



Appendix A

Notice of Preparation and Correspondence



City of Rialto California

Date: July 1, 2024

To: Responsible and Trustee Agents/Interested Organizations and Individuals

Subject: Notice of Preparation (NOP) of a Draft Environmental Report and Notice of a Public Scoping Meeting (Scoping Meeting) for the Miro Way and Ayala Drive Project

Lead Agency

City of Rialto, Planning Department
150 S. Palm Avenue
Rialto, CA 92376
Attention: Daniel Casey

Consulting Firm

Kimley-Horn and Associates
401 B Street, Suite 600
San Diego, CA 92101
Attention: Casey Schooner

Due to the time limits mandated by State law, we request that your response to this Notice of Preparation (NOP) be sent at the earliest possible date.

Notice of Preparation Review Period: July 8, 2024 to August 7, 2024

Scoping Meeting: August 1, 2024 at 6:00 PM

Project Title: Miro Way and Ayala Drive Project (Project)

Location: The Miro Way and Ayala Drive Project (Project or proposed Project) is located in the City of Rialto in San Bernardino County, California. The project site is 0.75 miles south of State Route 210 (SR 210) as depicted in **Figure 1: Regional Vicinity Map**. The project site consists of approximately 20.76 acres and is located directly west of Ayala Drive, approximately 450 linear feet north of Baseline Road, and east of Linden Avenue within the Renaissance Specific Plan Amendment (RSPA) area, as depicted in **Figure 2: Project Vicinity Map**.

A. Project Overview

Lewis-Hillwood Rialto Company, LLC (Owner) and the City of Rialto are proposing to develop an existing vacant property (location as referenced above) that would include the construction of two industrial warehouse buildings with approximately 53,640 square feet (sf) to 375,075 sf including 399,715 sf of warehouse space and 29,000 sf of ancillary office space on approximately 20.76 acres, as depicted in **Figure 3: Conceptual Site Plan**. The Project would be located in Planning Areas 126 and 133 and would also include the reconfiguration and construction of Miro Way and a rezone of Planning Area 123, located north of the proposed warehouse development.

The Project is comprised of Planning Areas 123, 126, and 133. Planning Areas 126 and 133 would be rezoned from Public Park and Employment to Business Center to allow for the proposed warehouse development. Planning Area 123 would be rezoned from School to General Commercial with a Residential



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Overlay. The Project consists of Assessor Parcel Numbers (APNs) 0264-211-15 and -20; 0264-212-12, -17; -30; -44; -45; -46; -54; and portions of 0264-212-05 and -06. The existing and proposed zoning are depicted in **Figure 4: Existing 2016 Renaissance Specific Plan Area** and **Figure 5: Proposed 2024 Renaissance Specific Plan Area**. The existing land uses for each planning area are described in **Table 1: Existing Land Use Designations**.

Table 1: Existing Land Use Designations

Planning Area	Existing Land Use Category	Proposed Land Use Category
123	School	General Commercial (Residential Overlay) ¹
126	Public Park	Business Center
133	Employment (Designated Park Overlay)	Business Center
1) Planning Area 123 retains the option to become Medium High Density Residential (MHDR) and can accept the transfer of residential units from other areas of the Specific Plan, as described in Section 6 of the RSPA.		

Based on the uses being proposed by the Applicant, the Project would require 277 automobile parking spaces and the project proposes 283 automobile parking spaces. **Table 2: Site Summary**, summarizes the proposed site development.

Table 2: Building Site Summary

Building	Site (ac)	Office (sf)	Mezzanine (sf)	Warehouse (sf)	Total Building (sf)	Dock Doors	Drive Thru Door	Automobile Parking Stalls	
								Required	Provided
Building 1	2.98	3,000	3,000	47,640	53,640	6	1	66	70
Building 2	17.78	18,000	5,000	352,075	375,075	65	3	211	213
Total	20.76	21,000	8,000	399,715	428,715	71	4	277	283

The proposed buildings are currently planned as “speculative buildings,” meaning that there are not business uses identified for the buildings. Without knowing the specifics in terms of the future tenants or buyers, the Project is mandated to provide the parking as shown in **Table 2**. Therefore, the Environmental Impact Report (EIR) and associated technical reports will use City approved numbers for the approximate potential on-site employees, hours of operation, and vehicular traffic generation based on the Project’s proposed square footage and use as warehouse buildings as dictated by the City guidelines.

Building 1

Building 1 is proposed as a rectangular building located on the northwestern portion of the project site. The building would have dimensions of approximately 260 feet wide (east-to-west) by 180 feet long (north-to-south). The building would be one story and would include mezzanine office space at the northeastern corner of the building. Access to Building 1 would be provided by one driveway shared with Building 2 on Miro Way. The east side of the building would have 6 dock doors and one drive-thru door. The building frontage would be setback approximately 98.5 feet from Miro Way and approximately 49 feet from Linden Avenue.



City of Rialto *California*

Building 2

Building 2 is proposed as a rectangular building located within the central and western portions of the project site. The building would have dimensions of approximately 792 feet wide (east-to-west) by 440 feet long (north-to-south). The warehouse space would be one story and mezzanine office space would be located at the northeastern corner of the building, with potential office space located at the northwestern and southeastern corners of the building. Access to Building 2 would be provided via two driveways on Miro Way (including a shared driveway with Building 1) and two driveways on Ayala Drive. Dock doors would be located along the northern and southern sides of the building. The building frontage would be setback a minimum of approximately 40 feet from Ayala Drive and approximately 223 feet from Miro Way.

Landscaping

The Project would include drought-tolerant plant landscaping along the perimeter of the project site to provide a buffer between the site and surrounding uses. Landscaping would be installed in all areas not devoted to buildings, parking, traffic and specific user requirements, in accordance with the City's Municipal Code Section 18.61.250 and Section 18.61.270, which specify landscape design guidelines for industrial districts.

Off-Site Improvements

Access to the project site would be provided via Miro Way and Ayala Drive. The Project would include the reconfiguration and construction of Miro Way and associated curb, gutter, and streetlight improvements. Sidewalks would be provided on the south side of Miro Way, along the project frontage. The intersection at Ayala Drive and Miro Way would be signalized, and overhead utility lines along Linden Avenue, south of the existing signalized intersection at Miro Way and Linden Avenue, would be undergrounded.

Off-site utility and roadway improvements would extend slightly north of Miro Way and within the right-of-way of both Linden Avenue and Ayala Drive along the project frontages. With off-site improvements, the total project footprint is approximately 27.19 acres.

Construction

Construction of the proposed Project is expected to commence in 2025 with a construction duration of approximately 13 months and would be completed in one phase of construction. Total excavation and fill of soils for the proposed Project is anticipated to require 44,000 cubic yards (cy) of cut and 103,200 cy of fill, with approximately 59,200 cy of imported soil.

B. Project Setting

Adjacent properties to the north include vacant land previously occupied by the Rialto Municipal Airport and zoned for Utilities/Public Facilities, Medium Density and Low Density Residential land use categories (i.e., zones), and existing industrial uses north of Planning Area 123. A City of Rialto Water Treatment Facility and existing industrial and commercial uses are further to the north. Properties to the south



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include existing industrial uses, a self-storage facility, and commercial uses. Properties to the east and across Ayala Drive include a business park, vacant land zoned for Employment, and Jerry Eaves Park further to the northeast. Properties to the west include industrial uses, Linden Avenue, and industrial uses west of Linden Avenue.

C. Requested Project Approvals

City of Rialto discretionary actions that could be approved based on the certification of the Final Subsequent EIR (SEIR) would include the following:

- **Precise Plan of Design (PPD):** Site development of two warehouse buildings totaling approximately 428,715 square feet on two proposed parcels. Total site area consists of approximately 20.76 acres.
- **Tentative Parcel Map (TPM):** To show the required City right-of-way dedication for Miro Way and Ayala Drive, setbacks, and easements.
- **Specific Plan Amendment (SPA):** To allow for the reconfiguration of Miro Way and a change to the existing zoning designations of Planning Area 123 to General Commercial with a Residential Overlay and Planning Areas 126 and 133 to Business Center.
- **Amended Development Agreement:** To identify required development impact fees to be paid by the project applicant.

D. Project Characteristics

General Plan Designation: The Project site is designated as Specific Plan within the Rialto General Plan.

Zoning: The project site is zoned as School (Planning Area 123), Public Park (Planning Area 126), and Employment with a designated Park Overlay (Planning Area 133).

E. Circulation and Parking

Vehicular access to the proposed project site would be provided via two driveways along Miro Way and two driveways along Ayala Drive. The intersections at Linden Avenue and Miro Way and Ayala Drive and Miro Way would both be signalized. The nearest major freeways to the project site include SR 210, located approximately 0.75 miles north of the project site and Interstate 215 (I-215), located approximately 5.5 miles east of the project site. As shown in **Table 1** (above), the proposed Project would meet the parking requirements for the proposed buildings.

Environmental Issues to be Evaluated in the SEIR

The City of Rialto, the lead agency for the proposed Project, is subject to specific environmental review under CEQA. CEQA Guidelines Section 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 City has already determined that an SEIR will need to be prepared based on the Project's potential to create short-term,



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long-term and cumulative impacts. Therefore, an SEIR will be prepared to fully evaluate the potential impacts of the proposed Project. The SEIR will be comprehensive in nature evaluating the following identified issues from the 2023 CEQA Initial Study Checklist.

The following issues are anticipated to be addressed in the SEIR:

- Aesthetics • Air Quality • Biological Resources • Cultural Resources • Energy • Greenhouse Gas Emissions
- Hydrology and Water Quality • Land Use and Planning • Noise • Population and Housing • Public Services
- Recreation • Transportation • Tribal Cultural Resources • Utilities and Service Systems

The SEIR will address the short-term and long-term effects of the Project on the surrounding environment, including the requirements of the proposed off-site improvements. The SEIR 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 SEIR. Mitigation may be proposed for those impacts that are determined to be significant. A mitigation monitoring program will also be developed as required by Section 15097 of the CEQA Guidelines.

Public Review Period

The CEQA process requires a 30-day public review period for an NOP. In accordance with CEQA, should you have any comments, the City is requesting that written responses to this NOP be provided within the 30-day NOP period of July 8, 2024 to August 7, 2024.

The City is requesting comments and guidance on the scope and content of the SEIR from Responsible and Trustee agencies, interested public agencies, organizations, and the general public (pursuant to CEQA Guidelines §15082). All parties that have submitted their names and mailing addresses will be notified as part of the Project's CEQA review process. If you wish to be placed on the mailing list or have any questions or need additional information, please contact the lead agency contact noted below.

Agencies: The City requests each Responsible and Trustee agency's views on the scope and content of environmental issues relevant to your agency's statutory responsibilities in connection with the proposed Project, in a manner consistent with California Code of Regulations, Title 14, Section 15082(b). Your agency may use the SEIR prepared by the City when considering any permits that your agency must issue, or other approvals for the Project.

Public Comments

The City requests your careful review and consideration of this notice, and invites **written comments** from interested agencies, persons, and organizations regarding the preparation of the SEIR. Please indicate a contact person for your agency or organization. Please send your written comments to:



City of Rialto California

Attn: Daniel Casey
City of Rialto
Community Development Department
Planning Division
150 S. Palm Avenue
Rialto, CA 91730
Phone: 909-820-2535
Email: dcasey@rialtoca.gov

Please include the name, phone number, email, and address of a contact person in your response.

You may also provide comments during the **Scoping Meeting** noted below. Comments in response to this notice must be submitted to the City through close of business 6:00 PM on August 7, 2024.

Public Scoping Meeting

The City will have a Scoping Meeting to present the proposed Project and the CEQA process, and to receive public comments and suggestions regarding the scope and content of the SEIR. Information regarding the Scoping Meeting is as follows:

Date: August 1, 2024

Location: Rialto City Hall, Council Chambers, 150 S. Palm Avenue, Rialto, CA 92376

Time: 6:00 PM

Special Accommodations. Should you require special accommodations at the public scoping meeting, such as for the hearing impaired or an English translator, please contact the City of Rialto no later than July 29, 2024 (see contact information above).

Attachments:

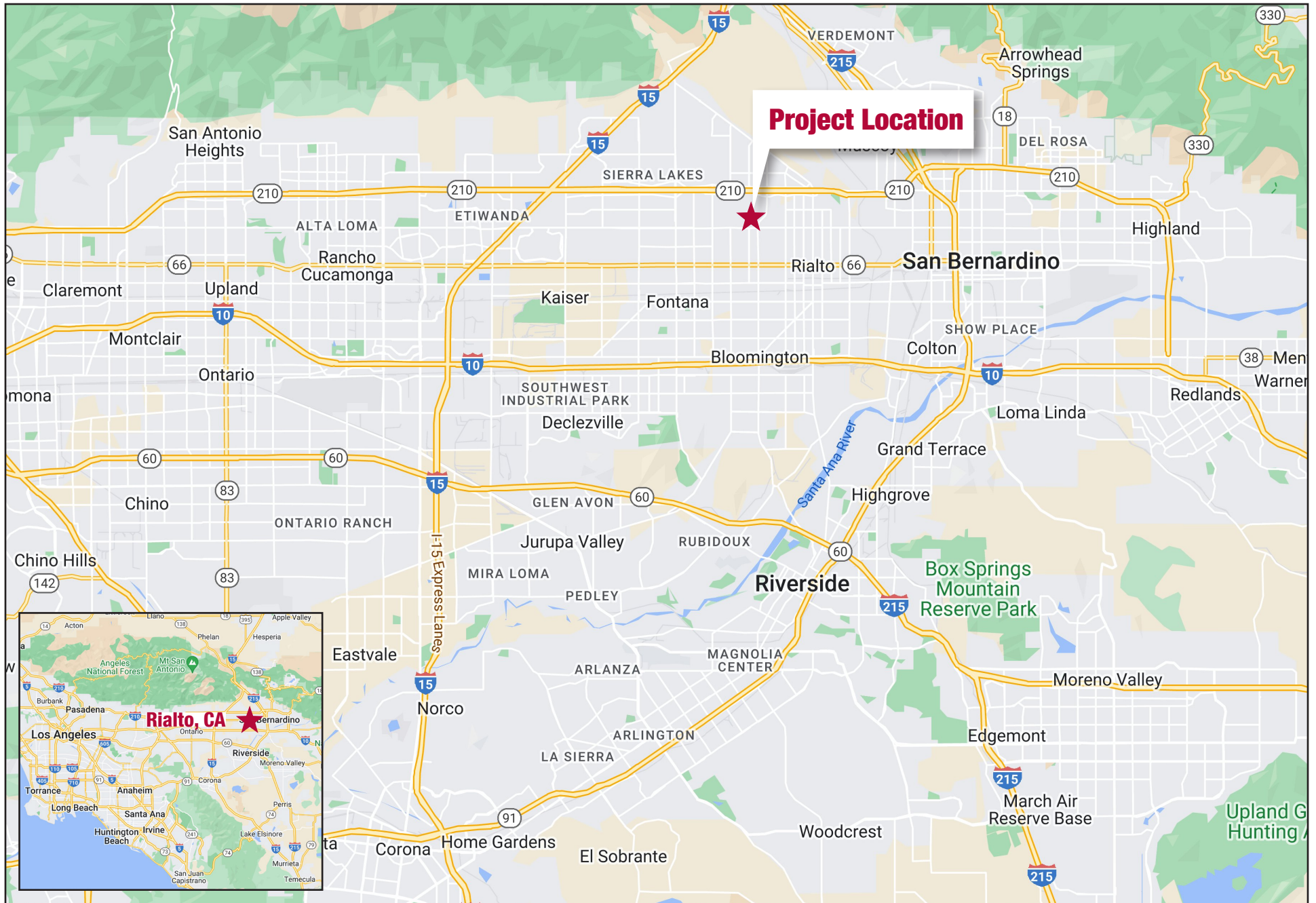
Figure 1: Regional Vicinity Map

Figure 2: Project Vicinity Map

Figure 3: Conceptual Site Plan

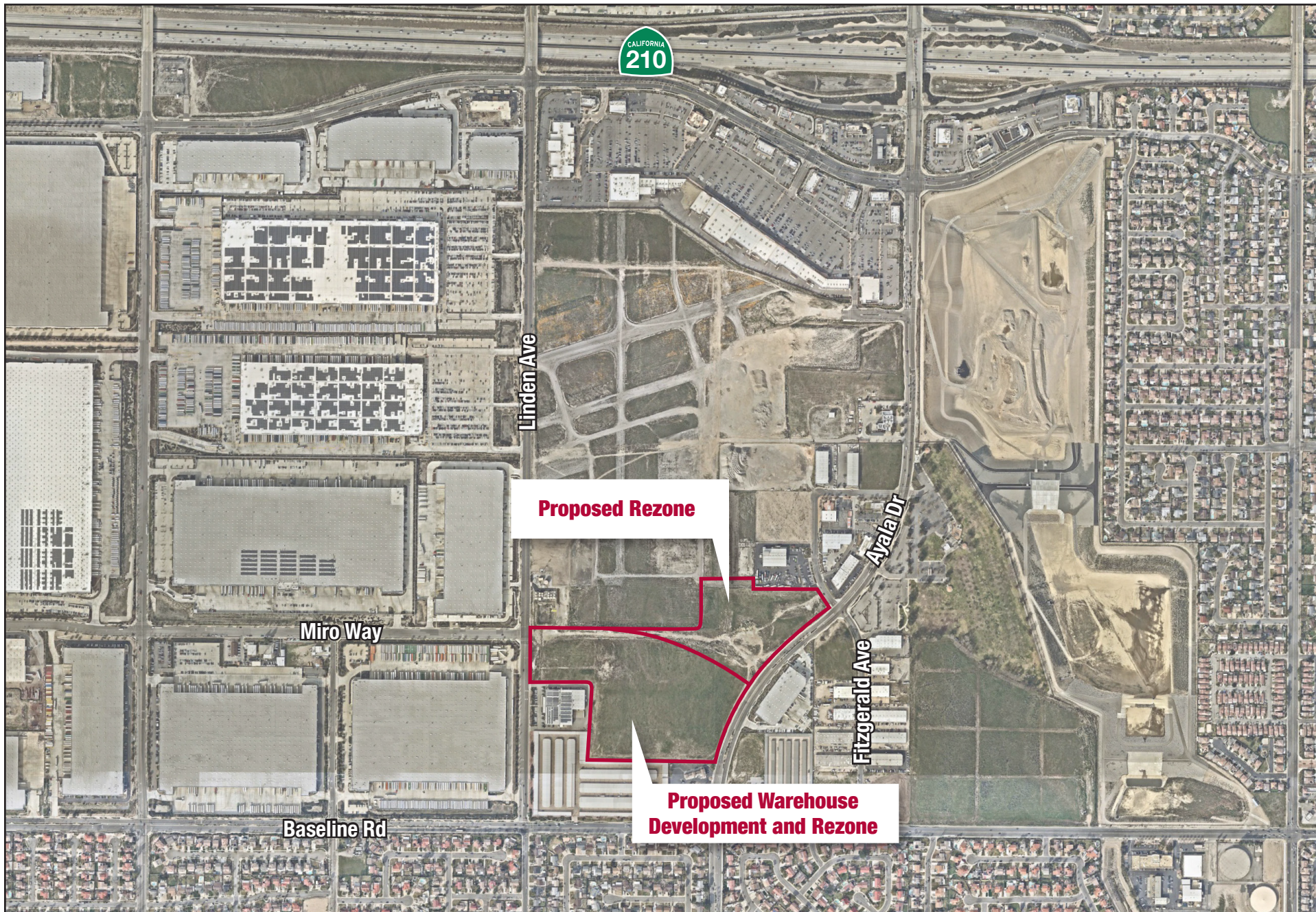
Figure 4: Existing 2016 Renaissance Specific Plan Area

Figure 5: Proposed 2024 Renaissance Specific Plan Area



Source: Google Maps, 2023

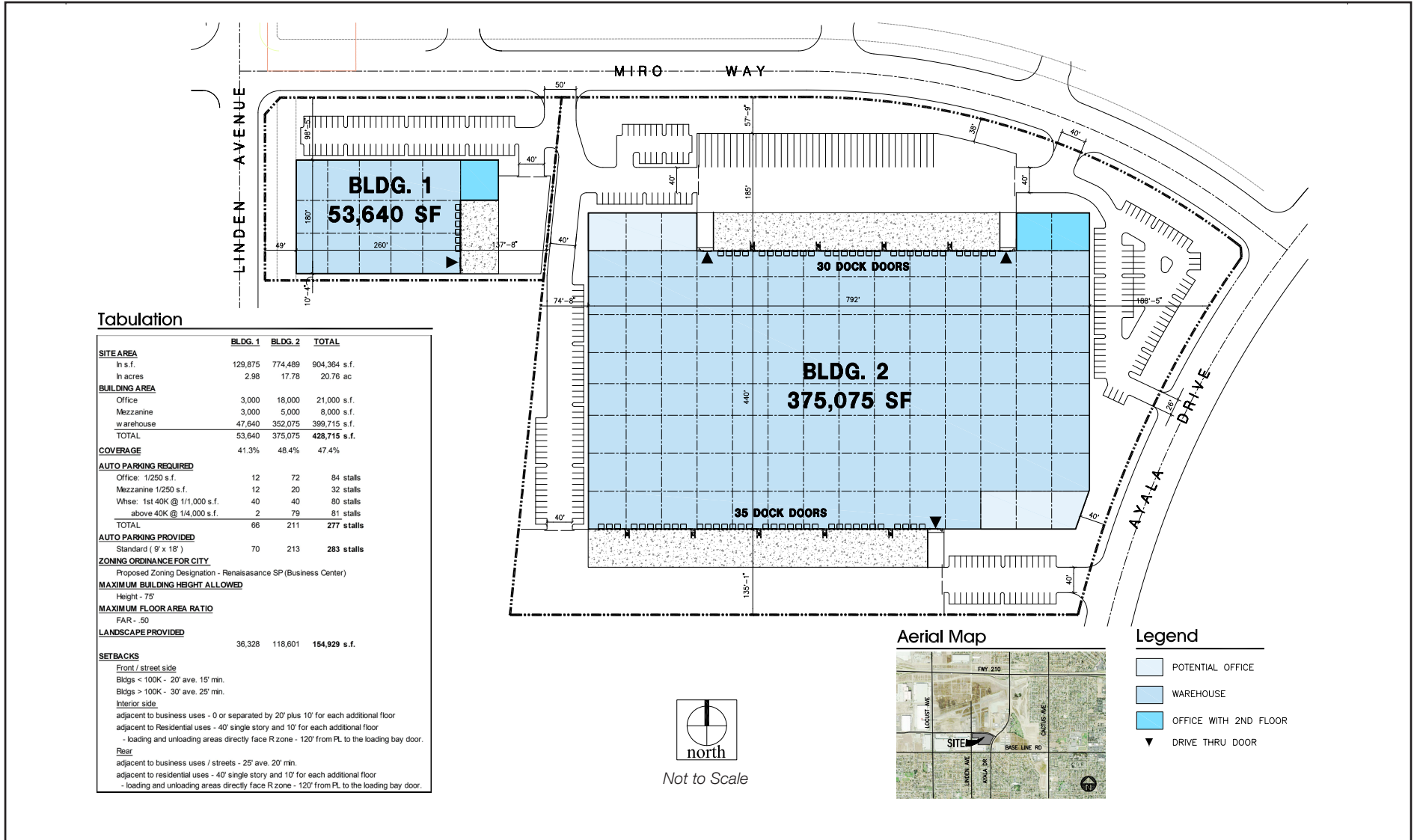
FIGURE 1: Regional Vicinity Map
 Miro Way and Ayala Drive
 Rialto, CA



Source: Nearmap, 2023

FIGURE 2: Project Vicinity Map

Miro Way and Ayala Drive
Rialto, CA



Source: HPA Architecture, 2023

FIGURE 3: Conceptual Site Plan
 Miro Way and Ayala Drive
 Rialto, CA

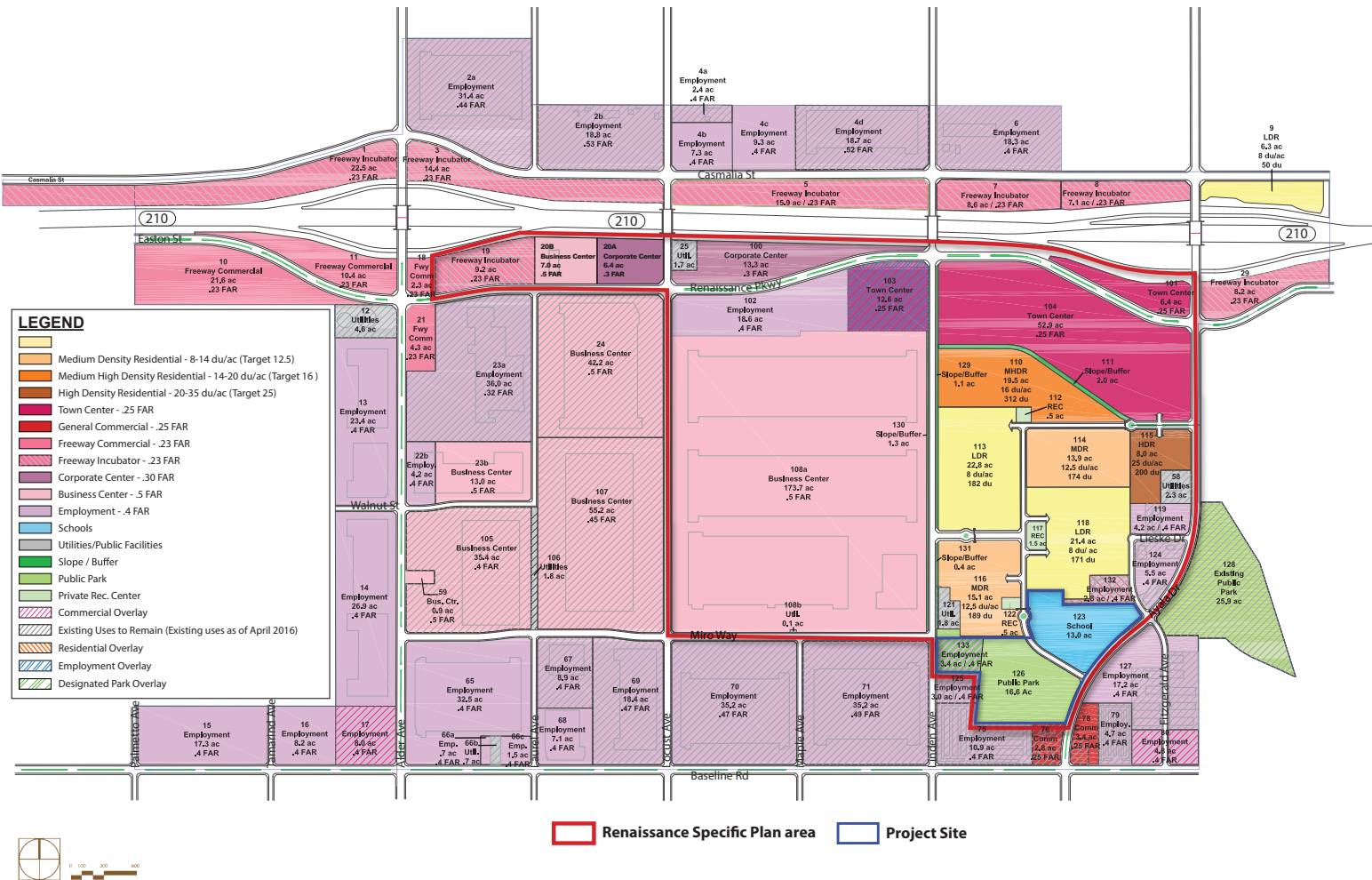


Figure 2-2 Land Use Diagram
(Renaissance Specific Plan Amendment)

FIGURE 4: Existing 2016 Renaissance Specific Plan Amendment Area

Miro Way and Ayala Drive
Rialto, CA

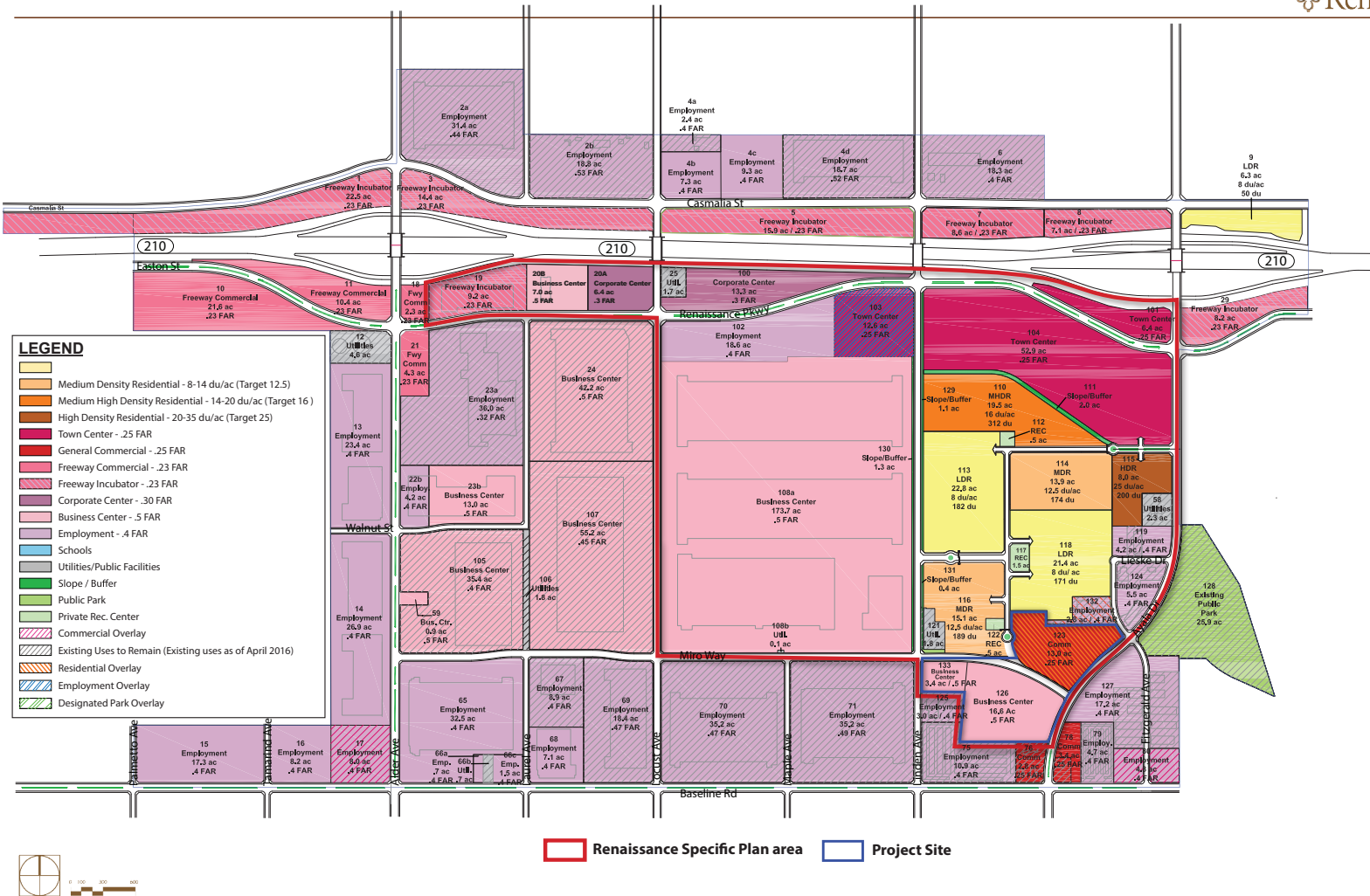


Figure 2-2 Land Use Diagram
(Renaissance Specific Plan Amendment)

FIGURE 5: Proposed Renaissance Specific Plan Amendment Area

Miro Way and Ayala Drive
Rialto, CA



July 15, 2024

Daniel Casey, Principal Planner
City of Rialto
150 S. Palm Avenue
Rialto, CA 92376

RE: Miro Way and Ayala Drive Project, SCH #2024070224

Dear Mr. Casey:

Thank you for the opportunity to provide comments on the Notice of Preparation for the Miro Way and Ayala Drive project. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a

¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

copy of this document to this letter, and it is also available online.³ We encourage you to consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Sincerely,



CHRISTIE VOSBURG
Supervising Deputy Attorney General

For ROB BONTA
Attorney General

³ <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>.



South Coast Air Quality Management District

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

SENT VIA E-MAIL:

dcasey@rialto.ca.gov

Daniel Casey, Principal Planner

City of Rialto

150 S Palm Ave.

Rialto, CA 92376

July 18, 2024

**Notice of Preparation of a Draft Environmental Impact Report for the
Miro Way and Ayala Drive Project (Proposed Project)
(SCH No. 2024070224)**

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 Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft 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 (electronic versions of all emission calculation spreadsheets, 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.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁵ 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 advisory⁶.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁷ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

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 assessment⁸.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants and include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. The Proposed Project will be located in close proximity, less than 100 feet, to residential areas including a senior retirement community. To facilitate the purpose of an EIR as an informational document, it is recommended that the Lead Agency perform a mobile source health risk assessment⁸ to disclose the potential health risks⁹.

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 Draft 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.

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

⁵ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at:

<https://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>.

⁶ CARB's technical advisory can be found at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf.

⁷ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁸ 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>.

⁹ *Ibid*.

pollution is diesel particulate matter (DPM) emissions¹⁰. According to the MATES V carcinogenic risk interactive map, the area surrounding the Proposed Project has an estimated cancer risk of over 450 in one million¹¹. 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 Handbook,¹² South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,¹³ and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹⁴

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft 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 Rule¹⁵ and the Heavy-Duty Low NOx Omnibus Regulation¹⁶, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize 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 year¹⁷ 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

¹⁰ 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>.

¹¹ 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).

¹² <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

¹³ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹⁴ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

¹⁵ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹⁶ 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/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹⁷ 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>.

the requirements 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 electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft 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 a 399,715-square-foot warehouse, 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 obligation¹⁸. 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. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁹.

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 swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW
SBC240709-01
Control Number

¹⁸ 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>.

¹⁹ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

**NATIVE AMERICAN HERITAGE COMMISSION**

July 19, 2024

Daniel Casey
City of Rialto
150 S. Palm Avenue
San Bernardino CA 92376

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NAHC HEADQUARTERS
1550 Harbor Boulevard
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Re: 2024070224, Miro Way and Ayala Drive Project, San Bernardino County

Dear Mr. Casey:

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.

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)).

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 (https://ohp.parks.ca.gov/?page_id=30331) 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:
Murphy.Donahue@NAHC.ca.gov.

Sincerely,

Murphy Donahue

Murphy Donahue
Cultural Resources Analyst

cc: State Clearinghouse