

APPENDIX A



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San Bernardino County
Land Use Services Department
Planning Division

385 North Arrowhead Avenue, 1st Floor • San Bernardino, CA 92415
Phone Number: (909) 387-8311 Fax Number: (909) 387-3223

NOTICE OF PREPARATION

FROM: San Bernardino County Land Use Services Department
385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0187

TO: Office of Planning and Research, Responsible and Trustee Agencies/Interested Organizations and Individuals

DATE: December 13, 2021

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report in Compliance with Title 14, Section 15082(a), 15103, and 15375 or the California Code of Regulations

The County of San Bernardino, as the lead agency under the California Environmental Quality Act (CEQA), will be coordinating the preparation of an Environmental Impact Report (EIR) for the proposed Speedway Commerce Center II Specific Plan. The County is requesting identification of environmental issues and information that you or your organization believes should be considered in the EIR.

Project Title: Speedway Commerce Center II

Project Number: PROJ-2021-000150

Project Applicant: Candyce Burnett, Kimley Horn & Associates, Inc.

Project Location: The Speedway Commerce Center II Specific Plan Project (Project) is located in an unincorporated area of southwestern San Bernardino County and within the City of Fontana Sphere of Influence (SOI). The Project site is approximately 40 miles east of downtown Los Angeles, 20 miles west of downtown San Bernardino, and 30 miles northeast of central Orange County. The approximately 522-acre site is located north of the San Bernardino Freeway (I-10) and San Bernardino Avenue and is bounded by Cherry Avenue to the east, the Burlington Northern and Santa Fe (BNSF) Railroad to the north, the West Valley Materials Recycling Facility to the west, and California Steel Industries to the south. The Speedway Commerce Center II Specific Plan Project (Project) would facilitate the redevelopment of approximately 433 acres of the 522 acre-site of the existing Auto Club Speedway (ACS). Approximately 90 acres of the existing

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ACS site are not a part of this Project and will be developed with the Next Gen in California motorsports facility approved by the County in June 2021. The City of Fontana is located to the north, east, and south of the site. The City of Rancho Cucamonga is located to the west and northwest and the City of Ontario is located to the southwest, (see **Figure 1: Regional Location Map**).

The entire Project site includes the following Assessor Parcel Numbers (APNs) as summarized in **Table-1: Project Assessor Parcel Numbers**, below.

Table 1: Project Assessor Parcel Numbers

Assessor Parcel Number				
023101109	023101110	023101111	023101112	023111106
023111110	023111117	023111118	023111119	023111120

A. Historical Site Background/Setting

The Project site is located within the former boundaries of the Kaiser Steel Mill, which was originally located on approximately 1,200 acres in the County. The Kaiser Steel Mill was owned and operated by the Kaiser Steel Corporation from approximately 1942 to 1983. By the late 1970s, the steel mill was the biggest integrated steel mill on the West Coast. By 1983 the facility closed, portions of the property were sold or transferred, and Kaiser Steel entered bankruptcy, re-emerging in 1988 as Kaiser Steel Resources, Inc.

Existing Conditions and Previous Entitlements

The Project site is presently developed with the ACS, formerly known as the California Speedway. The majority of the site is developed with the Speedway improvements, including a two (2)-mile, D-shaped oval track and grandstands, ancillary buildings associated with the Speedway, and utility infrastructure. Surface parking lots for 36,866 vehicles are located at the infield of the track and around the periphery of the site. There is an existing drag strip, Go-Kart track, and parking facilities around the primary racing facility. Primary access is via Cherry Avenue, San Bernardino Avenue, and Napa Street.

The ACS is governed by the California Speedway Planned Development Permit (PD), originally approved by the County in 1995 along with certification of an EIR. The PD has been revised in subsequent years by the County. In 2020, California Speedway, LLC, the owner of the ACS, applied to the County for a Major Revision to an Approved Action for the "Next Gen in California" motor sports facility, to revise the PD to replace the existing 2-mile track with a 0.5-mile short track and reduce seating capacity to a maximum capacity of 50,000, persons (as compared to the previously approved maximum capacity of 107,000 persons), with approximately 35,000 grandstands seats. An Addendum under CEQA was prepared for the Next Gen Project which concluded that the Next Gen Project would not cause any new significant impacts or an increase in the severity of previously identified impacts set forth in the prior environmental review documents for the ACS. The Next Gen Project was approved in December 2020.

In May 2021, California Speedway, LLC applied to the County for a subsequent Revision to an Approved Action, requesting minor revisions to the approved facility, including to adjust the project to develop a 0.67-mile track in lieu of the previously approved 0.5-mile short track. This revision was approved in June 2021, along with an Addendum to ensure

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consistency of the revision with the 2020 Addendum and the prior ACS environmental review documents.

The Next Gen motorsports facility has received all necessary approvals and CEQA clearance for its construction and operation, and it is not a part of the current Project. But the Project will be designed and developed to be compatible with the Next Gen motorsports facility, and the Project EIR will analyze issues associated with the development and operation of both the Next Gen motorsports facility and the Project.

Surrounding Land Uses

The Project site is surrounded by railroad and warehouses to the north, light industrial to the south, warehouses and commercial uses to the east, and warehouses and light industrial to the west. The City of Fontana is located to the north, east, and south of the site. The City of Rancho Cucamonga is located to the west and northwest and the City of Ontario is located to the southwest.

Existing Zoning and General Plan

The zoning for the Project in the County of San Bernardino is Special Development Commercial (SD-Com). The General Plan land use category is Commercial (C). The Project site is located in the City of Fontana's Sphere of Influence (SOI).

Table 2: Surrounding Zoning and General Plan Land Uses

Zoning and General Plan Designations			
	General Plan	Zoning	Jurisdiction
North	General Industrial (GI)/Limited Industrial (LI)	Regional Industrial (IR)/Community Industrial (IC)	County and City of Fontana
South	General Industrial (GI)/Limited Industrial (LI)	Regional Industrial (IR)/Community Industrial (IC)	County and City of Fontana
East	Commercial	Special Development-Commercial (SD-COM)	County
West	Regional Industrial (IR)	General Industrial (GI)/Kaiser Center Specific Plan (KC/SP)	County and City of Fontana

Infrastructure

The Project site is minimally served by water, power, and natural gas. The Project site would tie into existing utility lines within the existing roadways and rights-of-way adjacent to the site.

There are currently approximately 29 existing wood and Laminated Wood Systems (LWS) poles containing 66kv, 12kv distribution overhead SCE powerlines present generally north of the existing 2-mile oval track and along Backstraight Road. These powerlines extend east to west north of the existing 2-mile oval track near the northern

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portion of the site. The SCE poles and lines would be relocated and realigned near the northern property line south of the existing BNSF Railroad prior to the development of the Next Gen motorsports facility in order to avoid damages to the existing poles and lines.

An existing railroad easement is present along the northern boundary of the Project site and serves Metrolink during certain race events and BNSF. Additionally, existing spur lines traverse the westerly and southern edge of the site and serve offsite uses south of the Project site. A 12-foot diameter Metropolitan Water District water supply line is located north of the existing 2-mile track, parallel to Napa Street through the site from the westerly property boundary to Rancho Vista Drive.

B. Project Overview

Requested Project Approvals

The Project includes a Specific Plan, Tentative Parcel Map, and a Development Agreement for the Speedway Commerce Center II Specific Plan Project and other related approvals. A Revision to an Approved Action will also be required to amend the existing Planned Development for the ACS to remove from its coverage approximately 433 acres of the ACS site that will be governed by the new Specific Plan.

Project Description

The Project includes the Speedway Commerce Center II Specific Plan for the future development of approximately 433 acres of the approximately 522-acre site that is currently developed with the ACS, formerly known as the California Speedway, in San Bernardino County. The Project consists of the development of six separate planning areas with up to 6,600,000 square feet of high cube warehouse and e-commerce uses, approximately 261,360 square feet of accessory commercial uses, approximately 98 acres of vehicle parking/drop lot areas and associated open space and internal public roadways. Each planning area contains sub-areas to accommodate the vehicle parking, drop lots, and open space uses. The Project would surround the Next Gen in California Project approved by the County in June 2021 and to be developed on approximately 90 acres of the existing ACS site. Construction of the Project, including recordation of final subdivision map(s), and design review may be progressively implemented in stages, provided that vehicular access, public facilities, and infrastructure are constructed to adequately service the development, or as needed for public health and safety. However, the actual phasing sequence and timeframe may vary depending on market conditions.

The Specific Plan's Land Use Plan is divided into six planning areas comprised of ten parcels. A Conceptual Site Plan, **Figure 3, Conceptual Site Plan**, is an illustration of the potential configuration of the Project area, taking the square footage in **Table 2, Proposed Land Use Plan** into consideration. In order to ensure the orderly development of the Project, land use development standards will be created. These specific standards would assist in accommodating the future proposed development and provide adequate transitions to neighboring land uses.

Future development under the plan would consist of industrial and commercial structures in addition to loading docks, truck trailer and automobile parking, and associated

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infrastructure improvements. The Specific Plan area contains 11 dedicated parking fields which will provide vehicular parking for the adjacent Next Gen motorsports facility use during event times on approximately 20 days per year. During the remainder of the year, the lots serve as drop lots for trailers or other large vehicles.

The Project will identify the permitted uses within the Development Regulations Section of the Specific Plan and will include high cube warehouse, e-commerce, accessory commercial, and flexible vehicular parking and drop lot areas. The permitted uses are consistent with the existing County Development Code and General Plan.

The majority of the Specific Plan area is comprised of high cube warehouse/e-commerce uses consistent with the zoning of the site, which may include light industrial buildings, warehousing and distribution, fulfillment, cold storage, and showroom space.

Table 3: Proposed Land Use, provides the overall vision for the Project and guides the development of the anticipated industrial, warehouse, and flexible commercial uses.

Table 3: Proposed Land Use

Land Use	Speedway Commerce SP	Planning Area
Warehouse/E-Commerce	278.8 acres/6.6 Million sq.ft.	PA 1a, PA 2a, PA 3a and PA 4a
Parking/Accessory Commercial	261,360 sq.ft/ 27.1 acres	PA 5a, PA 1c, and PA 2c
Parking/Drop lot	78.0 Acre	PA 1b, PA 2b, PA 3b, PA 4c, PA 5b, PA 6a, PA 6b, PA 6c
Open Space Trail/walking paths	10.2 acres	PA 4b and PA 5c
Roads, utilities, etc.	33.2 acres	NA
Total	432.1 acres	NA

Source: Kimley-Horn. 2021. Speedway Commerce Center II Specific Plan. Table 3-1: Land Use.

A diagram of the proposed Project site shown in **Figure 3: Primary Site Plan** provides an overall view of the site and Planning Areas included in the proposed Project.

Circulation

The Project site currently has access at Merrill Avenue, Rancho Vista Drive, and Randall Avenue off of Cherry Avenue on the site's eastern edge, and Napa Street and VIP Road on the site's western edge. The access at Randall Avenue and Merrill Avenue is signalized. Internal circulation currently includes Perimeter Road, Calabash Avenue, Back Straight Road, VIP Road, Entry Road, and Rancho Vista Drive.

Four new public roads would be constructed to provide access to the Specific Plan area's

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land uses and the Next Gen motorsports facility. Public roads would be designed with varying right-of-way widths and landscape conditions. On-site traffic signage and striping would more specifically be defined during the Precise Development Plan process and would be implemented in conjunction with construction documents for the Project.

Scoping Meeting: The County will hold a scoping meeting for the project to receive comments on the scope and content of the EIR at a later time. When the date and time for the Scoping Meeting is chosen, a Notice of Scoping Meeting will be sent to all agencies, interested parties, and to all property owners located within a 1,300-foot radius of the boundaries of the project site

Environmental Issues to be Evaluated in the EIR

The County of San Bernardino is the lead CEQA and permitting agency for the proposed Project, which is subject to environmental review under CEQA. CEQA Guidelines §15063 provides that if a lead agency determines that an EIR will clearly be required for a project, an Initial Study is not required. In this case, the County has already determined that an EIR will need to be prepared based on the Project's potential to create short-term, long-term and cumulative impacts associated with other development along Interstate 10. Therefore, an EIR will be prepared to fully evaluate the potential impacts of the proposed Project. The EIR will be comprehensive, evaluating all identified issues from the 2019 CEQA Initial Study Checklist. The following issues are anticipated to be addressed in the EIR:

• Aesthetics	• Hazards and Hazardous Materials
• Agriculture and Forestry Resources	• Hydrology and Water Quality
• Air Quality	• Land Use and Planning
• Biological Resources	• Mineral Resources
• Cultural Resources	• Energy
• Geology and Soils	• Noise
• Greenhouse Gas Emissions	• Population and Housing
• Public Services	• Recreation
• Transportation	• Tribal Cultural Resources
• Utilities and Service Systems	• Wildfire

The EIR will address the short- and long-term effects of the Project on the environment, including the impacts of any off-site improvements. It will also evaluate the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce impacts that are determined to be significant in the EIR. Mitigation may be proposed for those impacts that are determined to be significant. A mitigation monitoring and reporting program will also be developed as required by §15097 of the CEQA Guidelines. The Notice of Preparation is subject to a 30-day public review period per Public Resources Code §21080.4 and CEQA Guidelines §15082. Public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project, to identify those environmental issues, potentially affected by the Project which should be addressed further by the County of San Bernardino in the EIR.

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Cortese List Notice: Pursuant to Public Resources Code 21092.6(a), the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

Public Review Period: December 13, 2021 and ends on January 13, 2022.

Responses and Comments: Please send your responses and comments by January 13, 2022, to Steven Valdez, Senior Planner at Steven.Valdez@lus.sbcounty.gov or at the following address:

Steven Valdez, Senior Planner
County of San Bernardino
Land Use Services Department – Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Document Availability: This Notice of Preparation can be viewed on the County of San Bernardino website at:

<http://www.sbcounty.gov/uploads/lus//Environmental/skypark/Speedwaycommercecenter2.pdf>. The documents are also available during regular business hours at:

- County of San Bernardino Land Use Services Department, Planning Division, 385 North Arrowhead Avenue, San Bernardino, CA 92415; between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

If you require additional information please contact Steven Valdez, Senior Planner, at (909) 601-4743.



NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning & Research

December 16, 2021

Dec 24 2021

STATE CLEARINGHOUSE

Steven Valdez
County of San Bernardino
385 North Arrowhead Ave., First Floor
San Bernardino, CA 92415

Re: 2021120259, Speedway Commerce Center II Specific Plan and EIR Project, San Bernardino County

Dear Mr. Valdez:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
 - a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@ndhc.ca.gov.

Sincerely,

A handwritten signature in dark ink that reads "Andrew Green". The signature is written in a cursive, flowing style.

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



FONTANA WATER COMPANY

A DIVISION OF SAN GABRIEL VALLEY WATER COMPANY

15966 ARROW ROUTE • P.O. BOX 987, FONTANA, CALIFORNIA 92334 • (909) 822-2201

January 6, 2022

Steven Valdez
Senior Planner
County of San Bernardino
Land Use Services Department – Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0187

Subject: Notice of Preparation
PROJ-2021-00150
Speedway Commerce Center II Specific Plan

Dear Steven:

Thank you for the opportunity to provide our initial comments on San Bernardino County's Notice of Preparation (PROJ-2021-000150) of an Environmental Impact Report for the proposed Speedway Commerce Center II Specific Plan (Speedway Project). Fontana Water Company, a division of San Gabriel Valley Water Company, is a public utility corporation regulated by the California Public Utilities Commission.

The Speedway Project is entirely within Fontana Water Company's existing certificated service area as approved by the California Public Utilities Commission. The attached service area map includes a designation of the Speedway Project location as it relates to Fontana Water Company's service area. Fontana Water Company is ready willing and able to provide potable and non-potable water service to the proposed Speedway Project.

In accordance with the California Water Code (sections 10910 – 10915), Fontana Water Company completed a Water Supply Assessment for the Speedway Project and provided a copy of the report to the Project Applicant, Kimely Horn and Associates, for inclusion in the draft environmental document being prepared for the Speedway Project. The Water Supply Assessment concludes that water supplies are sufficient to serve the projected water demand of the Speedway Project.



County of San Bernardino

Page 2

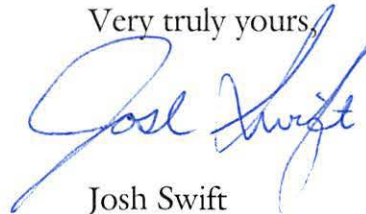
January 6, 2022

Fontana Water Company has a diverse water supply that includes groundwater production from twenty-nine active groundwater wells that span across three groundwater basins, imported water supplies from two separate State Water Contractors, access to local surface water supplies and access to recycled water from the Inland Empire Utilities Agency. Fontana Water Company's adopted 2020 Urban Water Management Plan provides extensive documentation regarding the Company's water resources, which are sufficient to supply the Speedway Project along with the needs of its current customers during normal, single-dry, and multiple-dry water years through the year 2045.

Lastly, Fontana Water Company is currently working closely with the Speedway Project developer to properly design necessary infrastructure to assure continuous domestic, fire and recycle water supplies are available for the development.

Please contact me if you have any question regarding Fontana Water Company's service to the subject development.

Very truly yours,



Josh Swift

Vice President and General Manager

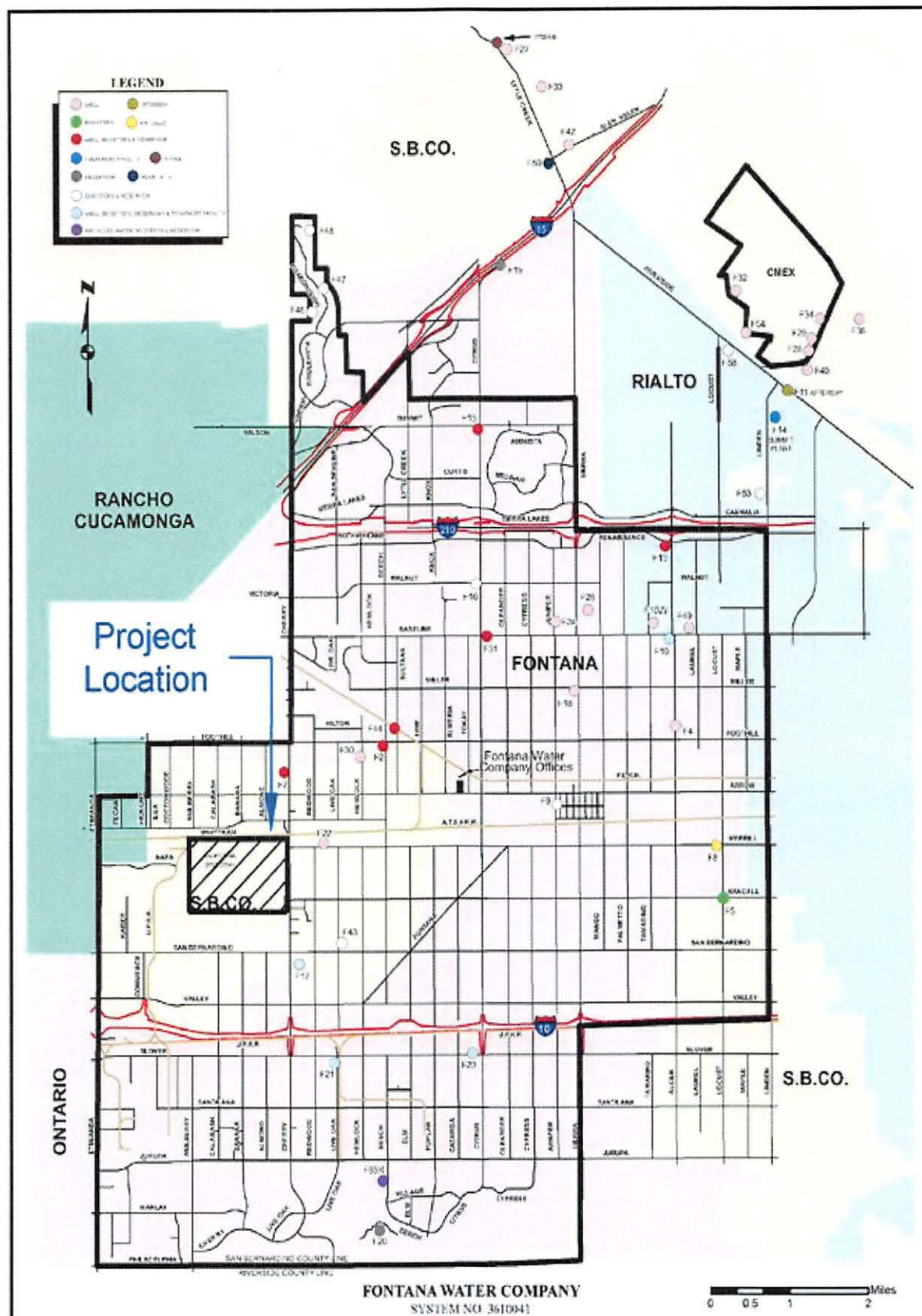
JMS:bf

Enclosure

cc: Ned Sciortino, Hillwood

Candyce Burnett, Kimberly Horn & Associates

Matt Yucelen, San Gabriel Valley Water Company





South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

January 11, 2022

Steven.Valdez@lus.sbcounty.gov

Steven Valdez, Senior Planner
County of San Bernardino, Land Use Services Department
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0187

Notice of Preparation of an Environmental Impact Report for the Speedway Commerce Center II (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁸. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 511 in one million⁹. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. 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.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁹ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

Reporting Plan for the 2016 Air Quality Management Plan¹⁰, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹¹.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹² and the Heavy-Duty Low NOx Omnibus Regulation¹³, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹⁴ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

¹⁰ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹¹ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

¹² CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹³ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/bhp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹⁴ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. 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. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of 6,600,000 square feet of warehouse uses, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁵. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov.

¹⁵ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁶.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

SBC211221-02

Control Number

¹⁶ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

From: Mario Vasquez
Sent: Tuesday, January 11, 2022 7:28 PM
To: Valdez, Steven
Subject: Email List on Speedway

Hi Steven,

Thank you for your time this evening. I would like to be included in email notifications regarding NOA and further steps on Speedway development.

--

Mario Vasquez
Communications Coordinator — Teamsters Local 1932
433 N. Sierra Way | San Bernardino, CA 92410
e: mvasquez@teamsters1932.org
o: (909) 889-8377 x242 | c: (909) 501-9232

January 12, 2022

Steven Valdez
Senior Planner
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0187
steven.valdez@lus.sbcounty.gov

Dear Steven Valdez:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Speedway Commerce Center II Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2021120259. The Project proposes the development of approximately 433 acres of the approximately 522-acre site that is currently developed with the Auto Club Speedway, formerly known as the California Speedway. The Project consists of the development of up to 6,861,360 square feet of a mix of high cube and ecommerce warehousing, and accessory commercial uses. The Project site is located within an unincorporated area of San Bernardino County (County), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Industrial development, such as the proposed Project, 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 The Project will expose nearby communities to elevated levels of air pollution. Residences are located north and west of the Project with the closest residences located within 1,550 feet from the Project's western boundary. In addition to residences, Live Oak Elementary School, Beech Avenue Elementary School, Redwood Elementary School and Almond Elementary School are located within one mile of the Project. According to the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen),² these communities are located in census tracts that score within the top 5 percent of State's most impacted from air pollution from an environmental hazard and socioeconomic standpoint. Based on this CalEnviroScreen score, the area surrounding the Project is home to some of the most vulnerable neighborhoods in the State. Due to the Project's proximity to

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.

2. "CalEnviroScreen 4.0." Oehha.ca.gov, California Office of Environmental Health Hazard Assessment, October 20, 2021, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

residences and schools already burdened by multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Project. CARB has reviewed the NOP and is concerned about the air pollution and health risk impacts that would result from the proposed Project.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Operation

Since the Project is near residences and schools that are already burdened by multiple air pollution sources, the County and applicant must prepare a health risk assessment (HRA) for the Project. The HRA should account for all potential operational health risks from Project-related diesel PM emission sources, including, but not limited to, back-up generators, on-site diesel-powered equipment, and heavy-duty trucks. The HRA should also determine if the operation of the Project in conjunction with past, present, and reasonably foreseeable future projects or activities would result in a cumulative cancer risk impact on nearby residences. To reduce diesel PM exposure and associated cancer risks, the County and applicant should include all applicable air pollution reduction measures listed in Attachment A of this letter.

Since the Project description provided in the NOP does not explicitly state that the proposed industrial land would not be used for cold storage, there is a possibility that trucks and trailers visiting the Project-site would be equipped with Transport Refrigeration Units (TRUs).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 a significant cancer risk impact to the nearby community. If the Project would be used for cold storage, the County must model air pollutant emissions from on-site TRUs in the DEIR, as well as include potential cancer risks from on-site TRUs in the Project's HRA. If the Project will not be used for cold storage, the County and applicant should 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.

The HRA prepared in support of the Project should be based on the latest Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots

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.

Program Guidance Manual for Preparation of Health Risk Assessments),⁴ and CARB's Hot Spots Analysis and Reporting Program (HARP2 model). The Project's mobile diesel PM emissions used to estimate the Project's cancer risk impacts should be based on CARB's latest 2021 Emission Factors model (EMFAC2021). Mobile emission factors can be easily obtained by running the EMFAC2021 Web Database: <https://arb.ca.gov/emfac/>.

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 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 planners will have a complete understanding of the potential health impacts that would result from the Project.

The DEIR Should Quantify and Discuss the Potential Cancer Risks from Project Construction

In addition to the health risks associated with operational diesel PM emissions, health risks associated with construction diesel PM emissions should also 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 PM emissions from the use of both on-road and off-road diesel equipment. The 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 should account for all diesel PM emission sources related to Project construction, including, but not limited to, off-road mobile equipment, diesel generators, and on-road heavy-duty trucks. As previously stated in Section I of this letter, the cancer risks evaluated in the construction HRA should be based on the latest OEHHA guidance, and CARB's HARP2 model. The cancer risks reported in the HRA should be calculated using the latest emission factors obtained from CARB's latest EMFAC (currently EMFAC 2021) and off-road models.

Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and NO_x emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the County and applicant to implement the applicable measures listed in Attachment A of this letter.

4. 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/cnr/2015guidancemanual.pdf>.

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 via email at stanley.armstrong@arb.ca.gov.

Sincerely,



Robert Krieger, Branch Chief, Risk Reduction Branch

Attachment

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Yassi Kavezade, Organizer, Sierra Club
yassi.kavezade@sierraclub.org

Lijin Sun, Program Supervisor, CEQA Intergovernmental Review, South Coast Air Quality Management District
lsun@aqmd.gov

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Taylor Thomas, Research and Policy Analyst, East Yard Communities for Environmental Justice
tbthomas@eycej.org

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

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 are equal to 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

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB 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 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 and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).³
6. 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 2023. A list of commercially available zero-emission trucks can be obtained from the the Hybrid

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://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>

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

3. Clean Off-Road Equipment Voucher Incentive Project. Accessible at: <https://californiacore.org/how-to-participate/>

and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).⁴ Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.⁵

7. Include contractual language in tenant lease agreements that requires the tenant to 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,⁶ Advanced Clean Trucks Regulation,⁷ Periodic Smoke Inspection Program (PSIP),⁸ and the Statewide Truck and Bus Regulation.⁹
8. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site.
9. 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.
10. Include contractual language in tenant lease agreements, requiring the installing of vegetative walls¹⁰ or other effective barriers that separate loading docks and people living or working nearby.
11. Include contractual language in tenant lease agreements, requiring all emergency generators to be powered by a non-diesel fuel.
12. The project should be constructed to meet CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking, and achieve a certification of compliance with LEED green building standards.

4. Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

5. Carl Moyer Program and Voucher Incentive Program. <https://ww2.arb.ca.gov/carl-moyer-program-apply>

6. 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://ww2.arb.ca.gov/our-work/programs/ttghg>

7. On June 25, 2020, CARB approved the Advanced Clean Trucks Regulation. The regulation requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 electric trucks in California by the end of 2030 and about 300,000 by 2035. CARB is expected to consider a fleet regulation in 2021 that would be compatible with the Advanced Clean Trucks regulation, requiring fleets to purchase a certain percentage of zero-emission trucks and vans for their fleet operations. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>

8. 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/hdvp/hdvp.htm>

9. 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>

10. Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>

Burnett, Candyce

From: Valdez, Steven <Steven.Valdez@lus.sbcounty.gov>
Sent: Thursday, January 13, 2022 9:36 AM
To: Burnett, Candyce
Cc: Sean Kilkenny; Patrick Cruz
Subject: FW: Speedway Commerce Center II - DEIR NOP - Ontario

Categories: External

Hi Candyce,

Please see the comments from the City of Ontario below.

Regards,

Steven Valdez

Senior Planner
Land Use Services Department
Phone: 909-387-4421
Cell Phone: 909-601-4743
Fax: 909-387-3223
385 N. Arrowhead Ave, First Floor
San Bernardino, CA, 92415-0187



Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov

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From: Jay Bautista <JBautista@ontarioca.gov>
Sent: Thursday, January 13, 2022 9:26 AM
To: Valdez, Steven <Steven.Valdez@lus.sbcounty.gov>
Cc: Scott Murphy <SMurphy@ontarioca.gov>; Khoi Do <KDo@ontarioca.gov>
Subject: Speedway Commerce Center II - DEIR NOP - Ontario

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

Steven,

The City of Ontario Engineering Department has reviewed the Notice of Preparation for the proposed Speedway Commerce Center II Draft EIR and has the following comments:

- Prepare traffic study in accordance with SBCTA and CMP guidelines
- Evaluate all intersections that are expected to carry 50+ peak-period project trips, including queueing analysis
- Include cumulative projects within Ontario
- The EIR shall calculate fair-share mitigation costs
- Review feasibility and constructability for all mitigation measures identified in the City of Ontario

Please let me know if you have questions. Thanks.

Jay Bautista, P.E., T.E.
Traffic/Transportation Manager
City of Ontario
303 East B Street
Ontario, CA 91764
(909) 395-2120
jbautista@ontarioca.gov



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

January 12, 2022

Via Electronic Mail

Steven Valdez, Senior Planner
County of San Bernardino
Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, California 92415-0187

Dear Mr. Valdez:

Notice of Preparation of a
Draft Environmental Impact Report for the Speedway Commerce Center II Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Speedway Commerce Center II Project. The County of San Bernardino (County) is acting as the Lead Agency under the California Environmental Quality Act (CEQA). The Project proposes to develop six planning areas with high cube warehouse and e-commerce uses, with accessory commercial uses, vehicle parking/drop lot areas, associated open space and internal public roadways. This letter contains Metropolitan's response to the public notice as a potentially affected public agency.

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California, including Orange County. Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Our review of the notice indicates that Metropolitan owns and operates the Upper Feeder Pipeline and appurtenant facilities within the Project's proximity. The aforementioned pipelines and appurtenant facilities deliver untreated water from the Colorado River Aqueduct to F. E. Weymouth Water Treatment Plant in La Verne. Metropolitan is concerned with potential impacts to the pipelines and appurtenant facilities that may result from the construction and implementation of the proposed Project. The enclosed map shows Metropolitan facilities in relation to the proposed project. It will be necessary for the County to consider these facilities in its project planning.

Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with

Steven Valdez, Senior Planner

Page 2

January 12, 2022

Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to Metropolitan's Substructures Team. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities.

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663 or via email at EngineeringSubstructures@mwdh2o.com. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, attached are the "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way". Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

Additionally, Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or jditmar@mwdh2o.com.

Very truly yours,

Sean Carlson
Team Manager, Environmental Planning Section

JD:rdl

Sharepoint\San Bernardino County\Speedway Commerce Center II

Enclosures:

- (1) Map
- (2) Planning Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way

Speedway Commerce Center II Project

Metropolitan Water District Facilities

Facility **Upper Feeder**
FacType **Pipeline**
LineStatus **Active**
Material **Precast**
Size (in) **152**
WaterType **UnTreated**
Drawing1 [B-21317](#)
Drawing2 [TBD](#)
Drawing3 [TBD](#)

Approximate Project Area

Right of Way

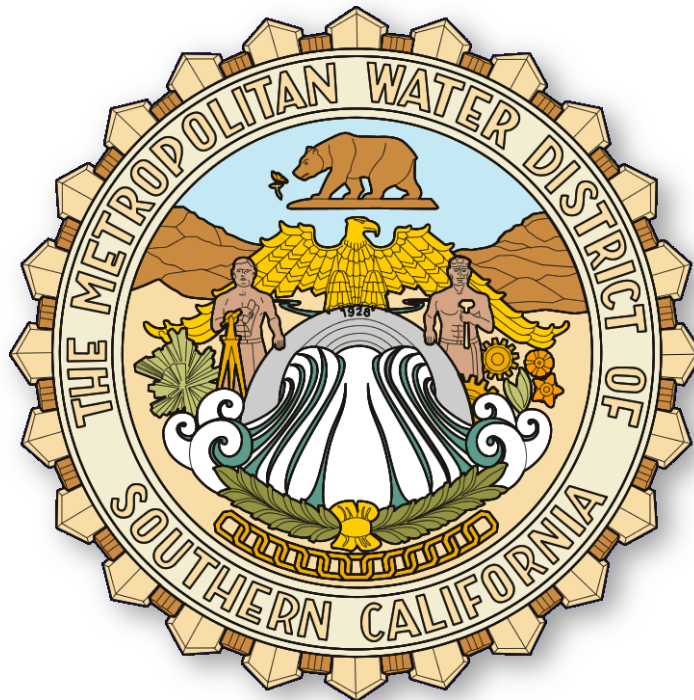
- Fee
- Easement
- Water Right
- Subsurface Right

Imagery Date: 11/9/2020

34°05'26.78" N 117°30'05.31" W elev 1131 ft eye alt 15282 ft

Google Earth

**Guidelines for
Improvements and Construction Projects Proposed
in the Area of
Metropolitan's Facilities and Rights-of-Way**



July 2018

Prepared By:
The Metropolitan Water District of Southern California
Substructures Team, Engineering Services
700 North Alameda Street
Los Angeles, California 90012

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Additional Copies: To obtain a copy of this document, please contact the Engineering Services Group, Substructures Team.

Disclaimer

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as deemed prudent, to assure that project plans are correct. The appropriate representative from Metropolitan must be contacted at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

PUBLICATION HISTORY:

Initial Release

July 2018

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1.0 GENERAL INFORMATION

Note: Underground Service Alert at 811 must be notified at least two working days before excavating in proximity to Metropolitan's facilities.

1.1 Introduction

These guidelines provide minimum design and construction requirements for any utilities, facilities, developments, and improvements, or any other projects or activities, proposed in or near Metropolitan Water District of Southern California (Metropolitan) facilities and rights-of-way. Additional conditions and stipulations may also be required depending on project and site specific conditions. Any adverse impacts to Metropolitan's conveyance system, as determined by Metropolitan, will need to be mitigated to its satisfaction.

All improvements and activities must be designed so as to allow for removal or relocation at builder or developer expense, as set forth in the paramount rights provisions of Section 20.0. Metropolitan shall not be responsible for repair or replacement of improvements, landscaping or vegetation in the event Metropolitan exercises its paramount rights powers.

1.2 Submittal and Review of Project Plans/Utilities and Maps

Metropolitan requires project plans/utilities be submitted for all proposed activities that may impact Metropolitan's facilities or rights-of-way. Project plans shall include copies of all pertinent utilities, sewer line, storm drain, street improvement, grading, site development, landscaping, irrigation and other plans, all tract and parcel maps, and all necessary state and federal environmental documentation. Metropolitan will review the project plans and provide written approval, as it pertains to Metropolitan's facilities and rights-of-way. Written approval from Metropolitan must be obtained, prior to the start of any activity or construction in the area of Metropolitan's facilities or rights-of-way. Once complete project plans and supporting documents are submitted to Metropolitan, it generally takes 30 days to review and to prepare a detailed written response. Complex engineering plans that have the potential for significant impacts on Metropolitan's facilities or rights-of-way may require a longer review time.

Project plans, maps, or any other information should be submitted to Metropolitan's Substructures Team at the following mailing address:

Attn: Substructures Team
The Metropolitan Water District of Southern California
700 North Alameda St.
Los Angeles, CA 90012

General Mailing Address: P.O. Box 54153
Los Angeles, CA 90054-0153

Email: EngineeringSubstructures@mwdh2o.com

For additional information, or to request prints of detailed drawings for Metropolitan's facilities and rights-of-way, please contact Metropolitan's Substructures Team at 213-217-7663 or EngineeringSubstructures@mwdh2o.com.

1.3 Identification of Metropolitan's Facilities and Rights-of-Way

Metropolitan's facilities and rights-of-way must be fully shown and identified as Metropolitan's, with official recording data, on the following:

- A. All applicable plans
- B. All applicable tract and parcel maps

Metropolitan's rights-of-ways and existing survey monuments must be tied dimensionally to the tract or parcel boundaries. Metropolitan's Records of Survey must be referenced on the tract and parcel maps with the appropriate Book and Page.

2.0 General Requirements

2.1 Vehicular Access

Metropolitan must have vehicular access along its rights-of-way at all times for routine inspection, patrolling, operations, and maintenance of its facilities and construction activities. All proposed improvements and activities must be designed so as to accommodate such vehicular access.

2.2 Fences

Fences installed across Metropolitan's rights-of-way must include a 16-foot-wide gate to accommodate vehicular access by Metropolitan. Additionally, gates may be required at other specified locations to prevent unauthorized entry into Metropolitan's rights-of-way.

All gates must accommodate a Metropolitan lock or Knox-Box with override switch to allow Metropolitan unrestricted access. There should be a minimum 20-foot setback for gates from the street at the driveway approach. The setback is necessary to allow Metropolitan vehicles to safely pull off the road prior to opening the gate.

2.3 Driveways and Ramps

Construction of 16-foot-wide commercial-type driveway approaches is required on both sides of all streets that cross Metropolitan's rights-of-way. Access ramps, if necessary, must be a minimum of 16 feet wide.

There should be a minimum 20-foot setback for gates from the street at the driveway approach. Grades of ramps and access roads must not exceed 10 percent; if the slope of an access ramp or road must exceed 10 percent due to topography, then the ramp or road must be paved.

2.4 Walks, Bike Paths, and Trails

All walkways, bike paths, and trails along Metropolitan's rights-of-way must be a minimum 12-foot wide and have a 50-foot or greater radius on all horizontal curves if also used as Metropolitan's access roads. Metropolitan's access routes, including all walks and drainage facilities crossing the access routes, must be constructed to American Association of State Highway and Transportation Officials (AASHTO) H-20 loading standards (see Figure 1). Additional requirements will be placed on equestrian trails to protect the water quality of Metropolitan's pipelines and facilities.

2.5 Clear Zones

A 20-foot-wide clear zone is required to be maintained around Metropolitan's manholes and other above-ground facilities to accommodate vehicular access and maintenance. The clear zone should slope away from Metropolitan's facilities on a grade not to exceed 2 percent.

2.6 Slopes

Cut or fill slopes proposed within Metropolitan's rights-of-way must not exceed 10 percent. The proposed grade must not worsen the existing condition. This restriction is required to facilitate Metropolitan use of construction and maintenance equipment and allow uninhibited access to above-ground and below-ground facilities.

2.7 Structures

Construction of structures of any type is not allowed within the limits of Metropolitan's rights-of-way to avoid interference with the operation and maintenance of Metropolitan's facilities and possible construction of future facilities.

Footings and roof eaves of any proposed buildings adjacent to Metropolitan's rights-of-way must meet the following criteria:

- A. Footings and roof eaves must not encroach onto Metropolitan's rights-of-way.
- B. Footings must not impose any additional loading on Metropolitan's facilities.
- C. Roof eaves must not overhang onto Metropolitan's rights-of-way.

Detailed plans of footings and roof eaves adjacent to Metropolitan's rights-of-way must be submitted for Metropolitan's review and written approval, as pertains to Metropolitan's facilities.

2.8 Protection of Metropolitan Facilities

Metropolitan facilities within its rights-of-way, including pipelines, structures, manholes, survey monuments, etc., must be protected from damage by the project proponent or property owner, at no expense to Metropolitan. The exact location, description and method of protection must be shown on the project plans.

2.9 Potholing of Metropolitan Pipelines

Metropolitan's pipelines must be potholed in advance, if the vertical clearance between a proposed utility and Metropolitan's pipeline is indicated to be 4 feet or less. A Metropolitan representative must be present during the potholing operation and will assist in locating the pipeline. Notice is required, a minimum of three working days, prior to any potholing activity.

2.10 Jacked Casings or Tunnels

A. General Requirements

Utility crossings installed by jacking, or in a jacked casing or tunnel under/over a Metropolitan pipeline, must have at least 3 feet of vertical clearance between the outside diameter of the pipelines and the jacked pipe, casing, or tunnel. The actual

cover over Metropolitan's pipeline shall be determined by potholing, under Metropolitan's supervision.

Utilities installed in a jacked casing or tunnel must have the annular space between the utility and the jacked casing or tunnel filled with grout. Provisions must be made for grouting any voids around the exterior of the jacked pipe, casing, or tunnel.

B. Jacking or Tunneling Procedures

Detailed jacking, tunneling, or directional boring procedures must be submitted to Metropolitan for review and approval. The procedures must cover all aspects of operation, including, but not limited to, dewatering, ground control, alignment control, and grouting pressure. The submittal must also include procedures to be used to control sloughing, running, or wet ground, if encountered. A minimum 10-foot clearance must be maintained between the face of the tunneling or receiving pits and outside edges of Metropolitan's facility.

C. Shoring

Detailed drawings of shoring for jacking or receiving pits must be submitted to Metropolitan for review and written-approval. (See Section 10 for shoring requirements).

D. Temporary Support

Temporary support of Metropolitan's pipelines may be required when a utility crosses under a Metropolitan pipeline and is installed by means of an open trench. Plans for temporary support must be reviewed and approved in writing by Metropolitan. (See Section 11, Supports of Metropolitan Facilities).

3.0 Landscaping

3.1 Plans

All landscape plans must show the location and limits of Metropolitan's right-of-way and the location and size of Metropolitan's pipeline and related facilities therein. All landscaping and vegetation shall be subject to removal without notice, as may be required by Metropolitan for ongoing maintenance, access, repair, and construction activities. Metropolitan will not be financially responsible for the removal of any landscaping and vegetation.

3.2 Drought-Tolerant Native and California Friendly Plants

Metropolitan recommends use of drought-tolerant native and California Friendly® plants (excluding sensitive plants) on proposed projects. For more information regarding California Friendly® plants refer to www.bewaterwise.com.

3.3 Trees

Trees are generally prohibited within Metropolitan's rights-of-way as they restrict Metropolitan's ability to operate, maintain and/or install new pipeline(s) located within these rights-of-way. Metropolitan will not be financially responsible for the removal and replacement of any existing trees should they interfere with access and any current or future Metropolitan project located within the right-of-way.

3.4 Other Vegetation

Shrubs, bushes, vines, and groundcover are generally allowed within Metropolitan's rights-of-way. Larger shrubs are not allowed on Metropolitan fee properties; however, they may be allowed within its easements if planted no closer than 15 feet from the outside edges of existing or future Metropolitan facilities. Only groundcover is allowed to be planted directly over Metropolitan pipeline, turf blocks or similar is recommended to accommodate our utility vehicle access. Metropolitan will not be financially responsible for the removal and replacement of the vegetation should it interfere with access and any current or future Metropolitan project.

3.5 Irrigation

Irrigation systems are acceptable within Metropolitan's rights-of-way, provided valves and controllers are located near the edges of the right-of-way and do not interfere with Metropolitan vehicular access. A shutoff valve should also be located along the edge of the right-of-way that will allow the shutdown of the system within the right-of-way should Metropolitan need to do any excavation. No pooling or saturation of water above Metropolitan's pipeline and right-of-way is allowed. Additional restrictions apply to non-potable water such as Recycled Water and are covered on Table 3 of Page 20.

3.6 Metropolitan Vehicular Access

Landscape plans must show Metropolitan vehicular access to Metropolitan's facilities and rights-of-way and must be maintained by the property owner or manager or homeowners association at all times. Walkways, bike paths, and trails within Metropolitan's rights-of-way may be used as Metropolitan access routes. (See Section 2.4, Walks, Bike Paths, and Trails).

4.0 General Utilities

Note: For non-potable piping like sewer, hazardous fluid, storm drain, disinfected tertiary recycled water and recycled water irrigation see Table 1 through Table 3.

4.1 Utility Structures

Permanent utility structures (e.g., manholes, power poles, pull boxes, electrical vaults, etc.) are not allowed within Metropolitan's rights-of-way. Metropolitan requests that all permanent utility structures within public streets be placed as far from its pipelines and facilities as practical, but not closer than 5 feet from the outside edges of Metropolitan facilities.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation.

4.2 Utility Crossings

Metropolitan requests a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and any utility crossing the pipeline. Utility lines crossing Metropolitan's pipelines must be as perpendicular to the pipeline as possible. Cross-section drawings, showing proposed locations and elevations of utility lines and locations of Metropolitan's pipelines and limits of rights-of-way, must be submitted with utility plans, for all

crossings. Metropolitan's pipeline must be potholed under Metropolitan's supervision at the crossings (See Section 2.9).

4.3 Longitudinal Utilities

Installation of longitudinal utilities is generally not allowed along Metropolitan's rights-of-way. Within public streets, Metropolitan requests that all utilities parallel to Metropolitan's pipelines and appurtenant structures (facilities) be located as far from the facilities as possible, with a minimum clearance of 5 feet from the outside edges of the pipeline.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation (for more information See Table 1 on Page 18).

4.4 Underground Electrical Lines

Underground electrical conduits (110 volts or greater) which cross a Metropolitan's pipeline must have a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and the electrical lines. Longitudinal electrical lines, including pull boxes and vaults, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipeline or structures.

4.5 Fiber Optic Lines

Fiber optic lines installed by directional boring require a minimum of 3 feet of vertical clearance when boring is over Metropolitan's pipelines and a minimum of 5 feet of vertical clearance when boring is under Metropolitan's pipelines. Longitudinal fiber optic lines, including pull boxes, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipelines or structures. Potholing must be performed, under Metropolitan's supervision, to verify the vertical clearances are maintained.

4.6 Overhead Electrical and Telephone Lines

Overhead electrical and telephone lines, where they cross Metropolitan's rights-of-way, must have a minimum 35 feet of clearance, as measured from the ground to the lowest point of the overhead line. Overhead electrical lines poles must be located at least 30 feet laterally from the edges of Metropolitan's facilities or outside Metropolitan's right-of-way, whichever is greater.

Longitudinal overhead electrical and or telephone lines in public streets should have a minimum separation of 10 feet from the edge of a Metropolitan pipelines or structures where possible.

4.7 Sewage Disposal Systems

Sewage disposal systems, including leach lines and septic tanks, must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or the edge of its facilities, whichever is greater. If soil conditions are poor, or other adverse site-specific conditions exist, a minimum distance of 150 feet is required. They must also comply with local and state health code requirements as they relate to sewage disposal systems in proximity to major drinking water supply pipelines.

4.8 Underground Tanks

Underground tanks containing hazardous materials must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or edge of its facilities, whichever is greater. In addition, groundwater flow should be considered with the placement of underground tanks down-gradient of Metropolitan's facilities.

5.0 Specific Utilities: Non-Potable Utility Pipelines

In addition to Metropolitan's general requirements, installation of non-potable utility pipelines (e.g., storm drains, sewers, and hazardous fluids pipelines) in Metropolitan's rights-of-way and public street rights-of-way must also conform to the State Water Resources Control Board's Division of Drinking Water (DDW) regulation (Waterworks Standards) and guidance for separation of water mains and non-potable pipelines and to applicable local county health code requirements. Written approval is required from DDW for the implementation of alternatives to the Waterworks Standards and, effective December 14, 2017, requests for alternatives to the Waterworks Standards must include information consistent with: DDW's [Waterworks Standards Main Separation Alternative Request Checklist](#).

In addition to the following general guidelines, further review of the proposed project must be evaluated by Metropolitan and requirements may vary based on site specific conditions.

- A. Sanitary Sewer and Hazardous Fluids (General Guideline See Table 1 on Page 18)
- B. Storm Drain and Recycled Water (General Guideline See Table 2 on Page 19)
- C. Irrigation with Recycled Water (General Guideline See Table 3 on Page 20)
- D. Metropolitan generally does not allow Irrigation with recycled water to be applied directly above its treated water pipelines
- E. Metropolitan requests copies of project correspondence with regulating agencies (e.g., Regional Water Quality Control Board, DDW); regarding the application of recycled water for all projects located on Metropolitan's rights-of-way

6.0 Cathodic Protection/Electrolysis Test Stations

6.1 Metropolitan Cathodic Protection

Metropolitan's existing cathodic protection facilities in the vicinity of any proposed work must be identified prior to any grading or excavation. The exact location, description, and type of protection must be shown on all project plans. Please contact Metropolitan for the location of its cathodic protection stations.

6.2 Review of Cathodic Protection Systems

Metropolitan must review any proposed installation of impressed-current cathodic protection systems on pipelines crossing or paralleling Metropolitan's pipelines to determine any potential conflicts with Metropolitan's existing cathodic protection system.

7.0 Drainage

7.1 Drainage Changes Affecting Metropolitan Rights-of-Way

Changes to existing drainage that could affect Metropolitan's rights-of-way require Metropolitan's approval. The project proponent must provide acceptable solutions to ensure Metropolitan's rights-of-way are not negatively affected by changes in the drainage conditions. Plans showing the changes, with a copy of a supporting hydrology report and hydraulic calculations, must be submitted to Metropolitan for review and approval. Long term maintenance of any proposed drainage facilities must be the responsibility of the project proponent, City, County, homeowner's association, etc., with a clear understanding of where this responsibility lies. If drainage must be discharged across Metropolitan's rights-of-way, it must be carried across by closed conduit or lined open channel and must be shown on the plans.

7.2 Metropolitan's Blowoff and Pumpwell Structures

Any changes to the existing local watercourse systems will need to be designed to accommodate Metropolitan's blowoff and pumpwell structures, which periodically convey discharged water from Metropolitan's blowoff and pumping well structures during pipeline dewatering. The project proponents' plans should include details of how these discharges are accommodated within the proposed development and must be submitted to Metropolitan for review and approval. Any blowoff discharge lines impacted must be modified accordingly at the expense of the project proponent.

8.0 Grading and Settlement

8.1 Changes in Cover over Metropolitan Pipelines

The existing cover over Metropolitan's pipelines must be maintained unless Metropolitan determines that proposed changes in grade and cover do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance capability. Load and settlement or rebound due to change in cover over a Metropolitan pipeline or ground in the area of Metropolitan's rights-of-way will be factors considered by Metropolitan during project review.

In general, the minimum cover over a Metropolitan pipeline is 4 feet and the maximum cover varies per different pipeline. Any changes to the existing grade may require that Metropolitan's pipeline be potholed under Metropolitan's supervision to verify the existing cover.

8.2 Settlement

Any changes to the existing topography in the area of Metropolitan's pipeline or right-of-way that result in significant settlement or lateral displacement of Metropolitan's pipelines are not acceptable. Metropolitan may require submittal of a soils report showing the predicted settlement of the pipeline at 10-foot intervals for review. The data must be carried past the point of zero change in each direction and the actual size and varying depth of the fill must be considered when determining the settlement. Possible settlement due to soil collapse, rebound and lateral displacement must also be included.

In general, the typical maximum allowed deflection for Metropolitan's pipelines must not exceed a deflection of 1/4-inch for every 100 feet of pipe length. Metropolitan may require additional information per its Geotechnical Guidelines. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

9.0 Construction Equipment

9.1 Review of Proposed Equipment

Use of equipment across or adjacent to Metropolitan's facilities is subject to prior review and written approval by Metropolitan. Excavation, backfill, and other work in the vicinity of Metropolitan's facilities must be performed only by methods and with equipment approved by Metropolitan. A list of all equipment to be used must be submitted to Metropolitan a minimum of 30 days before the start of work.

- A. For equipment operating within paved public roadways, equipment that imposes loads not greater than that of an AASHTO H-20 vehicle (see Figure 1 on Page 21) may operate across or adjacent to Metropolitan's pipelines provided the equipment operates in non-vibratory mode and the road remains continuously paved.
- B. For equipment operating within unpaved public roadways, when the total cover over Metropolitan's pipeline is 10 feet or greater, equipment imposing loads no greater than those imposed by an AASHTO H-20 vehicle may operate over or adjacent to the pipeline provided the equipment is operated in non-vibratory mode. For crossings, vehicle path shall be maintained in a smooth condition, with no breaks in grade for 3 vehicle lengths on each side of the pipeline.

9.2 Equipment Restrictions

In general, no equipment may be used closer than 20 feet from all Metropolitan above-ground structures. The area around the structures should be flagged to prevent equipment encroaching into this zone.

9.3 Vibratory Compaction Equipment

Vibratory compaction equipment may not be used in vibratory mode within 20 feet of the edge of Metropolitan's pipelines.

9.4 Equipment Descriptions

The following information/specifications for each piece of equipment should be included on the list:

- A. A description of the equipment, including the type, manufacturer, model year, and model number. For example, wheel tractor-scraper, 1990 Caterpillar 627E.
- B. The empty and loaded total weight and the corresponding weight distribution. If equipment will be used empty only, it should be clearly stated.
- C. The wheel base (for each axle), tread width (for each axle), and tire footprint (width and length) or the track ground contact (width and length), and track gauge (center to center of track).

10.0 Excavations Close to Metropolitan Facilities

10.1 Shoring Design Submittal

Excavation that impacts Metropolitan's facilities requires that the contractor submit an engineered shoring design to Metropolitan for review and acceptance a minimum of 30 days before the scheduled start of excavation. Excavation may not begin until the shoring design is accepted in writing by Metropolitan.

Shoring design submittals must include all required trenches, pits, and tunnel or jacking operations and related calculations. Before starting the shoring design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements, particularly as to any special procedures that may be required.

10.2 Shoring Design Requirements

Shoring design submittals must be stamped and signed by a California registered civil or structural engineer. The following requirements apply:

- A. The submitted shoring must provide appropriate support for soil adjacent to and under Metropolitan's facilities.
- B. Shoring submittals must include detailed procedures for the installation and removal of the shoring.
- C. Design calculations must follow the Title 8, Chapter 4, Article 6 of the California Code of Regulations (CCR) guidelines. Accepted methods of analysis must be used.
- D. Loads must be in accordance with the CCR guidelines or a soils report by a geotechnical consultant.
- E. All members must be secured to prevent sliding, falling, or kickouts.

Metropolitan's pipelines must be located by potholing under Metropolitan's supervision before the beginning construction. Use of driven piles within 20 feet of the centerline of Metropolitan's pipeline is not allowed. Piles installed in drilled holes must have a minimum 2-foot clearance between Metropolitan's pipeline and the edge of the drilled hole, and a minimum of 1-foot clearance between any part of the shoring and Metropolitan's pipeline.

11.0 Support of Metropolitan Facilities

11.1 Support Design Submittal

If temporary support of a Metropolitan facility is required, the contractor shall submit a support design plan to Metropolitan for review and approval a minimum of 30 days before the scheduled start of work. Work may not begin until the support design is approved in writing by Metropolitan. Before starting design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements.

11.2 Support Design Requirements

Support design submittals must be prepared, stamped, and signed by a California registered civil or structural engineer. The following requirements apply:

- A. Support drawings must include detailed procedures for the installation and removal of the support system.
- B. Design calculations must follow accepted practices, and accepted methods of analysis must be used.
- C. Support designs must show uniform support of Metropolitan's facilities with minimal deflection.
- D. The total weight of the facility must be transferred to the support system before supporting soil is fully excavated.
- E. All members must be secured to prevent sliding, falling, or kickouts.

12.0 Backfill

12.1 Metropolitan Pipeline Not Supported

In areas where a portion of Metropolitan pipeline is not supported during construction, the backfill under and to an elevation of 6 inches above the top of the pipeline must be one-sack minimum cement sand slurry. To prevent adhesion of the slurry to Metropolitan's pipeline, a minimum 6-mil-thick layer of polyethylene sheeting or similar approved sheeting must be placed between the concrete support and the pipeline.

12.2 Metropolitan Pipeline Partially Exposed

In areas where a Metropolitan pipeline is partially exposed during construction, the backfill must be a minimum of 6 inches above the top of the pipeline with sand compacted to minimum 90 percent compaction.

12.3 Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA)

In areas where a Metropolitan cut and cover conduit is exposed, the following guidelines apply:

- A. No vehicle or equipment shall operate over or cross the conduit when the cover is less than 3 feet.
- B. Track-type dozer with a gross vehicle weight of 12,000 lbs or less may be used over the conduit when the cover is a minimum of 3 feet.
- C. Wheeled vehicles with a gross vehicle weight of 8,000 lbs or less may operate over the conduit when the cover is a minimum of 4 feet.
- D. Tracked dozer or wheeled vehicle should be used to push material over the conduit from the side.
- E. Tracked dozer or wheeled vehicle should gradually increase cover on one side of the conduit and then cross the conduit and increase cover on the other side of the conduit. The cover should be increased on one side of the conduit until a maximum of 2 feet of fill has been placed. The cover over the conduit is not allowed to be more than 2 feet higher on one side of the conduit than on the other side.
- F. The cover should be gradually increased over the conduit until the grade elevations have been restored.

13.0 Piles

13.1 Impacts on Metropolitan Pipelines

Pile support for structures could impose lateral, vertical and seismic loads on Metropolitan's pipelines. Since the installation of piles could also cause settlement of Metropolitan pipelines, a settlement and/or lateral deformation study may be required for pile installations within 50 feet of Metropolitan's pipelines. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

13.2 Permanent Cast-in-place Piles

Permanent cast-in-place piles must be constructed so that down drag forces of the pile do not act on Metropolitan's pipeline. The pile must be designed so that down drag forces are not developed from the ground surface to springline of Metropolitan's pipeline.

Permanent cast-in-place piles shall not be placed closer than 5 feet from the edge of Metropolitan's pipeline. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

Protective slabs must be permanent cast-in-place concrete protective slabs configured in accordance with Drawing SK-1 (See Figure 2 on Page 22).

The moments and shear for the protective slab may be derived from the American Association of State Highway and Transportation Officials (AASHTO). The following requirements apply:

- A. The concrete must be designed to meet the requirements of AASHTO
- B. Load and impact factors must be in accordance with AASHTO. Accepted methods of analysis must be used.
- C. The protective slab design must be stamped and signed by a California registered civil or structural engineer and submitted to Metropolitan with supporting calculations for review and approval.

Existing protective slabs that need to be lengthened can be lengthened without modification, provided the cover and other loading have not been increased.

15.0 Blasting

At least 90 days prior to the start of any drilling for rock excavation blasting, or any blasting in the vicinity of Metropolitan's facilities, a site-specific blasting plan must be submitted to Metropolitan for review and approval. The plan must consist of, but not be limited to, hole diameters, timing sequences, explosive weights, peak particle velocities (PPV) at Metropolitan pipelines/structures, and their distances to blast locations. The PPV must be estimated based on a site-specific power law equation. The power law equation provides the peak particle velocity versus the scaled distance and must be calibrated based on measured values at the site.

16.0 Metropolitan Plan Review Costs, Construction Costs and Billing

16.1 Plan Review Costs

Metropolitan plan reviews requiring 8 labor hours or less are generally performed at no cost to the project proponent. Metropolitan plan reviews requiring more than 8 labor hours must be paid by the project proponent, unless the project proponent has superior rights at the project area. The plan review will include a written response detailing Metropolitan's comments, requirements, and/or approval.

A deposit of funds in the amount of the estimated cost and a signed letter agreement will be required from the project proponent before Metropolitan begins or continues a detailed engineering plan review that exceeds 8 labor hours.

16.2 Cost of Modification of Facilities Performed by Metropolitan

Cost of modification work conducted by Metropolitan will be borne by the project proponent, when Metropolitan has paramount/prior rights at the subject location.

Metropolitan will transmit a cost estimate for the modification work to be performed (when it has paramount/prior rights) and will require that a deposit, in the amount of the estimate, be received before the work will be performed.

16.3 Final Billing

Final billing will be based on the actual costs incurred, including engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the total cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice for the additional amount will be forwarded for payment.

17.0 Street Vacations and Reservation of Easements for Metropolitan

A reservation of an easement is required when all or a portion of a public street where Metropolitan facilities are located is to be vacated. The easement must be equal to the street width being vacated or a minimum 40 feet. The reservation must identify Metropolitan as a "public entity" and not a "public utility," prior to recordation of the vacation or tract map. The reservation of an easement must be submitted to Metropolitan for review prior to final approval.

18.0 Metropolitan Land Use Guidelines

If you are interested in obtaining permission to use Metropolitan land (temporary or long term), a Land Use Form must be completed and submitted to Metropolitan for review and consideration. A nonrefundable processing fee is required to cover Metropolitan's costs for reviewing your request. Land Use Request Forms can be found at:

http://mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Land_Use_Request_form_revised.pdf

The request should be emailed to RealEstateServices@mwdh2o.com, or contact the Real Property Development and Management (RPDM) Group at (213) 217-7750.

After the initial application form has been submitted, Metropolitan may require the following in order to process your request:

- A. A map indicating the location(s) where access is needed, and the location & size (height, width and depth) of any invasive subsurface activity (boreholes, trenches, etc.).
- B. The California Environmental Quality Act (CEQA) document(s) or studies that have been prepared for the project (e.g., initial study, notice of exemption, Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), etc.).
- C. A copy of an ACORD insurance certification naming Metropolitan as an additional insured, or a current copy of a statement of self-insurance.
- D. Confirmation of the legal name of the person(s) or entity(ies) that are to be named as the permittee(s) in the entry permit.
- E. Confirmation of the purpose of the land use.
- F. The name of the person(s) with the authority to sign the documents and any specific signature title block requirements for that person or any other persons required to sign the document (i.e., legal counsel, Board Secretary/Clerk, etc.).
- G. A description of any vehicles that will have access to the property. The exact make or model information is not necessary; however, the general vehicle type, expected maximum dimensions (height, length, width), and a specific maximum weight must be provided.

Land use applications and proposed use of the property must be compatible with Metropolitan's present and/or future use of the property. Any preliminary review of your request by Metropolitan shall not be construed as a promise to grant any property rights for the use of Metropolitan's property.

19.0 Compliance with Environmental Laws and Regulations

As a public agency, Metropolitan is required to comply with all applicable environmental laws and regulations related to the activities it carries out or approves. Consequently, project plans, maps, and other information must be reviewed to determine Metropolitan's obligations pursuant to state and federal environmental laws and regulations, including, but not limited to:

- A. California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387)
- B. Federal Endangered Species Act (ESA) of 1973, 16 U.S.C. §§ 1531, et seq.
- C. California Fish and Game Code Sections 2050-2069 (California ESA)
- D. California Fish and Game Code Section 1602
- E. California Fish and Game Code Sections 3511, 4700, 5050 and 5515 (California fully protected species)
- F. Federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§ 703-712
- G. Federal Clean Water Act (including but not limited to Sections 404 and 401) 33 U.S.C. §§ 1342, 1344)

- H. Porter Cologne Water Quality Control Act of 1969, California Water Code §§ 13000-14076.
- I. Title 22, California Code of Regulations, Chapter 16 (California Waterworks Standards), Section 64572 (Water Main Separation)

Metropolitan may require the project applicant to pay for any environmental review, compliance and/or mitigation costs incurred to satisfy such legal obligations.

20.0 Paramount Rights / Metropolitan's Rights within Existing Rights-of-Way

Facilities constructed within Metropolitan's rights-of-way shall be subject to the paramount right of Metropolitan to use its rights-of-way for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove or relocate any facilities from its rights-of-way, such removal and replacement or relocation shall be at the expense of the owner of the facility.

21.0 Disclaimer and Information Accuracy

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as you may deem prudent, to assure that your project plans are correct. The relevant representative from Metropolitan must be called at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

Table 1: General Guidelines for Pipeline Separation between Metropolitan's Pipeline¹ and Sanitary Sewer² or Hazardous Fluid Pipeline³

<u>Pipeline Crossings</u>	<p>Metropolitan requires that sanitary sewer and hazardous fluid pipelines that cross Metropolitan's pipelines have special pipe construction (no joints) and secondary containment⁴. This is required for the full width of Metropolitan's rights-of-way or within 10 feet tangent to the outer edges of Metropolitan's pipeline within public streets. Additionally, sanitary sewer and hazardous fluid pipelines crossing Metropolitan's pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance between the top and the bottom of Metropolitan's pipeline and the pipe casing.</p> <p>These requirements apply to all sanitary sewer crossings regardless if the sanitary sewer main is located below or above Metropolitan's pipeline.</p>
<u>Parallel Pipeline</u>	<p>Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requires that all parallel sanitary sewer, hazardous fluid pipelines and/or non-potable utilities be located a minimum of 10 feet from the outside edges of Metropolitan's pipelines. When 10-foot horizontal separation criteria cannot be met, longitudinal pipelines require special pipe construction (no joints) and secondary containment⁴.</p>
<u>Sewer Manhole</u>	<p>Sanitary sewer manholes are not allowed within Metropolitan's rights-of-way. Within public streets, Metropolitan requests manholes parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment⁵.</p>

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

² Sanitary sewer requirements apply to all recycled water treated to less than disinfected tertiary recycled water (disinfected secondary recycled water or less). Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Hazardous fluids include e.g., oil, fuels, chemicals, industrial wastes, wastewater sludge, etc.

⁴ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁵ Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

Table 2: General Guidelines for Pipeline Separation between Metropolitan's Pipeline¹ and Storm Drain and/or Disinfected Tertiary Recycled Water²

<u>Pipeline Crossings</u>	Metropolitan requires crossing pipelines to be special pipe construction (no joints) or have secondary containment ³ within 10-feet tangent to the outer edges of Metropolitan's pipeline. Additionally, pipelines crossing Metropolitan's pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance.
<u>Parallel Pipeline</u>	Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requests that all parallel pipelines be located a minimum of 10 feet from the outside edges of Metropolitan's pipelines. When 10-foot horizontal separation criteria cannot be met, special pipe construction (no joints) or secondary containment ³ are required.
<u>Storm Drain Manhole</u>	Permanent utility structures (e.g., manhole, catch basin, inlets) are not allowed within Metropolitan's rights-of-way. Within public streets, Metropolitan requests all structures parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment ⁴ .

Notes:

¹ Separation distances are measured from the outer edges of each pipe.

² Disinfected tertiary recycled water as defined in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

⁴ Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

Table 3: General Guidelines for Pipeline Separation¹ between Metropolitan's Pipeline and Recycled Water^{2,4} Irrigations

Pressurized recycled irrigation mainlines	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing pressurized recycled irrigation mainlines must be special pipe construction (no joints) or have secondary containment³ within 10-feet tangent to the outer edges of Metropolitan's pipeline. • Longitudinal - must maintain a minimum 10-foot horizontal separation and route along the perimeter of Metropolitan's rights-of-way where possible.
Intermittently Energized Recycled Water Irrigation System Components	<ul style="list-style-type: none"> • Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment³. • Longitudinal – must maintain a minimum 5-foot horizontal separation between all intermittently energized recycled water irrigation system components (e.g. irrigation lateral lines, control valves, rotors) and the outer edges of Metropolitan's pipeline. Longitudinal irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment³.
Irrigation Structures	Irrigation structures such as meters, pumps, control valves, etc. must be located outside of Metropolitan's rights-of-way.
Irrigation spray rotors near Metropolitan's aboveground facilities	Irrigation spray rotors must be located a minimum of 20-foot from any Metropolitan above ground structures with the spray direction away from these structures. These rotors should be routinely maintained and adjusted as necessary to ensure no over-spray into 20-foot clear zones.
Irrigations near open canals and aqueducts	<p>Irrigation with recycled water near open canals and aqueducts will require a setback distance to be determined based on site-specific conditions. Runoff of recycled water must be contained within an approved use area and not impact Metropolitan facilities.</p> <p>Appropriate setbacks must also be in place to prevent overspray of recycled water impacting Metropolitan's facilities.</p>

Notes:

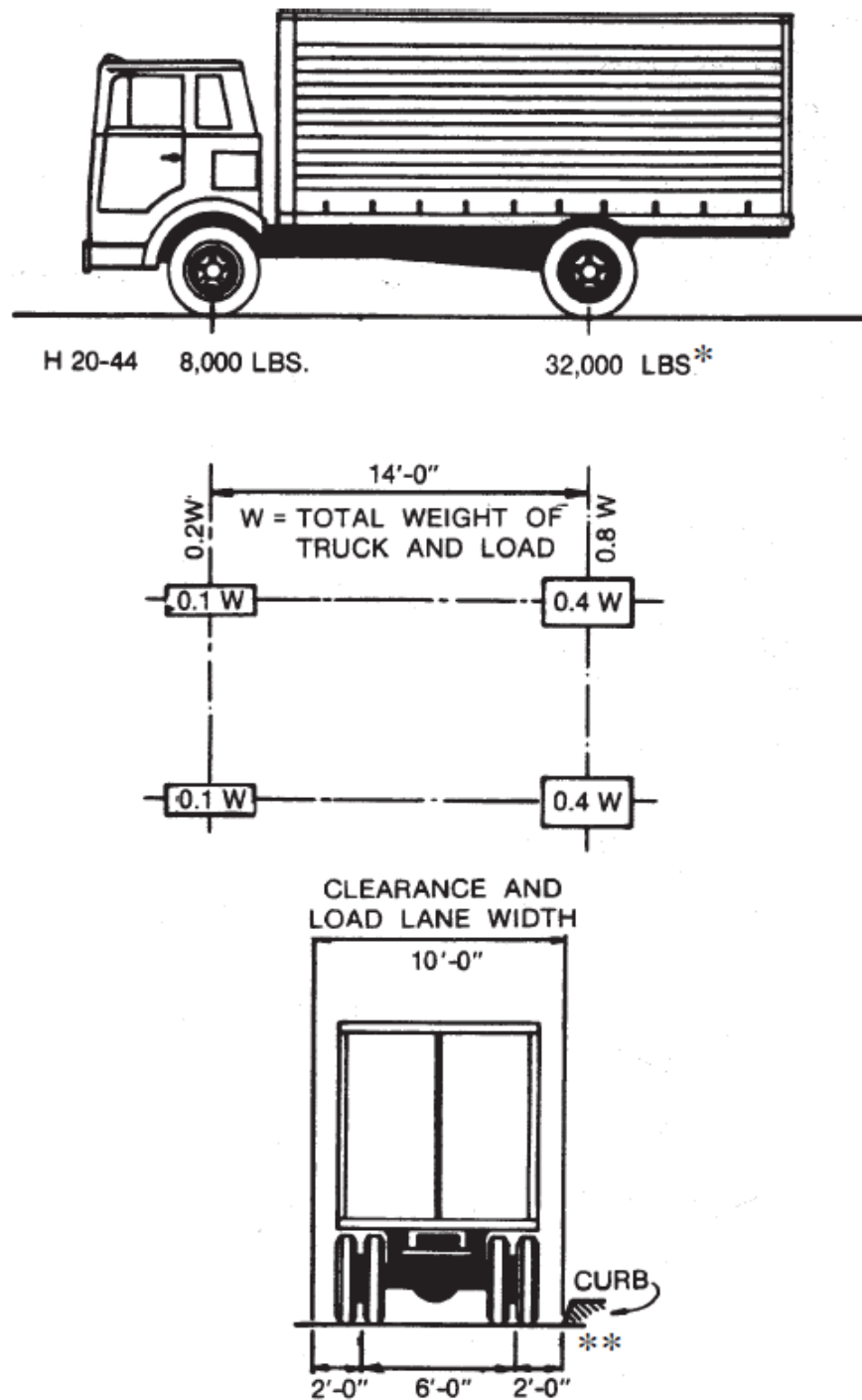
¹ Separation distances are measured from the outer edges of each pipe.

² Requirements for recycled water irrigation apply to all levels of treatment of recycled water for non-potable uses. Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

³ Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

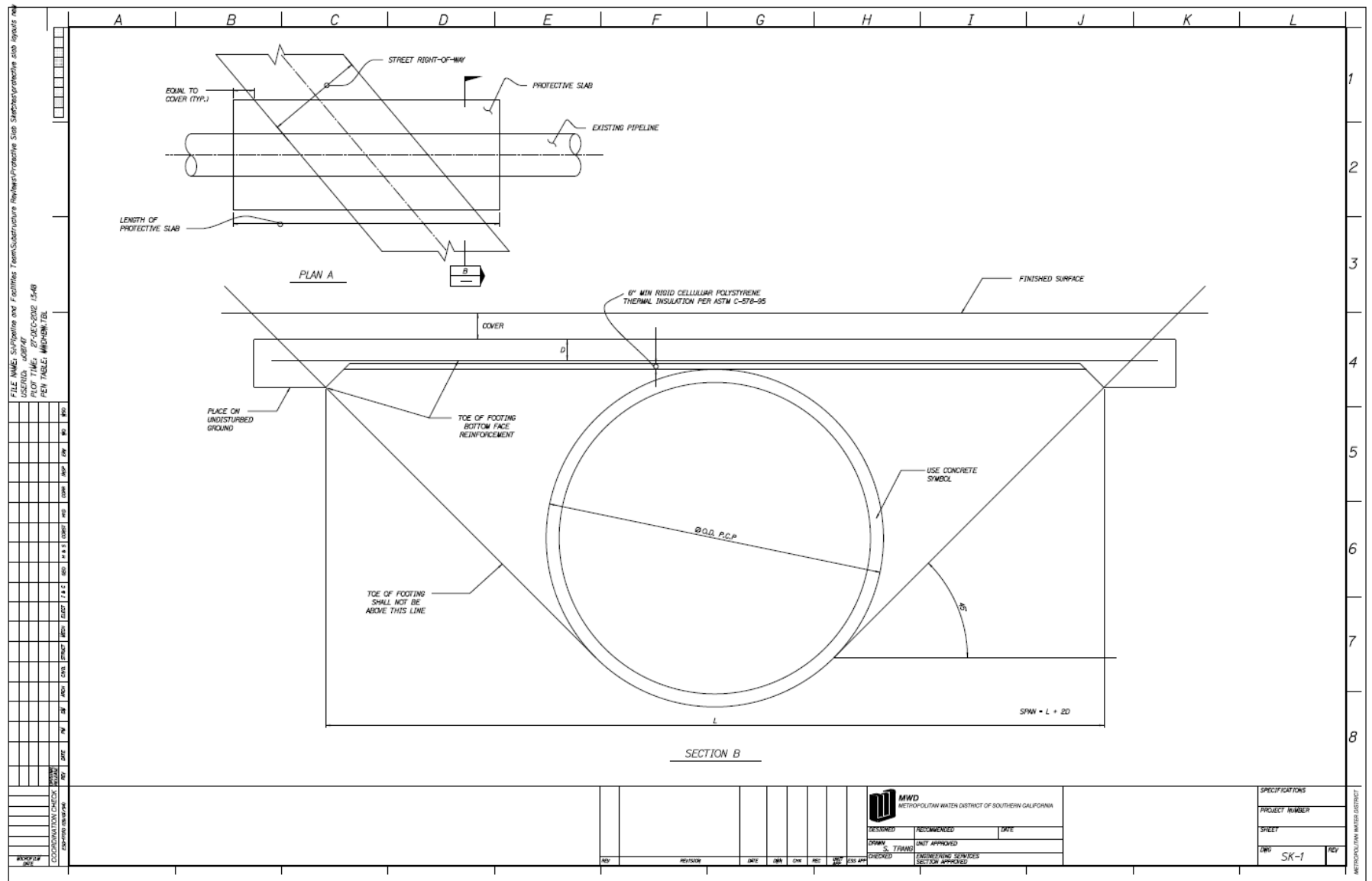
⁴ Irrigation with recycled water shall not be applied directly above Metropolitan's treated water pipelines.

Figure 1: AASHTO H-20 Loading



Note: The H loadings consist of a two-axle truck or the corresponding lane loadings as illustrated above. The H loadings are designated "H" followed by a number indicating the gross weight in tons of the standard truck.

Figure 2: Drawing SK-1





01/13/2022

VIA EMAIL ONLY

Steven Valdez, Senior Planner
County of San Bernardino
Land Use Services Department – Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
Steven.Valdez@lus.sbcounty.gov

RE: NOP Comments for Speedway Commerce Center II Specific Plan Project

Dear Mr. Valdez,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the Speedway Commerce Center II Specific Plan Project (the "Project"). The Project applicant is Candyce Burnett, Kimley Horn & Associates, Inc.

The proposed Project consists of the development of six separate planning areas with up to 6,600,000 square feet of high cube warehouse and e-commerce uses, approximately 261,360 square feet of accessory commercial uses, approximately 98 acres of vehicle parking/drop lot areas and associated open space and internal public roadways. Each planning area contains sub-areas to accommodate the vehicle parking, drop lots, and open space uses.

The NOP identifies the Project's potentially significant impacts to include all environmental considerations under CEQA. CARE CA respectfully requests, under CEQA complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project.

I. Background on CEQA EIRs

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code Regs. ("Guidelines") § 15002(a)(1). "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.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring implementation of “environmentally superior” alternatives and all feasible mitigation measures. Guidelines § 15002(a)(2) and (3); *Citizens of Goleta Valley*, 52 Cal.3d at 564. 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 where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” Pub. Res. Code § 21081; Guidelines § 15092(b)(2)(A) and (B).

Although 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 Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1355 (quoting *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.*, 47 Cal.3d 376, 409 n. 12 (1988)). Substantial evidence in the record must support any foundational assumptions used for the impact analyses in the EIR. *Citizens of Goleta Valley*, 52 Cal.3d at 568 (EIR must contain facts and analysis, not just bare conclusions); *Laurel Heights*, 47 Cal.3d at 392-93 (agency’s conclusions must be supported with substantial evidence).

II. General Comments

i) CARE CA has a particular interest in air quality and public health. Estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health. The DEIR must therefore include a Health Risk Assessment because industrial projects such as the proposed Project typically result in exposure to toxic air contaminants (TACs).

ii) In order to reflect a good faith effort at full disclosure, the transportation analysis must consider all reasonably foreseeable uses for the Project. If the tenant for the Project is unknown, the DEIR analysis should include higher intensity uses. The analysis must also include heavy truck traffic in its VMT analysis.

iii) If the specific type of warehouse is not specified, the DEIR should also consider and analyze the impacts of construction and operation of cold storage warehouse space and the potential use of transportation refrigeration units (TRUs) during Project operation.

iv) Mitigation measures must be effective and enforceable. Every effort must be made to incorporate modern technology in the mitigation measures and MMRP. For example, a requirement that all off-road equipment and trucks using the site during construction and operations be zero emission, near-zero emissions or alternative-fueled vehicle would both reduce and/or eliminate air pollution impacts and CO2 emissions.

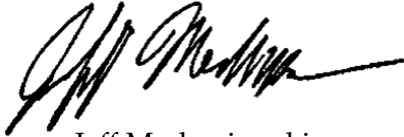
v) Provide all sources and referenced materials when the DEIR is made available.

III. Conclusion

Thank you for the opportunity to submit NOP comments. Again, CARE CA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Modrzejewski', with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director



INLAND EMPIRE BIKING ALLIANCE

13 January 2022

Steven Valdez, Senior Planner
County of San Bernardino
Land Use Services Department—Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Transmitted via email to Steven.Valdez@lus.sbcounty.gov.

Re: Speedway Commerce Center II Specific Plan Project and EIR Notice of Preparation

Dear Mr. Valdez,

I am writing on behalf of the Inland Empire Biking Alliance in response to the Notice of Preparation which was made available for the proposed Speedway Commerce Center II Specific Plan Project (“Project”) in the Fontana area of the county. After reviewing the documents and information provided, the following comments are being submitted for consideration and study as part of the EIR process.

In recent years, the state and various other agencies have passed a number of laws and regulation which seek to help reduce the use of automotive transportation in society and begin to reverse the many ill effects which have been thrust upon us all as a result of the overreliance on their use in any and everything. One promising option for people to use as an alternative are bicycles, especially with the advent and proliferation of electric bicycles (e-bikes) which are able to provide riders with more range, endurance, etc. at the same level of energy expenditure as compared to a non-electric bike. However, an equally important need is for the safe infrastructure to be provided to enable people to feel comfortable enough to venture out on their bicycles.

The Speedway Commerce Center II Roadway Infrastructure Plan (“RIP”) which was included in the NOP document packet shows several new Streets which connect to other existing streets or new intersections. However, further information about the specifics of the design of those proposed streets has not been provided, making it difficult to ascertain whether the Project would in fact provide an improvement in connectivity for bicyclists. Though that information is not provided, other things provide a worrying sign that they would be a step backwards, not forwards.

Thus, we would like to make sure the EIR process identifies how this Project would enhance and improve safety, connectivity, and access for bicyclists, not just to the Project site, but to the broader regional system as well. At a bare minimum, this study needs to ensure that the appropriate bicycle



INLAND EMPIRE BIKING ALLIANCE

facility based on Caltrans' contextual guidance matrix¹ are chosen and analyzed as part of the process. We would also like to see the inclusion of a Class I trail adjacent to Street "A" (preferably on the northern side) that would connect from Cherry Avenue to Napa Street and thus the planned San Sevaine Trail which would be located a just beyond the western edge of the Project. Doing so would provide employees and visitors direct access to the Project site from the broader regional trail network and would also function as an access point to the San Sevaine Trail itself for the residential community located just east of Cherry Avenue.

We are concerned that as presented on the RIP, it appears that the Project plans to install traffic signals at the intersections of all the Streets with each other on the Project site. It has long been known that roundabouts are safer than traffic lights in most situations², so it is concerning to see that in 2022, that there would still be proposals to install new traffic light intersections with their worse safety record instead. We would like to ensure that the EIR studies and provides an analysis of the safety benefits that would be realized by using roundabouts for those intersections instead.

Finally, there is an existing set of train platforms just north of the Project site which are used by the Metrolink commuter rail system but are not considered a regular station. This Project should work with the San Bernardino County Transportation Authority and Metrolink to convert the platforms into an actual station to provide an additional connection point for people to access the Project without having to use a car and would also fill in what is now the biggest gap between stations in San Bernardino County. Adding the station increases the viability of bicycle commuters to be able to access the Project by way of providing an alternate option for arriving to work or returning home and the combination of the two modes can often have travel times which are on-par with or even faster than driving a car³⁴. Metrolink is currently working on their SCORE program which will improve train services in coming years by providing more frequent departures throughout the day, strengthening the confidence that people would be able to have in the ability to use the system.

In summary, we would like to make sure that the EIR treats bicycles as a serious and equal tool for achieving local, regional, and state goals and is able to identify how this Project will improve the environment for their use. This includes provision of safe, adequate facilities and making sure that bicycling access is considered as one of the tools to keep Traffic impacts of the Project in check. We

¹ Flournoy, M. (2020). Contextual guidance for bike facilities. Caltrans. Retrieved from <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/office-of-smart-mobility-and-climate-change/planning-contextual-guidance-memo-03-11-20-a11y.pdf>.

² Rodegerdts, L. A. (2010). Roundabouts: An informational guide (Vol. 672). Transportation Research Board.

³ van Mil, J. F., Leferink, T. S., Annema, J. A., & van Oort, N. (2021). Insights into factors affecting the combined bicycle-transit mode. *Public Transport*, 13(3), 649-673.

⁴ Martens, K. (2007). Promoting bike-and-ride: The Dutch experience. *Transportation Research Part A: Policy and Practice*, 41(4), 326-338.



INLAND EMPIRE BIKING ALLIANCE

look forward to seeing the finished environmental report to ensure that takes these issues into account and provides a safer, more accessible environment not just for bicyclists, but for everyone.

Sincerely,

Marven E. Norman, Executive Director

CC: Elizabeth Lun, Acting Assistant Director, SCORE Program
Aaron Azevedo, Metrolink Acting Assistant Director, Structures & Stations
Josh Lee, SBCTA Chief of Planning
Carrie Schindler, SBCTA Director of Transit and Rail
Patty Nevins, City of Fontana, Planning Director

About IEBA The Inland Empire Biking Alliance is advocating for making the Inland Empire a better place for people from all rolls of life. From the children just learning how to ride to the mountain bikers to those headed back and forth to work, school, or their preferred shopping center and beyond, we speak up to make sure they all have safe and convenient place to ride.

Burnett, Candyce

From: Valdez, Steven <Steven.Valdez@lus.sbcounty.gov>
Sent: Tuesday, January 18, 2022 7:55 AM
To: Burnett, Candyce
Cc: Sean Kilkenny; Patrick Cruz
Subject: FW: Speedway Commerce Center II - Notice of Preparation of DEIR

Categories: External

Hi Candyce,

Please see the attached comments from the City of Rancho Cucamonga.

Thanks,

Steven Valdez

Senior Planner
Land Use Services Department
Phone: 909-387-4421
Cell Phone: 909-601-4743
Fax: 909-387-3223
385 N. Arrowhead Ave, First Floor
San Bernardino, CA, 92415-0187



Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov

County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

From: Smith, Michael <Michael.Smith@cityofrc.us>
Sent: Thursday, January 13, 2022 11:21 PM
To: Valdez, Steven <Steven.Valdez@lus.sbcounty.gov>
Subject: Speedway Commerce Center II - Notice of Preparation of DEIR

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

Hello, Steven

The City of Rancho Cucamonga has received the Notice of Preparation (NOP) dated December 13, 2021 of the Draft Environmental Impact Report (DEIR) for *Speedway Commerce Center II* with a comment period that closes on January 13, 2022.

We have reviewed the NOP and have the following, broad topics for discussion in the DEIR. Please consider the following impacts on the City of Rancho Cucamonga (the "City") and, in general, the surrounding area in the vicinity of the project site:

1. Aesthetic impacts due to glare generated by new lighting;
2. Air quality impacts during construction of the project - in particular impacts on the residential neighborhoods in the City located to the northwest of the project site;
3. Air quality impacts caused by the operations of the tenant(s) of the project - in particular impacts on the residential neighborhoods in the City located to the northwest of the project site;
4. Noise generated by additional traffic on, for example, segments of Arrow Route and Foothill Boulevard in the City, where there is residential development, between the project site and Interstate 15;
5. Truck parking and trailer storage during conditions when parking/storage demand exceeds the availability/capacity of parking/storage on the project site;
6. Traffic circulation impacts on the City's street network - in particular on Foothill Boulevard, Arrow Route, Napa Street, 4th Street, and Etiwanda Avenue;
7. Additional street connections to ensure efficient/effective circulation, redundancy, and access. As this is a critical topic, consider the following:
 - The westerly north-south "VIP Access Road" between Street "D" and San Bernardino Avenue should continue north to Napa Street to provide additional routing opportunities and more direct access for properties in the vicinity of the San Sevaine Channel between Napa Street and San Bernardino Road;
 - Street "D" should extend west to Etiwanda Avenue. This east-west connection would balance the amount of traffic and traffic movements between Cherry Avenue and Etiwanda Avenue;
 - A potential connection at 6th Street to provide an additional east-west connector between Ontario and Fontana between 4th Street/San Bernardino Avenue and Arrow Route south of the Metrolink Tracks. This will improve circulation around the properties that are bounded by the BNSF/Metrolink railroad tracks and 4th Street/San Bernardino Road. This is a connection that is not accomplished by the Napa Street connection since it terminates at Etiwanda Avenue.
8. Traffic and vehicle miles traveled (VMT) generated by the project due to trucks (shipping and final delivery) and passenger vehicles (employee commutes);
9. Operational impacts of the project on utilities and utility-related services in the general area due to the obsolescence of infrastructure that needs to be upgraded/reconstructed;
10. Public safety, e.g. police and fire, access to the project site during emergencies.

NOTE: the City has recently approved, or is reviewing, applications for several industrial development projects in the vicinity of the subject project site. Please contact us regarding these projects so that they are included in any evaluation of the construction/operational impact of the subject project.

The City would like to participate in the preparation and review of the DEIR. Please send all notices related to the subject project and applicable procedural steps to me via the address and email address listed below. Also, please notify me of any future projects at the Auto Center Speedway. Our awareness of these projects will assist us in informing and serving the Community.

Thank you.

Mike Smith
Principal Planner
Planning Department
City of Rancho Cucamonga
10500 Civic Center Drive
(909) 774-4317 (direct)

(909) 477-2750 x4317

michael.smith@cityofrc.us





Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

www.SBCounty.gov

Brendon Biggs, M.S., P.E.
Director

David Doublet, M.S., P.E.
Assistant Director

Trevor Leja
Assistant Director

January 14, 2022

File: 10(ENV)-4.01

Land Use Services Department
Planning Division
Attn: Steven Valdez, Senior Planner
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
Steven.Valdez@lus.sbcounty.gov

Transmitted Via Email

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SPEEDWAY COMMERCE CENTER II PROJ-2021-000150

Dear Mr. Valdez:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on December 16, 2021** and pursuant to our review, we have the following comments:

Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the City of Fontana MPD, dated June 1992. It is to be used as a guideline for drainage in the area and is available in the City of Fontana offices. Any revision to the drainage should be reviewed and approved by the jurisdictional agency. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the Draft EIR before the document is adopted by the Lead Agency.
2. According to the most recent FEMA Flood Insurance Rate Map (FIRM), Panels 06071C8634J, dated September 26, 2014 and 06071C8653J, dated September 2, 2016, the Project lies within Zone X-shaded (500-yr. floodplain; protected by a levee) and sliver of Zone X along the entire eastern border. Impacts or mitigation for impacts for the occurrence within Zone X area should be included within the Draft EIR prior to adoption.

BOARD OF SUPERVISORS

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Chief Executive Officer

3. One of the benefits of the MSDP is to identify the alignment of future drainage and flood control facilities. It is hoped that the developer and County (LUSD) will continue to use this document to protect the alignment of future facilities.
4. We recommend that the Project includes, and the County (LUSD) enforces FEMA's most current regulations for construction in a floodplain.

Permits/Operations Support Division (Sameh Basta, Chief, 909-387-7995):

1. The proposed Project is located adjacent to a San Bernardino County Flood Control District (SBCFCD) right-of way and facilities (1-803-4A) Banana Basin, (1-809-6A/B) West Fontana Channel, (1-811-4A) Hickory Basin and (1-801-1G) San Sevaine Channel. Any encroachments including, but not limited to access for grading, fence removal and installation, side drain connections on the District's right-of-way or facilities will require a permit from the SBCFCD prior to start of construction. Please contact the San Bernardino County Flood Control Permit Section at (909) 387-7995 for further information regarding this process. The necessity for permits, and any impacts associated with them, should be addressed in the Draft EIR prior to adoption and certification.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Michael Perry

MICHAEL R. PERRY
Supervising Planner
Environmental Management

MP:AJ:nI



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

January 24, 2022

Steven Valdez, Senior Planner
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
Steven.Valdez@lus.sbcounty.gov

Terri Rahhal, Director
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
Terri.Rahhal@lus.sbcounty.gov

Lynna Monell, Clerk of the Board
San Bernardino County
385 N. Arrowhead Avenue
San Bernardino, CA 92415
COB@sbcounty.gov

Re: CEQA and Land Use Notice Request for Speedway Commerce Center II (PROJ-2021-000150; SCH 2021120259)

Dear Mr. Valdez, Ms. Rahhal, and Ms. Monell:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as Speedway Commerce Center II (PROJ-2021-000150; SCH 2021120259), including all actions related or referring to the proposed development of six separate planning areas with up to 6,600,000 square feet of high cube warehouse and e-commerce uses, approximately 261,360 square feet of accessory commercial uses, approximately 98 acres of vehicle parking/drop lot areas and associated open space and internal public roadways, located in an unincorporated area of southwestern San Bernardino County on APNs 0231-011-09, 11, 12, 0231-11-06, 10, 17, 18, 19 and 20 ("Project").

We hereby request that San Bernardino County ("County") send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the County and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the County, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

January 24, 2022

CEQA and Land Use Notice Request for Speedway Commerce Center II (PROJ-2021-000150; SCH 2021120259)

Page 2 of 2

- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Stacey Osborne
Molly Greene
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
stacey@lozeaudrury.com
molly@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Molly Greene
Lozeau | Drury LLP



City Council

Acquanetta Warren
Mayor

Peter A. Garcia
Mayor Pro Tem

John B. Roberts
Council Member

Jesus "Jesse" Sandoval
Council Member

Phillip W. Cothran
Council Member

January 25, 2022

Mr. Steven Valdez, Senior Planner
San Bernardino County
Land Use Services Department/Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Transmitted via email to Steven.Valdez@lus.sbcounty.gov

RE: Speedway Commerce Center II Specific Plan Project (SCCIISP) and EIR Notice of Preparation

LOCATION: The project site consists of eight (8) parcels of approximately 522 gross acres located on the west side of Cherry Avenue between Arrow Boulevard and San Bernardino Avenue. The site is further identified as 9300 Cherry Avenue, (APNs: 0231-011-09, -10, -11, -12, -17, -18, -19 and -20).

SCH No.: 2021120259

Dear Mr. Valdez:

Thank you for the opportunity to review and comment on the above-referenced project. The City of Fontana received the Notice of Preparation late on January 11, 2021. Unfortunately, we missed the opportunity to attend the Scoping Meeting on the January 11th. In the future, can you also include me in the distribution list for notices and review of environmental documents. My email is rleung@fontana.org and address is below.

The SCCIISP would facilitate the redevelopment of about 400 acres of the existing Auto Club Speedway and the Next Gen in California facility. The SCCIISP also includes the development additional planning areas with up to 6.6 million square feet of high cube logistic and e-commerce uses along with associated commercial uses. The City of Fontana would like to understand the potential negative impacts that the project may have on the surrounding area. Therefore, the City of Fontana would like the opportunity to review all environmental documents and studies and be notified of any Public Hearings.

Areas of concern should include the following:

Minimum Technical Studies and Environmental Documents/Forms. Please include other Items Necessary for the Project as Optional Items in the Proposal.			
<input checked="" type="checkbox"/>	Air Quality Assessment	<input type="checkbox"/>	Geotechnical Report
<input checked="" type="checkbox"/>	Green House Gas Assessment	<input checked="" type="checkbox"/>	Aesthetics, Light, and Glare Study
<input checked="" type="checkbox"/>	Health Risk Assessment	<input type="checkbox"/>	Environmental Site Assessment (Phase I)
<input checked="" type="checkbox"/>	Traffic Impact Analysis (City's Project Engineer Can Assist with Determination)	<input type="checkbox"/>	SB 18 (GP/SP/GPA/SPA) Tribal Notification/Consultation
<input type="checkbox"/>	Traffic Generation Memo	<input type="checkbox"/>	Urban Decay Analysis
<input checked="" type="checkbox"/>	Noise Study	<input checked="" type="checkbox"/>	Cultural Resources Assessment
<input type="checkbox"/>	Habitat Assessment	<input type="checkbox"/>	Water Supply Assessment
<input type="checkbox"/>	Arborist Report	<input type="checkbox"/>	Other Studies
<input type="checkbox"/>	Jurisdictional Delineation		
<input type="checkbox"/>	Hydrology/Water Resources		

If you have any questions on this matter, please contact me at (909) 350-6566.

Sincerely,
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Department

Rina Leung
 Senior Planner