

February 19, 2020  
*Updated March 10, 2020*

Responses to Comments from SCAQMD, Attorney General, CDFW and Blum Collins LP Letters on  
Latitude Business Park Mitigated Negative Declaration

The following comments are responses to the comments received by the city for the Latitude Business Park MND. The California Environmental Quality Act (CEQA) does not require the city to respond in writing to comments submitted on an MND during public review. However, the comments must be considered by the city before approving a project. The city in this case is providing written responses as a way of answering questions for the public, the Planning and Housing Commission and City Council.

To provide clarification on why an MND was prepared for the Latitude Business Park, as opposed to an Environmental Impact Report (EIR), the following summarizes the types of environmental documents that are allowed by CEQA.

Per CEQA Guidelines §15063, the city prepared an initial study to determine if the project may have significant effect on the environment. The information provide in the initial study summarizes technical studies prepared for the project. This data is used to demonstrate if the project would operate within an adopted threshold of significant. If the results of the initial study show that a project is non-compliant with a threshold of significant and would result in a significant effect on the environment even with the implementation of mitigation, then an EIR shall be prepared (CEQA §15064).

However, CEQA §15064(f) goes on to say the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared (CEQA §15064(f)(2)).

CEQA also clearly states what is not considered substantial evidence in determining whether an EIR shall be prepared. CEQA §§15064(f)(4) and 15064(f)(5) state:

*“(4) The existence of public controversy over the environment effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment”.*

*“(5) Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”.*

Based on the data provided in the technical studies prepared for the project, the initial study demonstrates that the project may have potentially significant effects, but these significant effects are capable of being mitigated to a point where clearly no significant effects would occur; and there is no substantial evidence, in light of the whole record before the city, that the project may have a significant effect on the environment (CEQA §15070(b)). Therefore, the city prepared a Mitigated Negative Declaration.

South Coast AQMD Letter dated February 7, 2020

Comment	Response
<p>1. Localized Significance Thresholds (LST) Analysis for CO and PM2.5: The Lead Agency performed air dispersion modeling to analyze the Proposed Project’s localized construction air quality impacts for NOx and PM10 and compared those with the most stringent air quality standards to determine the level of significance<sup>13</sup>. However, the Lead Agency did not analyze the localized air quality impacts for CO or PM2.5 in the MND. South Coast AQMD staff recommended that the Lead Agency analyze the Proposed Project’s localized air quality impacts from construction activities for CO and PM2.5 and compare those emissions to the most stringer air quality standards, or provide reasons.</p>	<p>1. PM 10 and PM 2.5 have a threshold of 10.4 µg/m<sup>3</sup>. The project emissions for PM 10 were found to generate emissions less than 10.4 µg/m<sup>3</sup>. Given that project PM 10 emission are higher than project PM 2.5 emission, the LST impacts from PM 2.5 would also be less than 10.4 µg/m<sup>3</sup>. LSTs for CO were not calculated because ambient air quality data for CO is no longer monitored within the County of Riverside or at least the data isn’t readily available.</p> <p>CO concentrations in the SCAB have decreased markedly — a total decrease of more about 80 percent in the peak 8-hour concentration since 1986 (See Table 1 on page 7). It should be noted 2012 is the most recent year where 8-hour CO averages and related statistics are available in the SCAB. The number of exceedance days has also declined. The entire SCAB is now designated as attainment for both the state and national CO standards. Ongoing reductions from motor vehicle control programs should continue the downward trend in ambient CO concentrations.</p>
<p>2. Cold Storage Facilities: Based on reviews of the MND and the Air Quality Assessment, South Coast AQMD staff found that the “unrefrigerated warehouse-no rail” land use category was selected in CalEEMod to quantify emissions. Since one of the uses for the Proposed Project is cold storage facilities, it is reasonably foreseeable that transport refrigeration units (TRUs) may be used at the Proposed Project. To conservatively analyze a worst-case impact scenario from the use of TRUs during operation, the Lead Agency should calculate the Proposed Project’s emissions from TRUs that will visit the Proposed Project or provide justification for not including the calculation in the Find MND.</p>	<p>2. The project would not include cold storage therefore emissions from Transport Refrigeration Units was not analyzed. Additionally, as a condition of approval for the project for Precise Plan 2019-0001 (PP2019-0001), <i>the city will not issue a building permit for the project until an amendment to the El Cerrito Specific Plan is approved to prohibit cold storage warehouse uses in Planning Areas 1 and 2 (Light Industry). If, in the future, an owner of property within PA1 or PA2 desires to have cold storage warehouse uses permitted as an allowed use in PA 1 and PA 2, an amendment to the specific plan would be required along with any additional analysis that may be required under the California Environmental Quality Act.</i></p> <p>The specific plan amendment would be processed by the city after approval of the project and prior to the issuance of a building permit.</p>

<p>3. Project Trip Generation Forecast: The MND and technical appendices included two project trip generation forecast numbers. South Coast AQMD staff recommends that the Lead Agency clarify which project trip generation forecast was used to quantify the Proposed Project’s emissions from mobile sources and revise the air quality analysis based on one project trip generation forecast.</p>	<p>3. The CalEEMod was updated to reflect the Supplement Traffic Analysis dated November 29, 2019 and the land uses shown in the Updated Project Trip Generation Forecast provided in Table A of Supplemental TIA. The Supplemental TIA was used in the MND. The trip generation in the Supplemental TIA is lower than the initial TIA dated September 23, 2019. The updated CalEEMod dated February 13, 2020 is available at <a href="https://www.coronaca.gov/government/departments-divisions/building/projects">https://www.coronaca.gov/government/departments-divisions/building/projects</a></p>
<p>4. Air Quality Impact Analysis – Vehicle Miles Traveled: The Lead Agency used a trip length of 9.37 miles to quantify the Proposed Project’s operational emissions from mobile sources, but did not discuss how this trip length was calculated in the MND. South Coast AQMD staff recommends that the Lead Agency provide additional information in the Final MND as substantial evidence to support the use of 9.37 miles.</p>	<p>4. The CalEEMod was updated to reflect the yearly VMT. Because the project was reduced from 1,124,294 square feet to 1,074,771 square feet and resulted in a redistribution of industrial park, manufacturing and warehouse uses in the Supplemental TIA dated November 29, 2019, the VMT was reduced. The VMT went from 14,076,400 to 10,802,025. The updated model used the 10.8M VMT assumption. The model was adjusted so that all emissions would occur during the weekdays only which pushed the miles per trip to 19.02 miles. This discussion is on page 14 of the final MND.</p> <p>With the updated VMT, the project is still within allowable thresholds established by AQMD. The updated tables are shown as Tables 5-5 and 5-7 in the final MND and can be verified by the updated CalEEMod dated February 13, 2020.</p>
<p>5. Fleet Mix: The Lead Agency prepared a traffic impact analysis to identify the fleet mix specific for the Proposed Project. However, based on reviews of the Air Quality Assessment technical appendix, South Coast AQMD staff found that the Lead Agency used the default fleet mix in CalEEMod, which is different from the project-specific fleet mix. South Coast AQMD staff recommends that the Lead Agency re-calculate the Proposed Project’s emissions by using project-specific fleet mix in the Final MND. If it is more appropriate to use the default fleet mix to quantify the Proposed Project’s emissions than project-specific fleet mix from the traffic impact analysis, the Lead Agency should include an explanation in the Final MND.</p>	<p>5. The fleet traffic percentages were updated in the CalEEMod dated February 13, 2020, to reflect the project’s trucks which would be 80 - two axel, 72 - three axel and 153 – four axel daily trucks. This discussion is on page 13 of the final MND. The revised emissions were found to only slightly increase and would remain less than significant.</p> <p>The updated tables are shown as Tables 5-5 and 5-7 in the final MND and verified by the updated CalEEMod dated February 13, 2020.</p>

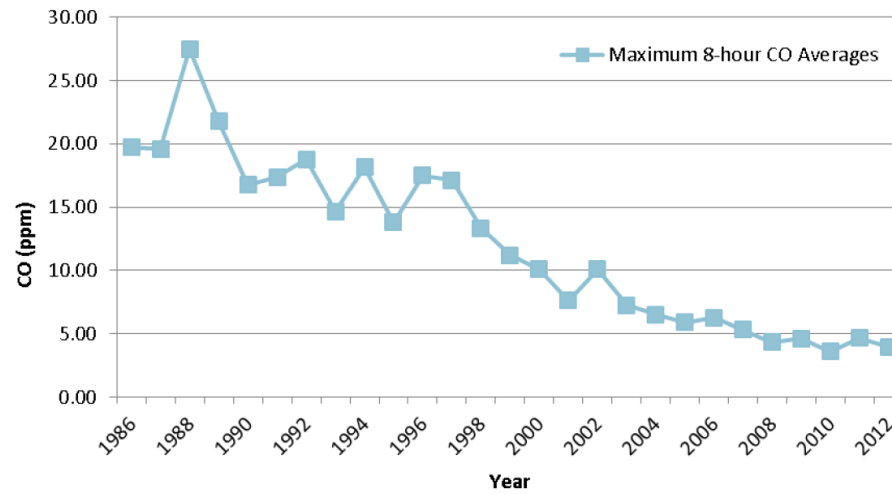
<p>6. Health Risk Assessment Analysis during Operation: Operation of the Proposed Project generates and attracts heavy-duty, diesel-fueled trucks. Although the Lead Agency prepared a construction HRA analysis to analyze health risk impacts to nearby residents from construction activities, health risks to residents during the operational phase were not analyzed and should be included in the Final MND.</p>	<p>6. An operational health risk assessment was done and included in the final MND. The operational cancer risk would not exceed 3 per one million persons exposed over a 70-year period. The project does not increase cancer risks in excess of 10 in one million exposed and is therefore less than significant. Additionally, the applicant is required to provide signage that would direct trucks to use Cajalco Road as opposed to using Temescal Canyon Road (north) when exiting the project site. Therefore, truck traffic is being directed away from the residential properties. Furthermore, it should be noted that diesel engines are continuously changing and exhaust systems are better at capturing diesel particulates.</p>
<p>7. Guidance Regarding Warehouses Sited Near Sensitive Receptors: South Coast AQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. For warehouses that accommodate more than 100 trucks per day, or more than 40 trucks with operating TRUs per day, California Air Resources Board (CARB) recommends a 1,000-foot separation between sensitive land uses (e.g., residential uses) and the operating warehouse. Therefore, South Coast AQMD staff recommends that the Lead Agency review and consider the guidance when making local planning and land use decisions.</p>	<p>7. Comment noted. The city annexed the property from the unincorporated area of Riverside County in 2001. The project was zoned light industrial in the county and the city maintained the light industrial zone on the property. As indicated in the initial study, the project site was historically used for the mining of sand. Therefore, industrial type operations have occurred on the project site for decades. The project is being developed in accordance with the site's light industrial zoning and Light Industrial General Plan designation.</p>
<p>8. Additional Recommended Mitigation Measures: In the MND, the Lead Agency provided information about nearby electric vehicle (EV) charging stations that could be used by employees during operation. The Lead Agency should require EV charging stations be provided on the Proposed Project site, or at a minimum, require appropriate infrastructure to facilitate sufficient EV charging stations. Additionally, to further reduce the Proposed Project's construction and long-term emissions, South Coast AQMD staff recommends a list of new mitigation measures that the Lead Agency should review and incorporate in the Final MND.</p>	<p>8. New construction projects are required to comply with the California Green Building Standards Code (2019). In this particular case, the project at a minimum is required to comply with the nonresidential mandatory measures for bicycle parking, designated parking for clean air vehicles and electric vehicle charging stations. The number of EV charging stations for a project is determined by Table 5.106.5.3.3 of the California Code of Regulations, Title 24, Part 11. Based on this table, the project would be required to provide EV charging stations at six percent of the total number of actual parking spaces. Compliance with the California Green Building Standards Code is checked by city staff during the plan</p>

	<p>check process and prior to the issuance of a building permit. This language was added in the final MND in the Energy discussion.</p>
<p>9. South Coast AQMD Rule 403(e), Permit, and Responsible Agency: Since the Proposed Project is greater than 50 acres, it is subject to specific requirements under South Coast AQMD Rule 403(e) and should be discussed in the Final MND. Additional information on South Coast AQMD permits is included as resources to the Lead Agency.</p>	<p>9. The final MND includes discussion regarding Rule 403(e) and mitigation to ensure compliance. For example:</p> <p>The project shall implement methods to reduce particulate emission from paved and unpaved roads, parking lots, and road and building construction, as required by the Southern California Air Quality Management District. These methods include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Maintaining construction equipment engines in good condition and in proper tune per manufacturer’s specification for the duration of construction.</li> <li>• Turning off construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than five minutes.</li> <li>• Encourage contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low emission diesel construction equipment to the extent that the equipment is readily available and cost effective.</li> <li>• Using the electricity infrastructure surrounding construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.</li> <li>• Implement dust control measures consistent with South Coast Air Quality Management District Rule 403—Fugitive Dust during the construction phases of new project development.</li> <li>• Applying water and/or approved nontoxic chemical soil stabilizers according to manufacturer’s specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).</li> <li>• Replacing ground cover in disturbed areas as quickly as possible.</li> <li>• Enclosing, covering, watering twice daily, or applying approved chemical soil binders to exposed piles with 5 percent or greater silt content.</li> </ul>

- Watering active grading sites at least twice daily.
- Suspending all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
- Covering or maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code, in all trucks hauling dirt, sand, soil, or other loose materials.
- Sweeping streets adjacent to construction sites at the end of the day.
- Installing wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Applying water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Posting and enforcing traffic speed limits of 15 miles per hour or less on all unpaved roads.

The above methods shall be noted on the project's approved grading plans, and the developer shall provide the city's public works inspector a construction maintenance plan based on the methods described above at the time of the project's pre-construction meeting between the city and developer.

**Table 1: SCAB 24-Hour Average Concentration CO Trend**



Source: CARB

The most recent year where 8-hour concentration data is available is 2012.

Department of Justice/Attorney General Letter dated February 7, 2020

Comment	Response
<p>1.</p> <p>The Project is located at the northwest corner of Tom Barns Street and Temescal Canyon Road, at the intersection of a large residential area in Southeastern Corona and the unincorporated community of El Cerrito. There are single-family homes immediately across Liberty Avenue along the northern border of the Project and a sprawling neighborhood on the other side of Interstate 15 to the west. According to 2013 – 2017 data from the American Community Survey, there are at least 775 people living within 1,000 feet of the Project, 55 percent of whom are people of color. There are also sensitive receptors near the Project, including the El Cerrito Outdoor Sports Park 0.3 mile to the north, the El Cerrito Middle School 0.4 mile to the north, and the Gumdrop Kids Daycare 0.9 mile to the southwest. All of these community residents will be exposed to the Project’s environmental impacts.</p> <p>The neighborhoods surrounding the Project already face disproportionately high levels of pollution. According to CalEnviroScreen 3.0, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the Project’s census tract has more pollution than 88 percent of census tracts in California. The census tracts to the north and east of the Project have even greater pollution burdens. Most of the pollution problems in the Project’s census tract and the surrounding area are attributable to serious air quality issues in the community—the tracts are in the 93rd – 94th percentile for PM2.5 and the 85th – 91st percentile for ozone.</p> <p>The air pollution in Corona and surrounding areas grows dramatically each year due to the rapid expansion of the logistics industry in the Inland Empire. Over just the past decade, more than 150 million square feet of industrial spaces, which includes mostly warehouses, have been built in this region. These warehouses, and the dozens of approved warehouses that are still under construction, attract diesel trucks and the accompanying air pollution into residential neighborhoods. As a result, the South Coast Air Basin, which contains the Inland Empire and the</p>	<p>1.</p> <p>The AG’s comment conclusively (and improperly) presumes that the Project will exacerbate and increase air quality impacts to residents in and around the Project site without reference to, or any acknowledgment of, the actual air quality analysis set forth in the IS/MND or the associated mitigation measures to be implemented as part of the Project that are designed to mitigate, reduce and/or eliminate environmental impacts. Regarding the comment that a community of color may be disproportionately impacted by the Project, CEQA does not require an evaluation of environmental justice impacts that are not associated with physical environmental impacts. Rather, CEQA requires EIRs to analyze physical changes to the environment. (CEQA Guidelines, § 15131, subd. (a).) Economic and social effects in themselves do not constitute significant effects on the environment under CEQA.</p> <p>The IS/MND fully analyzed the Project’s physical impacts on the environment, including health risk impacts. <i>All</i> projects, to some extent, exacerbate and increase air quality impacts to residents, given that most project’s add mobile source emissions to the environmental baseline.</p> <p>Additionally, the initial air quality assessment dated June 24, 2019, used a total project square footage of 1,124,294 square feet. The CalEEMod output sheets showed 519,665 square feet of warehouse, 456,629 square feet of industrial and 148,000 square feet of office. The project information used in the air quality analysis was taken from the project’s traffic analysis dated June 12, 2019. The CalEEMod results were summarized and provided in the IS/MND which showed the project’s construction and operation within AQMD thresholds.</p> <p>The project was later revised to a smaller square footage totaling 1,074,771 square feet. The revised square footage was demonstrated in the project’s Supplemental Traffic Impact Analysis dated November 20, 2019. This resulted in a redistribution of the industrial park, manufacturing and warehouse square footages. The square footage</p>



<p>Project site, is designated as a non-attainment area for ozone and PM2.5 by the EPA and as a non-attainment area for ozone, PM10, and PM2.5 by CARB. The Project will add even more air pollution to this highly burdened area.</p>	<p>breakdown in the Supplemental TIA was 174,055 square feet of industrial park, 205,767 of light industrial, 159,744 of manufacturing and 535,205 square feet of warehouse. This information is reflected in the Air Quality discussion in the final MND (Table 5-3, 5-5 and 5-7). The CalEEMod (February 13, 2020) was updated to reflect the above square footages and additionally included the parking lot covering 2,247 parking spaces. The revised air quality analysis continued to show the project within the emission thresholds established by AQMD. The updated CalEEMod is available at <a href="https://www.coronaca.gov/government/departments-divisions/building/projects">https://www.coronaca.gov/government/departments-divisions/building/projects</a></p> <p>The project continues to have a less than significant impact in air quality emissions.</p>
<p>2. The project description in insufficient. The CEQA Guidelines require an initial study to describe the project. Project descriptions should contain all details that are essential components of a project since an “accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” In this case, the MND’s project description does not adequately describe the Project because it omits key details that are essential for accurately assessing the Project’s environmental impacts.</p> <p>First, even though the Traffic Impact Analysis for the Project states that the Project will include a “high-cube warehouse use area,” the MND’s project description does not describe the Project’s warehouse facilities with any specificity, including how much square footage can accommodate high-cube warehouse activities or which types of activities will occur in the Project’s warehouses. These details are important since high-cube warehouses generate significantly more truck traffic, noise, and air quality impacts than other types of warehouses, and the scope of impacts vary depending on the type of operations that occur at the warehouses. According to the Institute of Transportation Engineers, a high-cube warehouse typically has at least 200,000 square feet of floor space and can serve as a fulfillment center,</p>	<p>2. The IS/MND contains adequate project information. The AG’s comment that the project description contained in the IS/MND omits several key details and was therefore prepared in violation of CEQA fails to account for the CEQA Guidelines, which specifically describe the required contents of an Initial Study/Mitigated Negative Declaration. CEQA Guidelines section 15063 (d) states that an Initial Study/Mitigated Negative Declaration shall contain in brief form:</p> <ol style="list-style-type: none"> <li>(1) A description of the project, including the location of the project;</li> <li>(2) An identification of the environmental setting;</li> <li>(3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries are briefly explained to show the evidence supporting the entries. The brief explanation may be through either a narrative or a reference to other information such as attached maps, photographs, or an earlier EIR or Negative Declaration or Mitigated Negative Declaration. A reference to another document should include a citation to the page or pages where the information is found;</li> <li>(4) A discussion of ways to mitigate any significant effects identified;</li> <li>(5) An examination of whether the project is consistent with existing zoning and local land use plans and other applicable land use controls;</li> <li>(6) The name of the person or persons who prepared or participated in the Initial Study.</li> </ol>

parcel hub, cold storage facility, transload facility, or a short-term storage building. Since the Project includes at least two large buildings that could be used as high-cube warehouses, the project description should clearly state whether these buildings, or any other buildings at the Project, will be equipped as high-cube warehouses, how much space will be used for high-cube warehouse activities, and the types of operations that will occur in these areas.

Second, the Project's Noise Study briefly states that trucks utilizing the Project's parking spaces and loading docks will "consist of regular trucks and refrigerated trucks," but the MND fails to include any discussion of whether the Project will have cold storage facilities.<sup>11</sup> If the Project's buildings have cold storage, the Project's environmental impacts could be dramatically greater since refrigerated trucks produce substantially more air pollution and greenhouse gas emissions than trucks that visit standard storage facilities. As explained by CARB: Transport Refrigeration Units (TRUs) are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including semi-trailers, truck vans, shipping containers, and rail cars. Although TRU engines are relatively small, ranging from 9 to 36 horsepower, significant numbers of these engines congregate at distribution centers, truck stops, and other facilities, resulting in the potential for health risks to those that live and work nearby. This critical detail should be disclosed in the MND.

Third, the MND's project description fails to describe how many parking spaces will be provided for vehicles other than trucks. This is an important aspect of the Project considering its large size, and is information that is necessary to accurately assess traffic, noise, and air quality impacts. Without this information, there is no way to correctly determine how many passenger cars will visit the Project site, which is critical to accurately assessing the Project's environmental impacts. Therefore, the project description should fully disclose the planned parking spaces for the Project.

The Latitude Business Park IS/MND provides the above information in brief form as required by CEQA Guidelines § 15063 (d). The Project information provided in the IS/MND describes the scope of the Project, the total square footage of the buildings planned on the site, and a clear indication of how much building square footage will be used for manufacturing and warehouse. This information is more than adequate and provides the reader an understanding of the Project being discussed in the IS/MND. Additionally, the technical studies were also cited throughout the document based on the Project. The technical studies were made available to the public on the City's website and were placed in the same location where the IS/MND was made available. Therefore, the public has access to the information being referenced in the IS/MND and there is no grounds for finding the IS/MND's Project Description insufficient or inadequate in any way.

The project site is a vacant former surface mine that produced sand until it closed in 1997. The project site is located in the El Cerrito Specific Plan, which designates the site as LI (Light Industrial). The property is also within the City's light industrial General Plan designation. The proposed site plan arranges 15 buildings, ranging in size from 18,234 to 253,799 square feet, on the site. The project description also mentions the amount of building square footage for industrial park, light industrial and warehouse. Many of the uses that the AG's office and others request analysis of are not proposed. Under the AG's theory, a residential developer proposing a medium-density development would need to analyze a high-density development even if not proposed.

Also, as a condition of approval for the project for Precise Plan 2019-0001 (PP2019-0001) *the city will not issue a building permit for the project until an amendment to the El Cerrito Specific Plan is approved to prohibit cold storage warehouse uses in Planning Areas 1 and 2 (Light Industry). If, in the future, an owner of property within PA1 or PA2 desires to have cold storage warehouse uses permitted as an allowed use in PA 1 and PA 2, an amendment to the specific plan would be required*

	<i>along with any additional analysis that may be required under the California Environmental Quality Act.</i>
<p>3. The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project’s significant environmental effects. To comply with CEQA, a lead agency must make “a reasoned and good faith effort to inform decision makers and the public” about a project’s potential impacts. If a lead agency fails to analyze a certain aspect of a project’s potential environmental impact, a court may conclude that the limited facts in the record support a fair argument that the project may have a significant environmental impact. CEQA’s requirements for full disclosure are not satisfied if an environmental impacts analysis uses outdated models and inaccurate information, as the Project’s Air Quality Assessment did here.</p> <p>First, the MND’s Air Quality Assessment uses CARB’s outdated 2014 Emission Factors Model (EMFAC2014) to calculate air emissions from mobile sources instead of the current model (EMFAC2017). This difference is significant since EMFAC2017 uses the latest scientific data available to evaluate environmental impacts. For example, the new model includes higher NOx emissions, PM emissions, and idling emissions rate for heavy-duty trucks. Considering the serious air quality problems already present in the communities surrounding the Project, it is essential for the MND to provide accurate estimates of how the Project will contribute to air pollution. Corona should use the current EMFAC2017 model to assess the Project’s mobile source emissions.</p>	<p>3. The AQ’s letter incorrectly suggests that the Air Quality analysis uses outdated models. The report was written in June of 2019 and used the latest model at that time. The recommended and approved air quality model is CalEEMod 2016.3.2. and has EMFAC 2014 built into it. At the time of the report being prepared, EMFAC 2014 was the approved model. The EMFAC 2017 was adopted a few months after the report was written but this model still hasn’t been incorporated into CalEEMod 2016.3.2. CalEEMod 2016.3.2 is expected to be updated in the future but the exact date has not been disclosed by SCAQMD. Also, the comment letter provided by SCAQMD did not indicate that the city used an outdated CalEEMod for the project. Therefore, the modeling used for this project is still sufficient for the city to use for CEQA.</p>
<p>4. In addition, the Air Quality Assessment uses only three land use designations to analyze emissions—office park, industrial park, and unrefrigerated warehouse—even though the MND states the Project will host additional land uses that typically have serious</p>	<p>4. The initial air quality assessment dated June 24, 2019, used a total project square footage of 1,124,294 square feet. The CalEEMod output sheets showed 519,665 square feet of warehouse (unrefrigerated space), 456,629 square feet of industrial and 148,000 square feet of office. The</p>

<p>environmental impacts. As previously discussed, the MND’s Traffic Impact Analysis states that the Project will include a high-cube warehouse area, but the Air Quality Assessment fails to analyze the environmental impacts from this particular land use type. Similarly, the MND’s Noise Study indicates that refrigerated trucks will visit the Project, but the Air Quality Assessment fails to analyze the impacts from using the Project for cold storage or the associated refrigerated trucks that will visit the Project. The MND also claims that the Project will include 159,744 square feet of manufacturing activities, but this land use is similarly ignored in the Air Quality Assessment. Corona should revise its Air Quality Assessment to include an accurate and complete assessment of emissions from all of the Project’s operations.</p>	<p>project information used in the air quality analysis was taken from the project’s traffic analysis dated June 12, 2019. The CalEEMod analysis utilized the Industrial Park land use which is a more conservative options since energy usage in an industrial park is higher than manufacturing, and water and solid waste is the same intensity with respect to water and solid waste usage. Therefore, the analysis would adequately represent the proposed project. Data verification for each use can be identified within Appendix D of the CalEEMod User Guide provided by South Coast, comparing manufacturing with industrial park. <a href="http://www.aqmd.gov/caleemod/user-s-guide">http://www.aqmd.gov/caleemod/user-s-guide</a>. Therefore, the CalEEMod results summarized and provided in the IS/MND showed the project’s construction and operation within AQMD thresholds.</p> <p>The project was later revised to a smaller square footage totaling 1,074,771 square feet. The revised square footage was demonstrated in the project’s Supplemental Traffic Impact Analysis dated November 20, 2019. This resulted in a redistribution of the industrial park, manufacturing and warehouse square footages. The square footage breakdown in the Supplemental TIA was 174,055 square feet of industrial park, 205,767 of light industrial, 159,744 of manufacturing and 535,205 square feet of warehouse. The CalEEMod (February 13, 2020) was updated to reflect the above square footages and additionally included the parking lot covering 2,247 parking spaces. The revised air quality analysis continued to show the project within the emission thresholds established by AQMD. A summary of the results is provided in Tables 5-5 and 5-7 in the final MND and verified by the updated CalEEMod.</p> <p>The project continues to have a less than significant impact in air quality emissions.</p>
<p>5. Further, to estimate emissions from mobile sources, the Air Quality Assessment applies the same length of vehicle miles traveled for each analyzed land use type—only 9.37 miles. It is unclear what this mileage is based on, since it is unlikely that vehicles visiting the</p>	<p>5. The CalEEMod file was updated to reflect the yearly VMT. Because the project was reduced from 1,124,294 square feet to 1,074,771 square feet and resulted in a redistribution of industrial park, manufacturing and warehouse uses in the Supplemental TIA dated November 29, 2019, the</p>

Project's very different land uses—warehouses, manufacturing buildings, industrial facilities, and offices—will all travel this identical and relatively short distance. The Project includes industrial, warehouse, and manufacturing uses, where heavy-duty trucks will be hauling consumer goods from the Project site to destinations all over California and potentially out of the State. Most of these destinations are much farther than 9.37 miles from the Project, including the Port of Long Beach (approximately 35 miles to the west) and the San Bernardino International Airport (approximately 25 miles to the northeast). Considering the distances frequently traveled by trucks serving the logistics industry, the South Coast Air Quality Management District (SCAQMD) recommends that lead agencies use a default truck trip length of 40 miles one-way for air quality assessments. Some lead agencies calculate the appropriate truck trip length by averaging the distances between a project and the edge of the air basin in several directions. Even the California Emissions Estimator Model's (CalEEMod) default trip length for passenger cars is higher than the trip length for the Project—16.6 miles each way, although the SCAQMD often states in its comment letters that this length is not appropriate for industrial and warehouse projects. Regardless of which method is chosen, the MND should calculate vehicle trip lengths based on the actual likely destinations of trucks and passenger cars visiting the Project and explain the basis for the chosen trip lengths. In its current form, the MND's Air Quality Assessment is defective since it relies on a single, arbitrary trip length to analyze the Project's impacts.

Finally, the Air Quality Assessment applies the same vehicle fleet mixture for each land use despite the vast differences between these uses. The most recent version of CalEEMod includes default vehicle fleet mixes that can be modified by the user since it is commonly understood that different types of land uses attract different types of vehicles at different rates.

VMT was reduced. The VMT went from 14,076,400 to 10,802,025. The updated model used the 10.8M VMT assumption. The model was adjusted so that all emissions would occur during the weekdays only which pushed the miles per trip to 19.02 miles. This discussion is on pages 13 and 14 of the final MND.

With the updated VMT, the project is still within allowable thresholds established by AQMD. The updated tables are shown in Tables 5-5 and 5-7 in final MND and are verified by the updated CalEEMod dated February 13, 2020. The project continues to have a less than significant impact in air quality emissions. This latest information will be updated in the Final MND.

<p>In particular, projects that contain warehouses tend to have far more trucks visiting their facilities than other land uses, so the SCAQMD recommends that lead agencies assume that 40 percent of vehicle trips from warehouses are from trucks. Thus, Corona’s failure to analyze the emissions from the mix of vehicles that will visit the Project likely underestimates the emissions the Project will generate and renders the MND flawed.</p>	
<p>6. The MND fails to include an analysis of cumulative air quality impacts. The CEQA Guidelines mandate all assessments of environmental impacts to include an analysis of cumulative impacts that “take[s] account of the whole action involved.” A proper cumulative impacts analysis considers the incremental impact of a project combined with the impacts of past, present, and reasonably foreseeable future projects. The analysis of a project’s own impacts is an inquiry that is distinct from considering the project’s cumulative impacts. If an initial study finds no significant cumulative impact, it must “[e]xplain[] the reasons for determining that potentially significant effects would not be significant.”</p> <p>In this case, the MND fails to include any discussion of cumulative air quality impacts, and the MND’s Air Quality Assessment assumes the Project will have no cumulative impacts since it did not find any significant air quality impacts from the Project itself. This conclusory assertion ignores CEQA’s requirements for cumulative impacts assessments. Further, given the Project’s location in a community that already suffers from serious air pollution concerns, it is essential that the MND includes a proper cumulative impacts analysis. Even if the Project’s air quality impacts may not be significant in isolation, they become more concerning when combined with the pollution produced by other nearby warehouses and industrial sites. This failure to analyze cumulative impacts renders the MND inadequate and unlawful.</p>	<p>6. CEQA Guidelines § 15064(h)(3) states a lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program (<i>example: water quality control plan, air quality plan, integrated waste management plan</i>). As identified in the IS/MND and in the updated CalEEMod dated February 13, 2020, the project’s emissions would be less than SCAQMD’s CEQA significance thresholds. Also, the project was required to use Tier 4 diesel construction equipment during construction. In response to the comments from SCAQMD, the Final MND will also provide additional discussion on the project’s compliance with Rule 403(e). Those recommendations are in SCAQMD response 9. Therefore, the project’s contribution to cumulative impacts would be less than significant.</p>

7. The MND fails to analyze the project’s consistency with Corona’s General Plan. The CEQA Guidelines require an initial study to examine whether a project “would be consistent with existing zoning, plans, and other applicable land use controls. Despite this requirement, the MND quickly concludes that the Project does not conflict with Corona’s General Plan since the Project site does not have to be rezoned from light industrial use. The MND does not analyze whether the Project will conflict with any policies in Corona’s General Plan, including several policies that will apply to the Project:

Policy 1.8.12: Requires “nonresidential uses be located and designed to maintain the quality and character of the neighborhood and prevent traffic, noise, odor, lighting, and other adverse impacts on adjoining housing units”;

Policy 1.12.8: Requires new industrial properties to “be compatible with adjoining uses in consideration of the following principles: ... Location of driveways to minimize conflicts with adjoining uses,” and “[m]itigation of noise, odor, lighting”;

Policy 1.12.11: Requires “heavy truck and vehicle access in industrial areas be managed to ensure that it is safe and efficient and minimizes noise, odor, vibration, and safety impacts on adjoining uses.”

Corona also has new proposed policies in its Draft 2040 General Plan Update that, if adopted, will apply to the Project. Pursuant to SB 1000’s requirements, the General Plan Update includes several policies designed to reduce impacts in environmental justice communities:

Policy HC-2.1: Requires proposals for new industrial uses to “incorporate the adequate use of setbacks, barriers, landscaping, or other design measures as necessary to minimize air quality impacts and achieve appropriate health standards”;

7. The AG states the IS/MND fails to adequately analyze the Project’s consistency with certain adopted and un-adopted policies of the General Plan. “State law does not require perfect conformity between a proposed project and the applicable general plan” because “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) “A project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238, citing *Sequoiah Hills Homeowners Ass’n v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) To be consistent, a project must simply be “compatible” with the objectives, policies, general land uses and programs specified. (*Sequoiah Hills, supra*, 23 Cal.App.4th at pp. 717–718; *Families Unafraid to Uphold Rural etc. v. County v. Board of Supervisors* (“FUTURE”) (1998) 62 Cal.App.4th 1332, 1336.)

The IS/MND clearly indicated the project site is zoned and has a General Plan designation of Light Industrial, which was established in city’s 2004 General Plan Update. Additionally, the transportation/traffic discussion (item f) in the IS/MND indicates that all project traffic and access will come from Tom Barnes Road and not from the streets (Liberty/La Gloria Avenue) shared with the residential properties to the north. The aesthetics discussion in the IS/MND also describes the grade difference between the project site and the adjacent residents to the north with the project site being an average of 47 feet lower. Cross sections were also provided showing the extensive landscape buffer between the project site and the residents as well as a conceptual landscape plan. Furthermore, a condition of approval was added to the project that prohibits trucks exiting the project site from going northbound on Temescal Canyon Road. The developer is required to provided signage that prohibits trucks for turning left on Tom Barnes Road to Temescal Canyon Road and is also required to provide this restriction in the project’s CC&Rs. This discussion further proves the project’s compliance with certain General Plan policies including draft General Plan policies HC-2.1 and HC-2.2,

<p>Policy HC-2.2: “Designate and maintain truck routes that ... avoid[] residential areas, schools, or other sensitive land uses so as to minimize exposure to the noise, air pollution, and vibration associated with trucks.”</p> <p>Since the MND fails to discuss the Project’s consistency with the policies contained in Corona’s General Plan, the MND’s assessment of land use impacts is flawed.</p>	<p>which have not yet been adopted as part of the city’s General Plan Update (2040).</p> <p>As set forth in the findings of project approval prepared in the staff report for the project (PP2019-0001), the Project is consistent with and will further the Light Industrial land use designation of the General Plan because this land use is intended to accommodate uses similar to those proposed for the Project, including low polluting types of manufacturing operations, research and development, e-commerce, wholesale activities, distribution facilities, and campus-style industrial and business parks. Further, findings are included showing the Project’s consistency with General Plan Policy Nos. 1.4.3, 1.12.1, 1.12.3, 1.12.6, 1.12.8, 1.12.11, 10.3.2, 10.4.4, 10.5.1, and 10.5.3. There is no requirement that the Project analyze or ensure compatibility with the Policies outlined in the AG’s February 7, 2020, letter, including those policies that are yet to be adopted or implemented by the City as part of its 2040 General Plan Update.</p>
<p>8.</p> <p>CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project.<sup>35</sup> An MND’s mitigation measures must be specific, binding, and enforceable through permit conditions, agreements, or other legally binding instruments. In this case, the Project’s MND lists potential significant impacts to air quality, noise, geology, transportation/traffic, and biological resources, but finds that a handful of mitigation measures will make those impacts less than significant. The mitigation measures proposed by the MND are insufficient to protect the community from significant environmental impacts, especially given the Project’s close proximity to residents and other sensitive receptors.</p> <p>For example, the MND checklist states that the Project may “[e]xpose sensitive receptors to pollutants,” but the MND only includes one mitigation measure to address this potentially significant impact: “The project shall use Tier 4 diesel construction equipment during project construction. The project’s grading plans shall clearly note the use of</p>	<p>8.</p> <p>CEQA does not require the consideration of mitigation measures for insignificant impacts.” (<i>Santa Clarita Org. for Planning the Env’t v. City of Santa Clarita</i> (2011) 197 Cal. App. 4th 1042, 1058. A lead agency need only adopt mitigation measures to ensure the project has a less than significant impact.</p> <p>The final MND includes discussion regarding Rule 403(e) and mitigation to ensure compliance. For example:</p> <p>The project shall implement methods to reduce particulate emission from paved and unpaved roads, parking lots, and road and building construction, as required by the Southern California Air Quality Management District. These methods include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Maintaining construction equipment engines in good condition and in proper tune per manufacturer’s specification for the duration of construction.</li> </ul>



this equipment.” This measure is a good way to reduce construction impacts, but is not the only method that should be used to lower the Project’s air quality impacts during construction. Further, the MND fails to include any mitigation measures that address air quality impacts from the Project’s operations.

We urge Corona to consider adopting additional specific, binding, and enforceable mitigation measures to address the Project’s air quality impacts from its construction and operation. Please see Attachment A for a list of air quality, noise, and traffic measures that would further mitigate the Project’s impacts on the surrounding communities. These measures have been adopted in comparable or smaller projects, indicating that they are feasible.

- Turning off construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, when not in use for more than five minutes.
- Encourage contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low emission diesel construction equipment to the extent that the equipment is readily available and cost effective.
- Using the electricity infrastructure surrounding construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.
- Implement dust control measures consistent with South Coast Air Quality Management District Rule 403—Fugitive Dust during the construction phases of new project development.
- Applying water and/or approved nontoxic chemical soil stabilizers according to manufacturer’s specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).
- Replacing ground cover in disturbed areas as quickly as possible.
- Enclosing, covering, watering twice daily, or applying approved chemical soil binders to exposed piles with 5 percent or greater silt content.
- Watering active grading sites at least twice daily.
- Suspending all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
- Covering or maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code, in all trucks hauling dirt, sand, soil, or other loose materials.
- Sweeping streets adjacent to construction sites at the end of the day.
- Installing wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.

	<ul style="list-style-type: none"> <li>• Applying water three times daily or chemical soil stabilizers according to manufacturers’ specifications to all unpaved parking or staging areas or unpaved road surfaces.</li> <li>• Posting and enforcing traffic speed limits of 15 miles per hour or less on all unpaved roads.</li> </ul> <p>The above methods shall be noted on the project’s approved grading plans, and the developer shall provide the city’s public works inspector a construction maintenance plan based on the methods described above at the time of the project’s pre-construction meeting between the city and developer.</p>
<p>9. CEQA requires a lead agency to consult with responsible and trustee agencies that have jurisdiction over resources impacted by a proposed project prior to adopting an MND.<sup>38</sup> Despite this requirement, the Project’s MND states that Corona distributed the MND to statewide agencies via the State Clearinghouse.<sup>39</sup> This limited consultation resulted in Corona failing to notify the SCAQMD—the regional agency with jurisdiction over the air basin where the Project is located—of the Project and its potential impacts. Therefore, Corona did not comply with CEQA’s consultation requirements for this Project.</p>	<p>9. Contrary to the AG’s letter, the South Coast Air Quality Management District (“<b>SCAQMD</b>”) provided comments on the IS/MND dated February 7, 2020, that will be included as part of the public record and incorporated into the IS/MND. The SCAQMD does not qualify as a Responsible Agency under CEQA for the Project and therefore there was no greater obligation for the Applicant or City to notify or consult with the SCAQMD regarding the IS/MND prior to its preparation beyond the standard public notice via the State Clearinghouse.</p>
<p>10. One of the “basic purposes of CEQA” is to “[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.”<sup>40</sup> The threshold for determining whether an environmental impact report (EIR) is required is low – an EIR must be prepared by a lead agency if substantial evidence supports a “fair argument” that that “any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment.”</p> <p>Corona must prepare an EIR for the Project since there is substantial evidence supporting a fair argument that the Project will have</p>	<p>10. Based upon the information and analysis set forth above in these responses to the AG’s comments, as well as the information already provided as part of the public record for the Project, the AG has failed to provide substantial evidence supporting a fair argument that the Project will result in significant environmental impacts thereby warranting preparation of an environmental impact report for the Project.</p>

significant environmental impacts. As discussed above, the Project is a large business park that will consist of over a million square feet of warehouse, manufacturing, and industrial uses that typically have significant environmental impacts. The Project will include 126 spaces for trucks, and generate approximately 4,127 vehicle trips a day in Corona and the surrounding areas. Considering the Project's large scope, mixed industrial uses, and residential location, there is a fair argument that the Project will cause significant environmental impacts. The MND's deficient analysis of direct and cumulative environmental impacts also creates a fair argument that the Project will have impacts that have not be adequately analyzed and disclosed.<sup>42</sup> Therefore, CEQA requires Corona to prepare an EIR that fully analyzes the Project's impacts.

Department of Fish and Wildlife Email dated February 3, 2020 and Letter dated February 7, 2020

Comment	Response
<p>1.</p> <p><u>MSCHP Section 6.1.2 Riparian/Riverine and Vernal Pool Resources</u></p> <p>The “Biological Technical Report and MSHCP Consistency Analysis” and the RCA’s JPR [Joint Project Review] Analysis [(JPR) 19-11-05-01] describe the site’s vegetation communities as consisting of non-native grassland, with some Riversidian sage scrub along its western border. On the southeastern boundary of the site, Joseph Canyon Wash supports riparian woodland communities.</p> <p>After conducting a Project site visit on January 30, 2020, the Wildlife Agencies identified MSHCP riparian/riverine and vernal pool resources on the Project site that were not included in the JPR and the Biological Technical Report and the MSHCP Consistency Analysis report. The MSHCP riparian/riverine and vernal pool resources discovered at the Project site include a seasonal pond near the southwestern boundary of the site, and a seasonally dry valley-bottom claypan wetland occupying much of the eastern and central portions of the site. The wetland supports emerging stands of mulefat shrubs (<i>Baccharis salicifolia</i>) as well as two stands of cattails (<i>Typha</i> species). Furthermore, standing water was observed at multiple locations across the Project site, demonstrating the site’s ability to support standing water even 5 weeks after the last major rain event (December 24 - 25, 2019). When the water level rises high enough in the valley bottom area (as well as the southwestern pond), the wetland overflows to Temescal Creek via standpipes on the Project site which lead into culverts directing the overflow to Temescal Creek.</p> <p>Therefore, the Wildlife Agencies do not agree with the JPR’s conclusions that (1) MSHCP riparian/riverine and vernal pool (MSHCP Section 6.1.2) resources are limited to the current 1.7-acre linear easement protecting Joseph Canyon Wash, and (2) that all the site’s existing</p>	<p>1.</p> <p>The initial study/MND stated the Joint Project Review (JPR) process between the city and RCA would need to be completed prior to the issuance of a grading permit. The JPR was officially completed by RCA on January 3, 2020. However, the results of the project site visit and consultation between the Wildlife Agencies, city staff and the applicant determined the project will require a Determination of Biologically Equivalent or Superior Preservation (DBESP) for review and approval by the Wildlife Agencies. The Wildlife Agencies are requesting that a condition be added to the project that will require the DBESP to be approved by the Agencies prior to the issuance of a grading permit and that the JPR process be repeated with RCA. The information was included and discussed in the final MND and added as mitigation.</p>

<p>riparian/riverine/vernal pool resources will be avoided by the proposed Project (both within Criteria Cell 2400 and to the west of Criteria Cell 2400).</p> <p>Therefore, to disclose and address Project impacts to MSHCP riparian/riverine resources, the Wildlife Agencies request that the City to condition the Project to prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) for review and approval by the Wildlife Agencies. The DBESP should be prepared to evaluate the Project’s proposed impacts on riparian/riverine resources in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and to provide biologically equivalent or superior mitigation to offset the impacts.</p>	
<p>2.</p> <p><u>Riparian/Riverine Delineation</u></p> <p>As discussed during the site visit, the riparian/riverine assessment previously prepared for the JPR did not adequately represent the extent of the MSHCP riparian/riverine resources on the Project site. As agreed during the site visit, the Applicant will prepare a DBESP for submission to the Wildlife Agencies through the City, including a revised delineation of the site’s MSHCP riparian/riverine resources. The revised delineation will include the full extent of riparian/riverine resources discovered on the Project site on January 30, 2020. As agreed during the site visit, a topography map with 1-foot contours should be used to help delineate riparian/riverine resources on the Project site. The revised delineation should include all areas on the site’s “valley bottom” area that are at or below the highest mapped elevation of riparian/riverine resources using the topography map with 1-foot contours. The revised delineation should also include the full extent of the ponded area located near the southwest corner of the Project site.</p>	<p>2.</p> <p>Added as mitigation in the final MND. The mitigation in the final MND includes:</p> <p>Prior to the issuance of any grading permit the project applicant shall provide to the city written correspondence from the US Fish and Wildlife Service and California Department of Fish and Wildlife confirming that the Determination of Biologically Equivalent or Superior Preservation (DBESP) has been approved or provide written documentation that a DBESP is not needed.</p>

<p>3.</p> <p><u>MSHCP Reserve Assembly (Section 3) and the Urban/Wildland Interface Guidelines (MSHCP Section 6.1.4)</u></p> <p>The Wildlife Agencies concur with the RCA’s finding that the Project does not conflict with the MSHCP’s Reserve Assembly goals. The Wildlife Agencies are concerned about potential land use adjacency impacts, and therefore support the measures identified in the RCA Findings in item “d.” (pages 5-7) for the Urban/Wildland Interface Guidelines (Section 6.1.4 of the MSHCP). Please condition the Project to include these measures, specifically those related to avoiding use of invasive species and water quality. As stated in the RCA Findings in item “a.”, please condition the Project to require recordation of the deed restriction as a condition of approval.</p>	<p>3.</p> <p>Comment noted and added as mitigation in the final MND.</p>
<p>4.</p> <p>The MND’s mitigation measure did not indicate that the project would require notification to CDFW pursuant to Fish and Game Code Section 1602. Additionally, the IS/MND did not include a jurisdictional delineation or the full formal biological assessment for the project site. After conducting a project site visit on January 30, 2020 CDFW identified fish and wildlife resources subject to Fish and Game Code 1600 that were not included in the IS/MND. The fish and wildlife resources subject to Fish and Game Code 1600 at the project site include a seasonal pond near the southwestern boundary of the site, and a seasonally dry valley-bottom claypan wetland occupying much of the eastern and cultural portions of the site. These areas were supported by mulefat shrubs and two stands of cattails....To ensure compliance with Fish and Game Code section 1602, CDFW recommends a new mitigation measure include the text below:</p> <p>Prior to issuance if any grading or construction permit by the city, the applicant shall consult with the CDFW regarding Fish and Game Code section 1602 Streambed Alteration Agreement, the US Army Corps of Engineers regarding Clean Water Act Section 404 Permit and Regional</p>	<p>4.</p> <p>The project’s jurisdictional delineation and applicable mitigation, such as the mitigation recommended by CDFW was included in the final MND.</p>

<p>Water Quality Control Board regarding a Clean Water Act Section 401 Certification. The project applicant shall be required to obtain the necessary permit or provide written documentation that such permits are not needed. The project shall mitigate impacts to waters of the US and waters of the State, wetlands and riparian habitats, by preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Mitigation shall be subject to pre-approval by the Regional Water Quality Control Board, US Army Corps of Engineers and California Department of Fish and Wildlife.</p>	
<p>5. The mitigation strategy should identify the amount (acreage) and type of mitigation and should commensurate with impacts.</p>	<p>5. Mitigation was added in the final MND based on the information provided in the project's jurisdictional delineation report. Mitigation includes the following:</p> <p>Prior to the issuance of a grading permit, to mitigate for the loss of 0.81 acres of streambed and wetlands due to project construction, the project applicant shall enter into a Streambed Alteration Agreement, Section 1600, with CDFW to replace affected streambed at a ratio not less than 2:1, as specified by CDFW. Mitigation can be done by preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank.</p>

Letter from Blum Collins, LLP dated February 10, 2020

Comment	Response
<p>1. The comment deadline was marked on Saturday [February 8, 2020], which makes our comments, provided to you by hand at the hearing on the project, timely.</p>	<p>1. The letter was not provided by hand to the city at the public hearing. The city received the letter on February 14, 2020, by mail.</p>
<p>2. There are single family residences to the north of the project site, but it is not clear that you conducted an operational health risk assessment, and if you did you did not disclose it.</p>	<p>2. See SCAQMD response 6.</p>
<p>3. The project assumes only 4,127 daily trips despite its large size and devotion at least in part to warehouse uses. The traffic study was not supplied. The MND does not provide us with sufficient documentation to conclude that impacts will be less than significant.</p>	<p>3. The project's MND cited the Traffic Impact Analysis prepared for the project. The project's traffic analysis along with all the studies cited in the IS/MND were made available to public on the city's website in the same location where the MND was located. The city's website address was provided on the Notice of Completion of the MND for Latitude Business Park, which clearly shows where the documents are available for the public to view.</p>
<p>6. The MND assumes that the narrow area identified as a Conservation Easement as a result of the Crossings project across the street will survive despite the heavily industrial project that will be put adjacent to it. There is no basis for this assumption.</p> <p>The MND does not produce a report of the Burrowing Owl survey that was supposedly done. For that matter, the MND does not produce any additional reports, though many are referred to in the MND itself. This violates CEQA.</p>	<p>6. The project's technical reports cited in the MND were made available to public on the city's website in the same location where the MND was located. The city's website address was provided on the Notice of Completion of the MND for Latitude Business Park, which clearly shows where the documents are available for the public to view.</p>
<p>7. The MND does not openly evaluate the GHG impacts although apparently they were modeled. This violates CEQA, and the project's impacts are likely to be significant.</p>	<p>7. The project's discussion on the Greenhouse Gas (GHG) modeling starts on page 58 in the final MND. The project's technical reports cited in the MND were made available to public on the city's website in the same location where the MND was located. The city's website address was provided on the Notice of Completion of the MND for Latitude Business Park, which clearly shows where the documents are available for the public to view.</p>



	The impacts from GHG emissions are less than significant.
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