term GHG emission reduction goals, CARB's 2017 *Scoping Plan* explicitly cites to SB 375 and the VMT reductions anticipated under the implementation of Sustainable Community Strategies.[42] CARB has identified the population and daily VMT from passenger autos and light-duty vehicles at the state and county level for each year between 2010 to 2050 under a "baseline scenario" that includes "current projections of VMT included in the existing Regional Transportation Plans/Sustainable Communities Strategies (RTP/SCSs) adopted by the State's 18 Metropolitan Planning

[42] CARB (Nov. 2017) 2017 Scoping Plan, p. 25, 98, 101-103, https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

Organizations (MPOs) pursuant to SB 375 as of 2015."[43] By dividing the projected daily VMT by the population, we calculated the daily VMT per capita for each year at the state level for 2022 (Project operational year), 2030 (target year under SB 32), and 2050 (target year under S-03-05) (see table below and Attachment B).

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2017 Scoping Plan Daily VMT Per Capita			
	State		
Year	Population	LDV VMT Baseline	VMT Per Capita
2022	41,321,565	916,010,146.00	22.17
2030	43,939,250	957,178,153.00	21.78
2050	49,077,801	1,068,767,246.81	21.78

The below table compares the 2017 *Scoping Plan* daily VMT per capita values against the daily VMT per capita values for the Project based on the DEIR's modeling (see table below and Attachment C).

Daily VMT Per Capita from Passenger & Light-Duty Trucks, Exceedances under 2017 Scoping Plan Performance-Based SB 375 Benchmarks	
Sources	**Project**
	DEIR
Annual VMT from Auto & Light-Duty Vehicles	6,541,041
Daily VMT from Auto & Light-Duty Vehicles	17,921
Service Population	803
Daily VMT Per Capita	22.32
2017 Scoping Plan Benchmarks, Statewide	
22.17 VMT (2022 Projected) Exceed?	**Yes**
21.78 VMT (2030 Projected) Exceed?	**Yes**
21.78 VMT (2050 Projected) Exceed?	**Yes**

As shown above, the DEIR's modeling shows that the Project exceeds the CARB 2017 *Scoping Plan* projections for 2022, 2030, and 2050. Because the exceeds the CARB 2017 *Scoping Plan* performance-based daily VMT per capita projections, the Project conflicts with the CARB 2017 *Scoping Plan* and SB 375. As such, the DEIR's claim that the proposed Project would not conflict with the CARB 2017 *Scoping Plan* is incorrect and unsubstantiated. An EIR should be prepared for the proposed Project to provide additional information and analysis to conclude less than significant GHG impacts.

[43] CARB (Jan. 2019) 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals ("Supporting Calculations for 2017 Scoping Plan-Identified VMT Reductions"), Excel Sheet "Readme", https://ww2.arb.ca.gov/sites/default/files/2019-01/sp_mss_vmt_calculations_jan19_0.xlsx.

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project's air quality, health risk, and GHG emissions may result in significant impacts and should be mitigated further. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*.[44] Therefore, to reduce the Project's emissions, consideration of the following measures should be made: 24

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*[45]
Measures – Energy
Building Energy Use
Install Programmable Thermostat Timers
Obtain Third-party HVAC Commissioning and Verification of Energy Savings
Install Energy Efficient Appliances
Install Energy Efficient Boilers
Lighting
Limit Outdoor Lighting Requirements
Alternative Energy Generation
Establish Onsite Renewable or Carbon-Neutral Energy Systems
Establish Onsite Renewable Energy System – Solar Power
Utilize a Combined Heat and Power System
Measures – Transportation
Land Use/Location
Increase Location Efficiency
Increase Destination Accessibility
Increase Transit Accessibility
Orient Project Toward Non-Auto Corridor
Neighborhood/Site Enhancements
Provide Pedestrian Network Improvements, such as: • Compact, mixed-use communities • Interconnected street network • Narrower roadways and shorter block lengths • Sidewalks • Accessibility to transit and transit shelters • Traffic calming measures and street trees • Parks and public spaces

[44] http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf
[45] "Quantifying Greenhouse Gas Mitigation Measures." California Air Pollution Control Officers Association (CAPCOA), August 2010, *available at:* http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf, p.

• Minimize pedestrian barriers
Implement a Neighborhood Electric Vehicle (NEV) Network.
Create Urban Non-Motorized Zones
Incorporate Bike Lane Street Design (on-site)
Dedicate Land for Bike Trails
Parking Policy/Pricing
Limit Parking Supply through: • Elimination (or reduction) of minimum parking requirements • Creation of maximum parking requirements • Provision of shared parking
Implement Market Price Public Parking (On-Street)
Commute Trip Reduction Programs
Implement Commute Trip Reduction (CTR) Program – Voluntary • Carpooling encouragement • Ride-matching assistance • Preferential carpool parking • Flexible work schedules for carpools • Half time transportation coordinator • Vanpool assistance • Bicycle end-trip facilities (parking, showers and lockers) • New employee orientation of trip reduction and alternative mode options • Event promotions and publications • Flexible work schedule for employees • Transit subsidies • Parking cash-out or priced parking • Shuttles • Emergency ride home
Implement Commute Trip Reduction (CTR) Program – Required Implementation/Monitoring • Established performance standards (e.g. trip reduction requirements) • Required implementation • Regular monitoring and reporting
Provide Ride-Sharing Programs • Designate a certain percentage of parking spaces for ride sharing vehicles • Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles • Providing a web site or messaging board for coordinating rides • Permanent transportation management association membership and funding requirement.
Implement Subsidized or Discounted Transit Program
Provide Ent of Trip Facilities, including: • Showers • Secure bicycle lockers • Changing spaces
Encourage Telecommuting and Alternative Work Schedules, such as:

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• Staggered starting times • Flexible schedules • Compressed work weeks
Implement Commute Trip Reduction Marketing, such as: • New employee orientation of trip reduction and alternative mode options • Event promotions • Publications
Implement Preferential Parking Permit Program
Implement Car-Sharing Program
Implement School Pool Program
Provide Employer-Sponsored Vanpool/Shuttle
Implement Bike-Sharing Programs
Implement School Bus Program
Price Workplace Parking, such as: • Explicitly charging for parking for its employees; • Implementing above market rate pricing; • Validating parking only for invited guests; • Not providing employee parking and transportation allowances; and • Educating employees about available alternatives.
Implement Employee Parking "Cash-Out"
Transit System Improvements
Transit System Improvements, including: • Grade-separated right-of-way, including bus only lanes (for buses, emergency vehicles, and sometimes taxis), and other Transit Priority measures. Some systems use guideways which automatically steer the bus on portions of the route. • Frequent, high-capacity service • High-quality vehicles that are easy to board, quiet, clean, and comfortable to ride. • Pre-paid fare collection to minimize boarding delays. • Integrated fare systems, allowing free or discounted transfers between routes and modes. • Convenient user information and marketing programs. • High quality bus stations with Transit Oriented Development in nearby areas. • Modal integration, with BRT service coordinated with walking and cycling facilities, taxi services, intercity bus, rail transit, and other transportation services.
Implement Transit Access Improvements, such as: • Sidewalk/crosswalk safety enhancements • Bus shelter improvements
Expand Transit Network
Increase Transit Service Frequency/Speed
Provide Bike Parking Near Transit
Provide Local Shuttles

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Road Pricing/Management
Implement Area or Cordon Pricing
Install Park-and-Ride Lots
Vehicles
Electrify Loading Docs and/or Require Idling-Reduction Systems
Utilize Alternative Fueled Vehicles, such as: • Biodiesel (B20) • Liquefied Natural Gas (LNG) • Compressed Natural Gas (CNG)
Utilize Electric or Hybrid Vehicles
Measures – Water
Water Supply
Use Reclaimed Water
Use Gray Water
Use Locally Sourced Water Supply
Water Use
Adopt a Water Conservation strategy
Design Water-Efficient Landscapes (see California Department of Water Resources Model Water Efficient Landscape Ordinance), such as: • Reducing lawn sizes; • Planting vegetation with minimal water needs, such as native species; • Choosing vegetation appropriate for the climate of the project site; • Choosing complimentary plants with similar water needs or which can provide each other with shade and/or water.
Use Water-Efficient Landscape Irrigation Systems (“Smart” irrigation control systems)
Reduce Turf in Landscapes and Lawns
Plant Native or Drought-Resistant Trees and Vegetation
Measures – Area Landscaping
Landscaping Equipment
Implement Lawnmower Exchange Program
Measures – Solid Waste
Solid Waste
Recycle Demolished Construction Material
Measures – Vegetation
Vegetation
Urban Tree Planting
Create New Vegetated Open Space
Measures – Construction

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Construction
Use Alternative Fuels for Construction Equipment
Urban Tree Planting
Use Electric and Hybrid Construction Equipment
Limit Construction Equipment Idling Beyond Regulation Requirements
Institute a Heavy-Duty Off-Road Vehicle Plan, including: • Construction vehicle inventory tracking system; • Requiring hour meters on equipment; • Document the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment; and • Daily logging of the operating hours of the equipment.
Implement a Construction Vehicle Inventory Tracking System
Measures – Miscellaneous
Miscellaneous
Establish a Carbon Sequestration Project, such as: • Geologic sequestration or carbon capture and storage techniques, in which CO_2 from point sources is captured and injected underground; • Terrestrial sequestration in which ecosystems are established or preserved to serve as CO_2 sinks; • Novel techniques involving advanced chemical or biological pathways; or • Technologies yet to be discovered.
Establish Off-Site Mitigation
Use Local and Sustainable Building Materials
Require Environmentally Responsible Purchasing, such as: • Purchasing products with sustainable packaging; • Purchasing post-consumer recycled copier paper, paper towels, and stationary; • Purchasing and stocking communal kitchens with reusable dishes and utensils; • Choosing sustainable cleaning supplies; • Leasing equipment from manufacturers who will recycle the components at their end of life; • Choosing ENERGY STAR appliances and Water Sense-certified water fixtures; • Choosing electronic appliances with built in sleep-mode timers; • Purchasing 'green power' (e.g. electricity generated from renewable or hydropower) from the utility; and • Choosing locally-made and distributed products.

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Furthermore, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project from NEDC's *Diesel Emission Controls in Construction*

Projects.[46] Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

NEDC's *Diesel Emission Controls in Construction Projects*[47]
Measures – Diesel Emission Control Technology
a. Diesel Generators All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
b. Upon confirming that the diesel vehicle, construction equipment, or generator has either an engine meeting Tier 4 non road emission standards or emission control technology, as specified above, installed and functioning, the developer will issue a compliance sticker. All diesel vehicles, construction equipment, and generators on site shall display the compliance sticker in a visible, external location as designated by the developer.
c. Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer.
Measures – Additional Diesel Requirements
a. Construction shall not proceed until the contractor submits a certified list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
b. If the contractor subsequently needs to bring on site equipment not on the list, the contractor shall submit written notification within 24 hours that attests the equipment complies with all contract conditions and provide information.
c. All diesel equipment shall comply with all pertinent local, state, and federal regulations relative to exhaust emission controls and safety.
d. The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
Reporting
a. For each onroad diesel vehicle, nonroad construction equipment, or generator, the contractor shall submit to the developer's representative a report prior to bringing said equipment on site that includes:

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CONT

[46] "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, *available at:* https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf.

[47] "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, *available at:* https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf.

i. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number. ii. The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level. iii. The Certification Statement signed and printed on the contractor's letterhead.	
b. The contractor shall submit to the developer's representative a monthly report that, for each onroad diesel vehicle, nonroad construction equipment, or generator onsite, includes: i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date. ii. Any problems with the equipment or emission controls. iii. Certified copies of fuel deliveries for the time period that identify: 1. Source of supply 2. Quantity of fuel 3. Quality of fuel, including sulfur content (percent by weight)	24 CONT

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include an updated health risk and GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties. 25

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A:	SWAPE HRA Calculations
Attachment B:	SWAPE GHG and VMT Calculations
Attachment C:	SWAPE Project CalEEMod Modeling
Attachment D:	SWAPE Project AERSCREEN Modeling
Attachment E:	Paul Rosenfeld CV
Attachment F:	Matt Hagemann CV

Attachment A

Construction	
2021	
Annual Emissions (tons/year)	0.17644
Daily Emissions (lbs/day)	0.966794521
Construction Duration (days)	319
Total DPM (lbs)	308.4074521
Total DPM (g)	139893.6203
Start Date	2/15/2021
End Date	12/31/2021
Construction Days	319
2022	
Annual Emissions (tons/year)	0.0289
Daily Emissions (lbs/day)	0.158356164
Construction Duration (days)	132
Total DPM (lbs)	20.9030137
Total DPM (g)	9481.607014
Start Date	1/1/2022
End Date	5/13/2022
Construction Days	132

Total	
Total DPM (lbs)	329.3104658
Total DPM (g)	149375.2273
Total Construction Days	452
Emission Rate (g/s)	0.00382
Release Height (meters)	3
Initial Vertical Dimension (meters)	1.5
Max Horizontal (meters)	1,204.0
Min Horizontal (meters)	153.0
Total Acreage	45.51973629
Setting	Urban
Population	54,580
Start Date	2/15/2021
End Date	5/13/2022
Total Construction Days	452
Total Years of Operation	28.76

Operation	
Emission Rate	
Annual Emissions (tons/year)	0.205
Daily Emissions (lbs/day)	1.123287671
Emission Rate (g/s)	0.00590
Release Height (meters)	3
Initial Vertical Dimension (meters)	1.5
Max Horizontal (meters)	1,204.0
Min Horizontal (meters)	153.0
Total Acreage	45.51973629
Setting	Urban
Population	54,580
Total Pounds of DPM	
Total Days of Operation	10498.00
Total DPM per Year (lbs)	410

The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	ASF	Cancer Risk with ASFs*
Construction	0.25	0.1273	361	10	1.7E-06
3rd Trimester Duration	***0.25***			***3rd Trimester Exposure***	***1.7E-06***
Construction	0.99	0.1273	1090	10	2.1E-05
Operation	1.01	0.1966	1090	10	3.3E-05
Infant Exposure Duration	***2.00***			***Infant Exposure***	***5.3E-05***
Operation	14.00	0.1966	572	3	7.1E-05
Child Exposure Duration	***14.00***			***Child Exposure***	***7.1E-05***
Operation	14.00	0.1966	261	1	7.9E-06
Adult Exposure Duration	***14.00***			***Adult Exposure***	***7.9E-06***
Lifetime Exposure Duration	**30.00**			**Lifetime Exposure**	**1.3E-04**

Attachment B

GHG CALCULATIONS: DEIR Modeling

Line (L)	Value	Unit
Daily VMT Per Capita From Passenger and Light Duty Vehicles		
1	7,802,941	Project Total VMT (CalEEMod Annual Output, Tbl. 4.2 Trip Summary)
2	83.83%	Passenger and Light-Duty VMT Fleet Mix (CalEEMod Annual Output, Tbl. 4.4 Fleet Mix)
3	6,541,041	VMT from Passenger & Light-Duty Vehicles [Calc: (L1*L2)]
4	17,921	Daily VMT from Passenger & Light-Duty Vehicles [Calc: (L3/365)]
5	803.00	Service Population [0 residents + 803 long-term jobs]
6	22.32	Daily VMT Per Capita [(Calc: L4/L5)]

2017 Scoping Plan Daily VMT Per Capita			
	State		
Year	Population	LDV VMT Baseline	VMT Per Capita
2022	41,321,565	916,010,146.00	22.17
2030	43,939,250	957,178,153.00	21.78
2050	49,077,801	1,068,767,246.81	21.78

Daily VMT Per Capita from Passenger & Light-Duty Trucks, Exceedances under 2017 Scoping Plan Performance-Based SB 375 Benchmarks	
Sources	**Project**
	DEIR
Annual VMT from Auto & Light-Duty Vehicles	6,541,041
Daily VMT from Auto & Light-Duty Vehicles	17,921
Service Population	803
Daily VMT Per Capita	22.32
2017 Scoping Plan Benchmarks, Statewide	
22.17 VMT (2022 Projected) Exceed?	**Yes**
21.78 VMT (2030 Projected) Exceed?	**Yes**
21.78 VMT (2050 Projected) Exceed?	**Yes**

Blum Collins, LLP, Attorneys At Law (BLUM)

Response to BLUM-1
The cover letter includes a request for information about updates to the proposed project and a request for several email addresses to be added to the notification list for any subsequent environmental documents, public notices, public hearings, and notices of determination for the project. In response, these email addresses have been added to the notification list.

Response to BLUM-2
This comment consists of introductory information and raises general concerns about air quality, health risk, and GHG impacts resulting from the project. The concerns are addressed in the following responses.

Response to BLUM-3
As demonstrated in the following responses, the Draft EIR adequately evaluated the proposed project's potential impacts related to hazards and hazardous materials (refer to Response to Comment BLUM-4), air quality (refer to Response to Comment BLUM-5 through BLUM-16), and GHG (refer to Response to Comment BLUM-17 through BLUM-24). No further analysis is required.

Response to BLUM-4
The Phase I Environmental Site Assessment (Phase I ESA) prepared for the project site did not recommend pesticide sampling to be conducted at the project site. As noted in Phase I ESA, the project site was used for agricultural purposes from approximately 1960-1979, and pesticides could have been applied. However, Hazard Management Consulting Inc., (HMC) also noted that since the agricultural uses ended, the project site has been graded and used for commercial purposes, including food processing, storage, and distribution, for more than 40 years. Pesticides when applied to soil tend to be bound in the upper few feet of the soil column. The grading that would have been necessary to construct the various buildings on the project site would have resulted in the pesticides being mixed, resulting in lower concentrations. In addition, pesticides break down in soil over time. If pesticides were present in soil when the agricultural uses ended, the concentrations would be significantly reduced over time due to both the grading activity and natural degradation processes. Given that the project site is intended for use as a commercial center, HMC, the expert who prepared the Phase I ESA, concluded that it is very unlikely that actionable concentrations of pesticides would remain in soil and pose a concern for this proposed use. As such, HMC did not recommend any testing of the shallow soil for potential pesticide content. There is no substantial evidence that the project's hazards and hazardous materials impacts are significant.

The commenter noted that certain pesticides are noted to be long lasting in soil including the organochlorine pesticides such as DDT. While true, DDT and other similar chemicals do break down over time. Typically, pesticides applied to crop land tend to remain in the upper few feet and do break down with time. As mentioned above, the past grading activity would have mixed the upper few feet of soil allowing any theoretical pesticides that did remain to be blended into a lower concentration that is consistent with and allowable for commercial developments where the project site is substantially capped with either concrete or asphalt. Therefore, sampling of the soil is not warranted given these factors.

Response to BLUM-5
This comment states that the Draft EIR relies on emissions calculated from the CalEEMod Version 2016.3.2. The comment asserts that the values input into the model were unsubstantiated or inconsistent with the information provided in the Draft EIR, which the commenter believes results in an underestimation of the project's emissions. The comment further asserts that the Draft EIR must be revised to disclose the full extent of the local and regional air quality impacts from construction and operation of the proposed project.

The input parameters used in CalEEMod are based on information provided from the applicant and were reviewed and approved by the City prior to the commencement of the analysis. As stated in the CalEEMod User's Guide, "For any project that substantially deviates from the types and features included in the surveys, site-specific data that is supported by substantial evidence should be used, if available." As such, site-specific data such as construction schedule, opening year, forecasting occupancy, generators for construction activities, construction equipment list, and import/export volume was used that was provided by the project sponsor with direct knowledge of the project and is the most appropriate for use in CalEEMod. Further, the commenter does not specifically state what model inputs were inconsistent.

Response to BLUM-6
The comment asserts that the EIR underestimated the size of the parking land use. The amount of parking lot area included in CalEEMod is taken from a Request for Information (RFI) that was completed by the applicant and thus reflects the most accurate project information available. The discrepancy in asphalt paving/parking lot area the commenter is referring to is due to the inclusion of 21,900 square feet of off-site improvements as part of the proposed project. This area was included in the CalEEMod input as part of parking land use.

As described in Response to Comment BLUM-5, in the CalEEMod User's Guide, "For any project that substantially deviates from the types and features included in the surveys, site-specific data that are supported by substantial evidence should be used, if available." As such, site-specific data such as construction schedule, opening year, forecasting occupancy, generators for construction activities, construction equipment list, and import/export volume was used that was provided by the project sponsor with direct knowledge of the proposed project and is the most appropriate for use in CalEEMod.

Response to BLUM-7
The comment asserts that the EIR failed to consider cold storage requirements. As stated in Response to Comment ARB-2, the proposed project would not include cold storage. Changes to a project after project approval, such as the incorporation of cold storage, would require additional discretionary review. As such, if the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project will be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval.

Response to BLUM-8
This comment suggests that the analysis presented in the Draft EIR relies on an unsubstantiated reduction in CO_2 intensity factor. As noted in the remarks of the CalEEMod output files included as

part of Appendix B of the Draft EIR, the CO_2 intensity factor used in the analysis of the Draft EIR was updated based on the City of Colton Electric Utility's energy portfolio. The analysis presented in the Draft EIR was also based on the City of Colton Electric Utility's compliance with California's Renewables Portfolio Standard. The City of Colton Power Content Label found on the City's website provides the energy mix. The adjusted intensity factors used in the Draft EIR analysis are more accurate than the CalEEMod default intensity factor proposed by the commenter, because they incorporate information from the utility provider expected to serve the project and take into account the improvements from compliance with California's Renewables Portfolio that are not otherwise accounted for in CalEEMod. Furthermore, the adjusted intensity factors used in the Draft EIR analysis are more project-specific because they were adjusted for the project's buildout year. Contrary to the commenter's claim that the default electricity intensity factor should be used, use of the CalEEMod default CO_2 intensity factor would not result in the most accurate representation of the project's GHG emissions. The commenter provides no substantial evidence as to why this adjustment to the CalEEMod default factor is improper.

Response to BLUM-9

Commenter asserts that the EIR's individual construction phase lengths are unsubstantiated. But, the construction schedule is based on reasonable assumptions and best practices. CalEEMod contains built-in default inventories of construction equipment for a variety of land use construction projects that incorporate estimates of the number of equipment, their age, their horsepower, and emission control equipment tier mix from which rates of emissions are developed. These inventories were developed based on construction surveys for several land use projects. Where project-specific information was unknown, the CalEEMod default values were retained. Where available, project-specific information provided by the applicant such as construction schedule, opening year, forecasting occupancy, generators for construction activities, construction equipment list, and import/export volume was relied upon. The resulting construction schedule does not improperly spread out construction, as it relies on project-specific information. The revised individual construction phase lengths for the off-site improvements, which were modeled in a separate run, were also based on project-specific information provided by the applicant. The commenter provides no substantial evidence that use of project-specific information was improper or flawed.

Response to BLUM-10

The commenter's assumption that on-site trip length should be 0.65 mile is incorrect. Any passenger vehicle or truck making a trip to the project site would go to one of the proposed buildings and would travel at a direct route to their destination. The commenter is assuming that all on-site trips would be conducted in an inexplicably circuitous manner and would cover the entire project site, which is not how vehicles operate nor how people would access the site. Additionally, the on-site trip length of 0.1 mile is an average and accounts for longer and shorter trips. The commenter provides no substantial evidence that a different on-site trip length should be used.

Response to BLUM-11

The commenter asserts that the EIR's consumer product emission factor is unsubstantiated. But .he total statewide building area that was used to calculate the updated reactive organic gases (ROG) emission factor is 22,435,267,518 square feet, which is the same amount shown in Appendix E of the CalEEMod User Guide. As shown on page E-8, the general building stock inventory was obtained

from the HAZUS-MH software and backup databases prepared by FEMA. This inventory was found to be the most comprehensive statewide data available that included building area for all land use types. The inventory was developed from the following information:

- Census of Population and Housing, 2000: Summary Tape File 1B Extract on CD-ROM prepared by the Bureau of Census.
- Census of Population and Housing, 2000: Summary Tape File 3 on CD-ROM prepared by the Bureau of Census.
- Dun & Bradstreet, Business Population Report aggregated by Standard Industrial Classification (SIC) and Census Block, May 2002.
- Department of Energy, Housing Characteristics 1993. Office of Energy Markets and End Use, DOE/EIA-0314 (93), June 1995.
- Department of Energy, A Look at Residential Energy Consumption in 1997, DOE/EIA-0632(97), November 1999.
- Department of Energy, A Look at Commercial Buildings in 1995: Characteristics, Energy Consumption, and Energy Expenditures, DOE/EIA-0625(95), October 1998.
- The source for the population estimates is from the California State Department of Finance E-5 projections located at the following link: https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ The commenter provides no substantial evidence regarding why the EIR's manual reduction is improper.

Response to BLUM-12

The commenter's assertion that compliance with South Coast AQMD Rule 403 is classified as a mitigation measure and thus is not part of the project design is incorrect. The CalEEMod application nominally classifies compliance with regulations not already accounted for in the model as "mitigation measures." However, compliance with South Coast AQMD Rule 403 is legally required for all projects within the Air District's planning area and is therefore not a mitigation measure required specifically for this project. In order to distinguish between estimated emissions with compliance with regulations and estimated emissions taking into consideration compliance with regulations and mitigation, separate CalEEMod runs were completed for the unmitigated and mitigated scenarios. Further, the commenter's second question about application of South Coast AQMD Rule 403 does not take into consideration that Appendix B of the Draft EIR also included the Air Quality and Greenhouse Gas Emissions Analysis Report, which includes the unmitigated CalEEMod output in Appendix A of the report. The CalEEMod output shows the project's associated emissions without implementation of South Coast AQMD Rule 403. The complete CalEEMod output files were included as part of Appendix B of the Draft EIR. Impacts would still be less than significant with mitigation. This rule would still be implemented. The output file showing emissions without Rule 403 included is shown as a worst-case scenario to demonstrate the maximum amount of project emissions.

Response to BLUM-13

As explained in this response and in Section 3.2, Air Quality, and Section 3.6, Greenhouse Gas Emissions, the methodologies and assumptions were supported by substantial evidence. As

explained in the Response to Comment BLUM-12, the CalEEMod application nominally classifies compliance with regulations not already accounted for in the model as "mitigation measures." The "mitigation measures" that the commenter is referring to are not project-specific mitigation measures, they are existing regulations that the proposed project would be legally required to comply with.

The commenter provides no substantial evidence that the applications of legally required regulatory operational measures would generate a significant impact. As such, the significance findings presented in the Draft EIR were based on modeling that was conducted using methodologies and information that were supported by substantial evidence and can be relied upon. No revisions to emissions modeling presented in the Draft EIR are warranted to address the related concerns raised in the comment.

Response to BLUM-14
The commenter asserts that the project will result in a potentially significant air quality impact. As described previously, the Project Description included specific information provided by the applicant, including parking lot size, and was included in the project application. As explained in the CalEEMod User Manual, Section 3.4, users can adjust the defaults when specific project information is known.

In this case, the proposed project would develop two dry goods warehouses and would not be engineered or designed to allow any cold storage uses. As discussed in Response to Comment ARB-2, and Response to Comment BLUM-7, cold storage uses are not permitted, unless and until the City undertakes a subsequent CEQA review. If the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project would be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. The CO_2 intensity factor was updated to reflect the most recent and accurate estimate from the utility provider and are shown in the Colton Power Content Label (https://www.ci.colton.ca.us/DocumentCenter/View/4331).

The commenter's exclusion of CalEEMod "mitigation measures" does not accurately reflect the construction- and operation-related emissions because these adjustments reflect project-specific information, more recent or regional-specific data, and compliance with mandatory regulations. Implementation of several measures would be required as part of the project to comply with local, State, and federal standards; other measures would be incorporated through the project's location in an existing community. As explained in the Response to Comment BLUM-12, the CalEEMod application nominally classifies compliance with regulations not already accounted for in the model as "mitigation measures." Furthermore, the commenter inaccurately reflects the project trip lengths because the project analysis relied on trip lengths supported by substantial evidence. As discussed in Response to Comment ABJC-4-7, operational truck trip lengths used to calculate impacts were averaged at 40 miles, which is substantially longer than CalEEMod defaults. Further, Dr. Clark's assertion that there are major transportation distribution hubs that trucks would travel to is not supported with actual evidence, such as hub addresses and location. In addition, the transportation hubs that are listed are international distribution hubs and not every single operational truck trip would be between the project site and these hubs. Furthermore, the average trip length for heavy

trucks were based on the South Coast AQMD documents for the implementation of the FBMSMs adopted in the 2016 AQMP. South Coast AQMD's "Preliminary Warehouse Emission Calculations" cites a 39.9-mile trip length for heavy-heavy trucks. The 40-mile operational trip length is an average distance and takes into account trips to distribution hubs, such as the Port of Los Angeles.

Lastly, the Draft EIR analyzed the proposed project based on the correct land use and made assumptions that were consistent with project-specific information provided in the Project Description and the project-specific Traffic Analysis. The commenter does not provide any substantial evidence that the proposed project would have a significant impact.

Response to BLUM-15

In response to the first issue raised in this comment asserting that the Draft EIR's construction HRA is incorrect, users can adjust the defaults when specific project information is known as explained in the CalEEMod User Manual, Section 3.4. The assumptions used to estimate the project generated emissions that were presented in the Draft EIR were based on project-specific information and best practices (see Response to Comment BLUM-13). The commenter provides no substantial evidence that adjustments should not have been made.

In response to the second issue raised in this comment asserting that the fraction of time at home (FAH) values relied upon by the Draft EIR's HRAs are inconsistent with those recommended by the South Coast AQMD. South Coast AQMD recommends OEHHA guidance. The HRA followed South Coast AQMD-approved and OEHHA guidance. The time at home factors used in the assessment are consistent with OEHHA-recommended factors and, therefore, follow South Coast AQMD-recommended guidance. Latest OEHHA guidance: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

In response to the third issue raised in this comment regarding the average annual on-site DPM emission rate, the assumptions and model inputs used to estimate emissions are detailed in the Air Quality and GHG Emissions Analysis Report, included as part of Draft EIR Appendix B. In addition, the complete calculations used to convert emissions from tons per year to grams per second are provided as part of Appendix B. As such, the information necessary to verify the inputs were provided as part of the Draft EIR. As described in Section 3.2, Air Quality, of the Draft EIR, air dispersion modeling was utilized to assess the project's potential health risks, including average annual DPM, using AERMOD Version 19191, which is the air dispersion model accepted by the EPA and the South Coast AQMD for preparing HRAs. Exhaust emissions of DPM (as PM_{10} exhaust) were estimated using CalEEMod Version 2016.3.2. The construction emissions were assumed to be distributed over the project area with a working schedule of 8 hours per day and 5 days per week. Emissions were adjusted by a factor of 4.2 to convert for use with a 24-hour-per-day, 365 day-per-year averaging period.

In response to the fourth issue raised in this comment regarding TAC emissions associated with the existing land uses that will remain operational on-site, the existing 125,801-square-foot high-cube cold storage warehouse is not a part of the proposed project and is, therefore, not included in the project analysis; it is part of the existing environmental baseline.

Response to BLUM-16
The commenter's attempt to re-model the emissions is acknowledged. However, it should be understood that a "screening-level" analysis, which the commenter prepared, should inherently contain more conservative assumptions compared to a more detailed analysis that was prepared for the proposed project in the Draft EIR. A screening level analysis uses very conservative values in order to determine the maximum potential impact of a project and to avoid underestimating emissions in the absence of project-specific information, which the commenter even states, "Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection." This is the case for AERSCREEN (used for the commenter's screening analysis) compared to more detailed AERMOD model, which was used for the Draft EIR analysis. Therefore, it is likely that the commenter's conclusion of a significant impact, which differs from the Draft EIR's analysis, is a result of those more conservative assumptions and the lack of project-specific information that was the basis for the Draft EIR analysis. By contrast, the analysis in the Draft EIR used project-specific information from the project applicant, the stable Project Description used throughout the Draft EIR, the Traffic Analysis, and default parameters from CalEEMod only where project-specific information was not available. In other words, to avoid underestimating emissions, the Draft EIR relied on project-specific information and defaulted to CalEEMod's conservative assumptions, when necessary, to estimate emissions that were used in the HRA presented in the Draft EIR. In addition, the location-based inputs such as terrain and meteorological data were taken into account in the HRA included in the Draft EIR. In other words, the health risk impacts presented in the Draft EIR relied on modeling that used project-specific information and appropriate location-based parameters that result in a more robust and refined analysis compared to one prepared using a "screening-level" level model such as AERSCREEN. Thus, the Draft EIR analysis provides an accurate and conservative estimate of the project's short-term construction and long-term operational emissions and associated health risks. Use of project-specific information renders a more accurate disclosure of the project's impacts, and use of this information is supported by substantial evidence.

Response to BLUM-17
First, the Draft EIR analysis is based on project-specific information and CalEEMod defaults where project-specific information was unavailable. See Response Comment to BLUM-16.

Response to BLUM-18
The commenter states that they found several of the values inputted into the model were not consistent with information disclosed in the Draft EIR and associated documents and that the analysis should not be relied on.

The commenter does not specify which part of the input values were inconsistent and as a result it is impossible to determine what inconsistencies exist. As described in the Methodology of Section 3.6, Greenhouse Gas Emissions, the South Coast AQMD's draft threshold uses the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 ppm, thus stabilizing global climate. In 2010, the South Coast AQMD Tier 3 threshold was expanded to include non-industrial

projects, as explained in the minutes from the most recent working group meeting.[21] The threshold of 10,000 MT CO_2e per year established for industrial facilities is recommended in South Coast AQMD's latest air quality significance thresholds.[22] The South Coast AQMD's draft local agency threshold for industrial uses of 10,000 MT CO_2e per year is utilized to determine whether the proposed project would have a significant impact with respect to the generation of GHG emissions. Furthermore, as described in CJUSD-3, the proposed project would include purchasing voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 142,320 MT CO2e total over the lifetime of the project, pursuant to MM GHG-1, in order to further reduce the already less than significant impact. Therefore, the GHG analysis was based on the most recent and up to date thresholds within the applicable air district and the analysis can be relied upon.

Response to BLUM-19

As described in TSAI-10, the proposed project would be consistent with the locally appropriate goals identified in the City of Colton's CAP. The commenter correctly states that the Colton CAP was based on AB 32 and that SB 32 has superseded AB 32. However, the commenter incorrectly states that the Draft EIR did not demonstrate how the proposed project would be consistent with the Colton CAP and subsequently SB 32. Impact GHG-2 asks if the proposed project would conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The two plans that apply to the project are the City of Colton CAP and the 2017 ARB Scoping Plan, which the Draft EIR evaluated project impacts against. As described in the first paragraph of Impact GHG-2, "since AB 32 GHG goals are based on targets for the year 2020, the Colton CAP can no longer solely be relied upon to determine project significance. To address post-2020 GHG reduction goals, the proposed project is assessed for compliance with the ARB's adopted 2017 Climate Change Scoping Plan Update." The Draft EIR directly states that both the Colton CAP and 2017 ARB Scoping Plan were relied upon such that both AB 32 and SB 32 regulations regarding reductions in GHG emissions were evaluated.

Response to BLUM-20

See Response to Comment CJUSD-3in response to the commenter's assertion that the Draft EIR relies on an outdated threshold. As discussed in Response to Comment CDUSD-3, the South Coast AQMD-adopted industrial threshold was selected by the City because the proposed project is more analogous to an industrial use than any other land use such as commercial or residential in terms of its expected operating characteristics. The proposed project would involve proposed warehouse uses characteristic of an industrial operation. Further, analysis of the project's traffic generation in this report is based on the ITE Trip Generation Manual, 10th Edition, 2017 for warehouse and industrial land use categories. Also, 10,000 MT CO_2e has been used as the significance threshold by many local government lead agencies for logistics projects throughout the SCAG region since the South Coast AQMD adopted this threshold for its own use. Use of this threshold is also consistent with guidance provided in the CAPCOA CEQA and Climate Change handbook. Furthermore, as described in CJUSD-

[21] South Coast Air Quality Management District (South Coast AQMD). 2010. Greenhouse Gas CEQA Threshold Stakeholder Working Group Meeting #15. September 28. Website: www.aqmd.gov/ceqa /handbook/GHG/2010/sept28mtg/ghgmtg15-web.pdf. Accessed August 5, 2020.

[22] South Coast Air Quality Management District (South Coast AQMD). 2019. South Coast AQMD Air Quality Significance Thresholds. April. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf. Accessed August 5, 2020.

3, the proposed project would include purchasing voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 142,320 MT CO2e total over the lifetime of the project, pursuant to MM GHG-1, in order to further reduce the already less than significant impact.

Response to BLUM-21
The commenter's use of the 2030 Land Use Efficiency Threshold is noted. However, there are other methods for determining significance related to GHG emission. As described, the 10,000 MT CO_2e per threshold for industrial projects would be appliable for the proposed project. The proposed project would generate approximately 7,744 MT CO_2e per year after the inclusion of 67 MT CO_2e per year from project construction and is therefore below the threshold. Because the proposed project would not exceed the 10,000 MT CO_2e per year threshold of significance, the project's construction and operational GHG emissions would not result in a significant impact on the environment. As shown in Table 3.6-4, the proposed project would be consistent with the SB 32 2017 Scoping Plan Update and would include MM GHG-1b through MM GHG-1d, which would require the proposed project to document the applicant's compliance with all applicable 2017 Scoping Plan Update reduction measures and would ensure the proposed project's compliance the Scoping Plan Update.

Response to BLUM-22
See Response to Comment BLUM-16. The commenter's updated modeling is not accurate or based on project-specific information, as was the Draft EIR. As described, the 10,000 MT CO_2e per threshold for industrial projects would be applicable for the proposed project. The proposed project would generate approximately 7,744 MT CO_2e per year after the inclusion of 67 MT CO_2e per year from project construction and is therefore below the threshold. Because the proposed project would not exceed the 10,000 MT CO_2e per year threshold of significance, the project's construction and operational GHG emissions would not result in a significant impact on the environment. Furthermore, as described in CJUSD-3, the proposed project would include purchasing voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 142,320 MT CO2e total over the lifetime of the project, pursuant to MM GHG-1, in order to further reduce the already less than significant impact.

Response to BLUM-23
As stated in the Scoping Plan Update, the ARB recommends that local governments evaluate and adopt robust and quantitative locally appropriate goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals. As shown in Table 3.6-4, the proposed project would be consistent with the SB 32 2017 Scoping Plan Update and would include MM GHG-1b through MM GHG-1d which would require the proposed project to document the applicant's compliance with all applicable 2017 Scoping Plan Update reduction measures and would ensure the proposed project's compliance the Scoping Plan Update.

Response to BLUM-24
Mitigation is not required for impacts that are determined to be less than significant. As discussed in Impact GHG-1, the proposed project includes several mitigation measures that require the proposed project to include electric vehicle charging infrastructure, the use of electric-powered forklifts and/or

other electric-powered interior vehicles, and all buildings shall be designed to provide infrastructure to support the use of electric-powered forklifts and/or other electric-powered interior and exterior vehicles. Furthermore, the proposed project would be required to be consistent with the CalGreen and California Building Standards Code (CBC) standards and would include energy efficient materials and be designed to reduce energy use associated with operations.

Response to BLUM-25
The Draft EIR was available for an extended comment period from January 4, 2021, to April 2, 2021. Comment is noted.

From: Dean Wallraff <dw@aenv.org>
Sent: Friday, April 2, 2021 4:26 PM
To: Mark Tomich <mtomich@coltonca.gov>
Subject: Comment letter on Barton Road Logistics Center

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Tomich:

Please put the attached letter in the record for the above-referenced project.

Also, please add me to the interest list to receive information about the status of project approvals and other future action on this project.

Dean Wallraff
Attorney at Law
Executive Director
Advocates for the Environment
(818) 650-0030 X101
www.aenv.org

April 2, 2021

Mark Tomich
Director of Development Services
City of Colton
650 North La Cadena Drive
Colton, CA 92324

Via U.S. Mail and email to mtomich@coltonca.gov

Re: Comments on the Barton Road Logistics Center project

Dear Mr. Tomich:

Cool World Institute, a project of Advocates for the Environment, submits the comments in this letter regarding the proposed Barton Road Logistics Center Project (the **Project**) and the Draft Environmental Impact Report the City approved for this Project (the **DEIR**).

Cool World Institute is part of a non-profit environmental law firm and advocacy organization with a focus on fighting climate change in California. Cool World Institute submits these comments to public agencies in order to encourage them to consider climate-change effects throughout their work, reduce greenhouse-gas emissions in their projects, and improve their own analyses of greenhouse-gas impacts in CEQA documents.

The Project would demolish four industrial buildings and an office building. The Project would then redevelop 45.52 acres into two concrete tilt-up industrial warehouse logistics buildings totaling 960,040 scare feet. The first building would be 540,920 square feet and occupy 26.23 acres of the Project site, and the second building would be 419,920 square feet and occupy 17.62 acres of the Project site. The Project would result in a net increase of 300,605 square feet of building space.

Climate Change

Climate change is the change in the average long-term weather conditions across the Earth. While the Earth's climate naturally changes somewhat over time, there have been extremely rapid and unusual changes over the last century. The Earth's temperature has increased 2.0° Fahrenheit since 1880, and the twenty warmest years in our Earth's history have all occurred since 1998. Climate change causes extreme weather, droughts, rising sea levels, more acidic oceans, health threats, increased wildlife extinction risks, air pollution, and more. Specifically, in California, there have been record-breaking high temperatures this past year, increased wildfires, health impacts from extreme heat and smoke from fires, declining water supply,

1

reduced agricultural impacts, erosion in coastal areas, and more that can all be linked to the increasing effects of climate change. Greenhouse-gas (GHG) emissions generated by human activity, including combustion of fossil fuels such as natural gas, are a leading cause of climate change.

Improper Use of SCAQMD's 10,000 MTCO2e Threshold

1 CONT

The SCAQMD threshold of 10,000 MTCO2e/yr is designed for SCAQMD's own analysis of projects when SCAQMD is the lead agency. The threshold is set at a level that will allow SCAQMD to capture 90% of the emissions from industrial projects submitted to it as significant. Projects submitted to SCAQMD with emissions below 10,000 MTCO2e/yr will constitute only 10% of emissions from those submitted projects. See SCAQMD Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold (SCAQMD Guidance Document, attached to this comment letter), at pp. 3–12 to 3–13. This rationale does not apply to projects where SCAQMD is not the lead agency, and it is wrong to use the 10,000 MTCO2e/yr threshold for such projects.

Here, SCAQMD is not the lead agency for the Project, so SCAQMD's rationale for the use of that threshold does not apply. The City has discretion under CEQA to choose a threshold, but the City must explain how complying with that threshold will ensure the Project's impacts are less than significant. (CEQA Guidelines § 15064(b)(2); see SCAQMD Guidance Document, attached to this letter as Exhibit 1, at p. 1–6: ["Staff's proposed interim GHG significance threshold is a recommendation only for lead agencies and not a mandatory requirement. The GHG significance threshold may be used at the discretion of the local lead agency."]) The DEIR does not provide the required explanation, and there is not substantial evidence supporting the use of the SCAQMD threshold in this case. Using the SCAQMD threshold here is an example of engaging in "threshold shopping," or selecting a threshold because it will make the Project's GHG impacts appear to be insignificant. Instead, another threshold should be used, such as the California Air Resources Board threshold. Under that threshold, an industrial project's GHG-related impacts may be found to be insignificant if the project meets interim performance standards for construction- and transportation-related emissions and also emits no more than 7,000 MTCO2e/yr.

Errors in CalEEMod Analysis

2

In the DEIR's CalEEMod analysis, the Project used EMFAC2014 emission factors (Appendix B, p.53). Recently, however, in other public comment letters CARB has stated that the use of EMFAC2014 is no longer appropriate for modeling emissions (See Comment Letter in Footnotes). Since EMFAC2014 was released by CARB in May 2015, CARB has made many updates to the EMFAC modeling. EMFAC2014 underestimates diesel PM emission rates from diesel heavy-duty trucks;

therefore, the Project's mobile emissions are likely underestimated in CalEEMod and the DEIR. It would have been more appropriate for the Project to utilize EMFAC2021 or EMFAC2017. 2 CONT

The EIR Mistakenly Claims the Project is Consistent with the CARB 2017 Scoping Plan

The DEIR wrongly concludes, under Threshold b, that the Project is consistent with the CARB 2017 Scoping Plan.

The DEIR, in Table 3.6-4, on pages 3.6-29-3.6-31, lists ways that the Project is compatible with the CARB 2017 Scoping Plan, but fails to properly analyze inconsistencies. There are many inconsistencies, including the following: 3

- The Scoping Plan states that VMT reductions will be necessary to achieve its goals in reducing GHG emissions (p. 75), but the Project greatly increases VMT. The Project will result in a net increase of 1,348 actual vehicular trips per day and 1,678 passenger car equivalent (PCE) vehicular trips per day. (DEIR Table 3.11-9.) The net increase of VMT annually is estimated to be 4,842,875 VMT per year. The Project's VMT per service population values would exceed the City's adopted threshold by 24.5% for baseline (2020) conditions (DEIR Table 3.11-23) This addition of a large amount of traffic is not consistent with the statewide goals outlined in the 2017 Scoping Plan to reduce traffic by approximately 30%.

- The Scoping Plan establishes statewide GHG emissions targets of 6 MTCO2e/capita by 2030 and 2 MTCO2e/capita by 2050 (p. 99.) For a warehouse project with no one living on-site a "per service population" metric is more appropriate than a "per capita" target. Here, the DEIR does not even attempt to analyze whether the Project would meet this target established by the Scoping Plan. The FEIR should analyze the Project's consistency with a service-population per-capita metric consistent with the CARB 2017 Scoping Plan.

- The Scoping Plan also calls for a reduction of GHG emissions from electricity; however, the Project will result in a net increase of 790 MTCO2e/year from energy.

The DEIR's incorrect analysis of the Project's consistency with the CARB 2017 Scoping Plan violates CEQA by failing to provide correct information to the public and the decision-makers.

Vague and Improperly Deferred Mitigation Measure

CEQA allows the formulation of mitigation measures to be deferred until after project approval only when it is infeasible to formulate them when the DEIR is circulated. There is no reason that MMGHG-1a, which requires a showing that the project will achieve at least 75 points from the City of Colton's Greenhouse Gas 4

Emissions Screening Tables, or achieve equivalent emissions reductions from other measures approved by the City of Colton, could not be done now.

In addition, deferred mitigation measures must have enforceable performance standards, but the phrase "or achieve equivalent emissions reductions from other measures approved by the City of Colton" is vague enough to be unenforceable; there is no showing that the "other measures approved by the City of Colton" will result in any particular level of GHG reductions. This violates CEQA. 4 CONT

Conclusion

For the reasons given in this letter, the City should deny approval of the Project and the DEIR and work with the Applicant to identify appropriate mitigation measures that can reduce the Project's GHG emissions to net-zero. 5

Sincerely,

Dean Wallraff, Executive Director
Cool World Institute

Exhibit 1

ATTACHMENT E

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold

October 2008

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P R E F A C E

This Draft *Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold* document contains the proposed interim GHG significance threshold, rationale for developing the threshold, and details of the working group meetings and represents a work-in-progress of staff's efforts to date. This document will be updated as more information becomes available. For the staff recommendation to the Governing Board at the December 5, 2008 public hearing, please refer to Attachment A of Agenda Item Number 31.

Finally, to facilitate identifying changes to this Guidance Document since its release in October 2008, added text is underlined and deleted text is denoted with ~~strikethrough~~ text.

LIST OF ACRONYMS AND ABBREVIATIONS

List of Acronyms and Abbreviations

Acronym/ Abbreviation	Definition
AB 32	Assembly Bill 32 Global Warming Solutions Act of 2006
AER	Annual Emission Reporting
AG	Attorney General
ARB	Air Resources Board
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
BAU	Business as Usual
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resource Board
CAT	Climate Action Team
CCAR	California Climate Action Registry
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CH_4	Methane
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CPUC	California Public Utilities Commission
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
GHG	Greenhouse Gas
GGRP	Greenhouse Gas Reduction Plan
GP	General Plan
GWP	Global Warming Potential
IGR	Intergovernmental Review
IPCC	International Panel on Climate Change
ITE	Institute of Transportation Engineers
km	Kilometer
LNG	Liquefied Natural Gas
MMBTU	Million British Thermal Units
MND	Mitigated Negative Declaration
MMT CO_2e	Million Metric Tons Carbon Dioxide Equivalent
MW	Megawatts
N_2O	Nitrous Oxide
ND	Negative Declaration
NO_X	Oxides of Nitrogen
OPR	State Office of Planning and Research
PFC	Perfluorocarbon

List of Acronyms and Abbreviations (Concluded)

Acronym/ Abbreviation	Definition
PM	Particulate Mater
ROG	Reactive Organic Gas
RPS	Renewable Portfolio Standards
S-3-05	Executive Order S-3-05
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SOx	Sulfur Oxides
TAC	Toxic Air Contaminants
URBEMIS	Urban Emissions Model
VMT	Vehicle Miles Traveled

CHAPTER 1

INTRODUCTION AND EXECUTIVE SUMMARY

Introduction
Purpose of This Guidance Document
California Environmental Quality Act and GHGs
Legal Authority
Contents of This Guidance Document

INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies in California to analyze potential adverse impacts for proposed projects undertaken by a public agency, funded by a public agency, and requiring discretionary approval by a public agency. The fundamental purposes of CEQA are to inform governmental decision-makers and the public about the significant environmental effects of proposed activities, identify ways to avoid or significantly reduce environmental damage, use feasible alternatives or mitigation measures to avoid significant damage, and disclose to the public why a governmental agency approved a project if significant effects are involved (CEQA Guidelines §15002[a]). To disclose potential adverse impacts from a proposed project, pursuant to CEQA lead agencies typically prepare multidisciplinary environmental impact analysis and make decisions based on the analysis regarding the environmental effects of the proposed project (CEQA Guidelines §15002[a]).

In the past, air quality analyses tended to focus on potential adverse impacts from criteria pollutants and toxic air contaminants. Subsequent to the adoption of Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006, lead agencies have increasingly faced legal challenges to their CEQA documents for failure to analyze greenhouse gases (GHGs) or making a determination of significance regarding GHG emission impacts.

Greenhouse gases are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities as well as through natural processes. As a result of human activities, such as electricity production, vehicle use, etc., GHGs have been accumulating in the earth's atmosphere at a faster rate than has occurred historically, i.e., prior to the Industrial Age starting approximately 150 years ago. Increasing GHG concentrations in the atmosphere are leading to global climate change.

The Intergovernmental Panel on Climate Change (IPCC) provided the first unequivocal evidence that global climate temperatures are increasing (2007a). Further, the primary driver of global climate change is increased emissions of GHGs due to human activities. According to the IPCC, there is very high confidence, based on more evidence from a wider range of species, that recent warming is strongly affecting terrestrial, marine, freshwater biological systems.

Carbon dioxide (CO2) is the most important anthropogenic GHG because it comprises the majority of total GHG emissions emitted per year and it is very long-lived in the atmosphere. Annual emissions of CO2 have increased approximately 80 percent between 1970 and 2004. In addition to CO2, other GHG pollutants emitted directly as a result of human activities include methane (CH4), nitrous oxide (N2O) and halocarbons (a group of gases containing fluorine, chlorine or bromine). Without changes in current climate change mitigation policies and related sustainable

development practices, GHG emissions and global climate temperatures will continue to increase.

To prevent or minimize further increases in global temperatures resulting from increases in GHG emissions due to human activities, it is necessary to stabilize the concentration of GHGs in the atmosphere. Stabilizing GHGs in the atmosphere can only occur through reducing GHG emissions. Without further reductions in GHGs, increased global temperatures will surpass humans' and ecosystems' ability to adapt to these changing conditions (IPCC, 2007b).

In response to the increasing body of evidence that GHGs will continue to affect global climate, Governor Schwarzenegger issued executive order (EO S-3-05), which established the following greenhouse gas emission reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels.

Subsequent to the Governor's issuance of EO S-3-05, the California State Legislature adopted Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006. With the adoption of AB 32, the California State Legislature recognized the growing concern regarding changes to global climate resulting from increasing emissions of greenhouse gases (GHGs). AB 32 establishes a cap on statewide greenhouse gas emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emissions levels. Specifically, (AB 32) recognizes the serious threat to the "economic wellbeing, public health, natural resources, and the environment of California" that results from global warming. Consequently, AB 32 mandates a significant reduction in GHGs in order to contribute to efforts to stabilize atmospheric concentrations of GHGs. Under AB 32, greenhouse gases are defined as: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

In general, there is currently an absence of regulatory guidance with regard to analyzing GHG emission impacts in CEQA documents. Similarly, no public agency in California has formally adopted GHG significance thresholds. Recognizing the absence of guidance regarding analyzing and determining the significance of GHGs, the California Air Pollution Control Officers Association (CAPCOA) prepared a White Paper reviewing policy choices, analytical tools, and mitigation strategies for GHGs. In particular, the White Paper identifies a number of options for establishing GHG significance thresholds, but makes no formal recommendation of one approach over another.

Air districts typically act in an advisory capacity to local governments in establishing the framework for environmental review of air pollution impacts under CEQA. This may include recommendations regarding significance thresholds, analytical tools to estimate emissions and assess impacts, and mitigations for potentially significant impacts. Although districts will also address some of these issues on a project-specific basis as responsible agencies, they may provide general guidance to local governments on these issues.

Because of its expertise in establishing air quality analysis methodologies and comprehensive efforts to establish regional and localized significance thresholds for criteria pollutants, local public agencies have asked South Coast Air Quality Management District (SCAQMD) for guidance in quantifying GHG impacts and recommending GHG significance thresholds to assist them with determining whether or not GHG impacts in their CEQA documents are significant. As a result, SCAQMD staff has received requests from a number of public agencies and other stakeholders to provide guidance on analyzing GHG impacts and establishing a GHG significance threshold. In response to these requests from the various stakeholders, SCAQMD established a stakeholder working group to receive input on establishing a GHG significance threshold. In the meantime, SCAQMD staff has joined many other stakeholders urging CARB to establish a statewide threshold for GHGs. In the absence of a statewide threshold, SCAQMD staff will recommend its interim approach to the Governing Board for consideration and it will also become the SCAQMD's input to the statewide process.

PURPOSE OF THIS GUIDANCE DOCUMENT

The purpose of this Guidance Document, therefore, is to provide information on GHG legislation relative to CEQA, a brief summary of the Working Group process, development of the resulting staff-recommended interim GHG significance threshold proposal, and how to use it. This Guidance Document also provides information on the SCAQMD's authority to establish a GHG significance threshold pursuant to CEQA and some background information on GHGs and global climate change. This Guidance Document also discusses future efforts to further refine the interim GHG significance threshold as necessary, includes recommendations for analyzing GHG impacts using current modeling tools, and describes measures to mitigate GHG emission impacts.

CALIFORNIA ENVIRONMENTAL QUALITY ACT AND GHGS

- California Attorney General's Office

Subsequent to adopting AB 32, the California Attorney General's Office determined that GHG emissions contributing to global climate change also contribute to potential adverse environmental impacts that should be evaluated pursuant to the California Environmental Quality Act (CEQA). The Attorney General's Office has submitted numerous comment letters to lead agencies on their CEQA documents for failure to analyze GHG emissions, failure to make a significance determination, and failure to implement feasible mitigation measures to reduce GHG emissions to the maximum extent feasible.

For example, the California Attorney General, on behalf of the people of California, filed a legal challenge against the County of San Bernardino for failure to analyze "reasonably foreseeable" GHG emissions in the CEQA document prepared for its

General Plan update. The County reached a settlement with the Attorney General by committing to developing a GHG inventory and a plan for reducing GHGs.

Similarly, the California Attorney General submitted comments on the CEQA document for a refinery in northern California. Although GHG emissions were quantified, the Attorney General cited the failure of the lead agency to make a determination of significance relative to GHG emissions stating, "[E]ven if there is no established threshold in law or regulation, lead agencies are obligated by CEQA to determine significance. Neither CEQA, nor the regulations, authorize reliance on the lack of an agency-adopted standard as the basis for determining that a project's potential cumulative impact is not significant." In other words, the absence of a threshold does not in any way relieve lead agencies of their obligations to address GHG emissions from projects under CEQA. By not concluding whether or not a project is significant, the lead agency may be avoiding its responsibility to implement GHG mitigation measures.

- Senate Bill (SB) 97 – CEQA: Greenhouse Gas Emissions

In August 2007, Governor Schwarzenegger signed into law Senate Bill (SB) 97 – CEQA: Greenhouse Gas Emissions stating, "This bill advances a coordinated policy for reducing greenhouse gas emissions by directing the Office of Planning and Research (OPR) and the Resources Agency to develop CEQA guidelines on how state and local agencies should analyze, and when necessary, mitigate greenhouse gas emissions." Specifically, SB 97 requires OPR, by July 1, 2009, to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions, as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. The Resources Agency would be required to certify and adopt those guidelines by January 1, 2010. OPR would be required to periodically update the guidelines to incorporate new information or criteria established by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006. SB 97 also identifies a limited number of types of projects that would be exempt under CEQA from analyzing GHG emissions. Finally, the legislation will be repealed on January 1, 2010.

- Office of Planning and Research Technical Advisory

Consistent with SB 97, on June 19, 2008, OPR released its *Technical Advisory on CEQA and Climate Change*, which was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (Cal/EPA), and the California Air Resources Board (CARB). According to OPR, the *Technical Advisory* offers the informal interim guidance regarding the steps lead agencies should take to address climate change in their CEQA documents, until CEQA guidelines are developed pursuant to SB 97 on how state and local agencies should analyze, and when necessary, mitigate greenhouse gas emissions.

According to OPR, lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by

type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. When assessing whether a project's effects on climate change are "cumulatively considerable" even though its GHG contribution may be individually limited, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions.

- SB 375 (Steinberg) Transportation, Land Use, and the California Environmental Quality Act (CEQA)

On September 30, 2008, Governor Schwarzenegger signed into law SB 375 (Steinberg). SB 375 focuses on housing and transportation planning decisions to reduce fossil fuel consumption and conserve farmlands and habitat. This legislation is important to achieving AB 32 goals because greenhouse gas emissions associated with land use, which includes transportation, are the single largest sector of emissions in California. Further, SB 375 provides a path for better planning by providing incentives to locate housing developments closer to where people work and go to school, allowing them to reduce vehicle miles traveled (VMT) every year. The following bullet points summarize some of the main provisions of the bill.

- Require the regional governing bodies in each of the state's major metropolitan areas to adopt, as part of their regional transportation plan, a "sustainable community strategy" that will meet the region's target for reducing GHG emissions. These strategies would get people out of their cars by promoting smart growth principles such as: development near public transit; projects that include a mix of residential and commercial use; and projects that include affordable housing to help reduce new housing developments in outlying areas with cheaper land and reduce vehicle miles traveled (VMT).

- Create incentives for implementing the sustainable community strategies by allocating federal transportation funds only to projects that are consistent with the emissions reductions.

- Provide various forms of CEQA relief by allowing projects that are shown to conform to the preferred sustainable community strategy through the local general plans (and therefore contribute to GHG reduction) to have a more streamlined environmental review process. Specifically, SB 375 will change CEQA in two ways:

  - If a development is consistent with the sustainable community's strategy and incorporates any mitigation measures required by a prior EIR, then the environmental review does not have to consider: a) growth-inducing impacts, or b) project-specific or cumulative impacts from cars on global warming or the regional transportation network.

- A narrowly-defined group of "transit priority projects" will be exempt from CEQA review.

LEGAL AUTHORITY

CEQA Guidelines §15022(a) states that a public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and these [State] Guidelines for administering its responsibilities under CEQA. CEQA Guidelines §15022(d) states further, "In adopting procedures to implement CEQA, a public agency may adopt the State CEQA Guidelines through incorporation by reference. The agency may then adopt only those specific procedures or provisions described in subsection [15022] (a) which are necessary to tailor the general provisions of the guidelines to the specific operations of the agency." At the December 11, 1998 Public Hearing the SCAQMD's Governing Board formally incorporated by reference the State CEQA Guidelines as the implementing guidelines for the SCAQMD's CEQA program. Adopting GHG significance thresholds would be consistent with CEQA Guidelines §15022 provision to tailor a public agency's implementing guidelines by adopting criteria relative to the specific operations of the SCAQMD.

Specifically with regard to thresholds of significance, CEQA Guidelines §15064.7(a) states, "Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects." Subsection (b) of the same section states further, "Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule or regulation, and developed through a public review process and be supported by substantial evidence." Staff's recommended GHG significance threshold has undergone a public review process as part of stakeholder working group meetings that are open to the public. This Guidance Document provides the substantial evidence relative to the methodology for developing the interim GHG significance threshold. After completion of the public process, the proposed interim GHG significance threshold will be brought to the SCAQMD's Governing Board at a public meeting, where it will be considered for adoption by resolution, consistent with CEQA Guidelines §15064.7(b). Staff's proposed interim GHG significance threshold is a recommendation only for lead agencies and not a mandatory requirement. The GHG significance threshold may be used at the discretion of the local lead agency. However, if adopted the SCAQMD will use the interim GHG significance threshold for projects where it is the lead agency.

- Considerations When Establishing Significance Thresholds

No significance thresholds for GHG emissions have been developed, adopted, or endorsed statewide or at the local level[1]. Air districts have primary authority under

[1] In response to comments submitted by the Attorney General's Office on a dairy project, the San Joaquin Valley Air Pollution Control District (SJVAPCD) identified a significance threshold of 38,477 metric tons of

state law for "control of air pollution from all sources, other than emissions from motor vehicles" (H&SC §40000). The term air contaminant or "air pollutant" is defined extremely broadly, to mean "any discharge, release, or other propagation into the atmosphere" and includes, but is not limited to, soot, carbon, fumes, gases, particulate matter, etc. Greenhouse gases and other global warming pollutants such as black carbon would certainly be included in this definition. The U.S. Supreme Court held in Massachusetts v. EPA 549 U.S. 497 (2009) that greenhouse gases were clearly within the Federal Clean Air Act's broad definition of air pollutants. Therefore, air districts have the authority to regulate global warming pollutants primarily from non-vehicular sources, while pursuant to AB 32 CARB has authority over a wide range of sources, including vehicular sources.

Appendix G of the CEQA Guidelines provides a checklist of suggested environmental topics that should be addressed in a CEQA document. Questions under each environmental topic area are designed to elicit information on whether a project has the potential to generate significant adverse environmental impacts to that environmental topic area. However, neither the CEQA statutes nor the implementing Guidelines discuss or identify thresholds of significance or particular methodologies for performing an impact analysis. These tasks are left to a lead agency's judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable.

The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area (CEQA Guidelines §15064(b)). Further, in evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (§15064(d)). Significance conclusions must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15064(f)(5)).

Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is essentially a regulatory standard or set of criteria that represent the level at which a lead agency finds a particular environmental effect of a project to be significant. Specifically, a threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant

carbon dioxide equivalent per year (MT CO2eq./yr). According to SJVAPCD staff, the agency currently has no plans to formally adopt this significance threshold through a public process.

by the agency and compliance with which means the effect normally will be determined to be less than significant (§15064.7(a)).

Even in the absence of clearly defined significance thresholds for GHG emissions, the California Attorney General has advised that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact.

CONTENTS OF THIS GUIDANCE DOCUMENT

The following subsections provide brief summaries of the chapters contained in this guidance document.

- **Summaries of Chapter 1**

Chapter 1 is the introductory chapter of this document that contains general background information on GHGs and the determination that GHGs must be analyzed in CEQA documents. There is also information on CEQA legislation related to GHGs and global climate change. Finally, the chapter contains information on the legal authority that allows the SCAQMD to adopt significance thresholds for the purpose of determining the severity of impacts analyzed in CEQA documents

- **Summaries of Chapter 2**

Chapter 2 contains more detailed background information on GHG emissions relative to global climate change, both internationally and nationally. This chapter also provides more detailed information on legislation to reduce GHG house gas emissions, e.g., Assembly Bill 32 – the Global Warming Solutions Act of 2006, etc. Finally, Chapter 2 contains information on early guidance on evaluating GHG emissions in CEQA documents.

- **Summaries of Chapter 3**

Chapter 3 contains information on the working group established by the SCAQMD to provide feedback to staff on the development of an interim GHG significance threshold. The chapter also includes discussions on considerations in establishing an interim GHG significance threshold and describes the current staff proposal for an interim GHG significance threshold.

- **Summaries of Chapter 4**

Chapter 4 contains general recommendations for analyzing GHG emissions in CEQA documents.

- **Summaries of Chapter 5**

  In Chapter 5 it is assumed that the SCAQMD Governing Board will adopt staff's proposed interim GHG significance threshold. Therefore, this chapter discusses future action items, including outreach to interested stakeholders, compiling lists of applicable GHG design features and mitigation measures, and periodic review and update, as necessary of the interim GHG significance threshold.

CHAPTER 2

BACKGROUND INFORMATION ON GHGS

General Background Information

Legislative Background – California

Initial Guidance on Evaluating GHGs Pursuant to CEQA

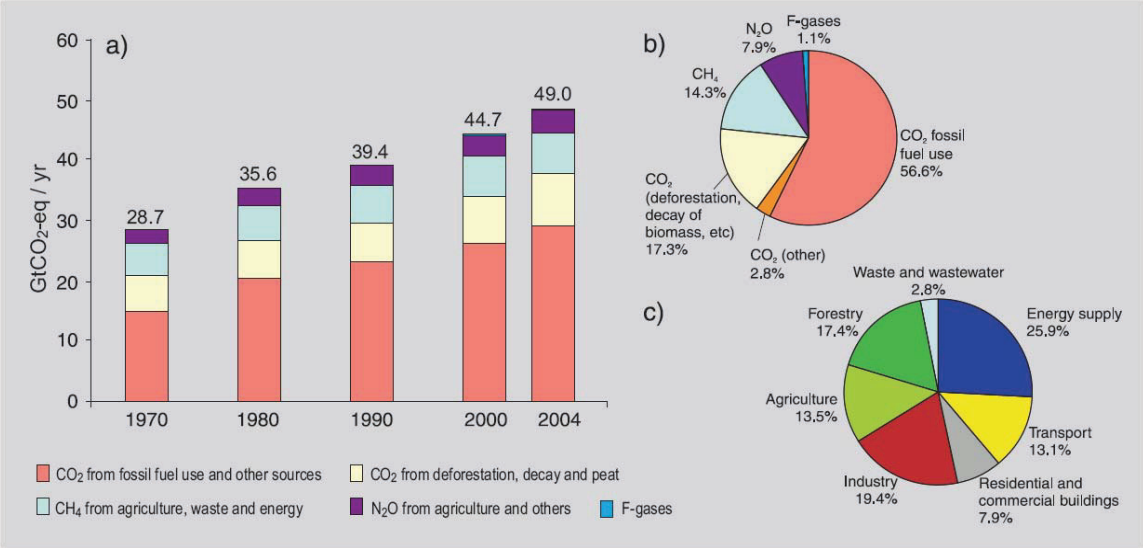
GENERAL BACKGROUND INFORMATION ON GHGS

- Intergovernmental Panel on Climate Change

In the last few years information and data have been compiled that demonstrate unequivocally that increases in average global air and ocean temperatures are occurring (IPCC, 2007a). For example, 11 of the last 12 years (1995-2006) rank among the 12 warmest years in the instrumental record of global surface temperature (since 1850). The temperature increase is widespread over the globe and is greater at higher northern latitudes. Further, increases in sea level are consistent with global warming. For example, global average sea level rose at an average rate of 1.8 [1.3 to 2.3]mm per year over 1961 to 2003 and at an average rate of about 3.1 [2.4 to 3.8]mm per year from 1993 to 2003. According to the IPCC (2007b), there is very high confidence, based on more evidence from a wider range of species, that recent warming is strongly affecting terrestrial, marine, and freshwater biological systems.

One of the major drivers in global climate change has been directly linked to the increase in greenhouse gas (GHG) emissions due to human activities worldwide (Figure 2-1). Carbon dioxide (CO2) is the most important anthropogenic GHG. Annual CO2 emissions have increased approximately 80 percent between 1970 and 2004 (IPCC, 2007b)

Figure 2-1
Global Anthropogenic GHG Emissions



Source – IPCC, 2007b: (a) Global annual emissions of anthropogenic GHGs from 1970 to 2004.5 (b) Share of different anthropogenic GHGs in total emissions in 2004 in terms of CO2-eq. (c) Share of different sectors in total anthropogenic GHG emissions in 2004 in terms of CO2-eq. (Forestry includes deforestation.) {WGIII Figures TS.1a, TS.1b, TS.2b}

Human activities have been responsible for substantial increases in four long-lived GHGs, including: CO2, methane (CH4), nitrous oxide (N2O) and halocarbons (a group of gases

containing fluorine, chlorine or bromine). Global increases in CO2 concentrations are due primarily to fossil fuel use, with land-use change providing another significant but smaller contribution. It is very likely that the observed increase in CH4 concentration is predominantly due to agriculture and fossil fuel use. The increase in N2O concentration is primarily due to agriculture (IPCC, 2007).

According to the IPCC (2007), for the next couple of decades global temperatures are expected to rise approximately 0.2^{o} C per decade under a variety of scenarios. Further, global temperatures are expected to continue for centuries as a result of human activities due to the time scales associated with climate processes and feedbacks, even if GHG concentrations are stabilized. As a result, based on the current understanding of climate-carbon feedback, model studies show that substantial GHG emission reductions are necessary to avoid substantial increases in global air and ocean temperatures.

LEGISLATIVE BACKGROUND – CALIFORNIA

California has taken a leadership role in not only recognizing the future impacts to global climate change from anthropogenic sources of GHG emissions, but in establishing policies and adopting laws to substantially reduce GHG emissions by 2050. In addition to the GHG legislation related to CEQA described in Chapter 1, California has adopted the following policies and laws that specifically address reducing GHG emissions.

- Governor Schwarzenegger's Executive Order (June 2005)

In June 2005, Governor Arnold Schwarzenegger signed Executive Order (EO) S-3-05, which establishes greenhouse gas emission reduction targets in response to projected increases in global air and ocean temperatures. Specifically, EO S-3-05 establishes the following three GHG emission reduction targets:

- Reduce GHG emissions to 2000 emission levels by 2010;
- Reduce GHG emissions to 1990 emission levels by 2020; and
- Reduce GHG emissions to 80 percent below 1990 levels by 2050.

Further, EO S-3-05 charges the California Environmental Protection Agency (CalEPA) secretary to coordinate with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the CARB, Chairperson of the Energy Commission and President of the Public Utilities Commission to develop a Climate Action Plan. EO S-3-05 also charges the Secretary of CalEPA with the oversight of efforts to meet the above GHG emission reduction targets and the responsibility to prepare biannual reports on progress in meeting the GHG emission reduction targets.

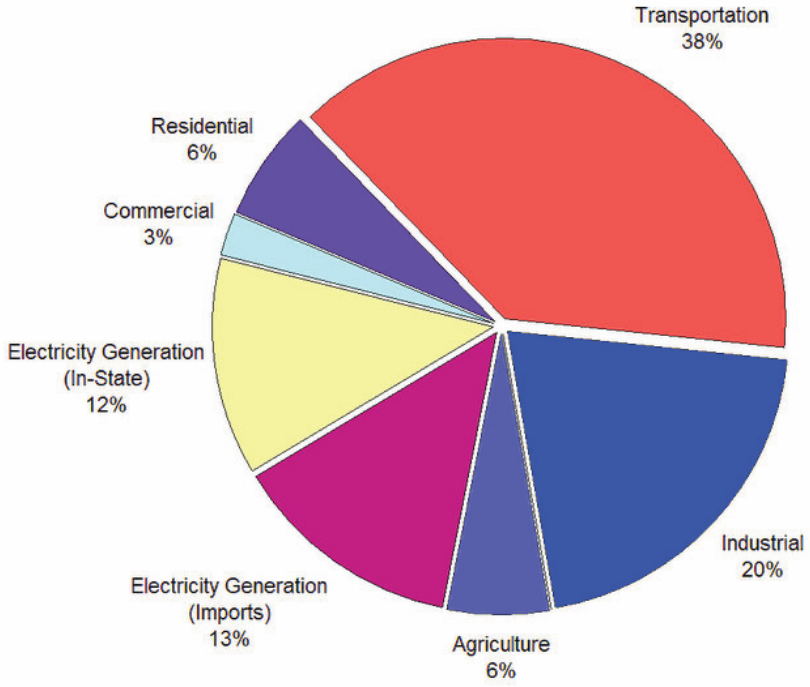
- **Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32)**

The Global Warming Solutions Act of 2006 (AB 32) was adopted by the California State Legislature in 2006. AB 32 assigns CARB the responsibilities of monitoring and reducing GHG emissions. Specifically, AB 32 requires CARB to:

- Establish a statewide greenhouse gas emissions cap for 2020, based on 1990 emissions, by January 1, 2008;
- Adopt mandatory reporting rules for significant sources of greenhouse gases by January 1, 2009;
- Adopt a plan by January 1, 2009, indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions;
- Adopt regulations by January 1, 2011, to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas, including provisions for using both market mechanisms and alternative compliance mechanisms;
- Convene an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to advise CARB;
- Ensure public notice and opportunity for comment for all CARB actions;
- To adopt rules for "sources" including non-vehicular; and
- Prior to imposing any mandates or authorizing market mechanisms, CARB must evaluate several factors, including but not limited to impacts on California's economy, the environment and public health; equity between regulated entities; electricity reliability; conformance with other environmental laws, and must ensure that the rules do not disproportionately impact low-income communities.

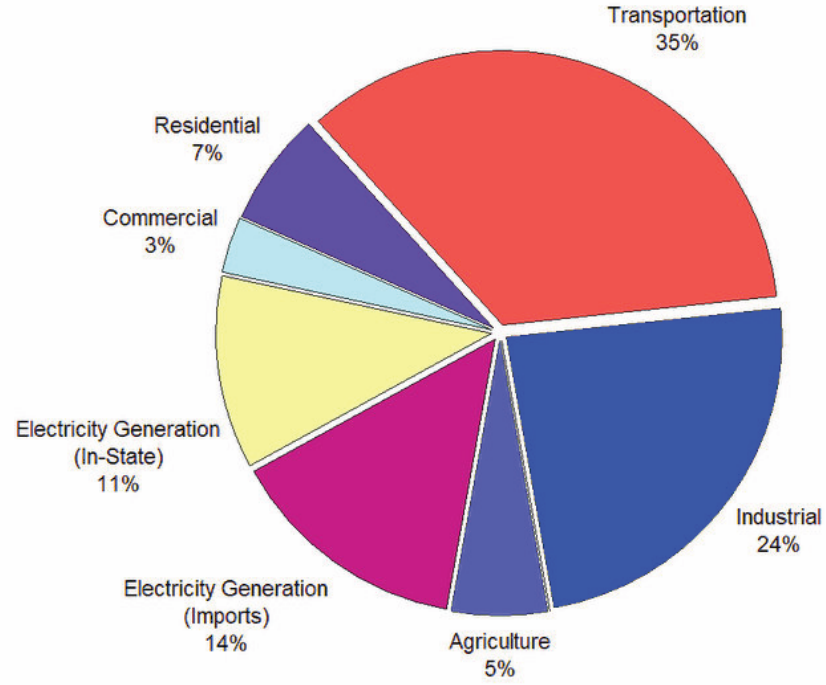
According to the schedule of milestones laid out in AB 32, CARB has made progress in the following areas. Consistent with AB 32's requirement to establish a GHG emission inventory, in December 2007 CARB adopted the California Greenhouse Gas Emission Inventory. The Inventory accounts for all GHG emissions within the state of California and supports the AB 32 Climate Change Program. Figure 2-2 shows CARB's inventory for the year 2004. The Inventory also serves as the basis for developing future year GHG emission forecasts necessary to support measure development and Scoping Plan recommendations. ARB staff has developed a year 2020 "business-as-usual" (BAU) forecast of GHG emissions for use in developing the Draft Scoping Plan. Figure 2-3 shows CARB's inventory for the year 2020, which is AB 32's target inventory.

Figure 2-2
2004 GHG Emissions by Sector (Gross Emissions: 484.4 MMT CO2eq.)



Source: CARB, 2007

Figure 2-3
1990 GHG Emissions by Sector (Gross Emissions: 433.3 MMT CO2eq.)



Source: CARB, 2007

On December 6, 2007, the Air Resources Board (ARB) approved a regulation for the mandatory reporting of greenhouse gas emissions from major sources, pursuant to AB 32. The mandatory reporting regulation specifies the types of facilities that must report their GHG emissions, requirements for reporting and estimating the GHG emissions, and requirements for emissions verification. Upon adoption, the CARB Board directed staff to make other conforming modifications, as may be appropriate, based on comments received. Subsequent to adoption, the mandatory reporting regulation has undergone two sets of modifications.

Consistent with the requirement to develop a scoping plan indicating how GHG emission reductions will be achieved through regulations, market mechanisms, and other actions, the Draft Scoping Plan was released for public review and comment on June 26, 2008, followed by workshops in July and August, 2008.

The Draft Scoping Plan calls for achievable GHG emission reduction in California's carbon footprint to 1990 levels. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30 percent from BAU emission levels projected for 2020, or about 10 percent from today's levels. Key elements of CARB's preliminary recommendation for reducing California's greenhouse gas emissions to 1990 levels by 2020 contained in the Draft Scoping Plan include the following:

- Expansion and strengthening of existing energy efficiency programs and building and appliance standards;
- Expansion of the Renewables Portfolio Standard for electricity generation to 33 percent;
- Development of a California cap-and-trade program that links with other WCI Partner programs to create a regional market system;
- Implementation of existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Targeted fees to fund the State's long-term commitment to AB 32 administration.

The Scoping Plan is expected go to the CARB Board for adoption in November, 2008.

INITIAL GUIDANCE ON EVALUATING GHGS PURSUANT TO CEQA

As noted in Chapter 1, both the California Attorney General's Office and the OPR determined that GHG emissions contributing to global climate change have the potential to generate adverse environmental impacts that should be evaluated pursuant to CEQA. Until recently, however, there has been little or no guidance relative to analyzing GHG emissions in CEQA documents or determining significance. The first explicit guidance was provided by the Association of Environmental Professionals (AEP) in its White Paper on Global Climate Change (AEP, 2007) and the White Paper on CEQA and Climate Change prepared by the California Air Pollution Control Officers Association (CAPCOA, 2008). The content of each of these White Papers is summarized in the following subsections.

- **Association of Environmental Professionals – White Paper on Global Climate Change**

AEP's White Paper (AEP) was one of the first attempts to discuss GHGs in the context of CEQA. The intent of the White Paper was to provide practical, interim information to CEQA practitioners and to help Lead Agencies determine how to address GHGs and global climate change in CEQA documents prior to the development and adoption of guidance by appropriate government agencies. Further, AEP's White Paper provided a summary of the current regulatory environment surrounding GHG emissions, and the various approaches that a Lead Agency may select in a CEQA document to address the potential impacts of global climate change and a project's cumulative contribution to GHG. The White Paper described several approaches for addressing GHGs and global Climate Change in CEQA documents, but did not recommend a single approach or methodology, leaving that decision to local Lead Agencies. The AEP White Paper identified eight approaches for analyzing GHGs and global climate change, which are summarized in the following bullet points.

- **Approach 1 – No Analysis:** under this approach the Lead Agency would not mention or discuss GHGs or global climate change.
- **Approach 2 – Screening Analysis:** under this approach the Lead Agency would establish a process to screen projects and determine that they would not make significant contributions to GHG emissions or GCC and, therefore, would not need to mitigate accordingly.
- **Approach 3 – Qualitative Analysis without Significance Determination:** this approach involves a qualitative discussion of GHGs and global climate change and potential ways the project will contribute to the generation of GHG emissions, but does not provide any significance conclusions.
- **Approach 4 – Qualitative Analysis with Significance Determination:** under this approach the Lead Agency would qualitatively discuss GHGs and climate change impacts and conclude that the project impacts are significant.
- **Approach 5 – Quantitative Analysis without Significance Determination:** under this approach the Lead Agency would quantify GHG emissions from the proposed project, but the results are not compared to a quantitative significance threshold.
- **Approach 6 – Quantitative Analysis with Net Zero Threshold:** this approach involves quantifying GHG emissions and using zero net carbon dioxide equivalent increase as the threshold.
- **Approach 7 – Quantitative Analysis Relative to California GHG Emission Reduction Strategies:** this approach employs both quantitative and qualitative components. The quantitative analysis contains an inventory of project GHG emissions. The qualitative component involves project compliance with the emission reduction strategies contained in the California Climate Action Team's (CAT) Report to the Governor, which contains recommendations and strategies to help ensure the targets in Executive Order S-3-05 are met.
- **Approach 8 – Use of Partial Exemption, "Within the Scope" of a Program EIR, or Tiering:** this option relies on the preparation of a broad EIR on a plan, program, or zoning action that is certified and contains a cumulative GHG and global climate change

impact analysis and mitigation. A later project that is consistent with the actions, goals, and/or policies in that plan, program, or zoning action need not again evaluate the cumulative impact regarding the project's GHG contribution to global climate change. In this situation, the later project may use the "partial exemption" provision of Public Resources Code §21083.3 and CEQA Guidelines §15183.

Since the date that the AEP White Paper was finalized (June, 2007), it has become clear that any of the above eight options that do not include quantification of GHG emissions and a determination of significance would be vulnerable to legal challenge. In addition, with the exception of the net zero approach in option 6, none of the options evaluated identify potential GHG significance thresholds. Approaches to developing GHG significance thresholds were specifically addressed in CAPCOA's White Paper (CAPCOA, 2008).

- California Air Pollution Control Officers Association – White Paper: CEQA and Climate Change

The intent of CAPCOA's White Paper is to serve as a resource for public agencies as they establish procedures for reviewing GHG emissions from projects under CEQA. It considers the application of thresholds and offers three alternative programmatic approaches toward determining whether GHG emissions are significant. Although the White Paper considers an option of not establishing a GHG significance threshold, as already noted this option is not considered to be a viable approach and will not be considered further. Ultimately, the White Paper is intended to provide consistent approaches for public agencies to ensure that GHG emissions are appropriately considered and addressed under CEQA.

The CAPCOA White Paper identifies three programmatic approaches to establishing GHG significance thresholds and also discusses the benefits and problems associated with each approach. Each approach has inherent advantages and disadvantages. The three basic approaches are:

- No significance threshold for GHG emissions (not discussed further);
- GHG emissions threshold set at zero; or
- GHG threshold set at a non-zero level, two approaches.

The following subsections briefly summarize two of the three major programmatic approaches developed by CAPCOA.

- Zero Threshold

An air district or lead agency may determine that any degree of project-related increase in GHG emissions would contribute considerably to climate change which, therefore, would be considered a significant impact. As a result, the air district or lead agency could adopt a zero-emission GHG threshold. If the zero threshold option is chosen, the lead agency would be required to quantify and mitigate GHG emissions for all projects subject to CEQA, regardless of the size of the project or the availability of GHG reduction measures available to reduce the project's emissions. Projects that could not meet the zero-emission threshold would be required to undergo an environmental impact report (EIR) CEQA process to disclose the unmitigable significant impact, and develop the justification for a statement of overriding consideration to be adopted by the lead agency.

CAPCOA notes in the White Paper that if an air district or lead agency elects to adopt a zero threshold approach, it should consider the administrative costs and the environmental review system capacity. Some projects that previously would have qualified for an exemption could require further substantial analysis, including preparation of a Negative Declaration (ND), a Mitigated Negative Declaration (MND) or an EIR. Moreover, the trade-offs between the volume of projects requiring review and the quality of consideration given to reviews should be considered. It may also be useful to consider whether meaningful mitigation can be achieved from smaller projects.

- *Approach 1: Non-Zero Threshold – Statute and Executive Order Approach*

According to CAPCOA, a non-zero GHG significance threshold could minimize the resources spent reviewing environmental analyses that do not result in real GHG reductions or to prevent the environmental review system from being overwhelmed. The practical advantages of considering non-zero thresholds for GHG significance determinations can fit into the concept regarding whether the project's GHG emissions represent a "considerable contribution to the cumulative impact" and therefore warrant analysis.

The first non-zero GHG significance threshold approach is based on achieving the objectives of AB 32 or executive order EO S-3-05 and explores four possible options under this scenario. A project would be required to meet the target objectives, or reduce GHG emissions to the target objectives, to be considered less than significant. The options under this approach are variations of ways to achieve the 2020 goals of AB 32 from new development, which is estimated to be about a 30 percent reduction from business-as-usual. Table 2-1 summarizes the four statute and executive order approaches identified by CAPCOA. SCAQMD staff has identified and included in Table 2-1 potential pros and cons identified for each option.

- *Approach 2: Non-Zero Threshold – Tiered Threshold Options*

The second non-zero GHG significance threshold approach is comprised of a number of tiered GHG significance threshold options. Within this option, the CAPCOA White Paper discusses seven variations. The tiered threshold options offer both quantitative and qualitative approaches to setting a threshold, as well as different metrics for establishing the various tiers. Variations range from setting the first tier at zero to second tiers set at defined emission levels or based on the size of a project. This approach would then prescribe a set of GHG mitigation strategies that would have to be incorporated into the project in order for the project to be considered less than significant. CAPCOA notes that some applications of the tiered threshold approach may require inclusion in a General Plan or adoption of enabling regulations or ordinances to render them fully effective and enforceable. The various tiered threshold options are summarized in Table 2-2. SCAQMD staff has identified and included in Table 2-2 potential pros and cons identified for each option.

Table 2 – 1
Statute and Executive Order Approach

Threshold Number	Description of Threshold	Pros*	Cons*
1.1	Project must reduce emissions compared to business as usual to be less than significant, two approaches: a. Project must reduce GHG emissions 33 percent compared to business-as-usual (BAU) (2020 target), or b. Project must reduce GHG emissions 80 percent compared to business-as-usual (2050 target).	• Could reduce resource impacts compared to zero threshold, as not every project would require an EIR • Would achieve GHG reductions consistent with AB 32 • A single threshold is easier to apply and understand	• Could be viewed as setting a de minimis level • Fewer projects would trigger significance, thus, less mitigation • BAU should be defined by CARB • BAU may be difficult to define for all projects
1.2	All new projects must reduce GHG emissions compared to BAU by a uniform percentage to be considered less than significant, e.g., 50 percent.	• Same as 1.1 • May produce greater percent reduction of GHGs • Single threshold easier to apply & understand	• Could produce substantially greater GHG reductions than 1.1, but may be difficult to achieve • BAU should be defined by CARB • BAU may be difficult to define for all projects

* Pros and cons reflect only SCAQMD staff's evaluation of the approaches.

Table 2 – 1 (Concluded)
Statute and Executive Order Approach

Threshold Number	Description of Threshold	Pros*	Cons*
1.3	Projects must reduce GHG emissions compared to business-as-usual by a uniform percentage based on economic sector to be less than significant, i.e., different reductions required for different market sectors.	• Sector-specific approach may be more appropriate approach • Would take into account costs & available control technologies • Avoids over- or under-regulation of GHGs per sector	• Requires extensive information on emission inventories • Requires extensive information on control technologies • Difficult to determine percent reduction by sector • Because of information requirements, may be more viable in the long term
1.4	Uniform GHG emission reduction by region. Regional GHG reduction plan developed consistent with AB32 emission reductions, e.g., reduce GHG emissions 33% or 80% compared to BAU. A project is not significant if its GHG emissions are consistent with plan.	• Could tailor GHG reductions to specific regional needs • GHG reduction strategies could be integrated into regional plans	• Would need to establish GHG regions • Requires extensive information on regional emission inventories • Because of the need to develop a regional plan, may be a more viable interim approach

* Pros and cons reflect only SCAQMD staff's evaluation of the approaches.

Table 2 – 2
Tiered Threshold Options

Threshold Number	Description of Threshold	Pros*	Cons*
2.1	This threshold employs a decision tree approach. Tier 1, no increase in GHG emissions, not significant (zero threshold). If GHG emissions greater than zero, tier two, use one of the following threshold options.	• Tiered approach allows flexibility by establishing multiple thresholds to cover a wide range of projects • Tier 2 may minimize administrative burden & costs • Tiers could be set at different levels depending on GHGs, size & other project characteristics • Projects exceeding tier 2 must implement mitigation	• Tier 1 may increase administrative burdens & costs • There may not be meaningful mitigation for small projects • Available mitigation may consist of purchasing offsets • EJ concerns of purchasing offsets because of associated criteria pollutant emissions • Offset markets not well established
2.2	Establish a quantitative threshold based on capturing a percentage, e.g., 90%, of future discretionary projects, CAPCOA's threshold is 900 metric tons CO2eq per year (equivalent to 50 houses or 30,000 square feet of commercial space, i.e., CAPCOA assumes 90% of all projects are this size or greater). Projects less than this would not be significant.	• Would capture a larger percentage of projects in the district than is currently the case • Would exclude small projects from further GHG analysis • Single threshold easier to apply & understand	• Would increase administrative & cost burden, especially in developing & moderate growth areas • May not be amenable to industrial projects because of the diversity of these projects • There may not be meaningful mitigation for small projects

* Pros and cons reflect only SCAQMD staff's evaluation of the approaches.

Table 2 – 2 (Continued)
Tiered Threshold Options

Threshold Number	Description of Threshold	Pros*	Cons*
2.3	This threshold is based on CARB's proposed mandatory reporting threshold of 25,000 metric tons of CO2eq per year. Alternatively, use the Market Advisory Committee of 10,000 metric tons of CO2eq per year. Projects less than either would not be significant.	• CARB estimates this threshold would capture 90 % of all industrial projects • Single threshold easier to apply & understand	• May not be amenable to industrial projects because of the diversity of these projects • There may not be meaningful mitigation for small projects
2.4	This approach establishes a GHG threshold based on and analogous to a NOx/VOC criteria pollutant CEQA significance threshold and is established using the following four steps: a. Define NOx/VOC CEQA thresholds in tons per year (e.g., 10 t/yr) b. Define the regional NOx/VOC inventory in tons per year (e.g., annual NOx inventory for 2005 from 2007AQMP ~ 375,585 t/yr) c. Calculate percentage of NOx/VOC inventory the significance threshold represents (10 / 375,585 = 0.00003) to obtain "minimum percentage of regulated inventory" for NOx/VOC.	• Single threshold easier to apply & understand	• Threshold cumbersome to derive • Threshold would change periodically as inventory goes up or down • Could have widely divergent thresholds by air basin because of varying inventories

* Pros and cons reflect only SCAQMD staff's evaluation of the approaches.

Table 2 – 2 (Continued)
Tiered Threshold Options

Threshold Number	Description of Threshold	Pros*	Cons*
2.4 (Cont.)	d. Define California GHG emission inventory for 2004 in tons CO2eq per year (499 MMT CO2eq). Apply minimum percentage of regulated inventory to California GHG inventory for 2004 to develop a GHG threshold analogous to the CEQA Threshold (e.g., 0.00003 x 499 MMT = 14,970 metric tons CO2eq per year = significance threshold).	•	•
2.5	Establish quantitative unit-based thresholds based on capturing a percentage, e.g., 90%, of future discretionary projects in specific market sectors (similar to 2.2 above). CAPCOA examples include: • 30,000 square-foot (SF) office =800 metric tons CO2eq per year; • 30,000 SF retail = 2,500 metric tons CO2eq per year; • 30,000 SF supermarket = 43,000 metric tons CO2eq per year.	• Would capture a larger percentage of projects in the district than is currently the case • Would exclude small projects from further GHG analysis • Single threshold easier to apply & understand	• Would increase administrative & cost burden, especially in developing & moderate growth areas • May not be amenable to industrial projects because of the diversity of these projects • There may not be meaningful mitigation for small projects

* Pros and cons reflect only SCAQMD staff's evaluation of the approaches.

Table 2 – 2 (Concluded)
Tiered Threshold Options

Threshold Number	Description of Threshold	Pros*	Cons*
2.6	This threshold would include tiered CEQA thresholds based on CEQA's definition of "projects with statewide, regional or areawide significance (§15206(b)), which include: • Residential development > 500 dwellings • Shopping center or business establishment employing > 1,000 persons or > 500,000 SF • Commercial office building employing >1,000 persons or > 250,000 SF • Hotel/motel > 500 rooms • Industrial, manufacturing or processing plant or industrial park employing > 1,000 persons or > 600,000 SF	• Could capture up to 50% of all future commercial development	• May capture substantially less than 50% if future development, resulting less GHG mitigation • Percentage capture of industrial/manufacturing projects currently unknown
2.7	Efficiency-based thresholds would be based on measurements of efficiency compared to intensity. Must be based on reasonable GHG emissions compared to business-as-usual.	• Would benchmark GHG intensity against target levels of efficiency • Thresholds established to provide future foreseeable GHG reductions compared to BAU • Would support AB 32 target objectives	• Would require substantial data & possibly modeling • May be more appropriate as a threshold in the long term

* Pros and cons reflect only SCAQMD staff's evaluation of the approaches.

CHAPTER 3

INTERIM GHG SIGNIFICANCE THRESHOLD STAFF PROPOSAL

Introduction

GHG Analysis Considerations

Current Staff Interim GHG Significance Threshold Proposals

INTRODUCTION

Because GHG emissions affect global climate, some have argued that it may be more appropriate for national or state agencies to establish significance thresholds or GHG emission reduction target objectives. However, no agency has established GHG significance thresholds that could assist Lead Agencies with determining the significance of GHG emissions in CEQA documents. In the absence of statewide guidance on this issue and in response to requests from a variety of stakeholders, the SCAQMD established a GHG Significance Threshold Stakeholder Working Group (Working Group) to establish an interim GHG significance threshold until such time as the state establishes a GHG significance threshold or provides recommended guidance on establishing a GHG significance threshold. Staff's goal is to reach consensus regarding an interim GHG significance threshold to the extent possible and take the staff proposal to the SCAQMD Governing for consideration and approval.

The Working Group was formed to assist staff's efforts to develop an interim GHG significance threshold an is comprised of a wide variety of stakeholders including: state agencies, OPR, CARB, and the Attorney General's Office; local agencies, city and county planning departments, utilities such as sanitation and power, etc.; regulated stakeholders, industry and industry groups; and organizations, both environmental and professional. Stakeholders were chosen based on their participation in other related stakeholder working groups and their expressed interest in participating in the developing a GHG significance threshold. Working group meetings are open to the public and have been well attended. The members of the Working Group and other interested parties who have requested to be notified of the meetings are listed in Appendix A. Information on the progress of the Working Group, including agendas, overhead presentations, and letters received from the various stakeholders can be found at the following website:
https://www.aqmd.gov/ceqa/handbook/GHG/GHG.html.

Part of the purpose of the Working Group is to provide a forum to solicit comments and suggestions from the various stakeholders to assist SCAQMD staff with developing an interim GHG significance threshold that is consistent with CEQA requirements for developing significance thresholds, is supported by substantial evidence, and provides guidance to CEQA practitioners with regard to determining whether GHG emissions from a proposed project are significant.

SCAQMD staff held the first Working Group meeting in April 2008. Except for September, Working Group meetings have been held on a monthly basis since April. Brief summaries of each Working Group meeting and the topics and staff GHG significance threshold proposals discussed to date are provided in Appendix B. Staff's initial proposed has been modified over time based on comments and concerns raised at Working Group meetings or in written comments. The following sections summarize staff's latest recommended interim GHG significance threshold proposal and some of the concepts necessary to understanding the various components of staff's

proposal. The latest staff proposal is considered to be a work-in-progress as staff is continuing to solicit further public input and suggestions.

The following subsections briefly summarize the GHG significance threshold design criteria concepts included as part of staff's proposed interim GHG significance threshold proposal. Following the discussion of design concepts, SCAQMD staff's current interim proposal is described.

GHG ANALYSIS CONSIDERATIONS

Before discussing quantification methodologies, it is necessary to consider design criteria that establish the parameters upon which the actual GHG analysis is based. The following subsections include discussions from the Working Group of some of the most important design criteria to be considered when quantifying GHG emissions. The following topics include some of the most important parameters that should be considered when quantifying GHG emissions and, therefore, should not be considered an exhaustive list of considerations as individual projects may include characteristics that may require additional considerations.

Policy Objective

The overarching policy objective with regard to establishing a GHG significance threshold for the purposes of analyzing GHG impacts pursuant to CEQA is to establish a performance standard or target GHG reduction objective that will ultimate contribute to reducing GHG emissions to stabilize climate change. Full implementation of the Governor's Executive Order S-3-05 would reduce GHG emissions 80 percent below 1990 levels or 90 percent below current levels by 2050. It is anticipated that achieving the Executive Order's objective would contribute to worldwide efforts to cap GHG concentrations at 450 ppm, thus, stabilizing global climate.

As described below, staff's recommended interim GHG significance threshold proposal uses a tiered approach to determining significance. Tier 3, which is expected to be the primary tier by which the AQMD will determine significance for projects where it is the lead agency, uses the Executive Order S-3-05 goal as the basis for deriving the screening level. Specifically, the Tier 3 screening level for stationary sources is base on an emission capture rate of 90 percent for all new or modified projects. A 90 percent emission capture rate means that 90 percent of total emissions from all new or modified stationary source projects would be subject to some type of CEQA analysis, including a negative declaration, a mitigated negative declaration, or an environmental impact.

Therefore, the policy objective of staff's recommended interim GHG significance threshold proposal is to achieve an emission capture rate of 90 percent of all new or modified stationary source projects. A GHG significance threshold based on a 90 percent emission capture rate may be more appropriate to address the long-term adverse impacts associated with global climate change. Further, a 90 percent emission

capture rate sets the emission threshold low enough to capture a substantial fraction of future stationary source projects that will be constructed to accommodate future statewide population and economic growth, while setting the emission threshold high enough to exclude small projects that will in aggregate contribute a relatively small fraction of the cumulative statewide GHG emissions. This assertion is based on the fact that staff estimates that these GHG emissions would account for less than one percent of future 2050 statewide GHG emissions target (85 MMTCO2eq/yr). In addition, these small projects would be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory

GHG Pollutants

Gases that trap heat in the atmosphere are often called greenhouse gases. The Kyoto Protocol, adopted in December 1997, is an agreement under which industrialized countries will reduce their collective emissions of greenhouse gases by specified percentages, depending on the country, compared to 1990 levels. The goal is to lower overall emissions of six greenhouse gases - carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, and perfluorocarbons, averaged over the period of 2008-2012.

Similarly, AB 32 defines GHGs as including the following: carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health and Safety Code, section 38505(g)). The most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide.

Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are:

- **Carbon Dioxide (CO2):** Carbon dioxide enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and also as a result of other chemical reactions (e.g., manufacture of cement). Carbon dioxide is also removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.

- **Methane (CH4):** Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.

- **Nitrous Oxide (N2O):** Nitrous oxide is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.

- **Fluorinated Gases:** Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are synthetic, powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for ozone-depleting substances (i.e., CFCs, HCFCs, and halons). Fluorinated gases are typically emitted in smaller quantities, but because they are potent greenhouse gases, they are sometimes referred to as high global warming potential gases (high GWP gases).

    - Hydrofluorocarbons are manmade chemicals that have historically replaced Chlorofluorocarbons used in refrigeration and semiconductor manufacturing.

    - Perfluorocarbons are manmade chemicals that are by-products of aluminum smelting and uranium enrichment.

    - Sulfur hexafluoride is a manmade chemical that is largely used in heavy industry to insulate high voltage equipment and to assist in the manufacturing of cable cooling systems.

GWP is a measure of how much a given mass of greenhouse gas is estimated to contribute to global warming. It is a relative scale that compares the gas in question to the same mass of carbon dioxide (whose GWP is by definition 1). A GWP is calculated over a specific time interval and the value of this must be stated whenever a GWP is quoted or else the value is meaningless. A substance's GWP depends on the time span over which the potential is calculated. A gas which is quickly removed from the atmosphere may initially have a large effect but for longer time periods as it has been removed becomes less important. For the purposes of a CEQA analysis, especially an analysis of operation emissions, the maximum GWP is typically used, regardless of the actual atmospheric lifetime. This approach simplifies the analysis and provides a very conservative analysis, especially for the fluorinated gases. The GWP of the six Kyoto GHGs is shown in Table 3-1.

The SCAQMD staff recommends that a GHG analysis include the six Kyoto GHGs, to the extent emission factors are available primarily because there is more information on these GHGs than other potential GHGs. Other GHGs would be added to the list as scientific information becomes available and agreed to by national or international protocols and agreements.

Table 3-1
Global Warming Potential of Kyoto GHGs

Gas	Atmospheric Lifetime	GWP
Carbon dioxide (CO2)	50 – 200	1
Methane (CH4)	12 $\pm$ 3	21
Nitrous oxide (N2O)	120	310
HFC-23 (Hydrofluorocarbons)	264	11,700
HFC-32	5.6	650

Table 3-1 (Concluded)
Global Warming Potential of Kyoto GHGs

Gas	Atmospheric Lifetime	GWP
HFC-125	32.6	2,800
HFC-134a	14.6	1,300
HFC-143a	48.3	3,800
HFC-152a	1.5	140
HFC-227ea	36.5	2,900
HFC-236fa	209	6,300
HFC-4310mee	17.1	1,300
CF4 (Perfluorocarbons)	50,000	6,500
C2F6	10,000	9,200
C4F10	2,600	7,000
C6F14	3,200	7,400
Sulfer hexafluoride (SF6)	3,200	23,900

Source: U.S. EPA (http://www.epa.gov/)

Carbon black, a form of particulate air pollution most often produced from biomass burning, cooking with solid fuels and diesel exhaust, may also have a warming effect in the atmosphere. It is estimated that carbon black's contribution to climate change is second only to carbon dioxide. Carbon black contributes to global warming by absorbing heat while airborne in the atmosphere. Carbon black is of particular concern in the arctic because it settles on ice and snow, reducing its reflectivity and increasing the rate of melting.

Based on a survey of available information, there are little data available for calculating carbon black effects on global warming. As a result, SCAQMD staff is not recommending analyzing carbon black effects on global warming. As information becomes available, staff will reconsider adding carbon black to the list of GHGs to be analyzed in CEQA documents.

Business-As-Usual (BAU)

In CARB's Scoping Plan (CARB, 2008) CARB states that the BAU case is a representation of what the state of the California economy will be in the year 2020 assuming that none of the measures recommended in the Scoping Plan are implemented. CARB's projected BAU GHG emissions in 2020 are shown in Table 3-2.

Table 3-2
2002-2004 Average Emissions and 2020 Projected Emissions (Business-as-Usual)
(MMTCO2E)

Sector	2002-2004 Average Emissions	Projected 2020 Emissions [BAU]
Transportation	179.3	225.4
Electricity	109.0	139.2
Commercial and Residential	41.0	46.7
Industry	95.9	100.5
Recycling and Waste	5.6	7.7
High GWP	14.8	46.9
Agriculture	27.7	29.8
Forest Net Emissions -	4.7	0.0
Emissions Total	**469**	**596**

Source: CARB, 2008 – Scoping Plan, Table 1

CARB's Scoping Plan states further that continuing increases in global greenhouse gas emissions at BAU rates would result, by late in the century, in California losing 90 percent of the Sierra snow pack, sea level rising by more than 20 inches, and a three to four times increase in heat wave days, flood damage, etc. To avoid future foreseeable environmental impacts to California, the Scoping plan calls for an ambitious but achievable reduction in California's carbon footprint. Reducing greenhouse gas emissions to 1990 levels means reducing approximately 30 percent from BAU emission levels projected for 2020, or about 15 percent from today's levels. On a per-capita basis, that means reducing our annual emissions of 14 tons of carbon dioxide equivalent for every man, woman and child in California down to about 10 tons per person by 2020.

Although CARB's Scoping Plan calls for reducing GHG emissions 30 percent from BAU levels, it does not explicitly define BAU. There is, however, a brief definition of BAU in CARB's GHG inventory document (CARB, 2007). In that document CARB describes BAU as:

- BAU is based on GHG emissions estimates in the absence of policies and reduction measures, and
- BAU is based on forecasted demographic and economic growth.

In its White Paper, CAPCOA provides a more detailed definition of BAU compared to the above definition in CARB's inventory document. In the White Paper BAU is defined as follows:

- The projection of GHGs into the future based on current technologies and regulations;

- The adoption of new GHG reduction regulations, e.g., CARB's Scoping Plan measures, in the future establishes new BAU, i.e., the definition of BAU evolves over time; and
- BAU will normally define the CEQA no project alternative, but does not necessarily form the project baseline.

Based on the above definitions and discussions from the Working Group, SCAQMD staff defines BAU as the following

- Is used to project project's future emissions (consistent with CAPCOA and CARB definitions), i.e., level from which GHG reductions must occur;
- Is based first and foremost on current regulatory requirements (consistent with CAPCOA and CARB definitions);
- Regulatory requirements may determine current technology, e.g., advanced technology may be available, but not required, such as combined cycle gas turbine;
- Will normally define the no project alternative (consistent with CAPCOA and CARB definitions); and
- May be used to establish a project's CEQA baseline, only if consistent with CEQA Guidelines §15125.

The importance of BAU lies not only in the fact that it is a methodology for calculating a project's future emissions, is also forms the emission level from which GHG emission reductions must occur. SCAQMD staff's current GHG significance threshold proposal includes the Tier 4 compliance option 1 that establishes a performance standard of reducing GHG emissions 30 percent below the project's projected BAU emissions through design features and/or mitigation measures. A 30 percent reduction from BAU is consistent with the target objectives of AB 32 and CARB's Scoping Plan. The intent of the Tier 4 compliance option 1 is to provide a feasible target objective, that will not only contribute to achieving the AB 32 target objective, but will also contribute to achieving the 2050 target of the Governor's Executive Order S-3-05, which establishes of target objective of reducing GHG emissions 80 percent below 1990 levels or a 90 percent reduction from current BAU estimates.

As recognized by CAPCOA and SCAQMD, BAU will evolve over time as the current regulatory framework changes to implement GHG reduction strategies, either statewide strategies, e.g., CARB's Scoping Plan, or any future federal strategies. Evolving BAU creates two issues for the CEQA practitioner. First, staff's proposed Tier 4 compliance option 1 target objective is unchanged from 30 percent, then over time as BAU changes to incorporate GHG reduction strategies, achieving the target objective will become more difficult. Second, any GHG significance thresholds that rely on BAU will have higher uncertainties because they rely on a constantly changing BAU, which may be difficult to define.

To resolve some of these issues of an evolving definition of BAU, SCAQMD staff recommends that a statewide definition be developed by CARB that is updated periodically. Until such time as a statewide definition of BAU is developed, the SCAQMD staff will rely on the above definition. Because the SCAQMD's staff's GHG significance proposal is considered to be an interim proposal, future updates or revisions to staff's proposal would also include updates to BAU or the target objective as BAU levels decline over time. It may be that a target objective percent reduction from BAU levels is a short-term GHG threshold proposal and may become less important in the future as other concepts are evaluated and more fully developed.

- GHG Source Categories to Analyze

Life Cycle Analysis

CEQA requires that the lead agency analyze direct and indirect impacts from a proposed project, giving due consideration to short-term and long-term effects (CEQA Guidelines 15126.2(a)). In the case of GHG pollutants a systems approach to evaluating the consequences of a particular product, process or activity may be more appropriate because of the long atmospheric lifetimes of the various GHGs (see Table 3-1). One of the most effective ways of evaluating GHGs using a systems approach is through the preparation of a life cycle analysis (LCA).

The goal of a life cycle analysis is to compare the full range of environmental damages assignable to products and services, to be able to choose the least burdensome one. The term 'life cycle' refers to the concept that a fair, holistic assessment requires the assessment of raw material production, manufacture, distribution, use and disposal including all intervening transportation steps necessary or caused by the product's existence. The sum of all those steps - or phases - is the life cycle of the product.

Performing a life cycle analysis may be difficult for a number of projects or processes because life cycle emission factors may not be well established for many activities or projects and the life cycle process itself may not be known or well-defined. SCAQMD staff, however, recommends that life cycle analyses be prepared for all projects undergoing a CEQA analysis, as this will produce a more defensible approach. If, however, any component of the life cycle analysis is unavailable, unknown, or not supported by scientific evidence, the lead agency should note such an analysis would be speculative pursuant to CEQA Guidelines §15145 and terminate discussion of that impact.

Direct/Indirect Impacts

Consistent with CEQA, indirect and direct impacts of the project, typically within California, are required to be analyzed in the CEQA document for a proposed project. The analysis of direct GHG impacts is relatively straightforward as onsite GHG sources or directly related offsite GHG sources, such as worker commute trips, are generally readily identifiable. Indirect GHG emission sources are less obvious, but may include some of the sources identified in the following paragraphs. In general,

for most projects information on direct and indirect emissions may be available, rather than a full life-cycle analysis of emissions. The lead agency has typically been expected to address emissions that are closely related and within the capacity of the project proponent to control and/or influence.

Direct Impacts - are primary effects that are caused by a project and occur at the same time and place, such as emissions from boilers, heaters, or other onsite emissions sources. Direct impacts generated by a project may include offsite sources directly related to the project such as emissions from worker commute trips, haul truck trips to import raw materials and/or export finished products or other goods.

Direct GHG emission impacts will include both construction and operation activities. Because impacts from construction activities occur over a relatively short-term period of time, they contribute a relatively small portion of the overall lifetime project GHG emissions. In addition, GHG emission reduction measures for construction equipment are relatively limited. Therefore, SCAQMD staff is recommending that construction emissions be amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies.

Indirect Impacts - The CEQA Guidelines define indirect impacts as the following: an indirect physical change in the environment…which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect change in the environment (CEQA Guidelines §15064 (d)(2)). Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems (CEQA Guidelines §15358)(a)(2)).

DRAFT STAFF INTERIM GHG SIGNIFICANCE THRESHOLD PROPOSAL

As indicated by the evolution of the staff proposal over time, SCAQMD has generally recommended a tiered decision tree approach to establishing a GHG significance threshold. In CAPCOA's White Paper, eight of the 12 significance threshold options are based on a tiered threshold approach (see also Table 2-2 in Chapter 2). A tiered GHG significance threshold approach is an appealing approach because it provides flexibility in determining whether or not GHG emissions from a project are significant typically using a single methodology to establish various tiers that can be based on the physical size of the project, land use type, or other characteristics. The tiered approach envisioned by SCAQMD staff would require quantification of GHG emissions for all projects that are subject to CEQA and quantification of the GHG reduction effectiveness of design parameters incorporated into the project and any mitigation measures imposed by the lead agency. It may even be necessary to

quantify GHG emissions, if any, for projects that would otherwise qualify for a categorical exemption to document that no "cumulative impact of successive projects of the same type in the same place, over time is significant" (CEQA Guidelines §15300.2(b), or that there is no "reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines §15300.2(c)).

The CAPCOA White Paper also includes a discussion of a decision tree approach to tiering. Instead of using a single methodology to establish tiers, a decision tree approach would use multiple methodologies to demonstrate significance for a broad range of projects/plans that may be difficult to address using a single GHG significance threshold methodology. Using a decision tree approach promotes even greater flexibility in determining significance for a variety of project types.

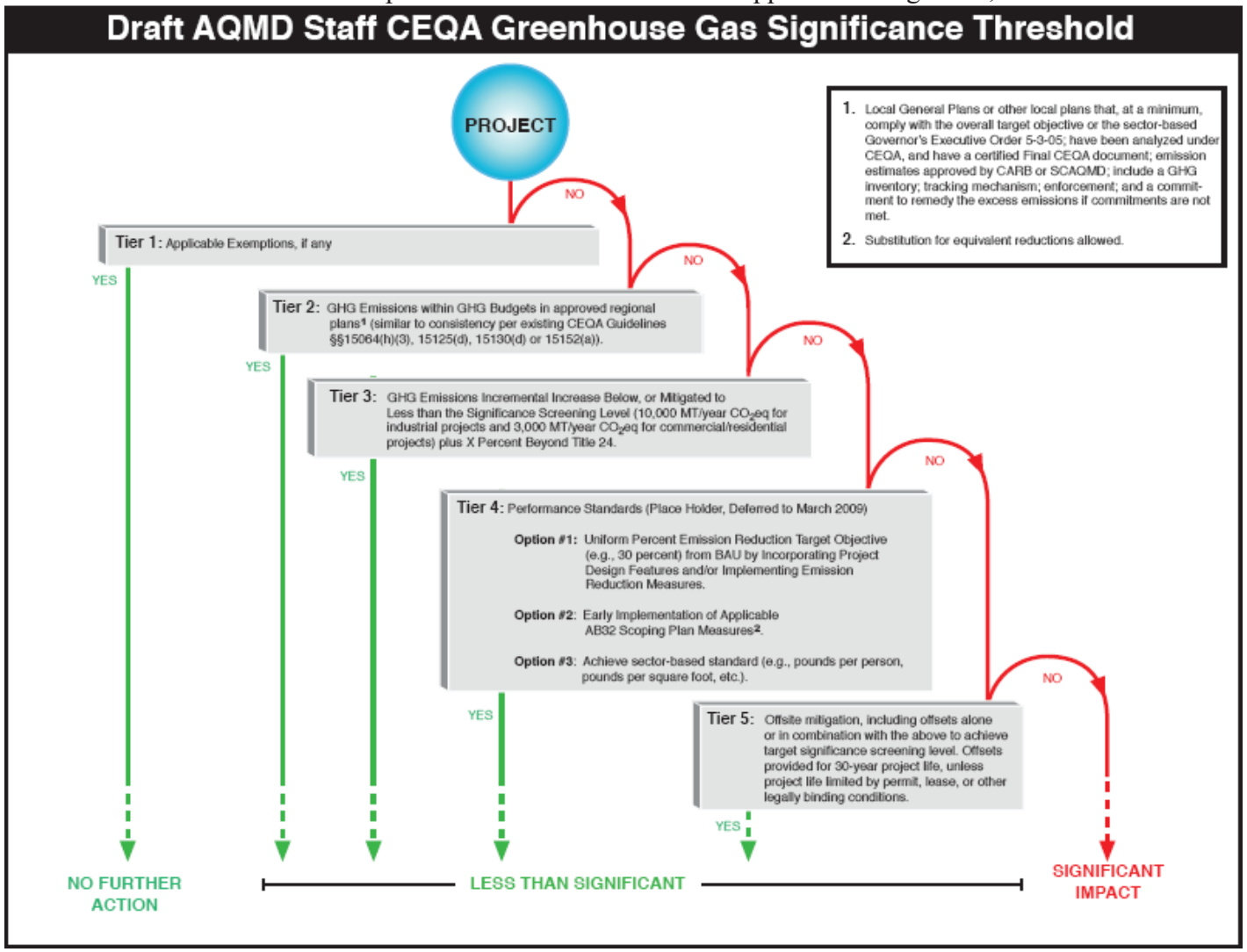
At the August 27, 2008 Working Group meeting #5, staff presented the revised interim GHG significance proposal #3, which included a tiered decision tree approach. Unlike the decision tree approach discussed in CAPCOA's White Paper, some tiers include multiple approaches for determining whether a project's GHG emissions are significant, rather than using a single different methodology for each tier.

For the purposes of determining whether or not GHG emissions from affected projects are significant, project emissions will include direct, indirect, and, to the extent information is available, life cycle emissions during construction and operation. Construction emissions will be amortized over the life of the project, defined as 30 years, added to the operational emissions, and compared to the applicable interim GHG significance threshold tier. The following bullet points describe the basic structure of staff's tiered GHG significance threshold proposal for stationary sources. The components of revised staff proposal #3 are described in the following paragraphs and shown graphically in Figure 3-1.

- **Tier 1 –** consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA. For example, SB 97 specifically exempts a limited number of projects until it expires in 2010. If the project qualifies for an exemption, no further action is required. If the project does not qualify for an exemption, then it would move to the next tier.

- **Tier 2 –** consists of determining whether or not the project is consistent with a GHG reduction plan that may be part of a local general plan, for example. The concept embodied in this tier is equivalent to the existing concept of consistency in CEQA Guidelines §§15064(h)(3), 15125(d), or 15152(a). The GHG reduction plan must, at a minimum, comply with AB 32 GHG reduction goals; include emissions estimates agreed upon by either CARB or the SCAQMD, have been analyzed under CEQA, and have a certified Final CEQA document. Further, the GHG reduction plan must include a GHG emissions inventory tracking mechanism; process to monitor progress in achieving GHG emission reduction targets, and a commitment to remedy the excess emissions if AB 32 goals are not met (enforcement).

Figure 3-1
Revised Staff Proposal #3 Tiered Decision Tree Approach – August 27, 2008



If the proposed project is consistent with the local GHG reduction plan, it is not significant for GHG emissions. If the project is not consistent with a local GHG reduction plan or there is no approved plan, the GHG reduction does not include all of the components described above, or there is no adopted GHG reduction plan, the project would move to tier 3.

- **Tier 3 –** attempts to identify small projects that would not likely contribute to significant cumulative GHG impacts. However, because of the magnitude of increasing global temperatures from current and future GHG emissions, staff is recommending that all projects must implement some measure or measures to contribute to reducing GHG emissions. Therefore, Tier 3 includes a requirement that ~~all~~ residential/commercial projects with GHG emissions less than the screening level must include efficiency components that ~~reduce a certain~~go X percent~~age~~ beyond the requirements of Title 24 (Part 6, California Code of Regulations), California's energy efficiency standards for residential and nonresidential buildings. Project proponents would also have to reduce by a specified percentage electricity demand from water use, primarily electricity used for water conveyance.

  ~~The most recently~~A past recommended screening level proposed by staff was 6,500 MTCO2eq./year. This screening level was derived using the SCAQMD's existing NOx operational threshold as a basis. The daily NOx operational significance threshold, 55 pounds per day was annualized, which results in 10 tons of NOx per year.

  Staff initially considered and then rejected a bifurcated screening level, that is one screening level for residential and commercial projects and a different screening level for industrial projects based on the URBEMIS modeling runs used to derive the 6,500 MTCO3eq/yr screening level because GHG emissions from industrial were of the same magnitude as the GHG emissions from residential and commercial projects. Staff has reconsidered the bifurcated screening level approach as there is a more scientific basis for deriving the different screening levels.

  SCAQMD staff is now recommending a bifurcated screening level approach to address two greatly differing project types: industrial projects as opposed to residential and commercial projects (which are largely indirect sources). The former category typically contains stationary source equipment whose emissions are largely permitted or regulated by the SCAQMD; whereas the latter category is mostly residential, commercial (may also include industrial) building structures that attract or generate mobile source emissions. In light of the GHG reductions needed to stabilize the climate while considering implementation resource requirements, the policy objective used to establish the screening thresholds is to capture projects that represent approximately 90 percent of GHG emissions from new sources. The following paragraphs describe the steps taken to derive the screening threshold values.

Industrial Projects: Since the majority of GHG emissions in the district are comprised of CO2 emissions from burning natural gas rather than other types of fossil fuel, staff compiled reported annual natural gas consumption for 1,297~~115~~ permitted facilities for 2006-2007 and rank-ordered the facilities to estimate the 90th percentile of the cumulative natural gas usage for all permitted facilities. Operators of these facilities are required to report their emissions and associated throughput under the SCAQMD's Annual Emission Reporting (AER) Program if any of their criteria pollutant emissions exceed four tons per year (100 tons per year for CO) or if the facility has any reportable air toxics emission. Figure 3-2 shows that approximately 10 percent of facilities evaluated comprise more than 90 percent of the total natural gas consumption, which corresponds to 10,000 metric tons per year (tpy) of CO2 emissions. This value represents a boiler with a rating of approximately 27 million British thermal units per hour (mmbtu/hour) of heat input, operating at ~~a~~n ~~25~~ 80 percent capacity factor. If the screening threshold of 10,000 MTCO2eq./yr is implemented, based on the permitting activities for 2006-2007 it will result in at least 31 additional MNDs or EIRs being prepared by the SCAQMD as the lead agency unless another tier option is selected to demonstrate no significant impacts for GHG emissions. It should be noted that this analysis did not include other possible GHG pollutants such as methane, N2O; a life-cycle analysis; mobile sources; or indirect electricity consumption. Therefore, under a 10,000 MTCO2eq./yr screening level more projects would be required to go through an MND or EIR environmental analysis than is currently the case. Furthermore, when the SCAQMD acts as a lead agency, the stationary source equipment employed as part of the proposed project typically must comply with BACT or other SCAQMD rules, regulations, programs that require reducing criteria pollutants or air toxics. Therefore, staff is proposing to replace the 6,500 MTCO2/yr screening level with the 10,000 MTCO2eq/yr as the screening level in tier III for industrial projects when the SCAQMD is the lead agency for the project.

Residential and Commercial Projects: To achieve the same 90 percent GHG emission capture rate for this segment of projects GHG emissions from residential and commercial sectors were compared to the GHG emissions from the industrial sector including the in-state power plants. The draft AB32 scoping plan indicates that based on statewide 2002-2004 average GHG emissions, the residential and commercial sectors account for approximately nine percent of the total statewide GHG inventory, while the industrial sector (including instate power plants) accounts for approximately 30 percent of the statewide GHG emission inventory. The inventory methodology for both sectors includes only on-site energy use, consistent with the staff approach taken in deriving the 10,000 tpy threshold. Assuming similar emission characteristics also exist for the residential and commercial sector (i.e., large residential or commercial projects, although fewer in numbers, contribute substantially more to the total emissions), it is estimated that at a threshold of approximately 3,000 MTCO2eq/yr emissions (10,000 x (9 percent / 30 percent)) would capture 90 percent of the GHG emissions from new residential or commercial projects. A series of sensitivity analyses was performed by the staff using URBEMIS to assess the likely project size for 3,000 MTCO2eq/yr emissions. Table 3-3 illustrates various projects by size and shape.

Figure 3-2

Total Number of AER Facilities and Their Accumulative Reported NG Usage
FY 06-07

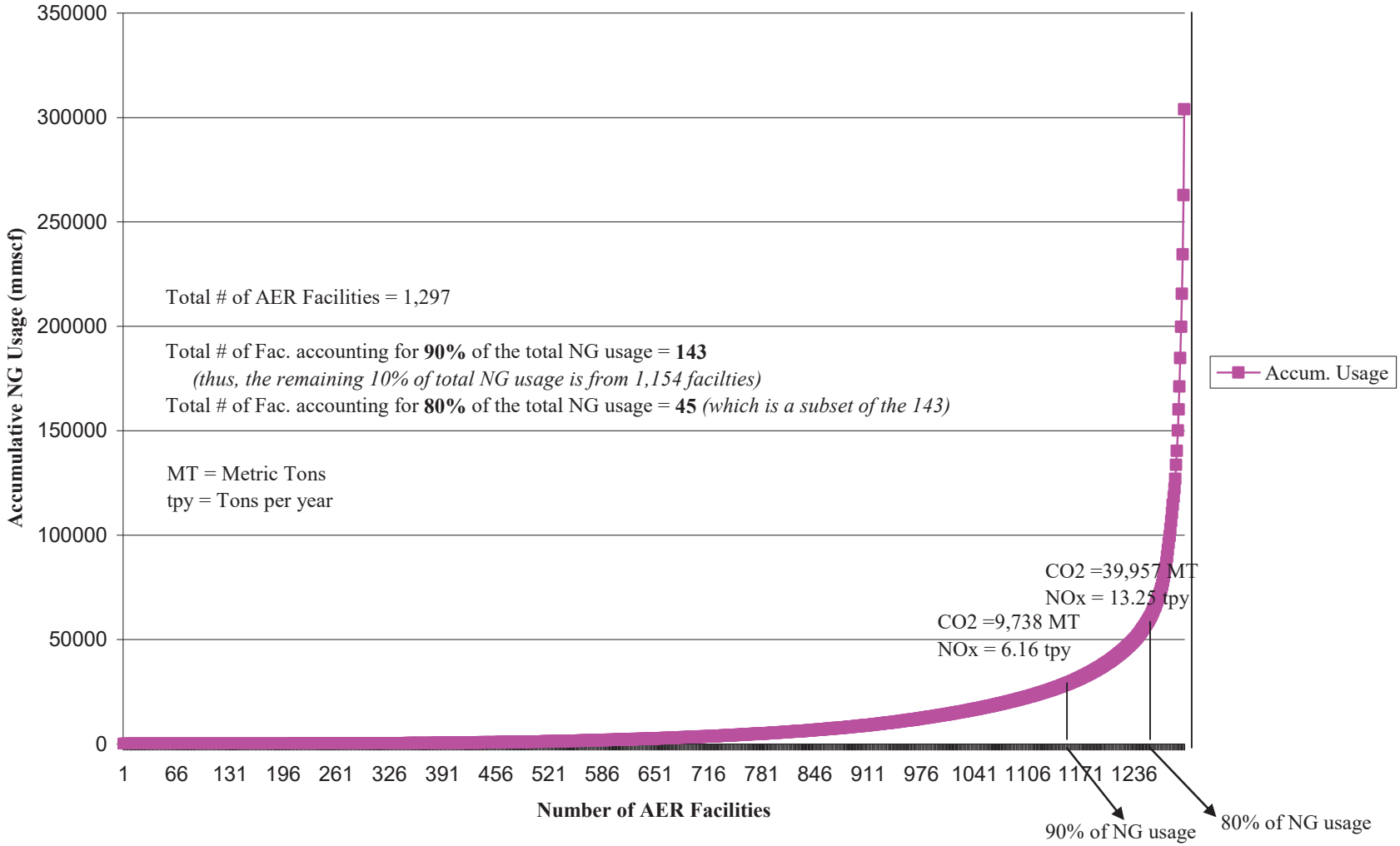


Table 3-3
URBEMIS Run Results for Residential/Commercial Projects Emitting Approximately 3,000 MTCO2 per Year*

			Area Source Emissions		*Operational Emissions*		**TOTAL**
	Weighted Avg Trip Rate	**Size**	**CO2 (tons/year)**	**CO2 (MT/year)**	**CO2 (tons/year)**	**CO2 (MT/year)**	**CO2 (MT/year)**
Res - Single Unit	19.54	80 units	326.86	297.15	3003.56	2730.51	3027.65
Res - Apt	9.17	175 units	422.70	384.27	2971.95	2701.77	3086.05
Comm - Office	6.02	265,000 ft^2	387.41	352.19	2961.75	2692.50	3044.69
Comm - Bank	206.22	9,500 ft^2	14.38	13.07	3192.90	2902.64	2915.71
Single/Apt	19.54	35 units	379.59	345.08	2964.82	2695.29	3040.37
	9.17	100 units					
Office/Bank	6.02	170,000 ft^2	254.19	231.08	3042.71	2766.10	2997.18
	206.22	3,400 ft^2					
Office/Single	6.02	135,000 ft^2	355.13	322.85	2956.32	2687.56	3010.41
	19.54	40 units					
Office/Apt	6.02	135,000 ft^2	403.19	366.54	2952.34	2683.95	3050.48
	9.17	85 units					
Bank/Single	206.22	3,700 ft^2	202.81	184.37	3052.93	2775.39	2959.76
	19.54	50 units					
Bank/Apt	206.22	4,000 ft^2	248.12	225.56	3042.64	2766.04	2991.60
	9.17	100 units					
Single/Apt/Office	19.54	20 units	382.60	347.82	2945.26	2677.51	3025.33
	9.17	65 units					
	6.02	100,000 ft^2					
Single/Apt/Bank	19.54	20 units	241.78	219.80	3020.76	2746.15	2965.95
	9.17	65 units					
	206.22	3,550 ft^2					
						Avg CO2 (MT/year):	**3009.60**

*Offsite electricity use, water use, or other potential life cycle emissions not included.

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As shown in Table 3-3, this threshold would represent a residential development of about 70 single-family dwelling units. It should be noted that the sensitivity analysis did not include GHG emissions from electricity use and water use. As a result, similar to the earlier discussion of industrial projects, this screening level of 3,000 MTCO2eq/yr could capture development projects less than 70 single-family dwelling units.

In CAPCOA's White Paper, it is suggested that a thresholds of 900 MTCO2eq/yr would capture 90 percent of all development projects, which should translate into at least 90 percent of GHG emissions from the residential and commercial sectors[2]. According to CAPCOA 900 MTCO2eq/yr equates to approximately 50 single-family dwelling units. This information appears to corroborate the SCAQMD staff's finding that the policy objective of capturing 90 percent of all GHG emissions for this region can be achieved with a screening level of 3000 MTCO2eq/yr. Therefore, staff is recommending that this value be used by lead agencies for residential and commercial developments, including industrial parks, warehouses, etc.

- **Tier 4 – Decision Tree Options:** consists of three decision tree options to demonstrate that a project is not significant for GHG emissions. The three compliance options are as follows.

  Compliance Option 1 – the lead agency would calculate GHG emissions for a project using a BAU methodology. Once GHG emissions are calculated, the project proponent would need to incorporate design features into the project and/or implement GHG mitigation measures to demonstrate a 30 percent reduction from BAU. Although a 30 percent reduction below BAU is consistent with the target objectives of AB 32, it will continue to reduce GHG emissions beyond 2020, thus, contributing to GHG reductions pursuant to the Governor's Executive Order S-3-05 (a 90 percent reduction compared to current GHG emissions). A 30 percent reduction is also considered to be an achievable GHG reduction target based on current technologies.

  Compliance Option 2 – this option consists of early compliance with AB 32 through early implementation of CARB's Scoping Plan Measures. The intent of this compliance option is to accelerate GHG emission reductions from the various

[2] Although the CAPCOA White Paper implies that 900 metric tons per year equates to a 90 percent capture rate, there is no explicit information provided in the White Paper that demonstrates this correlation. Indeed, the CAPCOA authors state that 900 metric tons, which represents approximately 50 residential units, corresponds to widely divergent capture rate percentile rankings depending on the project location (see discussion on page 43 of the White Paper). Percentile rankings were based on a survey of four cities in California. A project of 900 metric tons per year representing a 90 percent capture rate appears to be a working assumption for which there appears to be no factual basis. Further, although not explicitly stated, it is assumed that the 900 metric tons were derived using the URBEMIS2007 model. It should be noted that that the URBEMIS2007 model only quantifies CO2 emissions and direct emissions primarily from on-road mobile sources. It does not capture other GHG pollutants or indirect GHG emissions such as emissions from energy generation, water conveyance, etc. Therefore, it is likely that a 50-unit residential project would actually generate higher GHG emissions than 900 metric tons per year.

sectors subject to CARB's Scoping Plan to eliminate GHG emission, especially for those GHGs that have a long atmospheric lifetime such as CO2, sulfur hexafluoride, etc., to minimize future projected impacts to California from global climate change.

Compliance Option 3 – this compliance option consists of establishing sector-based performance standards. For example, it may be possible to use the 1990 inventory required under AB 32 to establish an efficiency standard such as pounds per person, pounds per worker, pounds per square feet, pounds per item manufactured, etc. When calculating GHG emissions from a project, if they are less than the established efficiency standard the project would not be significant relative to GHG emissions, while projects exceeding the efficiency standard would be significant.

If the lead agency or project proponent cannot achieve the performance standards on any of the compliance options in Tier 4, GHG emissions would be considered significant.

- **Tier 5** – under this tier, the lead agency would quantify GHG emissions from the project and the project proponent would implement offsite mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level. In addition, the project proponent would be required to provide offsets for the life of the project, which is defined as 30 years. If the project proponent is unable to obtain sufficient offsets, incorporate design features, or implement GHG reduction mitigation measures to reduce GHG emission impacts to less than the screening level, then GHG emissions from the project would be considered significant. Since it is currently uncertain how offsite mitigation measures, including purchased offsets, interact with future AB 32 Scoping Plan measures, the AQMD would allow substitution of mitigation measures that include an enforceable commitment to provide mitigation prior to occurrence of emissions and to prevent mitigating the same emissions twice.

  Mitigation Preference – If a project generates significant adverse impacts, CEQA Guidelines §15126.4 requires identification of mitigation measures to minimize potentially significant impacts. Because GHG emissions contribute to global change, mitigation measures could be implemented locally, nationally, or internationally and still provide global climate change benefits. Because reducing GHG emissions may provide co-benefits through concurrent reductions in criteria pollutants, when considering mitigation measures when the AQMD is the lead agency under CEQA, staff will implement mitigation measures that are real, quantifiable, verifiable, and surplus in the following order of preference.

  - Incorporate GHG reduction features into the project design, e.g., increase a building's energy efficiency, use materials with a lower global warming potential than conventional materials, purchase building materials locally, etc.

  - Implement onsite measures that provide direct GHG emission reductions onsite, e.g., replace onsite combustion equipment (boilers, heaters, steam

generators, etc.) with more efficient combustion equipment, replace existing high global warming potential refrigerants with low global warming refrigerants, eliminate or minimize fugitive emissions, etc.

- Implement neighborhood mitigation measure projects that could include incentives for installing solar power, increasing energy efficiency by exceeding Title 24 building standards through replacing low efficiency water heaters with high efficiency water heaters, increasing building insulation, using fluorescent bulbs, replacing old inefficient refrigerators with efficient refrigerators using low global warming potential refrigerants, etc.

- Implement in-district mitigation measures such as any of the above identified GHG reduction measures; reducing vehicle miles traveled (VMT) through greater rideshare incentives, transit improvements, etc.

- Implement in-state mitigation measures, which could include any of the above measures.

- Implement out of state mitigation measure projects, which may include purchasing offsets if no other options are available.

CARB's Interim GHG Significance Threshold Proposal

In October 2008 CARB released its interim GHG significance threshold proposal and held a public workshop on October 27, 2008. CARB's threshold is considered to be an interim threshold because CARB staff intends to periodically review and change its threshold proposal as necessary. CARB's Preliminary Draft Staff Proposal (Proposal) states that non-zero GHG significance thresholds can be supported by substantial evidence. Futher, different GHG significance thresholds may be established for different sectors. Therefore, as part of its initial interim GHG significance threshold proposal CARB is proposing two separate GHG significance thresholds, one for new industrial projects and another for residential/commercial projects subject to CEQA. CARB's proposal uses a tiered approach (see Table 3-4).

Table 3-4
Comparison of CARB's and AQMD's Interim GHG Significance Thresholds Approaches

	Stationary/Industrial Sector Projects		Residential/Commercial Sector Projects	
	CARB	AQMD	CARB	AQMD (Not Recommended at this Time)
Policy Objective	Capture 90% of statewide stationary project emissions	Capture 90% of district wide GHG emissions (industrial)	Capture X% of statewide residential/commercial project emissions	Capture 90% of district wide residential/commercial project GHG emissions
Exemption	Apply applicable exemption	Apply applicable exemption	Apply Applicable Exemption	Apply Applicable Exemption
Regional GHG Reduction Plan	N.A.	Project Consistent with Applicable GHG Reduction Plan with GHG inventorying, monitoring, enforcement, etc.	Project Consistent with Applicable GHG Reduction Plan with GHG inventorying, monitoring, enforcement, etc.	Project Consistent with Applicable GHG Reduction Plan with GHG inventorying, monitoring, enforcement, etc.
Thresholds	Project < 7,000 MTCO2eq/yr & meets construction & transportation performance standards	GHG emissions from industrial project is < 10,000 MTCO2eq/yr, includes construction emissions amortized over 30 years & added to operational GHG emissions	Project meets construction & operation performance tandards, e.g., energy, water use, waste & ransportation & < X MTCO2eq/yr	Project is < 3,000 MTCO2eq/yr & exceeds Title 24 Energy Efficiency Standards by X%, if applicable – construction emissions amortized over 30 years & added to operational GHG emissions
Performance Standards	See above	NA	See above	3 Compliance Options: 1) Reduce GHG emissions 30% below BAU; 2) Early Implement AB 32 Measure; 3) Comply with Performance Standard
Offsets	Offsite substitution allowed	Implement offsite mitigation for life of project, i.e., 30 years, with mitigation preference	Offsite substitution allowed	Implement offsite mitigation for life of project, i.e., 30 years with mitigation preference
Determination	GHG emissions significant, EIR is prepared, if meeting none of the above	GHG emissions significant, EIR is prepared, if meeting none of the above	GHG emissions significant, EIR is prepared, if meeting none of the above	GHG emissions significant, EIR is prepared, if meeting none of the above

CARB's interim GHG significance threshold for industrial sources was developed to capture "the vast majority (~90% statewide) of the GHG emissions from new industrial projects being subject to CEQA's requirement to impose feasible mitigation." According to CARB's Proposal, CARB staff used data from a survey of industrial boilers performed by the Oak Ridge National Laboratory in which it was concluded that small boilers with an input capacity of 10 MMBtu/hr corresponded to 93 percent of total industrial boiler input capacity, or 4,660 MTCO2e/yr. Using this result and accounting for process losses, purchased electricity, and water usage and wastewater discharge, CARB staff is recommending 7,000 MTCO2eq/yr as a GHG significance threshold for industrial projects. The following bullet points summarize CARB's proposed interim GHG significance threshold for industrial sources.

- Box 1 – Apply any applicable categorical or statutory exemptions. If the project does not qualify for an exemption, move to Box 2.

- Box 2 – The industrial project must meet both of the following performance standards or equivalent mitigation measures to be deemed insignificant for GHGs:

    - Construction – Project must meet an interim performance standard for construction- related emissions (performance standard not yet defined).

    - Transportation – Project must meet an interim performance standard for transportation (performance standard not yet defined).

    AND

    - Project with mitigation will emit no more than 7,000 MTCO2eq/yr. If the project does not qualify for either of the performance standards or exceeds 7,000 MTCO2eq/yr, move to Box 3.

- Box 3 – Project is deemed significant and an EIR must be prepared.

- CARB's Preliminary Draft Proposal for Residential and Commercial projects is summarized in the following bullet points.

- Box 1 – Apply any applicable categorical or statutory exemptions. If the project does not qualify for an exemption, move to Box 2.

- Box 2 – Project complies with a previously approved plan that addresses GHG emissions and must: include a GHG reduction target consistent with AB 32; be consistent with transportation-related target adopted by CARB pursuant to SB 375; include a GHG inventory and mechanism for monitoring GHG emissions; include enforceable GHG requirements; include a mechanism for periodic updates to plan; and have a certified CEQA document. If the project is

consistent with a GHG plan that includes all of these elements, it is presumed to be insignificant for GHGs. If the project is not consistent with a GHG plan or there is no adopted GHG plan that includes all of the above elements, move to Box 3.

- Box 3 – The residential/commercial project must meet all of the following performance standards or equivalent mitigation measures to be deemed insignificant for GHGs:

  - Construction – Project must meet an interim performance standard for construction- related emissions (performance standard not yet defined).

  - Operations – Project must meet the following performance standards: energy use performance standard defined in CEC's Tier II Energy Efficiency goal; an interim performance standard for water use (performance standard not yet defined); an interim performance standard for waste (performance standard not yet defined); and an interim performance standard for transportation (performance standard not yet defined).

AND

The project with performance standards or equivalent mitigation will emit no more than X MTCO2eq/yr (criterion to be developed). If the project does not qualify for any one of the performance standards or exceeds X MTCO2eq/yr, move to Box 4.

- Box 4 – Project is deemed significant and an EIR must be prepared.

For a detailed description of CARB's interim GHG significance threshold proposal, refer to the following URL: http://www.arb.ca.gov/cc/localgov/ceqa/meetings/102708/prelimdraftproposal102408.pdf.

CARB is currently accepting comments on its Draft Proposal and has scheduled a second public workshop on December 9, 2008. CARB staff currently anticipates taking their proposal to their Board in February 2009.

CHAPTER 4

CONSIDERATIONS WHEN ANALYZING GHG EMISSIONS

Introduction

GHG Analysis Recommendations

INTRODUCTION

As noted in Chapter 1, on June 19, 2008, OPR, in collaboration with the California Resources Agency, the California Environmental Protection Agency and the California Air Resources Board, released a *Technical Advisory* containing informal guidance for public agencies as they address the issue of climate change in their CEQA documents. With regard to analyzing GHG emission impacts OPR states,

"Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information… Lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by type and source."

Other than this general advice, the *Technical Advisory* does not provide explicit details for quantifying GHG emissions.

CAPCOA's White Paper provides a comprehensive discussion of modeling tools that are currently available for analyzing GHG emissions[3]. As indicated in the White Paper, no one model is currently available that is capable of estimating all of a project's direct and indirect GHG emissions. It is likely, however, that the Urban Emissions (URBEMIS) Model will be the most commonly used model for calculating GHG emissions because it currently calculates CO2 emissions (in addition to criteria pollutant emissions) during both construction and operation of proposed projects, it is publicly available, and already widely used in California. Statewide use of the URBEMIS model would provide consistency throughout California with regard to quantifying GHG emissions. For a list of currently available models that calculate GHG emissions and summaries of the capabilities, advantages, and disadvantages of each model refer to Table 10 on pages 75 through 78 in the CAPCOA White Paper.

The purpose of this chapter is to provide more explicit guidance to CEQA practitioners with regard to quantifying GHG emissions than OPR's *Technical Advisory*, while building on the information provided CAPCOA's White Paper.

GHG ANALYSIS RECOMMENDATIONS

Direct/Indirect Impacts

As noted in Chapter 3 of this Guidance Document, consistent with CEQA, indirect and direct impacts of the project, typically within California, are required to be analyzed in the CEQA document for a proposed project. The analysis of direct GHG impacts is

[3] For maximum transparency with regard to quantifying GHG emissions and disclosure to the public, SCAQMD staff recommends using only publicly available models.

relatively straightforward as onsite GHG sources or directly related offsite GHG sources, such as worker commute trips, are generally readily identifiable. Indirect GHG emission sources are less obvious, but may include some of the sources identified in the following paragraphs. In general, for most projects information on direct and indirect emissions may be available, rather than a full life-cycle analysis of emissions. The lead agency has typically been expected to address emissions that are closely related and within the capacity of the project proponent to control and/or influence.

Direct Impacts - are primary effects that are caused by a project and occur at the same time and place, such as emissions from boilers, heaters, or other onsite emissions sources. Direct impacts generated by a project may include offsite sources directly related to the project such as emissions from worker commute trips, haul truck trips to import raw materials and/or export finished products or other goods. The following paragraphs provide general guidance on quantifying direct GHG emissions.

CAPCOA's White Paper provides a comprehensive discussion of modeling tools that are currently available for analyzing GHG emissions. Further, no one model is currently available that is capable of estimating all of a project's direct and indirect GHG emissions. Although there are a number of modeling tools available to calculate GHG emissions the following discussion focuses on a combination of approaches using the URBEMIS model as the basis for analyzing GHG emission impacts. Other approaches for calculating GHG emissions can be used, as long as they are supported by scientific evidence and include publicly available information.

The URBEMIS model is a publicly available model that is currently used statewide to calculate criteria pollutant emissions from construction and operation activities for a wide variety of land use projects. The model is regularly updated through a collaboration of air pollution control agencies, including the SCAQMD, to reflect the most current data, methodologies, and emission factors for quantifying criteria pollutant emissions. The most current update to the model is URBEMIS2007 version 9.2.4, which quantifies CO2 emissions in addition to criteria pollutant emissions.

Currently, there are several disadvantages to using the URBEMIS model to calculate GHG emissions from a proposed project and, as a result, it should not be the only tool used to calculate GHG emissions. For example, currently the URBEMIS model only quantifies CO2 emissions and not other GHG pollutants, with the exception of methane from mobile sources, which is converted to CO2eq. emissions. Since CO2 emissions comprise the bulk of GHG emissions from most projects, URBEMIS GHG results are fairly representative of GHG emissions from a project.

To quantify mobile source emissions from on-road mobile sources, the URBEMIS model uses trip rate information from the Institute of Transportation Engineers Trip Generation Handbook (ITE, 2001) as the trip rate default factor for all land uses. ITE trip rate information is widely used and is considered legally defensible as they rely on substantial reports and surveys of trip rates in cities with little or no transit. As a result, the ITE trip rates are also considered to provide a conservative estimate of trip

rates and associated emissions. The model, however, treats each trip as a separate trip and doesn't consider that a single trip may be used for more than one purpose, referred to as "internalization." The model also does not fully account for interaction between land uses in its estimation of mobile source operational emissions. URBEMIS does allow the user to overwrite the default trip rates and characteristics with more project-specific data from a traffic study prepared for a project.

In spite of the disadvantages of the URBEMIS model described above, it can be used as the first step in quantifying GHG emissions for typical land use projects because it establishes default parameters for the most common emission sources from a project including construction equipment types and activity profiles, area of site disturbed during construction, building size, number vehicle trips, etc., if the level of information about the project is low. If more information about the project is available such as a precise profile of construction equipment and activity levels, number of vehicle trips based on a traffic study prepared for the project, etc., this information can be incorporated into the model. The model can then quantify CO2 emissions from both construction and operation.

The URBEMIS construction analysis quantifies criteria pollutant and CO2 emissions from both off-road sources (primarily construction equipment) and on-road sources (worker commute trips, haul truck trips, etc.). To further flesh out the construction analysis, the lead agency would have to identify emission factors for other GHG pollutants likely to be emitted during construction, i.e., methane and nitrous oxide[4], for both off-road and on-road emissions sources and then quantify the GHG emission results using spreadsheets or other available tools.

The off-road CO2 emission factors in the URBEMIS model are generated from CARB's off- road model (http://www.arb.ca.gov/msei/offroad/offroad.htm). Methane emission factors for off-road equipment can also be obtained from CARB's OFFROAD2007 model. CO2 and methane emission factors for off-road equipment that are based on CARB's OFFROAD2007 model can also be found on the SCAQMD's CEQA webpages at the following URL: http://www.aqmd.gov/ceqa/handbook/offroad/offroad.html. Other sources of off-road GHG emissions factors for equipment used in California may be used, as long as they are supported by scientific evidence and are publicly available.

The URBEMIS model is able to quantify mobile source CO2 emissions during construction from on-road mobile sources such as construction worker commute trips, heavy-duty truck trips to haul away demolition debris, soil hauling to and from the site etc., and during operation, primarily vehicle trips using ITE's Trip Generation Manual (ITE, 2001). The on-road CO2 emission factors in the URBEMIS model for both construction and operation are generated from CARB's on- road mobile source emissions model, EMFAC2007 (http://www.arb.ca.gov/msei/onroad/onroad.htm). Methane emission factors for on-road mobile sources can also be obtained from

[4] Hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are not combustion emissions, so would not normally be emitted during construction.

CARB's EMFAC2007 model. CO2 and methane emission factors for on-road mobile sources that are based on CARB's EMFAC2007 model can also be found on the SCAQMD's CEQA webpages at the following URL: http://www.aqmd.gov/ceqa/handbook/onroad/onroad.html.

The analysis of operation emissions from all types of land uses in the URBEMIS model focuses primarily on mobile source emissions and some area sources. The model does not quantify emissions from stationary sources. For stationary sources that require a permit from the SCAQMD, emission calculation procedures and methodologies are available in the SCAQMD's Best Available Control Technology Guidelines (http://www.aqmd.gov/bact/partd7-9-2004update.pdf). Examples of facilities that use stationary sources requiring a permit from the SCAQMD include: fossil fuel power plants[5], cement plants, landfills, wastewater treatment plants, gas stations, dry cleaners and industrial boilers. The SCAQMD has procedures and methodologies for projects subject to SCAQMD permits to calculate criteria pollutants and air toxics. It is anticipated that these same procedures and methodologies could be extended to estimate a permitted facility's GHG calculations. For are any stationary and area sources that do not require SCAQMD permits, the same methodologies used for permitted sources could be used. It will be necessary to contact the SCAQMD to obtain information on GHG emission calculation methodologies applicable to stationary source equipment.

Indirect Impacts - Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems (CEQA Guidelines §15358)(a)(2)). The examples of facilities that use stationary sources requiring a permit from the SCAQMD that may contribute to direct environmental impact (fossil fuel power plants, cement plants, landfills, wastewater treatment plants, gas stations, dry cleaners and industrial boilers) may also contribute to indirect impacts and, therefore, should be included, as necessary in the CEQA analysis of GHGs.

Quantification Methodologies and GHG Emission Factors

Methodologies for calculating GHG emissions and GHG emission factors are currently not readily available. Until such time as GHG calculation methodologies and emission factors become well established and more readily available, lead agencies may want to consult the following references to identify acceptable methodologies and emission factors.

1. The first useful reference for GHG emission factors for stationary sources is EPA's Air Pollutant (AP)-42, which is a compilation of air pollutant emission

[5] According to CEQA Guidelines §15227, CEQA does not apply to projects outside of California. The California Attorney General's Office has rendered an opinion stating that the definition of the environment in CEQA does not stop at the borders of California. Further, California public agencies that take an action outside of California is still bound by the requirements of CEQA to prepare an EIR if the action may cause a significant effect on the environment.

factors for stationary point and area sources. Each of the first 13 chapters of AP-42 is dedicated to a specific source activity such as solid waste disposal, petroleum industry, and metallurgical industry. Since the publication of the fifth edition (and supplementals) in 2001, there have been a number of updates to the various specific stationary sources such as hot asphalt plants, organic liquid storage tanks, and coke production. In addition to the criteria pollutant emissions, some of the updated AP-42 chapters provide GHG emission factors for a variety of sources. For example, Chapter 15 of AP-42 focuses on GHG emissions from biogenic sources such as soils, termites, lightning, and enteric fermentation (animal digestive fermentation).

2. Second, the California Climate Action Registry (C-CAR) has prepared a General Reporting Protocol (GRP), which is a relatively easy-to-follow user's manual that outlines the principles, concepts, calculation methodologies and procedures required for effective participation in the California Registry. The appendices of the GRP provide GHG emissions factors, specifically CO2, CH4 and N2O, for electricity use, mobile combustion and stationary combustion based on fuel usage type.

3. Third, a thorough internet search should be conducted to find reliable sources of emissions factors that would assist in accurately determining GHG emissions from a specific source being evaluated. Again, all potential GHGs, such as CO2, CH4 and N2O, should be evaluated to the best of one's ability to locate dependable information.

4. Finally, a material balance approach also may provide reliable average emission estimates for specific sources. A material balance is when one accounts for (or "balances") all the materials going into and coming out of the process in order to make a credible emissions estimation. For some sources, a material balance may provide a better estimate of emissions especially in situations where a high percentage of material is lost to the atmosphere (e. g., sulfur in fuel, or solvent loss in an uncontrolled coating process.) In other cases, material balances may be inappropriate where material is consumed or chemically combined in the process, or where losses to the atmosphere are a small portion of the total process throughput.

Reporting GHG Emissions – Daily vs. Annual Emissions

The analysis of GHGs is a much different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants, significance thresholds are based on daily emissions because attainment or non-attainment is based on daily exceedances of applicable ambient air quality standards. Further, several ambient air quality standards are based on relatively short term exposure effects on human health, e.g., one-hour and eight-hour. Since the half-life of CO2 is approximately 100 years, the effects of GHGs are longer-term, affecting global climate over a relatively long time frame (see also Table 3-1).

Typical GHG emission inventories (EPA5, ARB6, etc.) represent directly emitted GHGs during a given year. As a result, the current convention is to present GHG emissions as annual emissions. The URBEMIS model can be set to calculate annual emissions for a project. When using the URBEMIS model to calculate annual GHG emissions, it may be useful to modify the trip rate for each land use using a weighted trip rate average to more accurately reflect annualized trip rates. A weighted trip rate average reflects the trip rates during the week, as well as trip rates during Saturdays and Sundays. Trip rate information for weekdays and weekend days can be found in the ITE Trip Rate Handbook.

CHAPTER 5

CONCLUSION

Introduction

Future Action Items

INTRODUCTION

CEQA Guidelines §15064.7(a) encourages lead agencies to establish thresholds of significance to determine the significance of an environmental impact. Further, thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence (CEQA Guidelines §15064.7(b)). Staff's proposed interim GHG significance threshold proposal has been developed through a public process consisting of a series of Stakeholder Working Group meetings. Staff proposals have been modified over time based on written and oral feedback from the Working Group. Staff's intent was to reach consensus to the extent feasible, but for some items staff could not find common ground with some of the stakeholders.

The next immediate step for SCAQMD staff is to present a final interim GHG significance threshold proposal to the SCAQMD Governing Board for consideration. If the Governing Board approves staff's final interim GHG significance threshold proposal, then staff will embark on a number of short-term and intermediate term activities to provide outreach to public agencies that might use staff's interim GHG significance threshold to determine whether or not their projects' GHG emissions are significant, periodically revisit and revise as necessary the interim proposal, and accommodate stakeholders' requests for more information on GHG calculation methodologies and mitigation measures. The following sections provide discussions on future anticipated action items

FUTURE ACTION ITEMS

Interim GHG Significance Threshold Outreach Program

It is currently anticipated that staff's interim GHG significance threshold proposal will be presented to, and considered by the Board at the November 7, 2008 public hearing. Consistent with other significance threshold proposals adopted by the Governing Board, if the draft GHG significance threshold proposal is adopted, staff will meet with local cities, councils of governments, and leagues of cities to discuss the staff proposal and address any questions or concerns.

Once the interim GHG significance threshold is adopted, this Guidance Document will be posted on the SCAQMD's CEQA web pages. Staff will also send notice of the adoption of the staff proposal to all agencies, organizations, and individuals on the SCAQMD's CEQA "Interested Parties" mailing list. In addition, it is expected that staff will prepare and make available an informational brochure that summarizes information about the interim GHG significance proposal in addition to this Guidance Document.

Starting in January 2009, as part of its intergovernmental review (IGR) responsibilities under CEQA, where the SCAQMD reviews and CEQA documents prepared by other public agencies, SCAQMD will begin more thorough evaluations of CEQA documents with regard to their GHG analyses and the basis by which they make a determination of significance. Staff will begin recommending use of the staff's interim GHG significance threshold proposal or other available GHG significance thresholds based on substantial evidence in comment letters on notices of preparation of an EIR. As of March 1, 2009, staff will formally recommend use of staff's interim GHG significance threshold proposal or other available GHG significance thresholds based on substantial evidence in comment letters on NDs and MNDs. As of July 1, 2009, staff will formally recommend use of staff's interim GHG significance threshold proposal or other available GHG significance thresholds based on substantial evidence in comment letters on EIRs.

Compile Lists of GHG Design Features and Mitigation Measures

CEQA Guidelines §15126.4 requires an EIR to "describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy." Ideally, it is desirable to avoid impacts altogether through incorporating design features into the proposed project. Because staff's recommended interim GHG significance threshold includes performance standards (see tier 4 compliance options 1 and 3) or a project proponent may try to reduce GHG emissions to less than the applicable screening levels, mitigation measures or design features are important components of the overall GHG significance threshold strategy. As a result, a number of GHG Working Group stakeholders has requested that SCAQMD compile lists of design features or mitigation measures to assist with reducing GHG emissions for all land use types.

In response to the request from GHG Working Group stakeholders to develop GHG design features and mitigation measures, over the next year SCAQMD staff will compile lists of GHG reduction strategies, including control efficiencies, by sector and make the lists available online with other recommended mitigation measures. There is already a robust body of mitigation measures available (see in particular the CAPCOA bullet point discussion below), but in most cases, they do not include control efficiencies. SCAQMD staff will use the following mitigation sources as a basis from which to compile mitigation strategies.

- **CEQA Guidelines, Appendix F –** this appendix includes a list of general energy conservation measures that may be used as a basis to identify GHG reduction strategies. The measures do not contain GHG control efficiencies, so they would need further review to determine if control efficiencies are available.

- **CAPCOA White Paper –** this document provides a comprehensive discussion of GHG reduction strategies and specific mitigation measures are listed in Table 16 in Appendix B. The mitigation measures are grouped by emissions source type, such as transportation measures, parking measures, commercial and residential design features, etc. Table 16 also provides other useful information about each

mitigation measure including source of each measure, comments and descriptions about each control measure, etc. Most importantly, for many of the mitigation measures CAPCOA has included an emission reduction score. In most cases, the emission reduction score is given as a range. As a result, further evaluation would be necessary to provide a single more precise emission reduction score or a defensible average. Otherwise, it is likely that the high end of the emission reduction score would be used.

- **CARB -** is actively working to develop and adopt GHG protocols to support the Climate Change Program. CARB is working in collaboration with other agencies and organizations, including the California Climate Action Registry, to adopt consistent and standardized methods to accurately report GHG emissions. There are two kinds of GHG protocols, a reporting protocol and a project protocol. The project protocol may be useful as it sets standards and provides specific guidance to define GHG reduction projects and quantify and report GHG reductions from project activities. Some example protocols include manure management and urban forestry. It is expected that additional protocols will be developed and adopted by CARB. It is also expected that CARB's Scoping Plan may provide guidance on regulatory guidance that could be used to develop GHG emission reduction measures. GHG reduction strategies that may also serve as GHG mitigation measures to be developed by CARB over the next two years are shown in Table 5-1.

Table 5-1
California Air Resources Board GHG Emission Reduction Strategies

Strategy	Description of Strategy
Other Light Duty Vehicle Technology	New standards would be adopted to phase in beginning in the 2017 model year
Hydrofluorocarbon Reduction	1) Ban retail sale of HFC in small cans; 2) Require that only low global warming potential (GWP) refrigerants be used in new vehicular systems; 3) Adopt specifications for new commercial refrigeration; 4) Add refrigerant leak-tightness to the pass criteria for vehicular Inspection and Maintenance programs; 5) Enforce federal ban on releasing HFCs.
Transportation Refrigeration Units, Off-Road Electrification, Port Electrification	Strategies to reduce emissions from TRUs, increase off-road electrification, and increase use of shore-side/port electrification.
Manure Management	San Joaquin Valley Rule 4570 (adopted 6/15/06) reduces volatile organic compounds from confined animal facilities through implementation of control options.
Alternative Fuels: Biodiesel Blends	CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.

Table 5-1 (Concluded)
California Air Resources Board GHG Emission Reduction Strategies

Strategy	Description of Strategy
Alternative Fuels: Ethanol	Increased use of ethanol fuel.
Heavy-Duty Vehicle Emission Reduction Measures	Increased efficiency in the design of heavy duty vehicles and an education program for the heavy duty vehicle sector.
Reduced Venting and Leaks in Oil and Gas Systems	Rule considered for adoption by the Air Pollution Control Districts for improved management practices.
Hydrogen Highway	The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.
Achieve 50% Statewide Recycling Goal	Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. According to the California Integrated Waste Management Board, in 2005 the statewide waste diversion rate was 52 percent.[6]
Landfill Methane Capture	Install direct gas use or electricity projects at landfills to capture and use emitted methane.
Zero Waste - High Recycling	Additional recycling beyond the State's 50% recycling goal.

- CEC and CPUC – These agencies are actively developing GHG emission reduction strategies that may also be used to develop GHG mitigation measures for specific energy production sources. Examples of CEC and CPUC GHG emission reduction strategies are shown in Table 5-2.

Other sources of potential GHG emission reduction measures will be evaluated and incorporated, as applicable into any GHG mitigation measure lists developed by the SCAQMD.

[6] CIWMB, 2007; http://www.ciwmb.ca.gov/LGCentral/Rates/Diversion/2005/Default.htm

Table 5-2
GHG Emission Reduction Strategies Implemented by CEC and CPUC

Strategy	Description of Strategy
ENERGY COMMISSION (CEC)	
Building Energy Efficiency Standards in Place and in Progress	Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).
Appliance Energy Efficiency Standards in Place and in Progress	Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California).
Cement Manufacturing	Cost-effective reductions to reduce energy consumption and to lower carbon dioxide emissions in the cement industry.
Municipal Utility Strategies	Includes energy efficiency programs, renewable portfolio standard, combined heat and power, and transitioning away from carbon intensive generation.
Alternative Fuels: non-Petroleum Fuels	Increasing the use of non-petroleum fuels in California's transportation sector, as recommended in the CEC's 2003 and 2005 Integrated Energy Policy Reports.
PUBLIC UTILITIES COMMISSION (PUC)	
Accelerated Renewable Portfolio Standard (33 percent by 2020)	The Governor has set a goal of achieving 33 percent renewables in the State's resource mix by 2020. The joint PUC/Energy Commission September 2005 Energy Action Plan II (EAP II) adopts the 33 percent goal.
California Solar Initiative	The solar initiative includes installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses, increased use of solar thermal systems to offset the increasing demand for natural gas, use of advanced metering in solar applications, and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.
Investor-Owned Utility	This strategy includes energy efficiency programs, combined heat and power initiative, and electricity sector carbon policy for investor owned utility.

Periodically Review the Interim GHG Significance Threshold

SCAQMD staff will periodically review and revise staff's GHG proposal to incorporate applicable updated information on GHGs and GHG reduction strategies resulting from regulatory requirements or advances in technology. Some areas of the current proposal that may be reevaluated include the tier 3 screening levels, and the tier 4 compliance option 1 GHG reduction target objective. Further, staff will evaluate whether or not sector based performance standards can be developed for tier 4 compliance option 3.

If a statewide GHG significance threshold is developed by CARB, staff will review that threshold and report to the Governing Board by March 2009 considering such a

threshold for adoption.~~regarding any implementation issues and ways to transition into the recommended GHG significance threshold within six months of formal approval by the CARB Board~~.

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APPENDIX A

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APPENDIX B

SUMMARIES OF WORKING GROUP MEETINGS

WORKING GROUP MEETING #1 (APRIL 30, 2008)

At the first Working Group meeting SCAQMD staff presented the Working Group with a number of policy objectives and design criteria for consideration to establish the framework for developing a GHG significance threshold. Policy objectives include the following concepts. First, the GHG significance threshold should minimize environmental degradation, that is, it should not make impacts worse. To this end, it may be useful to develop a GHG significance threshold that achieves GHG emissions reductions that are consistent with the goals of AB 32 estimated to be approximately 30 percent reduction of GHG emissions from business-as-usual. Although CEQA or a GHG significance threshold established pursuant to CEQA may be useful tools in reducing GHG emissions, they would act in parallel with regulatory requirements, e.g., AB 32, but they do not replace them. As a result, there is no requirement that a GHG significance threshold must reduce GHG emissions consistent with AB 32 or EO S-3-05.

In addition to policy considerations, a number of GHG significance threshold design criteria were also considered. An important consideration in developing a GHG significance threshold is the potential administrative burden it may create on lead agencies through increased resource impacts such as increased costs and staff if the significance threshold is established too low. For example, a zero threshold might result in eliminating or substantially reducing the number of projects that qualify for a categorical exemption, a negative declaration, or a mitigated negative declaration. Other design considerations discussed included establishing a single GHG threshold, such as a "bright line" numerical threshold or multiple thresholds, such as the tiered approaches identified by CAPCOA, etc.

WORKING GROUP MEETING #2 (MAY 28, 2008)

At the second Working Group meeting, staff presented design criteria recommendations based on the discussion at the first Working Group meeting and correspondence received subsequent to the first Working Group meeting. With regard to analyzing life cycle GHG emissions, staff's initial recommendation was to exclude an analysis of life cycle emissions because life cycle process are not well established. Instead, the GHG emissions analysis should focus on direct and indirect impacts, consistent with current CEQA requirements (CEQA Guidelines §15064(d)). Feedback from the Working Group suggested that a CEQA analysis may be considered deficient without making an effort to conduct a life cycle analysis. Further, if life cycle emissions data are not available, the lead agency should note this consider further analysis speculative and terminate the discussion (CEQA Guidelines §15145).

Another design criteria recommendation made by staff was to take into consideration the administrative burden and resources impacts when establishing a GHG significance threshold. Staff recommended that the GHG significance threshold

should not be set too low, which could result in all projects going through the EIR process. It was pointed out that requiring an EIR for all projects does not necessarily result in more mitigation, no meaningful mitigation may be available for small projects, and it may provide a disincentive for implementing mitigation if the measures are unable to reduce GHG impacts to less than significant.

Other design criteria recommended by staff included analyzing the six Kyoto GHGs, any GHG significance threshold established would be considered interim and would be periodically evaluated and updated as necessary, etc. Staff also introduced the concept of preferred GHG mitigation strategies using a hierarchy from the most to least preferred strategies as shown below.

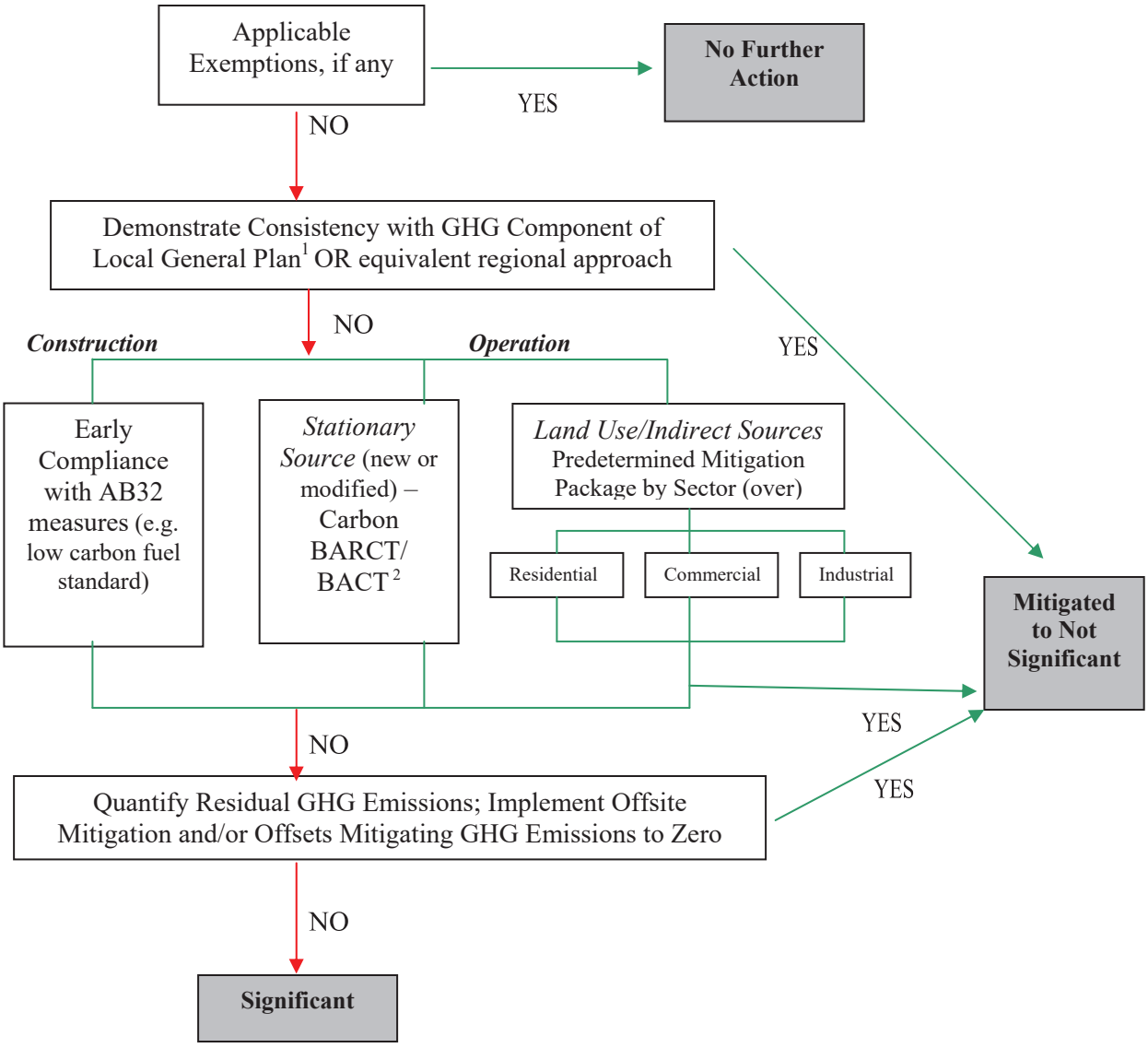
1. Incorporate GHG reduction strategies into project design
2. Mitigate GHGs from other onsite sources for modification projects
3. Mitigate offsite GHG emission reduction projects
4. Mitigate both construction & operational GHG impacts
5. Consider feasible mitigation based on economic factors (cost) pursuant to CEQA Guidelines §15364
6. Purchase acceptable GHG offsets with preference toward GHG reduction projects occurring in-basin or in-state (offset cost a consideration). The following points should be considered:
    a. Offset market still developing, so it is necessary to ensure offsets are obtained from a credible source
    b. Offsets should be provided for at least 10 years of project operation (see SJVAPCD indirect source Rule 9510 §6.2 mitigation requirements)

Finally, SCAQMD staff introduced the initial staff proposal. The initial staff proposal consisted of a tiered approach, similar to CAPCOA's Approach 2 with mandatory GHG mitigation measures. Each tier of this proposal is briefly described in the following bullet points and shown graphically in Figure B-1.

- The first tier consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA. For example, SB 97 specifically exempts a limited number of projects until it expires in 2010. If the project qualifies for an exemption, no further action is required. If the project does not qualify for an exemption, then move to the next tier.

Figure B-1
Initial Staff Proposal – Proposed Tiered Approach – May 28, 2008

Significance determination of Cumulative Impacts from GHG emissions:



1. Local General Plans, at a minimum, must comply with AB32 reduction goals; have been analyzed under CEQA, and have a certified Final CEQA document; emission estimates approved by CARB or SCAQMD; include a GHG inventory tracking mechanism; and a commitment to remedy the excess emissions if AB32 goals are not met.

2. SCAQMD will work with CAPCOA to develop a list of mitigation measures.

- The second tier consists of determining whether or not the project is consistent with a GHG reduction plan that is part of a local general plan for example. The GHG reduction plan must, at a minimum, comply with AB 32 reduction goals; include emission estimates approved by CARB or SCAQMD, have been analyzed under CEQA, and have a certified Final CEQA document. Further, the GHG reduction plan must include a GHG inventory tracking mechanism; process to monitor progress in achieving GHG emission reduction targets, and a commitment to remedy the excess emissions if AB 32 goals are not met (enforcement). If the proposed project is consistent with the local GHG reduction plan, it is not significant for GHG emissions.

  The concept of consistency with a GHG reduction plan, is similar to the concept of consistency in CEQA Guidelines §15125(d). If the proposed project does not comply with the local GHG reduction plan or no GHG reduction plan has been adopted, then move to the third tier.

- Under the third tier there are three options that can be used to demonstrate that a project would not have significant emissions. The first significance option is early compliance with AB 32 Scoping Plan measures. The second significance option, primarily for stationary source equipment, would be to install carbon best available retrofit control technology (BARCT) or best available control technology (BACT). Carbon BARCT/BACT would be established by the SCAQMD. The third significance option for industrial, commercial, and residential land use projects would be to implement a menu of prescribed mitigation measures. Mitigation measures would be developed for each land use sector by SCAQMD staff. Implementing one of these three options would result in a determination that GHG emission impacts from the proposed project are not significant. If the proposed project is unable to implement any one of these three options or cannot fully implement any option, then it would move to the fourth tier.

- Under the fourth tier, the lead agency would quantify GHG emissions from the project and implement offsite mitigation (GHG reduction projects) or purchase offsets. Under this tier, GHG emission impacts the lead agency would be required to mitigate or offset GHG emissions to zero. If GHG emissions can be offset to zero, GHG emissions from the project are concluded to be insignificant. If GHG impacts cannot be reduced to zero, the project is concluded to be significant for GHGs.

WORKING GROUP MEETING #3 (JUNE 19, 2008)

Subsequent to Working Group meeting #2, SCAQMD staff received feedback on the initial staff proposal. Issues and concerns raised by the stakeholders on the initial staff proposal were addressed at the third Working Group meeting and are summarized in the following bullet points.

- The staff proposal does not explicitly state any quantitative or qualitative target objectives. If there are no explicit target objectives, how is it possible to determine whether or not a project is insignificant for GHG emissions?

- Concerns were raised regarding the lack of detail relative to the sector-specific mitigation measures and the potentially lengthy lag time between implementing the GHG significance threshold and developing the mitigation measures.

- For most projects, GHG emissions would not need to be calculated as long as the prescribed menu of sector-specific mitigation measures is implemented. Without quantifying GHG emissions and the control efficiencies of the mitigation measures, a project would be vulnerable to a "Fair Argument" that GHG emissions are still significant even after implementing prescribed mitigation measures.

- A CEQA document may be vulnerable in court if control efficiencies of mitigation measures are not identified.

- Is the staff proposal really a zero GHG significance?

Based on Working Group feedback, staff presented revised staff proposal #1, which consisted of a tiered decision tree approach. The components of revised staff proposal #1 are described in the following bullet points and shown graphically in Figure B-2. As shown in Figure B-2, some of the tier components of the revised staff proposal are similar to those in the initial staff proposal.

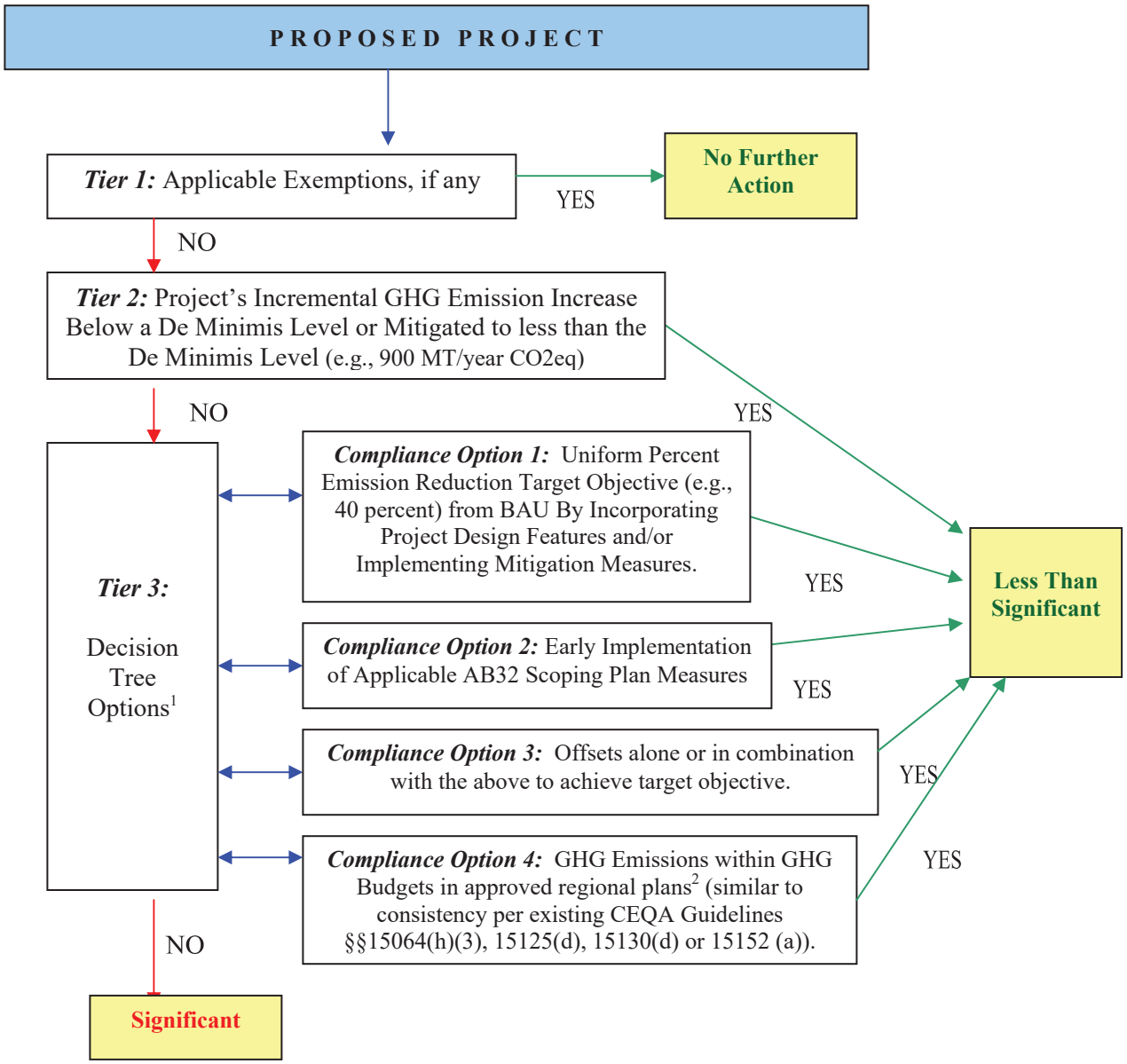
- **Tier 1 –** no change from the initial proposal.

- **Tier 2 –** is a new component of the revised staff proposal. Tier 2 attempts to identify small projects that would not likely contribute to significant cumulative GHG impacts. The de minimis or screening level of 900 metric tons per year is the level that is estimated by CAPCOA to capture 90 percent of the residential units or office space in pending application lists7. CAPCOA infers that projects that emit less than 900 metric ton per year would not likely be considered cumulatively considerable. Further, the 900 metric ton per year level would capture 90 percent

[7] Although the CAPCOA White Paper implies that 900 metric tons per year equates to a 90 percent capture rate, there is no explicit information provided in the White Paper that demonstrates this correlation. Indeed, the CAPCOA authors state that 900 metric tons, which represents approximately 50 residential units, corresponds to widely divergent capture rate percentile rankings depending on the project location (see discussion on page 43 of the White Paper). Percentile rankings were based on a survey of four cities in California. A project of 900 metric tons per year representing a 90 percent capture rate appears to be a working assumption for which there appears to be no factual basis. Further, although not explicitly stated, it is assumed that the 900 metric tons were derived using the URBEMIS2007 model. It should be noted that that the URBEMIS2007 model only quantifies CO2 emissions and direct emissions primarily from on-road mobile sources. It does not capture other GHG pollutants or indirect GHG emissions such as emissions from energy generation, water conveyance, etc. Therefore, it is likely that a 50-unit residential project would actually generate higher GHG emissions than 900 metric tons per year.

Figure B-2
Revised Staff Proposal #1 Tiered Decision Tree Approach – June 19, 2008

Significance Determination of Cumulative Impacts from GHG Emissions:



1. Substitution for equivalent reductions allowed.
2. Local General Plans or other local plans local plans that, at a minimum, comply with the overall target objective or the sector-based CARB Scoping Plan; have been analyzed under CEQA, and have a certified Final CEQA document; emission estimates approved by CARB or SCAQMD; include a GHG inventory; tracking mechanism; enforcement; and a commitment to remedy the excess emissions if commitments are not met.

of all pending projects, which means that 90 percent of all projects would have to implement GHG reduction measures.

If a project is less than 900 MT/year CO2eq or can mitigate to less than 900 MT/year CO2eq, it would be considered insignificant for GHGs. Projects larger than 900 MT/year CO2eq would move to tier 3.

- Tier 3 Decision Tree Options – consists of four decision tree options to demonstrate that a project is not significant for GHG emissions. The four compliance options are as follows.

  Compliance Option 1 – the lead agency would calculate GHG emissions for a project using a business-as-usual (BAU) methodology. Once GHG emissions are calculated, the project proponent would have to incorporate design features into the project and/or implement GHG mitigation measures to demonstrate a 40 percent reduction from BAU. A 40 percent reduction below BAU was selected for the following reason. To comply with the AB 32 requirement of reducing GHG emissions to 1990 levels, an approximately 30 percent reduction from current BAU is necessary.

  Since CEQA is not applicable to all GHG emission sources, i.e., existing projects that are not undergoing expansion or modifications, staff chose a 40 percent reduction below BAU requirement, which goes beyond the target GHG reduction objective of AB 32, but is still a potentially feasible GHG reduction for a variety of different projects.

  Compliance Option 2 – this option is the same as the early compliance with AB 32 option in the third tier of the initial staff proposal.

  Compliance Option 3 – this option is similar to the fourth tier of the initial staff proposal where GHG emissions would be reduced through offsite GHG reduction projects and/or use of offsets. This compliance option, however, would require offsetting GHG emissions by the same target objective as compliance option 1, that is, 40 percent below BAU instead of reducing GHG emissions to less than the de minimis or screening level.

  Compliance Option 4 – this option is the same as the consistency with the greenhouse gas reduction plan component in the second tier of the initial staff proposal.

  If the lead agency or project proponent cannot implement any of the compliance options in Tier 3, GHG emissions would be considered significant.

WORKING GROUP MEETING #4 (JULY 30, 2008)

Subsequent to Working Group meeting #3, SCAQMD staff received feedback on the revised staff proposal #1. Issues and concerns raised by the stakeholders on the initial

staff proposal were addressed at the third Working Group meeting and are summarized in the following bullet points.

- Compliance with a GHG reduction plan should not be a compliance option in Tier 3, but should be its own tier, earlier in the tiering process.

- There is a large disconnect between screening level and remaining emissions under the Tier 4 compliance options. For example, large projects that can reduce GHG emissions by the target objective of 40 percent would do so, which means GHG emissions would not be significant, could have substantially higher emissions than projects with GHG emissions less than the screening level.

- Compliance with a target objective should not be through offsets alone. Because of the uncertainties regarding the validity of offsets, preferred mitigation should consist of actual GHG emission reductions.

- The Tier 3 compliance option 1, GHG emissions reductions from BAU, is not the proper metric for determining significance. How can a lead agency be sure that the projected BAU emissions for a project are not artificially inflated to make it easier to achieve the required target objective?

- The Tier 3 compliance option 1, reducing GHG emission reductions from BAU, could penalize projects in environmentally progressive areas where BAU may be much lower than in other areas, thus, making it more difficult to achieve the target objectives.

Based on Working Group feedback and internal discussions, staff presented revised staff proposal #2, which further refined the previous tiered decision tree approach. The components of revised staff proposal #2 are described in the following bullet points and shown graphically in Figure B-3. As shown in Figure B-3, some of the tier components of the revised staff proposal are similar to those in the initial staff proposal.

- **Tier 1 –** no change from the initial proposal.

- **Tier 2 –** compliance option 4 in Tier 3 has been moved back a stand-alone tier.

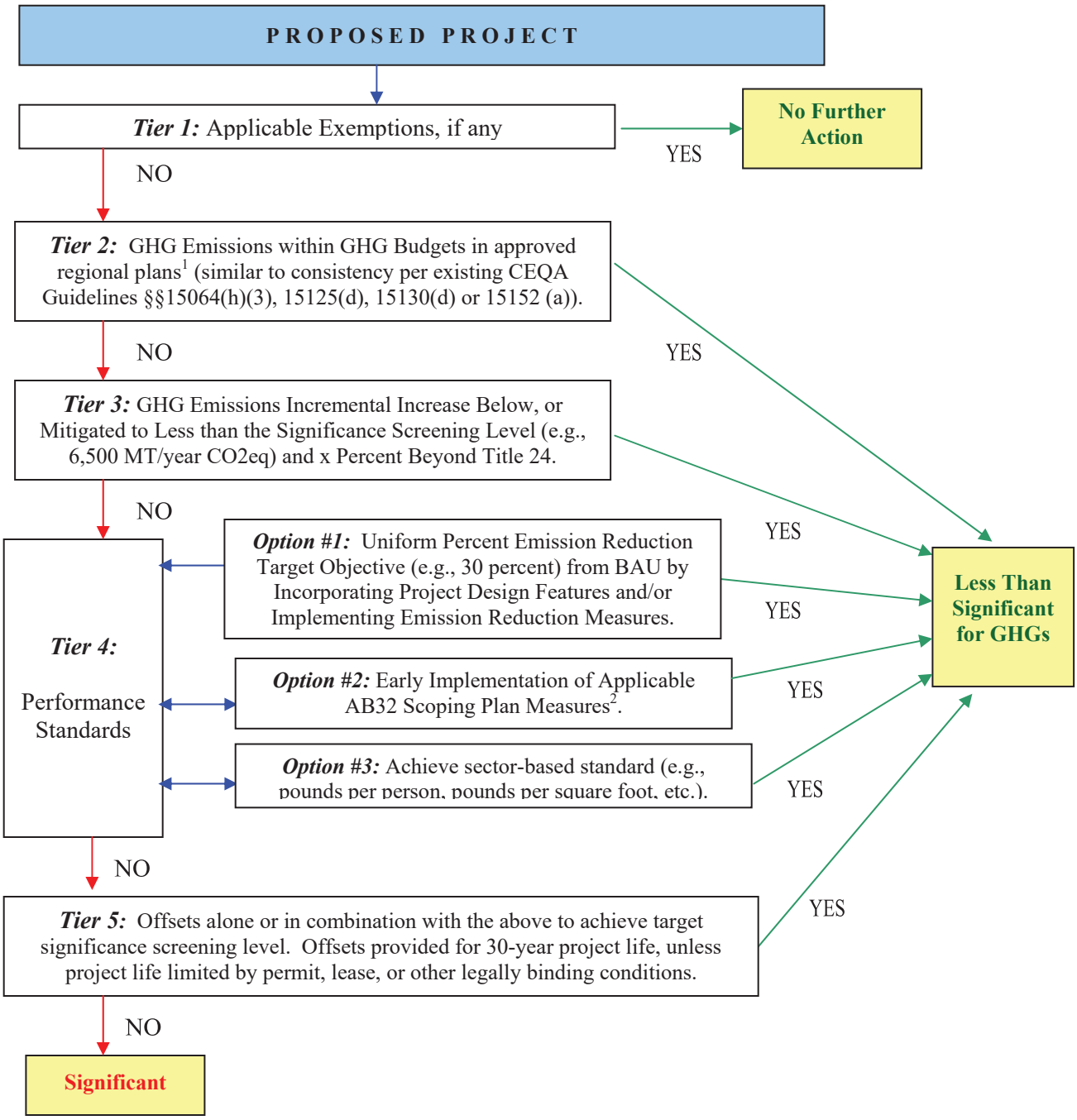
- **Tier 3 –** the screening level that was previously Tier 2 has been moved to Tier 3. In response to feedback from the Working Group, the screening level has been increased to 6,500 MT/year CO2eq. The new screening level was derived using the SCAQMD's existing NOx operational threshold as a basis. The daily NOx operational significance threshold, 55 pounds per day was annualized, which results in 10 tons of NOx per year. Using the URBEMIS2007 model, staff initially modeled a mixed-use project that emits just under 10 tons per year to determine what the equivalent CO2 emissions would be. Resulting CO2 emissions from the mixed use project were approximately 6,500 MT/year CO2. To further corroborate the 6,500 MT/year CO2 staff performed 19 modeling runs on a variety of projects including residential, commercial, industrial, and various combinations of land uses. In addition, since the analysis was an annual

analysis, a weighted trip rate was derived for each land use category to obtain a more accurate estimate of trip rates throughout the week. Although the results from the 19 modeling runs were approximately 16 percent higher than staff's original estimate of 6,500 MT/year CO2, 7,304 to 7,723 MT/year CO2, staff continued to recommend the 6,500 MT/year CO2 provides a margin of safety when deriving CO2 emissions based on the annualized NOx level of 10 tons per year and when evaluating different types of land use projects.

Projects with GHG emissions less than the screening level are considered to be small projects, that is, they would not likely be considered cumulatively considerable. However, because of the magnitude of increasing global temperatures from current and future GHG emissions, staff recommended that all projects must implement some measure or measures to contribute to reducing GHG emissions. Therefore, Tier 3 includes a requirement that all projects with GHG emissions less than the screening level must include efficiency components that reduce to a certain percentage beyond the requirements of Title 24 (Part 6, California Code of Regulations), California's energy efficiency standards for residential and nonresidential buildings.

- Tier 4 Performance Standards – Tier 3 from the revised staff proposal #1 has been moved to Tier 4 and renamed.

Figure B-3
Proposed Tiered Decision Tree Approach – July 30, 2008
Significance Determination of Cumulative Impacts from GHG Emissions:



1. Local General Plans or other local plans local plans that, at a minimum, comply with the overall target objective or the sector-based CARB Scoping Plan; have been analyzed under CEQA, and have a certified Final CEQA document; emission estimates approved by CARB or SCAQMD; include a GHG inventory; tracking mechanism; enforcement; and a commitment to remedy the excess emissions if commitments are not met.
2. Substitution for equivalent reductions allowed.

Compliance Option 1 – is essentially the same as the previously recommended, except that the target objective has been changed from reducing GHG emissions 40 percent below BAU to 30 percent below BAU to be more consistent with AB 32 target objectives.

Compliance Option 2 - – no change from the previous proposal.

Compliance Option 3 – this is a new compliance option and consists of establishing sector-based performance standards. For example, it may be possible to use the 1990 inventory required under AB32 to establish an efficiency standard such as pounds per person, pounds per worker, pounds per square feet, pounds per item manufactured, etc. When calculating GHGs from a project, if they are less than the established efficiency standard the project would not be significant relative to GHG emissions, while projects exceeding the efficiency standard would be significant.

Projects that cannot comply with any of the compliance options in Tier 4 would then move on to Tier 5.

- **Tier 5 –** consists generally of the Tier 3 compliance option 3 from the previous staff proposal. The only difference is that the project proponent would be required to provide offsets for the life of the project, which is defined as 30 years. If the project proponent is unable to obtain sufficient offsets, incorporate design features, or implement GHG reduction mitigation measures, then GHG emissions from the project would be considered significant.

WORKING GROUP MEETING #5 (AUGUST 27, 2008)

Subsequent to Working Group meeting #3, SCAQMD staff received feedback on the revised staff proposal #2. Issues and concerns raised by the stakeholders on the initial staff proposal were addressed at the third Working Group meeting and are summarized in the following bullet points.

- A recommendation was made to modify the target objective of Tier 5 to be consistent with the target objective of Tier 4 compliance option 1, that is require emissions to be offset 30 percent from BAU rather than offset down to the screening level.

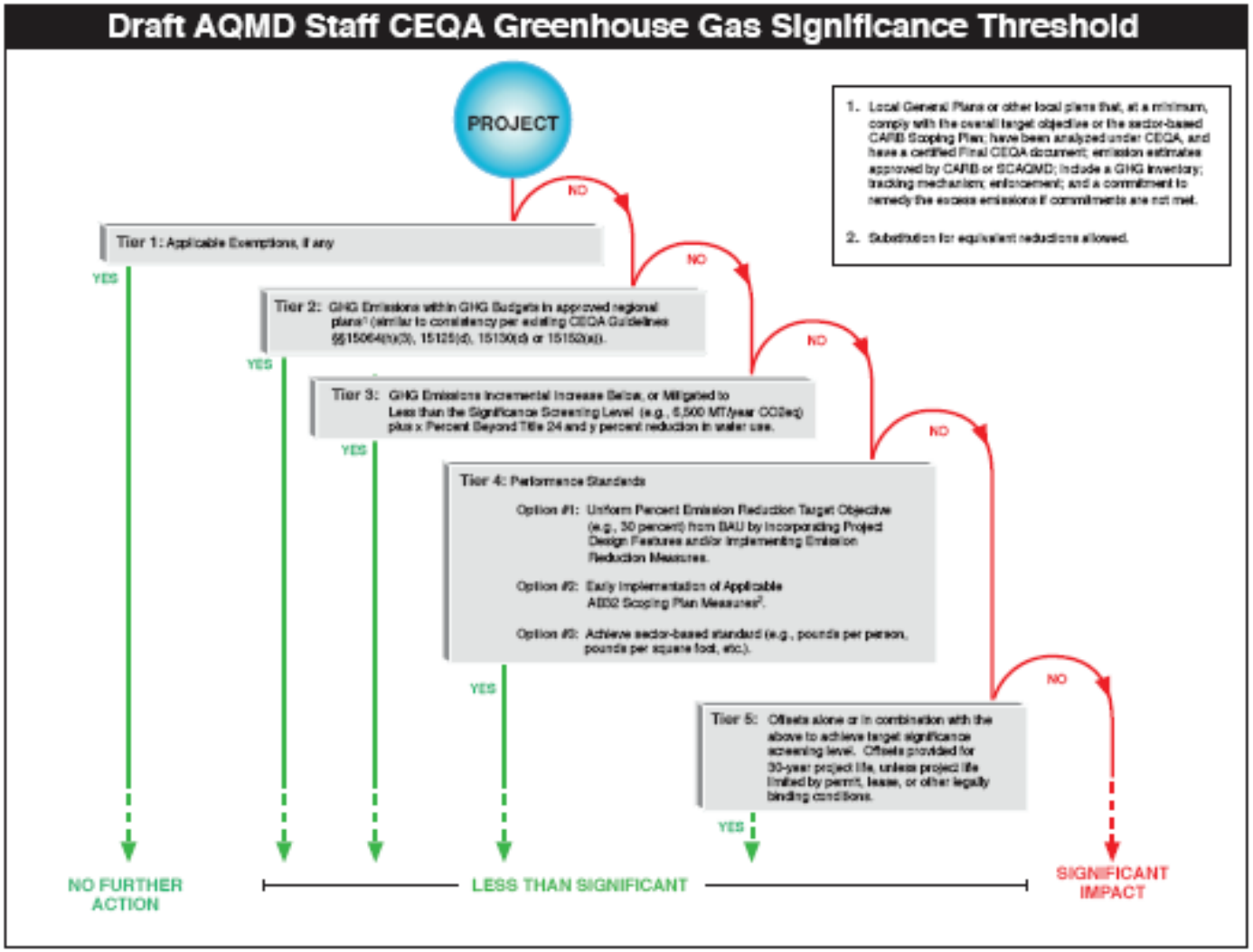
- A Working Group member asked for clarification on the early implementation of applicable AB 32 Scoping Plan measures in Tier 4-Option 2. In addition, a question was asked regarding whether or not this compliance option was applicable after the requirements of AB 32 have become effective.

At Working Group meeting #5, staff presented revised staff proposal #3, which consisted primarily of minor refinements to the previous tiered decision tree approach

in revised staff proposal #2. The components of revised staff proposal #3 are shown graphically in Figure B-4.

Aside from changing the graphic layout of the staff proposal to make it easier to understand, revised staff proposal #3 has only one minor modification. A second energy efficiency requirement has been added to the screening level in Tier 3. In addition to requiring projects to go a certain percentage beyond Title 24, projects would also have to reduce by a specified percentage electricity demand from water use, primarily electricity used for water conveyance.

Figure B-4
Revised Staff Proposal #3 Tiered Decision Tree Approach – August 27, 2008



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Cool World Institute (CWI)

Response to CWI-1
The first paragraph of this comment provides a description of climate change and does not identify environmental issues not addressed in the Draft EIR.

As detailed in the Draft EIR, the South Coast AQMD's draft thresholds use the Executive Order S-3-05 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO_2 concentrations at 450 ppm, thus stabilizing global climate. In 2010, the South Coast AQMD Tier 3 threshold was expanded to include non-industrial projects, as explained in the minutes from the most recent working group meeting.[23] As discussed in Responses to CJUSD-3 and ABJC-4-6, the threshold of 10,000 MT CO_2e per year established for industrial facilities is recommended in South Coast AQMD's latest air quality significance thresholds.[24] The industrial project threshold is appropriate for this project project because it is an industrial project. The South Coast AQMD-adopted industrial threshold was selected by the City because the proposed project is more analogous to an industrial use than any other land use such as commercial or residential in terms of its expected operating characteristics. The use of a commercial classification as previously mentioned by other commenters would underrepresent the operational vehicle trips and emissions generated by the proposed project because the primary vehicle trips for commercial projects would be passenger vehicles while industrial projects would be from trucks and delivery vehicles. Further, analysis of the proposed project's traffic generation in this report is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017, for warehouse and industrial land use categories.

Other recommendations that are only applicable to industrial projects, such as extending the truck trip lengths, were followed in estimating emissions. For example, the operational modeling scenarios included average trip length estimates for each type of vehicle expected to be used, such as passenger vehicles and heavy-duty trucks. In order to best represent the project's operational truck trip lengths, FCS used a 40-mile average truck trip length rather than the default value based on recommendations from the South Coast AQMD warehouse-type projects.

Response to CWI-2
CalEEMod Version 2016.3.2 uses OFFROAD2011 and EMFAC2014 emission factors. As noted in Section 3.2, Section 3.6, and Appendix B of the Draft EIR, regional construction and operational emissions reported in the Draft EIR analysis were modeled using CalEEMod Version 2016.3.2. Since the public release of EMFAC2014 in May 2015, the ARB has made many updates to the EMFAC model and has released two updated versions: EMFAC2017, released in May 2018, and EMFAC2021, released in January 2021. As EMFAC2014 is used to inform the CalEEMod application, the use of EMFAC2014 is an appropriate selection for use CEQA analyses.

The analysis in the Draft EIR used project-specific information from the project applicant, the stable Project Description used throughout the Draft EIR, the Traffic Analysis, and default parameters from

[23] South Coast Air Quality Management District (South Coast AQMD). 2010. Greenhouse Gas CEQA Threshold Stakeholder Working Group Meeting #15. September 28. Website: www.aqmd.gov/ceqa /handbook/GHG/2010/sept28mtg/ghgmtg15-web.pdf.

[24] South Coast Air Quality Management District (South Coast AQMD). 2019. South Coast AQMD Air Quality Significance Thresholds. April. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf. Accessed August 5, 2020.

CalEEMod only where project-specific information was not available. In other words, to avoid underestimating emissions, the Draft EIR relied on project-specific information and defaulted to CalEEMod's conservative assumptions, when necessary, to estimate emissions.

As stated in Section 3.2.4 of the Draft EIR, CalEEMod was developed in cooperation with the South Coast AQMD and other air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with construction and operation from a variety of land uses. CalEEMod Version 2016.3.2 uses OFFROAD2011 and EMFAC2014 emission factors. The DPM emissions used in the operational HRA were estimated for the following years: 2022, 2025, 2030, 2040 and 2050 outside the CalEEMod application. These calculations performed outside of the CalEEMod application for use in the operational HRA used ARB's EMFAC2017 emission factors. EMFAC2017 is EPA-approved and was the most recent version of EMFAC at the time the air quality analysis presented in the Draft EIR was prepared (2020) and remains the most recent EPA-approved version of EMFAC (2021). EMFAC 2021 was released by ARB in January 2021, with updates made in April 2021. It is not anticipated that an analysis completed using the more recently released version of EMFAC would result in different significance findings. As summarized in the Draft EIR, the proposed project would not result in health risks that would exceed the South Coast AQMD's thresholds of significance.

The emission factors, AERMOD Output, and emission estimation spreadsheets used to estimate motor vehicle DPM emissions during project operations are provided in the Air Quality and GHG Emissions Analysis Report including in Appendix B. The commenter provides no substantial evidence that the project's GHG impacts are significant, or that methodology used in the EIR is improper.

Response to CWI-3

The VMT memorandum follows the VMT methodology adopted by the City of Colton. VMT impacts are addressed using all feasible mitigation, as documented in the SBCTA TDM Report. The commenter correctly describes the project's estimated VMT generation.

As stated in the Scoping Plan Update, the ARB recommends that local governments evaluate and adopt robust and quantitative locally appropriate goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals. As shown in Table 3.6-4, the proposed project would be consistent with the SB 32 2017 Scoping Plan Update and would include implementing MM GHG-1b through MM GHG-1d, which would require the proposed project to document the applicant's compliance with the Scoping Plan Updates goals. Furthermore, the proposed project would be consistent with the locally appropriate goals of the City of Colton CAP. Additionally, the Scoping Plan Update states that lead agencies have the discretion to develop evidence based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science. The commenter provides no substantial evidence as to why a per service population metric is more appropriate than a per capita target.

As discussed in Section 7.2.4, Energy, the proposed buildings would be designed and constructed in accordance with the State's Title 24 energy efficiency standards. These standards, widely regarded as

the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. Furthermore, the proposed project would need to comply with Policy LU-5.1, of the Land Use/Mobility Element of the City of Colton General Plan, which requires the incorporation of energy conservation features into the design of all new construction and site development, as required by State law and local regulations. Additionally, the proposed project would support the Colton General Plan's voluntary energy conservation policies within its Air Quality Element and Land Use/Mobility Element, as discussed in Section 7.2.4.

Response to CWI-4

Please refer to Response to Comment ABJC-4-8 regarding MM GHG-1a. As discussed in Response to Comment ABJC-4-8, MM GHG-1a and all mitigation measures are enforceable by the City of Colton through the issuance of grading, building, and occupancy permits. The project applicant would not be able to proceed with the proposed project without providing substantial evidence that they have satisfied the requirements of MM GHG-1a.

Response to CWI-5

This comment is a general conclusion about the contents of the letter. These general comments do not identify specific potentially adverse environmental impacts, nor do they address significant environmental issues within the purview of CEQA. The City of Colton decision-makers will consider all comments received on the proposed project as part of their review and consideration of the project as a whole. No further analysis is warranted.

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From: Marven Norman <mnorman@iebike.org>
Sent: Tuesday, March 16, 2021 12:06 PM
To: Mark Tomich <mtomich@coltonca.gov>
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mark,

Sorry to respond so late but I just came across the documents for this project and noticed a glaring issue. I glanced through them and one issue I noticed is that it seems that no one looked at the active transportation plan for Colton or Grand Terrace when preparing the project. On pages 3.11-4 and 3.11-36 of the DEIR, it references Class II bike lanes on Barton & La Cadena and Class III routes on La Cadena, but it makes no mention of the planned Class I path north of Barton Road on the old Union Pacific Railroad right-of-way that both the City of Colton and City of Grand Terrace have identified in their active transportation plans (Project Number 5 on Figure 5-2: Recommended Bicycle Facilities on page 68 and Table 5-1: Recommended BIcycle Facilities [Cont.] on page 70 of the Grand Terrace ATP and Corridor # 5 on Table 6-2: Proposed Class I Bicycle Paths on page 6-14, Figure 6-4: Map of Proposed Bicycle Corridors on page 6-15, and Union Pacific Railroad Corridor [5] on page 6-25 of the Colton ATP). That puts it out of compliance with an established active transportation plan (or in fact, two in this case). I've attached the relevant sections of the Colton ATP and the entirety of the Grand Terrace ATP for your reference and to pass on to the consultants. 1

We would hope that the project could construct the portions along their frontage, but at the very least, it is imperative that the project design **not** preclude the ability for Colton and Grand Terrace to construct the planned path at a future date, so it would be great if that could be addressed before the project moves forward to construction. Included in that would be a focus on ensuring that if a wall would face that path side, that it's designed to allow for the installation of lights on the path at a later time to help foster a place that people feel safe enough to use at all hours. Thank you for your time. 2

Cheers,

Marven E. Norman, MPA
Executive Director
Inland Empire Biking Alliance
PO Box 8636
Redlands, CA 92375
951.394.3223

Please consider supporting IEBA with your donation or membership today!

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Inland Empire Biking Alliance (IEBIKE)

Response to IEBIKE-1

The Draft EIR included a discussion of bicycle facilities and routes in Section 3-11, Transportation, including Exhibit 3.11-2a (Colton Bicycle Plan) and 3.1-2b (Grand Terrace Bicycle Plan). The focus of the analysis of bicycle facilities was on existing facilities and routes and whether the proposed project would result in an increase in their use by new employees commuting to the Barton Road Logistics Center beyond their current capacity. The proposed bikeway along the existing unused Union Pacific Railroad (UPRR) right-of-way corridor was not included in this analysis although it is clearly shown on Exhibit 3.1-2b. This is because (1) there are no existing bicycle facilities within the right-of-way; and (2) it is uncertain when such facilities would be developed. However, as discussed on page 3.11-36, the applicant will be required to contribute a fair share to bicycle improvements to further serve the study area.

Response to IEBIKE-2

The project site is not located adjacent to the existing UPRR right-of-way corridor. There is an existing Southern California Edison (SCE) transmission corridor between the right-of-way corridor and the project site. The relationship between the project site, the SCE transmission corridor, and the right-of-way corridor is shown on Exhibit 3.1.1-c in Section 3.1, Aesthetics. Photos in this exhibit show (from west to east) the easterly boundary of the project site, the SCE property, the right-of-way corridor, and residential properties on the east side of that right-of-way corridor. As shown in the photos, there is no direct connection between the future bikeway and the project site. In addition, as shown in these photos, both the project site and the right-of-way corridor are at a lower elevation than the adjacent SCE transmission corridor. Therefore, attaching lighting to the project's perimeter wall would not achieve the desired result anticipated by the commenter.

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From: Leon Ramsey, Jr. [mailto:leon@mitchtsailaw.com]
Sent: Thursday, February 18, 2021 10:32 PM
To: Mark Tomich <mtomich@coltonca.gov>
Cc: Mitchell Tsai <mitch@mitchtsailaw.com>; Greg Sonstein <greg@mitchtsailaw.com>
Subject: COMMENT LETTER - Draft Environmental Impact Report: Barton Road Logistics Center

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

Please see attached regarding the above-referenced project and confirm receipt of this email.

Thank you,

Leon Ramsey Jr.
Paralegal

Mitchell M. Tsai, Attorney At Law
155 South El Molino Avenue
Suite 104
Pasadena, CA 91101
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Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

February 18, 2021

Mark Tomich, Development Services Director
City of Colton Planning Division
650 North La Cadena Drive
Colton, CA 92323
Em: mtomich@coltonca.gov

RE: Barton Road Logistics Center

Dear Mr. Tomich,

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Carpenters**"), my Office is submitting these comments on the City of Colton's ("**City"** or "**Lead Agency**") Draft Environmental Impact Report ("**DEIR**") (SCH No. 2020029049) for the Proposed Barton Road Logistics Center Project, wherein the applicant proposes redevelopment of 45.52 acres on a 54.82 acre-site, including demolition of four existing industrial buildings and construction of two new industrial warehouses totaling 960,040 square feet ("**Project**").

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

The City should seriously consider proposing that the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California. 1

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> . . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[1]

1 CONT

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

2

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations ("**CCR**" or "**CEQA Guidelines**") § 15002(a)(1).[2] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 (*"Berkeley Jets"*); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets,* 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta*

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[1] California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf

[2] The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given "great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous." *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

Valley v. Board of Supervisors (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns" specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position.' A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights,* 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA's information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

> A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that "[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 … but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report" in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5. 3

Significant new information includes "changes in the project or environmental setting as well as additional data or other information" that "deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)." CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include "new significant environmental impacts from the project or from a new mitigation measure," "substantial increase in the severity of an environmental impact," "feasible project alternative or mitigation measure considerably different from others previously analyzed" as well as when "the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to "significant new information" regardless of whether the agency opts to include it in a project's environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply "the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information."]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

C. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.[3]

3
CONT

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening

[3] Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx.

area. Please reference the Apex temperature screening site map for additional details.

- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

3
CONT

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her

human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.[4]

3 CONT

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

D. The DEIR's Project Description is Vague and Undermines Subsequent Analysis in the DEIR

4

An EIR's description of the project should identify the project's main features and other information needed for an assessment of the project's environmental impacts. As long as these requirements are met, a project description may allow for the flexibility needed to respond to unforeseeable events and changing conditions that could affect the project's final design. *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal. App. 4th 1036, 1053.

[4] *See also* The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVIC-19 Standards for U.S Constructions Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

..

A project description fails for not including sufficient detail when there is not enough information provided to accurately evaluate the project's environmental impacts. Here, the DEIR's project description fails to meet CEQA's requirements because it describes the project generically as "construction of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics buildings" without specifying whether the Project would fall under the ITE Guidelines for warehousing standard warehouse/storage, transload facility, short-term storage, cold storage, fulfillment center, or parcel hub.[5] This is crucial when evaluating the environmental impacts of a warehouse project because the type of warehousing generally dictates the project's air quality, greenhouse gas emissions, and transportation impacts. The number of truck trips and vehicle miles traveled will substantially change depending on whether the warehouse will be utilized as high-cube transload and short-term storage warehousing, high-cube fulfillment and short-term storage warehousing, high-cube fulfillment center warehousing, high-cube parcel hub warehousing, or high-cube cold storage warehousing.[6] The DEIR appears to want to rule out cold storage as a future use, although at the same time the parameters of the Project would easily satisfy the needs of a future cold storage use tenant; and the DEIR actually proposes cold storage use as a Project alternative in the Project Description. (DEIR, 2-6.)

4 CONT

The Project Description wants to rule out a cold storage use scenario with indication of a dry ambient temperature warehousing space, but it cannot because by the DEIR's own language, the future uses of the proposed warehouses are merely speculative and the proposed warehouses could accommodate cold storage uses. The DEIR should then assume for purposes of its analyses that *only* cold storage tenants will utilize the proposed warehouse buildings. Although an EIR is not required to include an analysis of an *unlikely* worst-case scenario, it needs to evaluate impacts that are a reasonably foreseeable consequence of the project. *High Sierra Rural Alliance v. County of Plumas* (2018) 29 Cal. App. 5th 102, 122. Here, the Project Description unjustifiably narrows the future uses of the Project site.

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Second, the Project Description also fails for not being stable and finite because it proposes two different land uses at the same time while subsequent analysis only analyzes a lower impact land use scenario. As stated already, the DEIR proposed a dry

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[5] ITE Guidelines, High-Cube Warehouse Vehicle Trip General Analysis, High-Cube Warehouse Classifications, available at https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498.
[6] ITE Trip General Manual, 10th Ed., Land Use Codes, available at https://www.ite.org/pub/?id=794f62d6%2Df31f%2D9ea7%2D4506%2Def5df11de8f6.

use only ambient temperature warehouse use, while also proposing that an alternative for the warehousing space could be half cold storage and half dry warehouse facility. (DEIR, 2-6~7.)

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The DEIR needs to be revised to include a stable and finite description and worst case scenario land use projections as cold storage to accurately reflect the potential environmental impacts of future tenants.

E. CEQA Bars the Deferred Development of Environmental Mitigation Measures

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) [providing "[f]ormulation of mitigation measures should not be deferred until some future time."]. While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where "measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." (Id.) Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011.

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 281 [city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671 [EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats]; see also *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal. App. 5th 413, 442 [generalized air quality measures in the EIR failed to set performance standards]; *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal. App. 4th 173, 195 [agency could not rely on a future report on urban decay with no standards for determining whether mitigation required]; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, 740 [agency could not rely on future rulemaking to establish specifications to ensure emissions of

nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved]; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1119 [rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 794 [requiring report without established standards is impermissible delay].

Here, the DEIR defers the development of the following mitigation measures for potentially significant environmental impacts:

- BIO-1a: DEIR found that the Project could result in direct loss of special status plant species due to vegetation clearing but fails to formulate any concrete mitigation measure beyond "requiring a biologist to conduct pre-construction focused plant surveys." No plan has been established to either avoid or relocate special status plant species. (DEIR, 3.3-13.) Specifically, the DEIR provides that "a smooth tarplant mitigation plan *shall be developed*…" (DEIR, 3.3-14.) 7
- GEO-1: DEIR found that the Project could cause substantial adverse effects relating to seismic activity but GEO-1 merely requires the development of a mitigation measure at a later date that would conform to applicable recommendations in the Geology Report and the California Building Standards Code or other unnamed requirements. (DEIR, 3.5-12.) 8
- GEO-2a: Project could significant impacts relating to soil erosion but no soil erosion plan has been included in the DEIR. The DEIR merely specifies that a soil erosion "shall be provided by the project applicant for review…prior to the issuance of construction permits."

The DEIR needs to be amended to include specific mitigation measures with any applicable performance standards. The DEIR needs to be revised to specify what the plan is and what performance standard or measure will be used that complies with any rule or regulation cited.

F. The DEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be "based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. See also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

1. *The DEIR's Air Quality and Greenhouse Gas Emissions Analyses are Not Supported by Substantial Evidence.*

i. The DEIR Undercounts Daily Truck Trips.

First, the DEIR's Air Quality and Greenhouse Gas Emissions analyses are not supported by substantial evidence because the DEIR grossly underestimates the average number of daily trips during the operational period. The DEIR finds that operational emissions do not exceed any SCAQMD thresholds of significance for air quality; and likewise that GHG emissions will not exceed the 10,000 MTCO2e/year threshold for industrial projects set by SCAQMD guidelines. (DEIR at 3.2-33, 3.6-28.) However, the DEIR is only able to reach these conclusions and avoid adopting mitigation measures because it undercounts the average number of daily truck trips during the Project's operational phase. 9

The DEIR makes the unfounded assumption that all newly constructed warehousing square footage on the Project site will fall under the ITE Trip Generation Manual's land use code for High-Cube Transload and Short-Term Storage warehousing *without cold storage*. (DEIR, 3.11-16.) Yet, the DEIR fails to note or specify the type of tenant that will make use of the warehouse, so it must be assumed that most or all of the warehousing space will be utilized for cold-storage purposes which will further increase the Project's operational emissions.[7] The average daily weighted number of truck trips for ITE land use code 157, for High-Cube Cold Storage warehousing, is 1.68 per thousand square feet of warehouse space.[8] Thus the DEIR's estimate of approx.. 1,100 daily trips is inaccurate and should reflect a worst-case scenario figure of approximately 1,600 daily truck trips. Assuming that the correct number of daily truck trips is incorporated into the DEIR's analysis, it is not clear that the Project will not meet or exceed SCAQMD significance thresholds for operational air quality and greenhouse gas emissions.

ii. The Colton CAP is Outdated and CARB's Scoping Plan Does Not Qualify as a CAP Under CEQA.

CEQA Guidelines § 15064.4 allows a lead agency to determine the significance of a project's GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so 10

[7] *See* SCAQMD, High Cube Warehouse Trip Rate Study for Air Quality Analysis. Available at https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse.

[8] ITE Trip Generation Manual, 10th Ed., available at https://www.ite.org/technical-resources/topics/trip-and-parking-generation/trip-generation-10th-edition-formats/.

long as the selection is supported with substantial evidence, and the lead agency "should explain the limitations of the particular model or methodology selected for use." CEQA Guidelines § 15064.4(c).

Here, the DEIR concludes that the Project will have a less than significant impact relating to greenhouse gas emissions largely because the Project is consistent with the Colton Climate Action Plan ("CAP") requirements which set a bar of obtaining 75 points based on the City's screening tables to be deemed consistent with that plan. (DEIR, 3.6-28~29.) To that end, the DEIR adopted GHG mitigation measures to comply with the CAP and reach the 75 point threshold.

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CEQA Guidelines §§ 15064.4(b)(3) and 15183(b) allows a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. When read in conjunction, CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

(1) **Inventory**: Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);

(2) **Establish GHG Reduction Goal**: Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;

(3) **Analyze Project Types**: Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) **Craft Performance Based Mitigation Measures**: Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) **Monitoring**: Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and substantial evidence demonstrating that a project's incremental contribution is not cumulatively considerable.

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Here, however, it appears that the Colton CAP is outdated and consistency with its goals or policies cannot be relied upon for a determination of significance. As specified in the DEIR, the Colton CAP was designed "to ensure the development accommodated by the buildout of the General Plan *supports the goals of AB 32*—the Global Warming Solutions Act of 2006." (DEIR, 3.6-28) (emphasis added.) In 2016, AB 32 goals were superseded by SB 32 which set more aggressive emissions reductions targets to achieve a 40% reduction in GHG emissions below 1990 levels by 2030.[9] The DEIR effectively demonstrates that it will be consistent with goals or policies to achieve reduction target which have already lapsed.

In any event, the DEIR has not demonstrated that the Project is actually consistent with the Colton CAP or achieves real GHG emissions reductions because its adopted mitigation measures to comply with that plan constitute deferred mitigation and are too vague or uncertain to be enforceable:

- MM GHG-1a: Simply states that undescribed features will be implemented to achieve 75 points from the City of Colton's Greenhouse Gas Emissions Screening Tables;
- MM GHG-1b: Only provides the infrastructure for electric vehicle charging stations for future installation of electric vehicle supply equipment;
- MM GHG-1c: Only provides the infrastructure to support use of electric-powered forklifts; and
- MM GHG-1d: Only provides infrastructure to support use of exterior electric yard trucks.

The DEIR cannot take credit for actual emissions reductions when it fails to describe what measures the Project will incorporate to achieve the 75 points from the City's

[9] A detailed explanation of AB 32 and SB 32 goals can be found at https://www.law.berkeley.edu/wp-content/uploads/2019/12/Fact-Sheet-Emission-Reduction-Policy.pdf; https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/scoping_plan_2017_es.pdf.

screening tables, and how actual emissions reductions can be presumed when only the infrastructure for electric vehicle charging is being installed.

Moreover, the DEIR cannot rely on consistency with the SB 32 2017 Scoping Plan Update itself for a determination of significance because that plan does not include the above-listed requirements to be considered a qualified CAP for the City (e.g., no City-specific inventorying of current and future GHG emissions; no City-specific GHG reduction goals; no estimated GHG emissions for City-specific projects; no City-specific performance-based mitigation measures tied to a City-specific GHG reduction goal; and no City-specific monitoring ensuring City-specific GHG reduction goals are met). As such, the DEIR leaves an analytical gap showing that compliance with that plan can be used for a significance determination. 10 CONT

iii. The DEIR Fails to Include Air Quality and Greenhouse Gas Emissions Cumulative Impacts Analyses.

Lastly, there is no evidence in Appendix B that any cumulative impacts air quality or greenhouse gas emissions analysis was conducted that included other projects. Thus, there is no substantial evidence upon which to base the DEIR's conclusion of no significant cumulative impacts that require additional mitigation measures. The DEIR needs to conduct cumulative air quality and greenhouse gas emissions impact analyses, and if there is a potentially significant impact, impose adequate and all feasible measures. 11

G. <u>The DEIR's Transportation Analysis Fails to Consider or Adopt All Feasible Mitigation Measures to Reduce Vehicle Miles Traveled Impacts</u>

The DEIR finds that the Project would conflict or be inconsistent with CEQA Guidelines Sec. 15064.3(b) based upon vehicle miles traveled, but does not consider or implement applicable strategies to mitigate the VMT impacts of the Project. (DEIR, 3.11-37~40.)[10] While the DEIR considers diversifying land uses, providing pedestrian network improvements, traffic calming measures, implementing car-sharing programs, and ride-sharing—it fails to consider many available measures to reduce the Project's significant VMT impacts, including but not limited to[11]: 12

- Increasing location efficiency;

[10] See CAPCOA, Quantifying Greenhouse Gas Mitigation Measures (Aug. 2010), available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.
[11] *Id.*

- Increasing destination accessibility;
- Increasing transit accessibility;
- Use of alternative fuel fleet;
- Providing electric vehicle parking;
- Limiting parking supply;
- Employer sponsored vanpool or carpooling;
- Electrification of loading docks; and
- Use of VMT offset exchanges.

12 CONT

Where certain known VMT reduction measures cannot feasibly be implemented, the DEIR still needs to consider the adoption of VMT offsets which is a way of mitigating the VMT impacts of a Project through mitigation fees or a mitigation bank.[12]

The DEIR should be revised and recirculated with additional VMT mitigation measures to reduce the Project's VMT impact.

H. The DEIR's Hazards and Hazardous Materials Analysis is Not Supported by Substantial Evidence

CEQA requires analysis and mitigation of hazards and hazardous materials impact under Appendix G if a project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. According to the Phase I environmental site assessment (ESA) for the Project (DEIR, Appendix G), two historical uses of the site are causes for concern and do not support a conclusion of a less than significant impact without additional findings.

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First, the site was used for agriculture until it was developed between 1960 and 1979. Indiscriminate and liberal use of toxic pesticides was common practice in farming through the 1960s before the dangers, such as use of DDT, were widely known to the scientific community. Second, the site was formerly the distribution headquarters for Stater Brothers Groceries, which used chemicals on the site in their operations and generated other waste relating to vehicle fleet maintenance. (DEIR, Appendix G, 12.) Although no violations have been reported or are reflected as unremediated in any

[12] Roberty Liberty, *A Transaction-Based Alternative for VMT Mitigation Under CEQA* (Nov. 2019), available at https://static1.squarespace.com/static/5b96d09a3c3a53da0e1ba210/t/5e5ec71a961f0532348adfa4/1583269659024/VMT+Reduction+Offset+Transactions+as+a+CEQA+Mitigation+Strategy+November+2019.v4.pdf.

database, no site surveys have been conducted either to characterize possible contamination on the Project site from either past agricultural use or chemicals left from the Stater Brothers operations. Barring such further investigation, the DEIR cannot conclude a less than significant impact without the need for mitigation measures. 13 CONT

The DEIR should be revised and recirculated after additional investigations or a Phase II ESA has been performed on the Project site to determine possible site contamination.

II. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY'S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

An EIR must identify, fully analyze and mitigate any inconsistencies between a proposed project and the general, specific, regional, and other plans that apply to the project. CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. There does not need to be a direct conflict to trigger this requirement; even if a project is "incompatible" with the "goals and policies" of a land use plan, the EIR must assess the divergence between the project and the plan, and mitigate any adverse effects of the inconsistencies. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378-79; *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (holding under CEQA that a significant impact exists where project conflicts with local land use policies); *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998 (held county development and infrastructure improvements must be consistent with adopted general plans) (citing Gov. Code 65302).

B. The DEIR Fails to Analyze the Project's Consistency with Connect SoCal

CEQA Guidelines section 15125(d) requires that an environmental impact report "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans." *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. 14

Here, the DEIR omits discussion and fails to conduct any consistency analysis with SCAG's Connect SoCal regional RTP/SCS plan which includes warehouse projects in

the City of Redlands.[13] SoCal Connect specifies that industrial warehouses and other "goods movement" activities need to integrate sustainable strategies to reduce emissions to near-zero because the SCAG region "does not meet federal ozone and fine particulate air quality standards, and goods movement is a major source of greenhouse gas emissions…the region will need to aggressively pursue the reduction of freight emissions that contributes to regional air pollution problems and localized 'hot spots' that have adverse health impacts…**Connect SoCal proposes an environmental strategy to address the air quality impacts of goods movements**…" 14 CONT

Connect SoCal's Goods Movement Technical Report outlines specific steps that lead agencies should take to ensure that goods movement project comply with the goals and strategies of Connect SoCal.[14]

The DEIR fails to even mention Connect SoCal let alone conduct a consistency analysis with that plan—which directly applies to this Project. Connect SoCal requires that the Project incorporate concrete strategies to reduce its GHG emissions impacts, regardless of its overall emissions outputs. Connect SoCal does not exempt projects from its requirements. As such, the DEIR fails to demonstrate consistency with Connect SoCal and needs to incorporate a consistency analysis with that plan in a revised and recirculated EIR for the Project.

C. <u>The DEIR Fails to Analyze or Demonstrate Consistency with the City's Appliable General Plan Policies to Reduce GHG Emissions Pursuant to the San Bernardino County GHG Plan</u> 15

According to the San Bernardino County Greenhouse Gas Emissions Reduction Plan, which includes the City of Colton, the City's General Plan includes many transportation and land-use related policies to reduce GHG emissions.[15] However, the DEIR does not analyze consistency with many of these General Plan policies and strategies such as going beyond the requirements of Title 24 of the California Administrative Code, encouraging energy-efficient design elements, promoting

[13] SCAG Connect SoCal Plan, p. 78. Available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176.
[14] SCAG Connect SoCal Goods Movement Technical Report, pp. 57-69, available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_goods-movement.pdf.
[15] San Bernardino County Greenhouse Gas Emissions Reduction Plan (Mar. 2014), pp. 3-37~39. Available at https://www.gosbcta.com/wp-content/uploads/2019/10/Final-Plan-.pdf.

sustainable building practices, or TDM management programs that reduce automobile trips and encourage transit or ridesharing.

The DEIR's land use analysis needs to be revised to include a consistency evaluation with all applicable GHG reduction policies and goals found in the City of Colton's General Plan. 15 CONT

III. CONCLUSION

Commenters request that the City revise and recirculate the Project's DEIR and/or prepare an environmental impact report which addresses the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office. 16

Sincerely,

Mitchell M. Tsai
Attorneys for Southwest Regional Council of Carpenters

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Mitchell M. Tsai Attorney At Law (TSAI)

Response to TSAI-1

Employee training and workforce requirements are outside the purview of CEQA; however, this comment will be provided to the City decision-makers for their consideration. Section 11 of the Draft EIR included an analysis of project VMT per employee, which included TDM measures designed to reduce employee VMT. It was determined that the feasible TDM measures would not be enough to reduce project generated VMT to a less-than-significant level. Furthermore, Section 7.2.4, Energy, determined that existing transportation facilities in the area would provide future employees and visitors associated with the proposed project with access to public transportation, thus reducing fuel consumption demand. Furthermore, Section 7.2.11, Population and Housing, states that the proposed project's temporary and permanent employment requirements could be met by the region's existing labor force. It was determined that at least 71 percent of those employed by the proposed project would reside within the City of Colton or vicinity. Therefore, the proposed project would help to reduce the number of Colton residents who commute to jobs outside the region. The comment is not specific to the Draft EIR and does not identify any specific adverse environmental impacts associated with the proposed project. No further analysis is warranted.

Response to TSAI-2

The comment makes a general recommendation and does not identify any specific adverse environmental impacts associated with the proposed project that would require implementing standards exceeding current guidance, or guidance from a county in which the project is not located. As discussed in Section 7.2.4, Energy, the proposed buildings would be designed and constructed in accordance with the State's Title 24 energy efficiency standards. These standards, widely regarded as the most advanced energy efficiency standards, would help reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and promote energy conservation. Furthermore, the proposed project would need to comply with Policy LU-5.1, of the Land Use/Mobility Element of the City of Colton General Plan, which requires the incorporation of energy conservation features into the design of all new construction and site development, as required by State law and local regulations. Additionally, the proposed project would support the Colton General Plan's voluntary energy conservation policies within its Air Quality Element and Land Use/Mobility Element, as discussed in Section 7.2.4.

Response to TSAI-3

COVID-19 safety protocols are established in local, State, and federal requirements that are mandatory for California employers. For example, COVID-19 safety compliance in the workplace is regulated by the United States Department of Labor and standards and directives are set by the Occupational Safety and Health Administration (OSHA).[25] Construction contractors would adhere to local, State, and federal agencies' health and safety requirements including the Control and Prevention (CDC), California Division of Occupational Safety and Health (Cal/OSHA). Cal/OSHA's Safety and Health Guidance COVID-19 Infection Prevention in Construction (Cal/OSHA Guidance), dated October 27, 2020, requires California employers to establish and implement an Injury and Illness Prevention Program (IIPP) to protect construction employees from all worksite hazards,

[25] United States Department of Labor. 2021. Occupational Safety and Health Administration, Regulations. Website: https://www.osha.gov/coronavirus/standards. Accessed April 14, 2021.

including infectious diseases. The Cal/OSHA Guidance contains information for construction employers on ways to update their IIPPs to include information on employee training, industry guidance, California Department of Public Health guidelines, government programs, Families First Coronavirus Response Act, Governor's Executive Order M-62-20, and measures to prevent the spread of COVID-19. The comment does not, however, provide substantial evidence that COVID-19 is a significant adverse impact on the environment within the purview of CEQA and therefore does not necessitate a mandatory finding of significance. Therefore, no further analysis is required.

Response to TSAI-4

As described in the Project Description, the proposed project would develop buildings as speculative ambient temperature dry warehouse facilities and would not include any cold storage uses. As discussed in Response to Comment ARB-2 and Response to Comment BLUM-7, cold storage uses are not permitted. If the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project would be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. Therefore, the project as designed would not be able to accommodate cold storage uses. Additional discretionary approvals and additional environmental review would be required in order to permit cold storage uses on the site. As shown in Exhibit 2-5, 2-6, and 2-7, the proposed project does not include any furnishings or equipment that would be required for cold storage facilities.

Response to TSAI-5

An analysis of a speculative worst-case scenario is not required (*High Sierra Rural Alliance v. County of Plumas* (2018) 29 CA5th 102, 126). The proposed project does not include, nor it is designed or engineered for, cold storage. Commenter erroneously assumes that any building can be used for cold storage and suggests that the proposed project must assume that all space will be utilized as cold storage. However, cold storage design, engineering, and construction is unique and requires the integration of multiple systems. CEQA does not require speculation regarding potential design features not included in a proposed project. In the absence of specialized designs for cold storage, it is appropriate to analyze the project for uses consistent with the project application. However, a lead agency may appropriately analyze potential alternatives (PRC §§ 21002–21002.1, 21004; 14 CCR § 15002(a)). Accordingly, an analysis of potential impacts associated with cold storage is included in the discussion of Alternative 2.

Response to TSAI-6

The Project Description does not propose two different land uses as suggested by the commenter. Instead, the Draft EIR recognizes that cold storage may be an alternative to the proposed project. It is consistent with the intent and purpose of CEQA to identify alternatives. In fact, courts have held that an EIR's Project Description may identify alternative development schemes proposed for a single project, and the lead agency may approve a modified version of the project that incorporates elements of one of the alternatives reviewed in the EIR (*South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321). Further, the Draft EIR evaluates the environmental impacts of the proposed development and the Cold Storage Alternative independently.

Response to TSAI-7

Please see Response to Comment CDFW-3 for discussion regarding minor modifications to MM BIO-1a. As discussed in CDFW-3, revised MM BIO-1a is as follows (edits are in ~~strikethroug~~h and **bold)**:

MM BIO-1a Special-status Plant ~~Smooth Tarplant~~ Protection

Prior to any vegetation removal or ground-disturbing activities, a qualified Biologist shall conduct a protocol-level rare plant survey according to the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities at the appropriate time of year to determine if smooth tarplant and other special-status plants are ~~is~~ present on the project site in areas of suitable habitat, focusing on the vacant lot in the center of the project site and along the utility easement east of the project site. Field surveys shall be scheduled to coincide with known blooming periods of the species, and/or during periods of physiological development that are necessary to identify the plant species of concern. The rare plant surveys should be conducted between April and September to identify ~~the plant~~ special-status plants during ~~its~~ their blooming ~~period~~ periods. Reference sites (nearby accessible occurrences of the plants) shall be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. If no smooth tarplant or other special-status plant species are found within the project site, then the project will not have any impacts to the species and no additional mitigation measures are necessary.

If the qualified Biologist determines smooth tarplant or other special-status plants exists on-site, then a ~~smooth tarplant~~ CDFW-approved habitat mitigation credits or occupied replacement lands shall be purchased and conserved and managed in perpetuity at a minimum 2:1 ratio (acres mitigated to acres impacted) depending on species impacted or a rare plant mitigation plan shall be developed for review and approval by City of Colton staff and the California Department of Fish and Wildlife (CDFW). The plan shall include measures to salvage seed and topsoil from the project site at times of year when plants have gone to seed. The plan shall also include success criteria to ensure germination and recruitment to support a sustainable population ~~for implementing smooth tarplant mitigation~~ at ~~both~~ an on-site ~~and~~ or off-site ~~locations~~ location. The plan shall be implemented prior to construction. Seed or salvaged topsoil ~~will~~ shall be distributed at a suitable location on-site, as determined by a qualified Biologist. The qualified Biologist will determine whether there is a suitable location on-site that could support translocated smooth tarplant or other special-status plant seed. If a suitable location is not available on-site, then seeds ~~will~~ shall be distributed off-site at a nearby location with suitable habitat, as determined by the qualified Biologist in concurrence with City staff. City staff will ~~have the discretion on whether to~~ seek ~~input~~ approval of the translocation site from CDFW.

Additionally, a Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status

species or other sensitive resources, and to instruct them on proper avoidance, ~~required~~ measures and practices for protecting biological resources and contacts and procedures in case species are injured or encountered during construction.

As revised, MM BIO-1a does not constitute an impermissible deferral of mitigation. A lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions (*Save Panoche Valley v. San Benito County* (2013) 217 CA4th 503, 524 [upholding mitigation measures, based on pre-construction surveys, requiring identified steps for avoiding impacts to biological resources to be implemented]). As noted in the Draft EIR, the project site lacks suitable alkali meadow/alkali scrub microhabitat that smooth tarplant prefers, thus, the Biological Resources Assessment concludes that the likelihood that this species would be present on-site remains relatively low. However out of an abundance of caution, implementation of MM BIO-1a is required to reduce potential impacts on smooth tarplant to less than significant levels by requiring a Biologist to conduct pre-construction focused plant surveys to confirm the species is absent from the project site. Consistent with CDFW recommendations, if species are identified on-site, MM BIO-1a establishes a protocol for avoidance or salvage based on the specific on-site conditions, location, and number of smooth tarplant identified. A mitigation monitoring plan shall be prepared that includes success criteria for implementing smooth tarplant mitigation at both on-site and off-site locations. If smooth tarplant is found on the project site, MM BIO-1a would require CDFW-approved habitat mitigation credits or occupied replacement lands to be purchased and conserved and managed in perpetuity at a minimum 2:1 ratio (acres mitigated to acres impacted) depending on species impacted or a rare plant mitigation plan to be developed for review and approval by City of Colton staff and the California Department of Fish and Wildlife (CDFW). The plan shall include measures to salvage seed and topsoil from the project site at times of year when plants have gone to seed. The plan shall also include success criteria to ensure germination and recruitment to support a sustainable population at an on-site or off-site location. The plan shall be required prior to construction. Additionally, MM BIO-1a would require seed or salvaged topsoil to be distributed at a suitable location on-site, as determined by a qualified Biologist. The qualified Biologist will determine whether there is a suitable location on-site that could support translocated smooth tarplant or other special-status plant seed. If a suitable location is not available on-site, then seeds will shall be distributed off-site at a nearby location with suitable habitat, as determined by the qualified Biologist in concurrence with City staff. City staff will seek approval of the translocation site from CDFW. Furthermore, MM BIO-1a would require a Worker Environmental Awareness Program (WEAP) to be implemented.

Response to TSAI-8

A requirement that a project comply with specific laws or regulations is not deferral and provides adequate mitigation of environmental impacts. In fact, CEQA Guidelines specify that reliance on compliance with a regulatory permit or similar process is sufficient mitigation if compliance with such standards can be reasonably expected (14 CCR § 15126.4(a)(1)(B); see *Oakland Heritage Alliance v. City of Oakland* (2011) 195 CA4th 884 [design of structure in conformance with seismic design codes coupled with review by engineers and building officials was sufficient to ensure mitigation of seismic impacts]). In this case, MM GEO-1 requires that the effects of seismic shaking on structures be reduced through conformance with the 2019 NorCal Engineering report, with

incorporation of the amended recommendations and review contained in the Leighton Consulting, Inc. Geologic and Geotechnical Review. MM GEO-1 further explains that construction of the proposed project shall also comply with the Structural Engineers Association of California and the CBC. This has the purpose of promoting safety in the event of a large earthquake and minimizing damage and is consistent with CEQA case law regarding the development of effective mitigation measures. Similarly, MM GEO-2a requires compliance with BMPs recommended in the Water Quality Management Plan (WQMP) and the grading code. Specific engineering details may be left to later design or engineering work if mitigation that can meet a specified performance standard, such as the CBC and grading codes, is known to be available.

Response to TSAI-9
As described in the Project Description, the proposed project would develop buildings as speculative ambient temperature dry warehouse facilities and would not include cold storage. As discussed in Response to Comment ARB-2, Response to Comment ARB-3, and Response to Comment CJUSD-1, changes to a project after project approval, such as the incorporation of cold storage, would require additional discretionary review. If the project applicant intends to pursue cold storage uses in the future, such changes to the proposed project will be reviewed by the City to determine the extent of any required additional environmental analysis, including the potential need for subsequent or supplemental environmental documentation, as a condition of approval. The estimated truck trips were based on the Traffic Analysis prepared for the project by Urban Crossroads and is based on project-specific information provided by the applicant. As a result, this analysis best represents the proposed project and estimated Air Quality and GHG impacts.

Response to TSAI-10
The commenter correctly states that the Colton CAP was based on AB 32 and that SB 32 has superseded AB 32. However, the commenter incorrectly states that the Draft EIR did not demonstrate how the proposed project would be consistent with the Colton CAP and subsequently SB 32. Impact GHG-2 asks if the proposed project would conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The two plans that apply to the project are the City of Colton CAP and the 2017 ARB Scoping Plan, which the Draft EIR evaluated project impacts against. As described in the first paragraph of Impact GHG-2, “since AB 32 GHG goals are based on targets for the year 2020, the CAP can no longer solely be relied upon to determine project significance. To address post-2020 GHG reduction goals, the proposed project is assessed for compliance with the ARB’s adopted 2017 Climate Change Scoping Plan Update.” The Draft EIR directly states that both the Colton CAP and 2017 ARB Scoping Plan were relied upon such that both AB 32 and SB 32 regulations regarding reductions in GHG emissions were evaluated.

The commenter is incorrect in stating that MM GHG-1a through -1d would be deferred mitigation. Specific mitigation measures, including documentation of screening tables, specific requirements for electric vehicle charging infrastructure and zero emission truck trailer charging, documentation demonstrating that the project design provides infrastructure to support the use of electric-powered forklifts and/or other electric-powered interior vehicles, documentation demonstrating that the project design provides infrastructure to support the use of exterior electric yard trucks and electric on-site vehicles, and infrastructure to support use of electric exterior yard trucks and on-site vehicles would be required prior to the issuance of building permits. If the applicant were to attempt to file

for building permits without demonstrating these mitigation measures in project plans or other official documents to the City of Colton, the permit applications would be rejected, and the applicant would be unable to construct the proposed project or operate. Thus, preventing significant GHG emissions.

As described in Response to Comment ABJC-4-8, the proposed project would achieve a minimum of 85 points, at least 10 points more than the required 75 points (Appendix O), consistent with the Colton CAP that would reduce GHG emissions. The proposed project would achieve this by including design features such as Cool Roof material, thermal insulation, solar ready roof, automobile and truck charging stations, low water demand landscaping, and low-flow appliances. These measures would ensure that the proposed project reduces operational GHG emissions below thresholds established in the Colton CAP. Appendix O includes the screening table that includes specific project features and demonstrates that the project will achieve 85 points; therefore, the project does not defer the requirements of MM GHG-1a.

Pursuant to the Draft City of Colton GHG Emissions Screening Tables and consistent with the screening tables that were customized for each of the 21 participating cities in the SANBAG CAP Implementation Tools Final Report, projects within the City of Colton that achieve at least 75 points based on the City's screening tables are deemed consistent with the reduction quantities anticipated in the City's CAP. The Draft Screening Tables are included in Appendix B. Further, as discussed in Table 3.6-4, the incorporation of MM GHG-1a through MM GHG-1d is required to ensure that the proposed project would be consistent with all applicable 2017 Scoping Plan Update reduction measures.

Response to TSAI-11
Section 4, Cumulative Effects, discusses the cumulative air quality and GHG emission effects from the proposed project and other local and regional projects in the area.

Response to TSAI-12
As stated in the VMT report, "Based on a review of the 41 transportation measures identified by CAPCOA, the SBCTA TDM Report identifies that only 7 of those measures may be effective at the project level." The seven mitigation measures listed by the SBCTA TDM Report have been considered as mitigation strategies and were evaluated for their applicability to the proposed project based on its suburban context and their ability to reduce project generated VMT. With implementation of the limited feasible TDM measures, potential reduction in project VMT of 3 percent would not be enough to reduce project generated VMT to a level of less than significant. The following measures are included under the seven measures identified under the SBCTA TDM Report:

- Increasing location efficiency (Measure 1: Increase Diversity of Land Uses [LUT-3])
- Increasing destination accessibility (Measure 2: Provide Pedestrian Network Improvements [SDT-1] and Measure 3: Provide Traffic Calming Measure [SDT-2])
- Increasing transit accessibility (Measure 5: Increase Transit Service Frequency and Speed [TST-4])
- Employer sponsored vanpool or carpooling (Measure 4: Implement Car-Sharing Program [TRT-9])

Several of the listed strategies depends on the ultimate build tenant. As the future building tenant(s) are unknown, these VMT reductions cannot be evaluated further. The City of Colton has not adopted a mitigation fee or mitigation bank program where projects with VMT impacts can contribute to. As such, these fee programs cannot be considered as feasible mitigation. A review of the mitigation measures proposed by the commenter show that employer sponsored rideshare is already included in the VMT memo. Other suggestions would have little to no effect on VMT (e.g., EV parking, electrification of loading docks). Finally, the commenter's suggestion regarding increasing transit accessibility is dependent on an external agency, such as OnmiTrans, and thus is not a feasible mitigation measure.

Response to TSAI-13
Hazard Management Consulting Inc. (HMC) found no evidence of Recognized Environmental Concerns (RECs) associated with the project site and no controlled RECs were identified during the Phase I ESA. Section 3.7 of the Draft EIR, Hazards and Hazardous Materials, acknowledges that the site was historically used for agriculture before the current buildings were built. The Phase I ESA prepared for the site did not identify any RECs from this historical use, and no known contamination has been reported in association with these past uses. Additionally, the Phase I ESA notes that while agricultural chemicals such as pesticides and fertilizers may have been used, there is a low likelihood that such materials would remain in the soil at levels of concern, due to the amount of time that has transpired since application and fact that the site was graded for development of the current buildings. Furthermore, as discussed on page 3.7-13 of the Draft EIR, the majority of the project site would be covered by impervious surfaces, which would help prevent hazardous substances from reaching the soil beneath the project site. In the unlikely event of a release, the release would be reported to the proper regulatory agency, and cleanup would occur immediately to prevent the spread of the substance to the local environment, as required by law. The Phase I ESA did not identify a need for further testing. The comment does not provide any specific evidence of a potential significant impact. Therefore, recirculation of the Draft EIR is not required.

Response to TSAI-14
CEQA instructs that an EIR should discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans (14 CCR § 15125(d)). An "applicable" plan is a plan that has already been adopted and thus legally applies to a project; draft plans need not be evaluated (*Chaparral Greens v. City of Chula Vista* (1996) 50 CA4th 1134, 1145 n2.) An EIR need not consider a proposed plan that has not been adopted (*South of Mkt. Community Action Network v. City & County of San Francisco* (2019) 33 CA5th 321, 353). When an EIR is comparing a proposed project with an existing plan, the EIR must examine existing conditions at the time of Notice of Preparation as well as future conditions envisioned in the plan (14 CCR § 15125(e)). Connect SoCal–The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) was approved and adopted September 3, 2020. The NOP for the proposed project was published on February 14, 2020, and was circulated between February 14, 2020, through March 17, 2020, several months before Connect SoCal was approved.

Response to TSAI-15
The proposed project would include construction and development of two industrial warehouse buildings and would not engage in any activities that would constitute a significant project as defined by the South Coast AQMD CEQA Air Quality Handbook.

As discussed in Section 7.2.10, the proposed project would not cause population growth to exceed the 2016 RTP/SCS projections. Because there would also be no impacts related to long-term project operation, it follows that the proposed project would not result in growth and associated emissions unforeseen in any local or regional plans. Therefore, the proposed project would not conflict with General Plan policies because it would be consistent with existing land use designations and would not exceed the 2016 RTP/SCS.

Response to TSAI-16
Comment is noted. This comment will be provided to the City decision-makers for their review and consideration prior to approval of the project.

SECTION 3: ERRATA

The following are revisions to the Draft Environmental Impact Report (Draft EIR) for the Barton Road Logistics Center. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

List of Appendices

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Appendix M was added to the list of appendices. The new Appendix M contains documents showing transportation-related documents such as project site access and circulation.

Appendix K: Utilities Supporting Information

K.1–Colton Electric Department Response

K.2–Colton Will Serve Letter

K.3–Due Diligence Report

K.4–CR&R Environmental Services

Appendix L: Hydrology and Water Quality Supporting Information

L.1–Hydrology Report

L.2–Preliminary Water Quality Management Plan

Appendix M: Access and Circulation

Appendix O: Table 2–Screening Table for Implementation of GHG Reduction Measures for Commercial Development

Executive Summary

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Alternative 2—Cold Storage *Alternative*

Similar to the proposed project, under Alternative 2, the existing buildings would be demolished, and two new state-of-the-art warehouse buildings would be developed on the project site. The buildings would include one 480,020-square-foot high-cube dry goods transload and short-term storage warehouse and one 480,020-square-foot high-cube cold storage warehouse. High-cube cold storage warehouses are used for storage or consolidation of manufactured goods prior to

distribution and are characterized by permanent temperature-controlled environments in at least part of the building for perishable foods and products. Energy use would likely increase compared to the proposed project due to the increased energy demands required to support a cold storage warehouse. For the purposes of the traffic analyses, high-cube warehouse cold storage facilities have separate trip generation rates based on the land use and therefore have the potential to reduce traffic impacts as compared to other land uses. Similar to the proposed project, the new buildings would require a height variance. Additionally, the Cold Storage Alternative would result in the use of Transport Refrigeration Units (TRUs).

Pages ES-9 to ES-11

Table ES-2: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.3—Biological Resources		
Impact BIO-1: The project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	**MM BIO-1a: Special-status Plant ~~Smooth Tarplant~~ Protection** Prior to any vegetation removal or ground-disturbing activities, a qualified Biologist shall conduct a protocol-level rare plant survey according to the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities at the appropriate time of year to determine if smooth tarplant and other special-status plants are ~~is~~ present on the project site in areas of suitable habitat, focusing on the vacant lot in the center of the project site and along the utility easement east of the project site. Field surveys shall be scheduled to coincide with known blooming periods of the species, and/or during periods of physiological development that are necessary to identify the plant species of concern. The rare plant surveys should be conducted between April and September to identify ~~the plant~~ special-status plants during ~~its~~ their blooming ~~period~~ periods. Reference sites (nearby accessible occurrences of the plants) shall be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. If no smooth tarplant or other special-status plant species are found within the project site, then the project will not have any impacts to the species and no additional mitigation measures are necessary.	Less than significant with mitigation

Impacts	Mitigation Measures	Level of Significance After Mitigation
	If the qualified Biologist determines smooth tarplant or other special-status plants exists on-site, then ~~a smooth tarplant~~ California Department of Fish and Wildlife (CDFW)-approved habitat mitigation credits or occupied replacement lands shall be purchased and conserved and managed in perpetuity at a minimum 2:1 ratio (acres mitigated to acres impacted) depending on species impacted or a rare plant mitigation plan shall be developed for review and approval by City of Colton staff and the CDFW. The plan shall include measures to salvage seed and topsoil from the project site at times of year when plants have gone to seed. The plan shall also include success criteria to ensure germination and recruitment to support a sustainable population ~~for implementing smooth tarplant mitigation~~ at ~~both~~ an on-site ~~and~~ or off-site ~~locations~~ location. The plan shall be implemented prior to construction. Seed or salvaged topsoil ~~will~~ shall be distributed at a suitable location on-site, as determined by a qualified Biologist. The qualified Biologist will determine whether there is a suitable location on-site that could support translocated smooth tarplant or other special-status plant seed. If a suitable location is not available on-site, then seeds ~~will~~ shall be distributed off-site at a nearby location with suitable habitat, as determined by the qualified Biologist in concurrence with City staff. City staff will ~~have the discretion on whether to~~ seek ~~input~~ approval of the translocation site from the CDFW. Additionally, a Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status species or other sensitive resources, and to instruct them on proper avoidance, ~~required~~ measures and practices for protecting biological resources and contacts and procedures in case species are injured or encountered during construction. **MM BIO-1b: Nesting Bird Protection** Pursuant to Fish and Game Code Sections 3503 and 3503.5, to prevent impacts to ~~Migratory Bird Treaty Act (MBTA) protected~~ birds and their nests by the proposed project, tree removal ~~would~~ shall be limited to outside the	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	nesting season (generally, raptor nesting season is January 1 through September 15; and passerine bird nesting season is February 1 through September 1) ~~or between September 1 and February 14,~~ and will adhere to the provisions of the City's Tree Preservation Ordinance. ~~If trees cannot be removed outside the nesting season, pre-construction~~ Pre-construction surveys ~~will~~ shall be conducted 3 days prior to ~~tree removal~~ commencement of project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions to verify the absence of active nests. Pre-construction surveys should focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nestbuilding, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If an active nest is located during pre-construction surveys, United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest and the qualified Biologist shall immediately establish a conservative buffer surrounding the nest, as indicated below. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it ~~is~~ has been determined by a qualified Biologist that the juveniles have fledged or are independent of the nest. Restrictions ~~may~~ shall include the establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of ~~100~~ 300 feet around an active raptor nest and a ~~50-foot~~ 100-foot radius around an active ~~migratory~~ passerine bird nest), or at a distance determined by the qualified Biologist that will prevent project-related disturbances ~~to help ensure project activities do not cause nest failure and subsequent violations of the MBTA, or alter the construction schedule.~~ A qualified Biologist will delineate the buffer using materials that will not provide perching habitat	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	for predatory bird species that could prey on the burrowing owls. ~~Environmentally Sensitive Area (ESA) fencing, pin flags, and/or yellow caution tape.~~ The buffer zone ~~will~~ shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by the qualified Biologist. **MM BIO-1c: Burrowing Owl Surveys** 1. On the parcel parcels where the ~~activity is~~ activities are proposed, the Biologist shall perform a series of breeding season and non-breeding season surveys ~~of~~ within the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and/or burrowing owls. The surveys shall take place near the sunrise or sunset in accordance with California Department of Fish and Wildlife Wildlife's (CDFW) ~~(2012)~~ guidelines provided in Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). All burrows or burrowing owl shall be identified and mapped. During the breeding season (February 1–August 31), a series of three surveys shall document whether burrowing owl are nesting on or directly adjacent to ~~disturbance areas~~ the project site. During the non-breeding season (September 1– January 31), a series of three surveys shall document whether burrowing owl are using habitat on or directly adjacent to ~~any disturbance area~~ the project site. Survey results ~~will~~ shall be valid only for the season during which the survey is conducted. 2. If burrowing owl are not discovered, further mitigation is not required. If burrowing owl are observed during the breeding season or non-breeding season surveys, the applicant shall: (1) notify the CDFW within 7 days of burrowing owl detection and (2) conduct an impact assessment in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio and perform the following measures to limit the impact on the burrowing owl.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	3. No more than ~~30~~ 14 days and 3 days prior to the first ground-disturbing activities, ~~the project applicant shall retain~~ a qualified Biologist ~~to~~ shall conduct a pre-construction survey of the project site. The survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with ~~CDFW (2012)~~ CDFW's survey guidelines provided in Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If no burrowing owls are found during the clearance survey, a letter shall be prepared by the qualified Biologist documenting the results of the survey. The letter shall be submitted to the CDFW prior to construction. 4. If an active burrowing owl nest is discovered or signs thereof are observed during the pre-construction clearance survey, construction activities shall avoid the occupied area. Avoidance shall include the establishment of a ~~160~~ 500-foot non-disturbance buffer zone. If determined appropriate, a smaller buffer may be established by the qualified Biologist following monitoring and assessments of the Project's effects on the burrowing owls. ~~Construction may occur during the breeding season if a qualified Biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160 foot non-disturbance buffer zone.~~ 5. If it is not possible to avoid occupied burrows, passive relocation shall be implemented if a qualified Biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified Biologist, in coordination with the applicant and the City, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities on-site. The relocation plan must include all of the following and as indicated in Appendix E: Owls shall be excluded from burrows in the immediate impact zone and within a ~~160~~ 500-foot buffer zone (or other qualified Biologist determined buffer) by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation of burrows. The project area shall be monitored twice daily for 1 week to confirm that the owl has abandoned the burrow. ~~Whenever possible, burrows~~ Burrows should be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. When a qualified Biologist determines that burrowing owls are no longer occupying the project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified Biologist documenting the results of the passive relocation. The letter shall be submitted to the CDFW. 6. Prior to passive relocation, suitable replacement burrows site(s) shall be provided within adjacent open space lands at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with the CDFW and the City. A qualified Biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.	

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Table ES-2: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.6—Greenhouse Gas Emissions and Energy		
Impact GHG-1: The project would generate direct and indirect greenhouse gas emissions; however, these emissions would not result in a significant impact on the environment with mitigation.	~~None required~~ **MM GHG-1:** Prior to the issuance of the certificate of occupancy, the applicant shall provide documentation to the City of Colton demonstrating that the project would achieve additional annual greenhouse gas (GHG) emission reductions of 4,744 (MT) carbon dioxide equivalent (CO_2e) per year, based on current estimates of the project-related GHG emissions. These reductions shall be achieved by implementing the following measure: Prior to the issuance of the certificate of occupancy for the proposed project, the project applicant shall provide the City with documentation demonstrating the purchase of voluntary carbon credits pursuant to the following performance standards and requirements: the carbon offsets shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions as set forth in California Health and Safety Code Section 38562(d)(1); and ii. one carbon offset credit shall mean the past reduction or sequestration of one metric ton of carbon dioxide equivalent that is "not otherwise required" (CEQA Guidelines § 15126.4(c)(3)). The purchase shall be through a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of no less than 4,744 MT CO_2e per year for the first 30 years of project operations, based on current estimates of the project-related GHG emissions. Alternatively, the project applicant may purchase the total amount estimated over the lifetime of the proposed project (30 years), which is estimated to be 142,320 MT CO_2e. Copies of emission	Less than significant with mitigation

Impacts	Mitigation Measures	Level of Significance After Mitigation
	estimates and offset purchase contract(s) shall be provided to the City for review and approval prior to the issuance of the certificate of occupancy for the proposed project.	
Impact GHG-2: The project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purposed of reducing the emissions of greenhouse gases.	**MM GHG-1a:** Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the proposed project shall implement features that shall achieve at least 75 points from the City of Colton's Greenhouse Gas Emissions Screening Tables or achieve equivalent emission reductions from other measures approved by the City of Colton. **MM GHG-1b:** Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the project design provides electrical vehicle charging infrastructure for both automobiles and trucks. The project design shall incorporate electric vehicle charging spaces within a minimum of 6 percent of all vehicle parking spaces ~~(including for trucks)~~ and a minimum of eight percent of all spaces shall be designated for clean air vehicles, consistent with the applicable California Green Building Standards Code Nonresidential Mandatory Measures (Section 5.106). The project design and site plans shall designate at a minimum 6 percent of all truck parking spaces for zero-emission truck trailer charging. Electric vehicle charging spaces must provide electrical vehicle charging infrastructure to support future installation of electric vehicle supply equipment and shall meet the design space requirements of California Green Building Standards Code Section 5.106.5.3.2. **MM GHG-1c**: Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the project design provides infrastructure to support the use of electric-powered forklifts and/or other electric-powered interior vehicles. All buildings shall be designed to provide infrastructure to support the use of electric-powered forklifts and/or other electric-powered interior vehicles.	Less than significant with mitigation

Impacts	Mitigation Measures	Level of Significance After Mitigation
	MM GHG-1d: Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the project design provides infrastructure to support the use of exterior electric yard trucks and electric on-site vehicles. All buildings shall provide infrastructure to support use of electric exterior yard trucks and on-site vehicles. The operation of yard trucks that are used to move trailers and on-site vehicles within the project site shall be powered by electricity unless the project applicant can reasonably demonstrate that such equipment is not available for a particular task.	

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Table ES-2: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.12—Tribal Cultural Resources		
Impact TRIB-1: The project could cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	Implement MM CUL-1 and MM CUL-2 **MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities** A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians–Kizh Nation (the "Kizh" or the "Tribe")–the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be provided to the lead	Less than significant with mitigation

Impacts	Mitigation Measures	Level of Significance After Mitigation
	agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. D. The project applicant/developer shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe shall inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures. E. The Monitor shall complete daily monitoring logs that shall provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant/lead agency upon written request.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs. **MM TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods** A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh Archaeologist shall promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area. B. The Tribe shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes. C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code [PRC] § 5097.98 (d)(1)). Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (PRC § 5097.98 (a)(d)(1) and (2)). D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 California Code of Regulations [CCR] § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on-site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 CCR § 15064.5(e)). If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 CCR § 15064.5(f)). F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance. **MM TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods** A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations shall either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. D. In the case where discovered human remains cannot be fully recovered (and documented)	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe shall make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed. E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity. F. Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects, and objects of cultural patrimony shall be removed to a secure container on-site if possible. These items shall be retained and shall be reburied within 6 months of recovery. G. The Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the Native American Heritage Commission	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	(NAHC). The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.	
Impact TRIB-2: The project could cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.	Implement MM CUL-1 and MM CUL-2; MM TCR-1, MM TCR-2, and MM TCR-3.	Less than significant with mitigation

Section 2.2–Project Characteristics

Page 2-6

The following changes are incorporated to reflect the correct square footage of Building 2.

> The proposed project would involve the construction of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics buildings with a total square footage of 960,040 square feet (Exhibit 2-5). Building 1 would be 540,920 square feet with 336,662 square feet of non-asphalt paving and would occupy a 26.23-acre site north of Barton Road (Exhibit 2-6). Building 1 would contain 10,000 square feet of office space and 530,920 square feet of warehouse space. Building 2 would be ~~419,920~~ 419,120 square feet with 491,211 square feet of non-asphalt paving and would occupy a 17.62-acre site (Exhibit 2-7). Building 2 would contain 10,000 square feet of office space and 409,120 square feet of warehouse space. The project thus results in a net increase of 300,605 square feet of building space when compared to existing conditions. The buildings are proposed as speculative ambient temperature dry warehouse facilities.

Page 2-7, fourth paragraph

The following changes are incorporated for the purposes of clarification and to explain the changes associated with the Barton Road bridge more fully. The following information does not change the conclusions of the Draft EIR.

> Proposed project improvements include the vacation of South Terrace Avenue and the construction of a new access driveway, and improvements to Barton Road along the project frontage, including the EVWMD parcel, which would consist of upgrading the existing pavement and installing new curb and gutter. Landscaping along Barton Road is required along the project's frontage, however, this requirement does not apply to the existing EVMWD parcel, as shown on Exhibit 2-7, because this parcel is not part of the proposed project. The

proposed project would accommodate EVWMD's access requirements by providing direct access to the existing Palm Avenue well from the new project access driveway shown as Driveway 2 on Exhibit 2-5. The location and width of the new drive approach to the EVMWD parcel will be determined in consultation with the applicant, City of Colton Engineering Division, and EVWMD staff. The existing water line associated with the Palm Avenue Well may need to be relocated as part of project implementation. The location would be determined in consultation with the applicant, City of Colton Engineering Division, and EVMWD staff to ensure that any interruption of service would not occur or would be limited.

Barton Road Bridge

The Barton Road bridge that currently crosses over the former Union Pacific Railroad right-of-way east of the project site would be removed, and the roadway would be lowered considerably, as the railroad is no longer active at this location. In addition to the removal and replacement of the Barton Road bridge and public roadway, the City of Colton would reconstruct Barton Road to its ultimate full width as a Major Arterial (100-foot right-of-way) commencing from the Grand Terrace side of the bridge to a point located roughly in the center of the District's parcel (Appendix M). The proposed project would include completion of the remainder of the Barton Road improvements from this point westerly to Terrace Avenue north of Barton Road.

Section 2.4.1–Discretionary and Ministerial Actions

Page 2-12

Table 2-3: Discretionary and Ministerial Actions

Public Agency	Approvals and Decisions
City of Colton	Architectural and Site Plan Approval for development of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics facilities (type 111-B), with a total square footage of 960,040 square feet. a. Building 1 would occupy a 26.23-acre site north of Barton Road and would be 540,920 square feet. b. Building 2 would occupy a 17.62-acre site south of Barton Road and would be 419,920 square feet.
City of Colton	A Conditional Use Permit (CUP) as required under Development Code Section 18.04.430.1, Truck and Trailer Storage, where trailers and/or trucks would be stored on-site in designated parking spaces; and for 24-hour warehouse operation.
City of Colton	A Variance for the height of the two buildings to allow the two buildings to be developed at a height of 50 feet where warehouse buildings may be a maximum height of 40 feet.
City of Colton	A Tentative Parcel Map (TPM 20146) to consolidate multiple legal lots (12 APNs) into two separate legal parcels; one north and one south of Barton Road.
City of Colton	Lot Line Adjustment to increase the district's parcel by expanding it along its easterly (north-south) property line by another approximate 20-foot-wide strip running from the Barton Road frontage to the northeast corner of the water well enclosure.

Public Agency	Approvals and Decisions
City of Colton	A Development Agreement that would extend the entitlement period for a duration of up to 25 years.
City of Colton	A Demolition Permit to raze four existing industrial buildings, and one office building.
City of Colton	The vacation of South Terrace Avenue, south of Barton Road, and a section of De Berry Street, between South Terrace Avenue and the proposed southerly driveway approach for Building 2. De Berry Street east of this point would remain public and continue to intersect with La Crosse Avenue.
City of Colton	Redesign of the driveway approach into 280 De Berry Street in conjunction with street improvements to De Berry Street.
City of Colton	A Uniform Sign Program and Sign permit.
City of Colton	Preliminary Water Quality Management Plan.
City of Colton	Preliminary Landscape/Hardscape Plan.
City of Colton	Preliminary Grading/Drainage/Topography Plan.
City of Colton	A Lighting Plan.
City of Colton	Access improvements at 280 De Berry Street.

Section 3.2–Air Quality

Page 3.2-41, Paragraph 2

Exhibit 3.2-1 and Exhibit 3.2-2 were added to show the sources and receptors included in the Health Risk Assessment (HRA). The new exhibits are provided in this Errata. Additionally, the following additions are made to Paragraph 2.

> An operational HRA was performed to determine calculate the cancer health risks and the non-hazard indices for sensitive receptors within 1,000 feet of the project boundary. Exhibit 3.2-1 and Exhibit 3.2-2 present a graphical representation of the sources and receptors included in the HRA. Because the same off-site receptors would be exposed to emissions from both construction and operation of the project, DPM (as PM10 exhaust) from short-term construction of the project and long-term operations of the project were combined to calculate the cancer health risk and the non-hazard index at all modeled receptors to determine the MIR. The results of this analysis are summarized in Table 3.2 12.

Section 3.3–Biological Resources

Page 3.3-13

The following changes reflect protections to special-status species in addition to smooth tarplant. These changes are incorporated as suggested by the California Department of Fish and Wildlife's comment letter submitted on February 18, 2021:

> Construction of the proposed project could result in direct loss of ~~this~~ special-status plant species due to the clearing of vegetation and ground-disturbing activities such as grading, should the plant be present on-site. Permanent impacts to ~~this~~ special-status plant species

could occur through degradation of habitat due to construction impacts, the introduction of invasive or noxious plant species, and increased human activity on the project site attributable to project operations. Implementation of Mitigation Measure (MM) BIO-1a is required to reduce potential impacts on smooth tarplant and other special-status plants to less than significant levels by requiring a Biologist to conduct pre-construction focused plant surveys to confirm the special-status plant species ~~is~~ are absent from the project site. If species are identified on-site, MM BIO-1a establishes a protocol for avoidance or salvage. Accordingly, with implementation of MM BIO-1a, impacts on special-status plant species are less than significant.

Page 3.3-14

MM BIO-1a Special-status Plant ~~Smooth Tarplant~~ Protection

Prior to any vegetation removal or ground-disturbing activities, a qualified Biologist shall conduct a protocol-level rare plant survey according to the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities at the appropriate time of year to determine if smooth tarplant and other special-status plants are ~~is~~ present on the project site in areas of suitable habitat, focusing on the vacant lot in the center of the project site and along the utility easement east of the project site. Field surveys shall be scheduled to coincide with known blooming periods of the species, and/or during periods of physiological development that are necessary to identify the plant species of concern. The rare plant surveys should be conducted between April and September to identify ~~the plant~~ special-status plants during ~~its~~ their blooming ~~period~~ periods. Reference sites (nearby accessible occurrences of the plants) shall be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. If no smooth tarplant or other special-status plant species are found within the project site, then the project will not have any impacts to the species and no additional mitigation measures are necessary.

If the qualified Biologist determines smooth tarplant or other special-status plants exists on-site, then a ~~smooth tarplant~~ CDFW-approved habitat mitigation credits or occupied replacement lands shall be purchased and conserved and managed in perpetuity at a minimum 2:1 ratio (acres mitigated to acres impacted) depending on species impacted or a rare plant mitigation plan shall be developed for review and approval by City of Colton staff and the California Department of Fish and Wildlife (CDFW). The plan shall include measures to salvage seed and topsoil from the project site at times of year when plants have gone to seed. The plan shall also include success criteria to ensure germination and recruitment to support a sustainable population ~~for implementing smooth tarplant mitigation~~ at ~~both~~ an on-site ~~and~~ or off-site ~~locations~~ location. The plan shall be implemented prior to construction. Seed or salvaged topsoil ~~will~~ shall be distributed at a suitable location on-site, as determined by a qualified Biologist. The qualified Biologist will determine whether there is a suitable location on-site that could support translocated smooth tarplant or other special-status plant seed. If a suitable location is not available on-site, then seeds ~~will~~ shall be distributed off-site at a nearby

location with suitable habitat, as determined by the qualified Biologist in concurrence with City staff. City staff will ~~have the discretion on whether to~~ seek ~~input~~ approval of the translocation site from CDFW.

Additionally, a Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status species or other sensitive resources, and to instruct them on proper avoidance, ~~required~~ measures and practices for protecting biological resources and contacts and procedures in case species are injured or encountered during construction.

Page 3.3-15

MM BIO-1b Nesting Bird Protection

Pursuant to Fish and Game Code sections 3503 and 3503.5, to ~~To~~ prevent impacts to ~~Migratory Bird Treaty Act (MBTA) protected~~ birds and their nests by the proposed project, tree removal ~~would~~ shall be limited to outside the nesting season (generally, raptor nesting season is January 1 through September 15; and passerine bird nesting season is February 1 through September 1) ~~or between September 1 and February 14~~, and ~~will~~ shall adhere to the provisions of the City's Tree Preservation Ordinance. ~~If trees cannot be removed outside the nesting season, pre-construction~~ Pre-construction surveys ~~will~~ shall be conducted 3 days prior to ~~tree removal~~ commencement of project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions to verify the absence of active nests. Pre-construction surveys should focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nestbuilding, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors).

If an active nest is located during pre-construction surveys, United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest and the qualified Biologist shall immediately establish a conservative buffer surrounding the nest, as indicated below. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it ~~is~~ has been determined by a qualified Biologist that the juveniles have fledged or are independent of the nest.

Restrictions ~~may~~ shall include the establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of ~~100~~ 300 feet around an active raptor nest and a ~~50-foot~~ 100-foot radius around an active ~~migratory~~ passerine bird nest), or at a distance determined by the qualified Biologist that ~~will~~ shall prevent project-related disturbances ~~to help ensure project activities do not cause nest failure and subsequent violations of the MBTA, or alter the construction schedule.~~ A qualified Biologist ~~will~~ shall delineate the buffer using materials that ~~will~~ shall not provide perching habitat for predatory bird species that could prey on the burrowing owls. ~~Environmentally Sensitive Area (ESA) fencing, pin flags, and/or yellow caution tape.~~ The buffer zone ~~will~~ shall be

maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by the qualified Biologist.

Pages 3.3-15 and -16

MM BIO-1c Burrowing Owl Surveys

1. On the ~~parcel~~ parcels where the ~~activity is~~ activities are proposed, the Biologist shall perform a series of breeding season and non-breeding season surveys ~~of~~ within the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and/or burrowing owls. The surveys shall take place near the sunrise or sunset in accordance with California Department of Fish and ~~Wildlife~~ Wildlife's (CDFW) ~~(2012)~~ guidelines provided in Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). All burrows or burrowing owl shall be identified and mapped. During the breeding season (February 1–August 31), a series of three surveys shall document whether burrowing owl are nesting on or directly adjacent to ~~disturbance areas~~ the project site. During the non-breeding season (September 1– January 31), a series of three surveys shall document whether burrowing owl are using habitat on or directly adjacent to ~~any disturbance area~~ the Project site. Survey results ~~will~~ shall be valid only for the season during which the survey is conducted.

2. If burrowing owl are not discovered, further mitigation is not required. If burrowing owl are observed during the breeding season or non-breeding season surveys, the applicant shall: (1) notify CDFW with 7 days of burrowing owl detection and (2) conduct an impact assessment in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio and perform the following measures to limit the impact on the burrowing owl.

3. No more than ~~30~~ 14 days and 3 days prior to the first ground-disturbing activities, ~~the project applicant shall retain~~ a qualified Biologist ~~to~~ shall conduct a pre-construction survey of the project site. The survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with ~~CDFW (2012)~~ CDFW's survey guidelines provided in Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If no burrowing owls are found during the clearance survey, a letter shall be prepared by the qualified Biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction.

4. If an active burrowing owl nest is discovered or signs thereof are observed during the pre-construction clearance survey, construction activities shall avoid the occupied area. Avoidance shall include the establishment of a ~~160~~ 500-foot non-disturbance buffer zone. If determined appropriate, a smaller buffer may be established by the qualified Biologist following monitoring and assessments of the project's effects on the burrowing owls. ~~Construction may occur during the breeding season if a qualified Biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied~~

~~burrows have fledged. During the non-breeding season (September 1-January 31), the project applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160 foot non-disturbance buffer zone.~~

5. If it is not possible to avoid occupied burrows, passive relocation shall be implemented if a qualified Biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified Biologist, in coordination with the applicant and the City, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) for CDFW review/approval prior to the commencement of disturbance activities on-site. The relocation plan must include all of the following and as indicated in Appendix E: Owls shall be excluded from burrows in the immediate impact zone and within a ~~160~~ 500-foot buffer zone (or other qualified Biologist determined buffer) by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation of burrows. The project area shall be monitored twice daily for 1 week to confirm that the owl has abandoned the burrow. ~~Whenever possible, burrows~~ Burrows should be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. When a qualified Biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified Biologist documenting the results of the passive relocation. The letter shall be submitted to the CDFW.

6. Prior to passive relocation, suitable replacement burrows site(s) shall be provided within adjacent open space lands at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the City. A qualified Biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.

Section 3.12–Tribal Cultural Resources

Pages 3.12-4 and 3.12-5

New mitigation measures MM TCR-1, MM TCR-2, and MM TCR-3 are adopted and incorporated as part of the MMRP as requested by the Gabrieleño Band of Mission Indians–Kizh Nation (Kizh). The mitigation measures are necessary to reduce the proposed project's potential impacts to tribal cultural resources. The new mitigation measures are as follows.

MM TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

A. The project applicant/lead agency shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians–Kizh Nation (the "Kizh" or the "Tribe")–the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
B. A copy of the executed monitoring agreement shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.
C. The project applicant/developer shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.
D. The project applicant/developer shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe shall inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.
E. The Monitor shall complete daily monitoring logs that shall provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant/lead agency upon written request.
F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase

(known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

MM TCR-2 Discovery of TCRs, Human Remains, and/or Grave Goods

A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh Archaeologist shall promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.
B. The Tribe shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.
C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code [PRC] § 5097.98 (d)(1)) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (PRC § 5097.98 (a)(d)(1) and (2)).
D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code § 7050.5(c); 14 California Code of Regulations [CCR] § 15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on-site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 CCR § 15064.5(e)). If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 CCR § 15064.5(f)).
F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.
G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler

Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

MM TCR-3 Procedures for Burials, Funerary Remains, and Grave Goods

A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations shall either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe shall make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials shall be removed.

E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.

F. Each occurrence of human remains and associated grave goods shall be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects, and objects of cultural patrimony shall be removed to a secure container on-site if possible. These items shall be retained and shall be reburied within 6 months of recovery.

G. The Tribe shall work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-

related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the Native American Heritage Commission (NAHC). The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Section 3.6–Greenhouse Gas Emissions

Page 3.6-1

3.6.1–Introduction

This section describes the existing conditions pertaining to greenhouse gas (GHG) emissions, summarizes the relevant regulatory framework, and evaluates the potential effects related to GHG emissions that could result from of project implementation. Descriptions and conclusions in this section are based, in part, on the Air Quality and GHG Emissions Analysis Report prepared by FirstCarbon Solutions and included as Appendix B of this Draft Environmental Impact Report (Draft EIR). Additionally, descriptions and conclusions in this section are based, in part, on the Screening Table for Implementation of GHG Reduction Measures prepared by the project applicant and contained in Appendix O. The following public comments related to GHG emissions were received during the Notice of Preparation (NOP) public comment period and were taken into consideration during the preparation of this Draft EIR:

- Concerns about global climate change impacts.
- Concerns about compliance with applicable State and regional regulations, guidance, and recommendations related to GHG emissions.

Page 3.6-26

The proposed project would involve the construction of two speculative concrete tilt-up industrial warehouse logistics facilities with ancillary office space. All buildings associated with the proposed project would be used to support industrial uses. As discussed in the Air Quality and GHG Emissions Analysis Report prepared for the proposed project (Appendix B), the project's emissions were estimated assuming inputs that are consistent with SCAQMD recommendations for industrial land use projects, such as the use of a 40-mile truck trip length. Thus, it is appropriate to categorize the project as an industrial land use when determining the applicable quantitative screening level threshold. As the proposed project is being evaluated as an industrial land use throughout this Draft Focused EIR, the SCAQMD's draft local agency threshold for industrial uses of 10,000 MT CO_2e per year is utilized to determine whether the proposed project would have a significant impact with respect to the generation of GHG emissions. The project's estimated GHG emissions are also analyzed against the 3,000 MT CO_2e threshold to provide a more conservative analysis. The second CEQA Checklist question is evaluated by assessing the project's consistency with the City of Colton's CAP and ARB's adopted 2017 Scoping Plan Update.

Page 3.6-28

The following changes to Impact GHG-1 are intended to present an additional threshold of significance for the project's estimated greenhouse gas emissions.

Table 3.6-3 presents the estimated annual GHG emissions from the project's operational activities. As shown in Table 3.6-3, the project would generate approximately 7,744 MT CO_2e per year after the inclusion of 67 MT CO_2e per year from project construction.

Table 3.6-3: Operational Greenhouse Gas Emissions

GHG Emissions Source	GHG Emissions (MT CO_2e per year)
Area	0.05
Energy	790
Waste	1,503
Water	454
Mobile—Passenger Vehicles	873
Mobile—Trucks	4,057
Amortized Construction Emissions	67
Total Annual Project Emissions	**7,744**
Applicable Threshold of Significance	**10,000**
Exceeds Threshold of Significance?	**No**
Alternative Threshold of Significance	**3,000**
Exceeds Threshold of Significance?	**Yes**
Source: Appendix A.	

Summary

As shown in Table 3.6-3, the project's combined amortized construction and annual operational GHG emissions would not exceed the applicable threshold of significance of 10,000 MT CO_2e per year. Additionally, the project would exceed a 3,000 MT CO_2e per year threshold. However, the inclusion of MM GHG-1 would require the project to purchase voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 142,320 MT CO_2e total over the lifetime of the project. With the implementation of MM GHG-1, there would be a less than significant impact. Thus, the project's construction and operational GHG emissions would not result in a significant impact on the environment with implementation of mitigation.

Page 3.6-31

The following change to the list of Mitigation Measures requires the project to purchase carbon credits.

MM GHG-1 Prior to the issuance of the certificate of occupancy, the applicant shall provide documentation to the City of Colton demonstrating that the project would achieve additional annual greenhouse gas (GHG) emission reductions of 4,744 (MT) carbon dioxide equivalent (CO_2e) per year, based on current estimates of the project-related

GHG emissions. These reductions shall be achieved by implementing the following measure:

Prior to the issuance of the certificate of occupancy for the proposed project, the project applicant shall provide the City with documentation demonstrating the purchase of voluntary carbon credits pursuant to the following performance standards and requirements: the carbon offsets shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions as set forth in California Health and Safety Code Section 38562(d)(1); and ii. one carbon offset credit shall mean the past reduction or sequestration of one metric ton of carbon dioxide equivalent that is "not otherwise required" (CEQA Guidelines § 15126.4(c)(3)). The purchase shall be through a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of no less than 4,744 MT CO_2e per year for the first 30 years of project operations, based on current estimates of the project-related GHG emissions. Alternatively, the project applicant may purchase the total amount estimated over the lifetime of the proposed project (30 years), which is estimated to be 142,320 MT CO_2e. Copies of emission estimates and offset purchase contract(s) shall be provided to the City for review and approval prior to the issuance of the certificate of occupancy for the proposed project.

Page 3.6-31 and -32

The following changes to MM GHG-1b clarify the amount of EV charging stations for trucks and require the applicant to show future truck trailer charging stations to be shown in site plans prior to project approval.

MM GHG-1b Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the project design provides electrical vehicle charging infrastructure for both automobiles and trucks. The project design shall incorporate electric vehicle charging spaces within a minimum of 6 percent of all vehicle parking spaces ~~(including for trucks)~~ and a minimum of eight percent of all spaces shall be designated for clean air vehicles, consistent with the applicable California Green Building Standards Code Nonresidential Mandatory Measures (Section 5.106). The project design and site plans shall designate at a minimum 6 percent of all truck parking spaces for zero-emission truck trailer charging.

Electric vehicle charging spaces must provide electrical vehicle charging infrastructure to support future installation of electric vehicle supply equipment and shall meet the design space requirements of California Green Building Standards Code Section 5.106.5.3.2.

Page 3.6-32

The following changes to MM GHG-1d clarify the types of on-site vehicles that would be powered by electricity or that would otherwise be zero-emission.

MM GHG-1d Prior to issuance of building permits, the applicant shall provide documentation to the City of Colton Planning Department demonstrating that the project design provides infrastructure to support the use of exterior electric yard trucks and electric on-site vehicles. All buildings shall provide infrastructure to support use of electric exterior yard trucks and on-site vehicles (e.g., yard hostlers, counterbalance forklifts, and rider pallet jacks). The operation of yard trucks that are used to move trailers and on-site vehicles within the project site shall be powered by electricity or otherwise zero-emission unless the project applicant can reasonably demonstrate that such equipment is not available for a particular task.

Section 3.11–Transportation

Page 3.11-4, Paragraph 1

The following changes incorporate the most recent Traffic Analysis (TA) and the revisions made to the TA.

> This section is based, in part, on the Traffic Analysis (TA) prepared by Urban Crossroads on ~~August 24, 2020~~ April 23, 2021, and Vehicle Miles Traveled (VMT) Analysis prepared by Urban Crossroads on September 18, 2020, both of which are included in Appendix J.

Page 3.11-18

A footnote was added to Table 3.11-10 to specify the reason for the change in delay at Intersections 10 and 17.

Table 3.11-10: Intersection Analysis for Existing Plus Project Condition

No.	Intersection	Traffic Control[2]	Existing (2020)				Existing Plus Project			
			Delay[1] (seconds)		Level of Service		Delay[1] (seconds)		Level of Service	
			AM	PM	AM	PM	AM	PM	AM	PM
1	Rancho Avenue and I-10 WB Ramps	TS	26.5	22.4	C	C	26.5	22.5	C	C
2	Rancho Avenue and I-10 EB Ramps	TS	25.9	36.2	C	D	26.0	36.2	C	D
3	Rancho Avenue and Agua Mansa Road	TS	19.7	33.2	B	C	20.0	33.7	C	C
4	La Cadena Drive and I-10 WB Ramps	UC	11.4	11.5	B	B	11.4	11.5	B	B
5	La Cadena Drive and Rancho Avenue	TS	16.0	18.8	B	B	16.2	19.1	B	B
6	La Cadena Drive and Barton Road	TS	41.2	37.1	D	D	41.3	37.1	D	D
7	La Cadena Drive and Iowa Avenue	TS	12.8	15.5	B	B	12.8	15.6	B	B
8	I-215 SB Ramps and Iowa Avenue	TS	16.1	12.5	B	B	16.2	12.6	B	B
9	I-215 NB Ramps and Iowa Avenue	TS	**117.4**	**78.3**	**F**	**E**	**122.1**	**79.7**	**F**	**E**
10	South Terrace Avenue and Barton Road[3]	CSS	16.6	16.7	C	C	11.9	12.5	B	B
11	Driveway 1 and Walnut Avenue	**CSS**	Future Intersection				9.1	9.2	A	A
12	Driveway 2 and Barton Road	**CSS**	Future Intersection				12.5	13.0	B	B

No.	Intersection	Traffic Control[2]	Existing (2020)				Existing Plus Project			
			Delay[1] (seconds)		Level of Service		Delay[1] (seconds)		Level of Service	
			AM	PM	AM	PM	AM	PM	AM	PM
13	Driveway 3 and Barton Road	**CSS**	Future Intersection				11.7	11.7	B	B
14	Driveway 4 and Walnut Avenue	**CSS**	Future Intersection				9.1	9.1	A	A
15	Driveway 5 and Barton Road	**CSS**	Future Intersection				14.1	14.7	B	B
16	Driveway 6 and Driveway 7/De Berry Street	**CSS**	Future Intersection				8.7	8.7	A	A
17	Grand Terrace Road and Barton Road[3]	TS	13.1	18.6	B	B	12.8	18.0	B	B
18	I-215 SB Ramps and Barton Road	RA	6.7	6.9	A	A	7.1	7.4	A	A
19	I-215 NB Ramps and Barton Road	TS	12.1	12.0	B	B	12.4	12.5	B	B

Notes:
NB = Northbound
SB = Southbound
EB = Eastbound
WB = Westbound
* **BOLD =** Level of Service (LOS) does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).
1 Per the Highway Capacity Manual (6th Edition), overall average intersection delay and LOS are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.
2 CSS = Cross-street Stop; TS = Traffic Signal; UC = Uncontrolled; RA = Roundabout; **CSS =** Improvement
3 Decrease in delay is due to the reconfiguration/vacation of South Terrace Avenue since traffic would be rerouted.

Page 3.11-22

The following change to Table 3.11-12 is incorporated to correct an error in the density value for the I-215 northbound off-ramp at Barton Road.

Section 3.13–Utilities and Service Systems

Page 3.13-7, Second Paragraph

The following paragraph has been edited to clarify that the completion of a Water Supply Assessment (WSA) is necessary for the proposed project. The WSA has been included in Appendix N of the Final EIR.

> *California Senate Bills 610 and 221*
>
> Senate Bill (SB) 610 and SB 221 (Water Code § 10910(c)(2)) amended State law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 seek to promote more collaborative planning between local water suppliers and cities and counties by requiring that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a Water Supply Assessment (WSA), which is then included in the administrative record that serves as the evidentiary basis for an approval

action by a city or county. SB 221 is narrower in application than SB 610, applying to a residential "subdivision," as defined as Government Code Section 66473.7(a)(1)). SB 221 requires verification of an adequate water supply for certain large residential subdivisions before recordation of a final subdivision map. ~~and The proposed project does not meet the size requirements for application of SB 610 or the definition of residential subdivision requiring compliance with SB 221.~~ Pursuant to the regulatory requirements outlined above, the proposed project includes the completion of a WSA. The WSA was prepared on July 13, 2021, and is included in Appendix N of the Final EIR.

Page 3.13-11 Water or Wastewater Treatment Facilities

The following analysis of the proposed project's water demand is updated with the following revisions based on the WSA that was prepared for the proposed project on July 13, 2021.

Water or Wastewater Treatment Facilities

Impact USS-1: The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Impact Analysis

Water

The proposed project would involve the construction of two state-of-the-art speculative concrete tilt-up industrial warehouse logistics buildings totaling 960,040 square feet. According to the Water Supply Assessment (WSA) prepared for the proposed project on July 13, 2021, ~~The~~ the proposed project~~'s water demand is estimated to be 64,803 gallons per day (GPD), which corresponds to 23,653,095 gallons per year, or 72.6 acre-feet annually.~~ would generate an average daily water demand of 14,413 gallons per day (GPD), or 16.1 acre-feet (AF) per year. The total projected water demand for the proposed project would be ~~approximately~~ less than 0.006 percent of the City's remaining water capacity.

Page 3.13-11 Water Supplies

The following analysis of the proposed project's water demand is updated with the following revisions based on the WSA that was prepared for the proposed project on July 13, 2021.

Impact Analysis*s*

As described above under Impact USS-1, the proposed project would have an estimated water demand of ~~64,803~~ 14,413 GPD. As shown in Table 3.13-4, the City of Colton would be able to meet the project water demand and have sufficient water supplies during normal, dry, and multiple dry years. The 2015 UWMP indicates that the City of Colton would have up to 14,853 acre-feet per year (AFY) of water supply available for the service area in 2040, which would leave excess capacity of 45 acre-feet. ~~Conservatively assuming the existing structures and active uses on-site generate a net zero use, the~~ The proposed project's estimated water demand would result in ~~an~~ a net increase of ~~23,653,095~~ 1,650,192 gallons

in a year, which is ~~72.6~~ 5.1 acre-feet per year. As a result, the proposed project's new water demand is a nominal amount of the City's remaining water supply capacity. Furthermore, the City of Colton would initiate a water shortage contingency plan that would go into effect during drought conditions and would prohibit certain water uses depending on the severity of the drought.

Table 3.11-12: Freeway Facility Analysis for Existing Plus Project Conditions

Freeway	Direction	Ramp or Segment	Lanes on Freeway[1]	Existing (2020)				Existing Plus Project			
				AM Peak-hour		PM Peak-hour		AM Peak-hour		PM Peak-hour	
				Density[2]	LOS[3]	Density[2]	LOS[3]	Density[2]	LOS[3]	Density[2]	LOS[3]
I-215 Freeway	Southbound	North of Barton Road	3	18.2	C	17.3	B	18.3	C	17.3	B
		Off-Ramp at Barton Road	3	25.1	C	24.3	C	25.2	C	24.3	C
		Loop On-Ramp at Barton Road	3	22.3	C	19.9	B	22.3	C	20.0	B
		South of Barton Road	3	18.7	C	16.7	B	18.7	C	16.7	B
	Northbound	North of Barton Road	3	23.9	C	20.8	C	23.9	C	21.0	C
		On-Ramp at Barton Road	3	27.3	C	24.2	C	27.4	C	24.4	C
		Off-Ramp at Barton Road	3	27.4	C	26.7	C	27.7	C	~~18.5~~ 26.7	C
		South of Barton Road	3	22.3	C	21.2	C	22.7	C	21.3	C

* **BOLD =** Unacceptable Level of Service
[1] Number of mixed-flow lanes are in the specified direction and is based on existing conditions.
[2] Density is measured by passenger cars per mile per lane (pc/mi/ln).
[3] LOS = Level of Service

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Page 3.11-23

The following change to Table 3.11-13 is incorporated to correct an error regarding the delay at Intersection No. 1. Additionally, Footnote 3 was added to specify the reason for the change in delay at Intersection No. 10 and No. 17.

Table 3.11-13: Intersection Analysis for Opening Year Cumulative (2022) Conditions

No	Intersection	Traffic Control[2]	2022 Without Project				2022 With Project			
			Delay[1] (secs.)		Level of Service		Delay[1] (secs.)		Level of Service	
			AM	PM	AM	PM	AM	PM	AM	PM
1	Rancho Avenue and I-10 WB Ramps	TS	~~28.6~~ 26.6	22.9	C	C	26.6	23.0	C	C
2	Rancho Avenue and I-10 EB Ramps	TS	26.1	36.9	C	D	26.2	37.0	C	D
3	Rancho Avenue and Agua Mansa Road	TS	46.5	**71.0**	D	**E**	47.4	**72.5**	D	**E**
4	La Cadena Drive and I-10 WB Ramps	UC	12.8	13.6	B	B	12.9	13.7	B	B
5	La Cadena Drive and Rancho Avenue	TS	23.7	40.6	C	D	24.4	42.6	C	D
6	La Cadena Drive and Barton Road	TS	43.2	39.7	D	D	44.8	41.0	D	D
7	La Cadena Drive and Iowa Avenue	TS	28.8	45.7	C	D	29.1	47.7	C	D
8	I-215 SB Ramps and Iowa Avenue	TS	32.7	34.0	C	C	33.4	34.4	C	C
9	I-215 NB Ramps and Iowa Avenue	TS	**>200.0**	**198.6**	**F**	**F**	**>200.0**	**>200.0**	**F**	**F**
10	South Terrace Avenue and Barton Road[3]	CSS	**98.6**	**58.8**	**F**	**F**	31.9	26.5	D	D
11	Driveway 1 and Walnut Avenue	**CSS**	Future Intersection				9.2	9.2	A	A
12	Driveway 2 and Barton Road	**CSS**	Future Intersection				32.3	29.0	D	D
13	Driveway 3 and Barton Road	**CSS**	Future Intersection				25.0	19.8	D	C
14	Driveway 4 and Walnut Avenue	**CSS**	Future Intersection				9.1	9.1	A	A
15	Driveway 5 and Barton Road	**CSS**	Future Intersection				30.1	33.2	D	D
16	Driveway 6 and Driveway 7/De Berry Street	**CSS**	Future Intersection				10.1	10.8	B	B
17	Grand Terrace Road and Barton Road	TS	10.4	15.7	B	B	10.7	15.8	B	B
18	I-215 SB Ramps and Barton Road	RA	9.9	10.8	A	B	10.6	10.9	B	B
19	I-215 NB Ramps and Barton Road	TS	42.3	35.6	D	D	44.6	44.9	D	D

No	Intersection	Traffic Control[2]	2022 Without Project				2022 With Project			
			Delay[1] (secs.)		Level of Service		Delay[1] (secs.)		Level of Service	
			AM	PM	AM	PM	AM	PM	AM	PM

Notes:
NB = Northbound SB = Southbound EB = Eastbound WB = Westbound
* **BOLD =** Level of Service (LOS) does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).
[1] Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and LOS for the worst individual movement (or movements sharing a single lane) are shown.
[2] CSS = Cross-street Stop; TS = Traffic Signal; UC = Uncontrolled; RA = Roundabout; **CSS =** Improvement
[3] Decrease in delay is due to the reconfiguration/vacation of South Terrace Avenue since traffic would be rerouted.

Section 5: Alternatives to the Proposed Project

Page 5-10

5.4*-Alternative 2—Cold Storage Alternative*

Similar to the proposed project, under Alternative 2, the existing buildings would be demolished, and two new state-of-the-art warehouse buildings would be developed on the project site. The buildings would include one 480,020-square-foot high-cube dry goods transload and short-term storage warehouse and one 480,020-square-foot high-cube cold storage warehouse. High-cube cold storage warehouses are used for storage or consolidation of manufactured goods prior to distribution and are characterized by permanent temperature-controlled environments in at least part of the building for perishable foods and products. Energy use would likely increase compared to the proposed project due to the increased energy demands required to support a cold storage warehouse. For the purposes of the traffic analyses, high-cube warehouse cold storage facilities have separate trip generation rates based on the land use and therefore have the potential to reduce traffic impacts as compared to other land uses. Similar to the proposed project, the new buildings would require a height variance. Additionally, the Cold Storage Alternative would result in the use of Transport Refrigeration Units (TRUs).

Page 5-11, Paragraph 3

Air Quality

Construction emissions would be similar to the proposed project because the construction for Alternative 2 would be similar to the proposed project. Additionally, volatile organic compounds (VOC) emissions would be similar because similar to the proposed project, two new warehouses would be constructed. Because VOC emissions result from painting and architectural coatings, mitigation would still be required for Alternative 3 since architectural coatings would be applied to the buildings. Additionally, because Alternative 2 would generate 1,696 actual vehicle trips per day, as compared to the proposed project, which would generate 1,348 actual vehicle trips per day, this alternative would increase air quality emissions. Therefore, compared with the proposed project, air quality emissions would be greater under the Alternative 2. This increase would be largely due to mobile emissions generated by an increased number of vehicle trips associated with passenger cars and truck trips as determined by the Traffic Impact Analysis (TIA), as well as the use of TRUs, which is an additional

source of TACs. Additionally, Alternative 2 would not minimize VMT and impacts would be similar to the proposed project, and therefore would not meet the project objectives related to air quality.

Page 5-16

Transportation

Under the proposed project, baseline project VMT per employee was found to exceed the City of Colton baseline VMT per employee threshold by about 25 percent. There would be significant and unavoidable cumulative impact related to VMT, and no feasible mitigation measures are available.

The proposed project is anticipated to generate 1,348 actual vehicle trips per day, with 81 AM peak-hour trips and 99 PM peak-hour trips. Under Alternative 2, the project would generate 1,696 actual vehicle trips per day, with 99 AM peak-hour trips and 115 PM peak-hour trips. Therefore, Alternative 2 would result in an increased trip generation. This alternative would fail to reduce the impacts of the proposed project. Additionally, the Cold Storage Alternative would result in the use of Transport Refrigeration Units (TRUs) that would generate emissions that would be greater than the proposed project because the proposed project would not include the use of TRUs. Similar to the proposed project, impacts would be significant and unavoidable; however, the level of impacts would be greater under Alternative 2.

Section 7.2.6: Hazards and Hazardous Materials

Page 7-9, Question (c)

The following change corrects an error in the distance between the project and the nearest school.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is not located within 0.25 mile of an existing or proposed school. The nearest schools are Grand Terrace Elementary School, which is located 2,045 feet (0.39 mile) northeast of the project site, and Grand Terrace High School, which is ~~2,208 feet (0.42 mile)~~ 1,429.54 (0.27 mile) south of the project site. This precludes the possibility of emitting a hazardous material, substances, or waste within 0.25 mile of an existing or proposed school.

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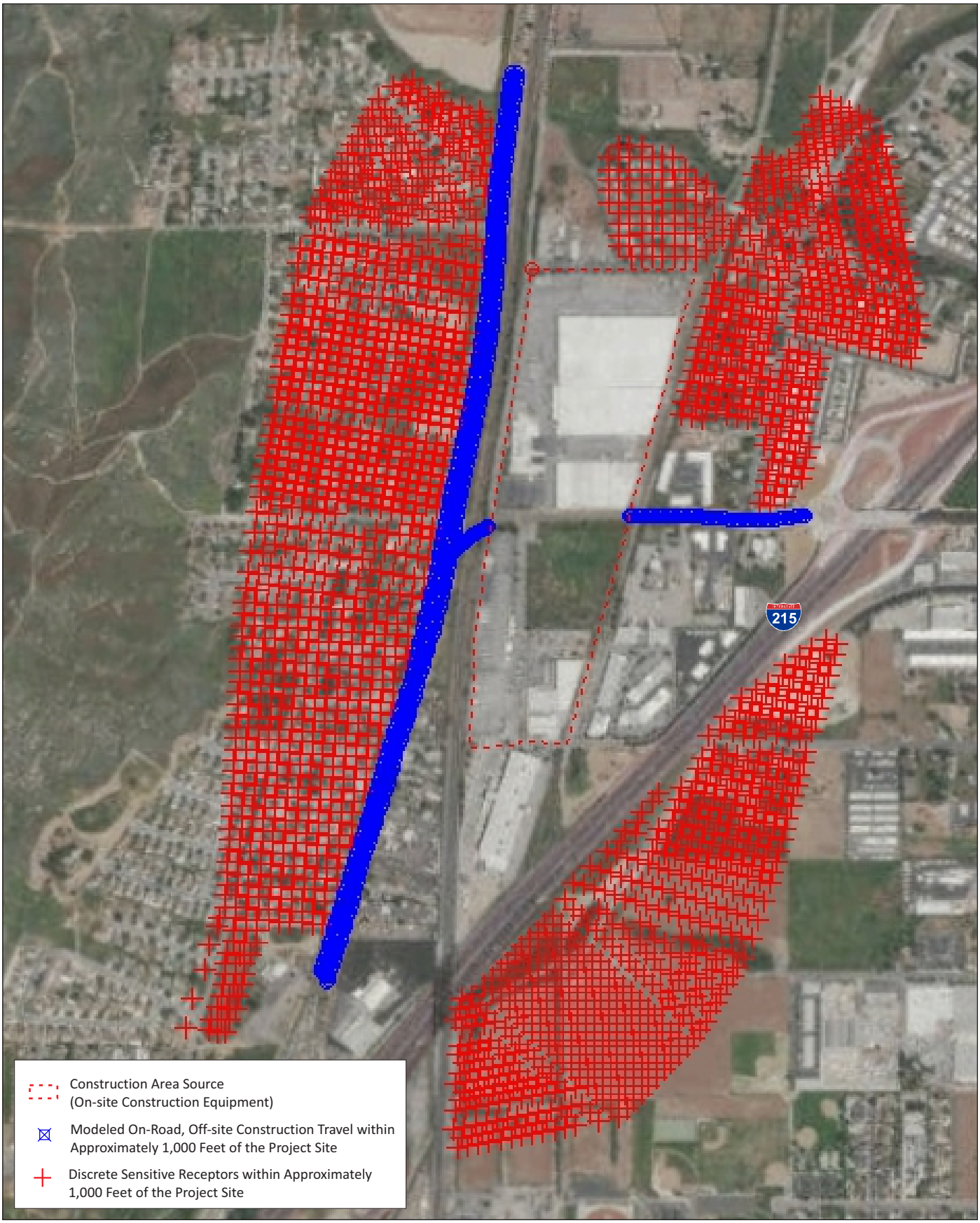

Exhibit 3.2-1
Project Construction Health Risk
Assessment Dispersion Modeling Parameters

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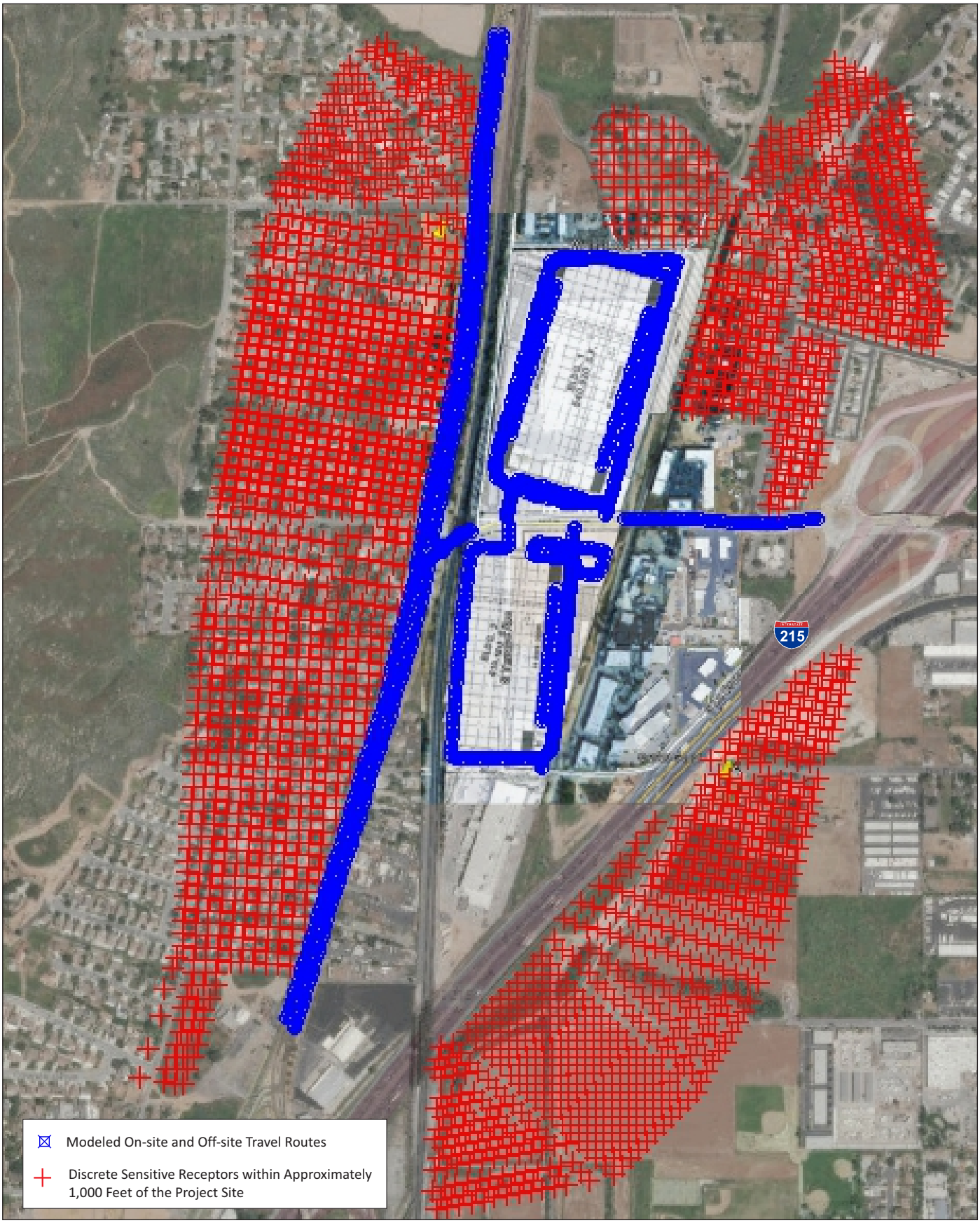

Exhibit 3.2-2
Project Operations Health Risk Assessment Dispersion Modeling Parameters

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