

November 30, 2023

The following is a response from Adkan Engineers and Vista Environmental to the July 11, 2022, comment letter submitted by Lozeau Drury LLP on the Initial Study/Mitigated Negative Declaration (MND) for the Amazing 34 Distribution Center Project (Project). The comment letter was submitted after the public review period for the MND ended on April 27, 2022, and is therefore untimely. But we are providing this response for the administrative record.

This response focuses on Section II of the letter. The introduction and Section I of the letter include a discussion of legal background and the project description by the commenter and do not raise an environmental issue necessitating a response.

Section A:

1. Comment: The MND failed to adequately disclose the projects potential Hazards and Hazardous Material Impacts.

Response: The project site is not on any EnviroStor list for sites with known hazardous waste, and therefore a Phase I Environmental Site Analysis was not required. Further, during demolition of the former buildings (under a demolition permit, #D2100012, issued by the City of San Bernardino on April 29, 2021) on the project site in 2021 in response to emergency orders (further discussed in Section 2.3 of the MND) there was no indication of any conditions warranting a Phase I such as odors or soil erosion.

2. Comment: The MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus the Project May Result in Significant Air Quality Impacts.

Response: The comment claims that the use of non-default values in the CalEEMod model were not substantiated. This is not correct. All of the non-default parameters that were entered into the CalEEMod model run were described in detail in Section 7.1 of the Air Quality and GHG Report (Vista Environmental, 2021). The SWAPE letter makes the following specific claims:

- a) On SWAPE page 3 – The comment claims that the wrong land use was entered into CalEEMod since the model run only included Unrefrigerated Warehouse and Parking Lot land uses and did not include office space. The CalEEMod land uses were developed from the ITE Trip Generation, which defines Warehouses as “Warehouses are primarily devoted to the storage of materials, but they may also include office and maintenance areas.” As such, the Unrefrigerated Warehouse land use utilized in the CalEEMod model was the proper land use to utilize for the proposed warehouse that includes a small office.

- b) On SWAPE pages 3 & 4 – The comment claims that the analysis of Forklifts as CNG only was not a substantiated change and that Project Design Feature 1 that requires all off-road equipment to be powered by alternative fuel should have been included as a mitigation measure. First, by analyzing off-road equipment in CalEEMod, it provides a worst-case analysis, because no off-road equipment is included in the default values of CalEEMod. Second, all the off-road equipment parameters utilized are clearly described and justified in Section 7.1 of the Air Report. Finally, in order for Project Design Feature 1 to be described as a mitigation measure, it would need to reduce a significant impact to a less than significant impact. The comment provides no evidence that without Project Design Feature 1, the Project would result in any significant impacts. Nevertheless, the applicant is willing to include Project Design Feature 1 in the Mitigation Monitoring and Reporting Program (MMRP) as a project design feature in response to the commenter's request.
- c) On SWAPE page 5 – The comment claims that the incorrect reduction to Title 24 was utilized. Although the newest version of CalEEMod has added the capacity of analyzing the different Title 24 standards as it changes every three years, Appendix E of the CalEEMod User Guide details that the model merely applies a reduction percentage over the year 2008 consumption data, which included electrical usage from all non-residential buildings. As such, the CalEEMod model still overestimates the electrical consumption rates, since the reduction values are based on Title 24 improvements over the 2008 Title 24 standards. Therefore, the accounting of additional electrical consumption reductions in the CalEEMod model is justified.

Per Appendix B of the Air Report, the annual emissions for the GHG analysis and the unmitigated condition in Appendix B shows that energy usage would generate 50.87 MTCO_{2e} per year, which is 7.95 MTCO_{2e} higher than what is shown in Table O of the Air Report. The Project was found to generate 470.54 MTCO_{2e} per year, which is well below the 3,0000 MTCO_{2e} threshold. A project increase of 7.95 MTCO_{2e} per year is a negligible amount and would not alter the findings of the Air Report in any way. The comment provides no evidence that removing the user entered electrical reduction would result in any change in level of significance detailed in the Air Report.

3. Comment: The Project Would Have a Disproportionate Health Risk Impact on Surrounding Communities

Response: The comment claims that the Project would have a disproportionate health risk impact on the surrounding communities. This is not correct. Section 6.2 of the Air Report provides an analysis of the Toxic Air Contaminant levels, which shows that according to the MATES-IV Study, the project site currently has an estimated cancer risk of 838 per million persons chance of cancer, which is lower than the average

cancer risk for Southern California of 991 per million persons. As such, the project site is not located in an area that is excessively impacted by toxic air contaminants. Around the time the Air Report was prepared, September 15, 2021, the MATES V Study (Final Report dated August 2021, released to public after Board approval) was released. It states that cancer risk from air toxics has declined significantly in the Air Basin, with a 40 percent decrease in cancer risk since the monitoring for the MATES IV study that occurred between July 1, 2012 and June 30, 2013 and an 84 percent decrease in cancer risk since the monitoring for the MATES II study that occurred between April 1, 1998 and March 31, 1999.

The MATES V study also analyzed impacts specific to the communities experiencing environmental injustices (EJ communities) that were evaluated using the Senate Bill 535 definition of disadvantaged communities, which found that between MATES IV and MATES V, the cancer risk from air toxics decreased by 57 percent in EJ communities overall, compared to a 53 percent reduction in non-EJ communities. As such, there is no basis in the comment's claim that the Project would have a disproportionate health risk impact on the surrounding community.

Additionally, The SCAQMD has published a report on how to address cumulative impacts from air pollution: White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (<http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>). In this report the AQMD clearly states (Page D-3):

"...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or Environmental Impact Report (EIR). The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for TAC emissions. The project specific (project increment) significance threshold is $HI > 1.0$ while the cumulative (facility-wide) is $HI > 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."

Therefore, this analysis assumes that individual projects that do not generate operational or construction emissions that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact, and should not require that a Health Risk Analysis be performed. Alternatively, individual

project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable.

4. **Comment: The MND Failed Adequately Evaluate Diesel Particulate Matter Emissions from the Project**

Response: The comment claims that the project did not adequately evaluate diesel emissions. This is not correct. As detailed in the Vehicle Miles Traveled Evaluation (VMT Memo) (Urban Crossroads, 2021) and Section 7.1 of the Air Report, operation of the proposed project would generate an additional 74 daily trips, which consist of 54 passenger cars, 4 2-axle trucks, 4 3-axle trucks, and 12 4+-axel trucks. Therefore, this project is anticipated to generate a net increase of 20 daily truck trips, which equates to 10 truck deliveries per day. This is deemed a very negligible number of additional truck deliveries generated by the proposed project. City Guidelines state that small projects anticipated to generate low traffic volumes (110 daily vehicle trips or less) are presumed to have less than significant impact unless there is substantial evidence to the contrary. The comment states that the MND reference to CAPCOA Guidelines of 1,000 feet from a distribution center that generates more than 100 truck deliveries per day is incorrect. CAPCOA Guidelines recommends that if *sensitive receptors are placed* within 1,000 feet of distribution centers that generate more than 40 truck deliveries per day with transport refrigeration units, a quantitative HRA should be prepared to calculate the health risk. There is no reason this significance threshold and analysis cannot also be applied to the siting of a distribution facility near a sensitive receptor, as is the case with the proposed project. However, because the proposed project would generate a net total of 20 daily truck trips, which equates to 10 truck deliveries per day, this puts these numbers well below the CAPCOA guidelines. In addition, the proposed project would be used for fashion merchandise and would not generate any truck trips associated with refrigeration.

CAPCOA obtained these distances from the Air Quality and Land Use Handbook: A Community Health Perspective, prepared by CARB, April 2005, that details in Table 1-2 that number of trucks and screening distance was based on modeling analyses performed by CARB and SCAQMD. As such, the use of the 100 truck deliveries per day threshold is based on scientific studies that found that this was the minimum number of trucks that would potentially create a significant cancer risk impact.

As stated in the project specific Air Report, operation of the proposed project would result in less than significant exposure of sensitive receptors to substantial pollutant concentrations. The comment also claims that a construction health risk assessment should have been prepared. A qualitative construction HRA was prepared for the proposed project. SCAQMD staff has stated that quantitative HRAs are only required when construction activities are greater than typical projects, such as moving large quantities of dirt or when construction activities would occur for more than 5 years. The

Project is anticipated to only result in approximately 400 cubic yards (CY) of cut and will require approximately 400 CY of fill material with a net export of 0 CY. Because the proposed project would be constructed in approximately 14 months and would not require moving large quantities of dirt, a quantitative construction related HRA was not warranted for the proposed project.

The comment states that OEHHA recommends that all short-term projects lasting at least 2 months assess cancer risks and that if a project is expected to last over 6 months, the exposure should be evaluated throughout the project. The project's primary source of diesel emissions would occur during the first eight weeks of project construction, which would fall within the standard proposed by the commenter, and the diesel emissions over the course of the remaining months of construction would be nominal. And notably, the SCAQMD does not require a construction HRA for the Project.

On pages 13 to 17 of the SWAPE letter, the comment uses the AERSCREEN model, which is not an approved model by the SCAQMD to perform quantitative HRAs and uses inputs that do not represent the project to find a pre-planned outcome of a significant cancer risk impact. These results should be ignored because they are not based on approved models and do not utilize reasonable assumptions for the proposed project.

Furthermore, an HRA prepared for the Gateway South 9 Warehouse project on December 1, 2022, analyzed the diesel emissions cancer risks from construction of a 397,400 sq ft warehouse, which is over 4 times the size of the proposed warehouse. The HRA found that construction activities would create a cancer risk of 5.74 per million, which is below the 10 per million threshold with no mitigation. As such, it can be reasonably assumed that a project that is over 4 times smaller would also create a less than significant cancer risk impact.

5. Comment: The MND Failed to Adequately Analyze the Project's Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions

Response: The comment claims that the Project did not adequately analyze GHG impacts and relies on pages 18 to 22 of the SWAPE letter for the basis of this claim. On page 18 of the SWAPE letter it claims that GHG analysis relies on an incorrect and unsubstantiated air model (CalEEMod). The input parameters to the CalEEMod model have been discussed above in the Response to Comment 2, which explains that all input parameters entered into the CalEEMod model were substantiated. Appendix B of the Air Report shows the CalEEMod model run output file and most of the inputs that were questioned were entered as Mitigation. The CalEEMod model found that the

Unmitigated Operational emissions would be 596.76 MTCO₂e per year, which is still well below the 3,000 MTCO₂e threshold.

Page 19 of the SWAPE Letter questions the use of the SCAQMD bright line threshold of 3,000 MTCO₂e. Section 8.5 of the Air Report provides substantial evidence of why the use of this threshold is appropriate. Pages 19 and 20 of the SWAPE letter compare the project to a threshold proposed by the commenter. The City has discretion under CEQA to select the appropriate thresholds for analyzing projects based on substantial evidence. The GHG threshold utilized for this project is based on substantial evidence and meets CEQA requirements.

In determining the 3,000 MTCO₂e threshold, SCAQMD used the database of projects kept by the Governor's Office of Planning and Research to determine the 90th percentile capture rate. The sample of projects included warehouses and other light industrial land uses. Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and further reduce potential errors in the statistical analysis. In calculating the emissions from projects within the sample population, construction period GHG emissions were amortized over 30 years (the average economic life of a development project). This analysis determined that the 90th percentile ranged from 2,983 to 3,143 MT CO₂e per year. The 3,000 MT CO₂e per year value is the low-end value within that range rounded to the nearest hundred tons of emissions and is used in defining small projects that are considered less than significant.

The 3,000 MTCO₂e threshold has been adopted by several jurisdictions, including the County of San Bernardino, and was incorporated into the 2019 San Bernardino Countywide Plan Draft PEIR. The 3,000 MTCO₂e was also utilized in the 2019 County of Riverside Climate Action Plan Update as a bright line threshold.

Section B:

1. Comment: The MND's baseline noise environment is not properly established.

Response: The project site previously contained two Industrial buildings that were demolished in 2021 pursuant to emergency orders, as further described in Section 2.3 of the MND. There was severe damage from a trespasser caused structure fire warranting the demolition of the buildings to address safety concerns. The site is surrounded by industrial, commercial and some residential uses. The Project does not anticipate generating any additional noise impacts than the previously allowed operations.

The comment letter contends that the City's Noise Element includes information on future noise contours along major roadways but does not clarify the target year by which these contours will be reached. It can be inferred that these contours are based on

ultimate buildout in accordance with the City's General Plan. Additionally, the noise contours are also based on vehicle velocities, which are not anticipated to increase. Acoustics from vehicular traffic will decrease over time with the implementation of California State Mandated Electric Car requirements, which were not anticipated at the preparation of the 2005 General Plan.

The comment further contends that the City's General Plan Noise Element lacks information on noise data from the nearby San Bernardino International Airport and that the Project's vicinity in relation to the San Bernardino International Airport would impact the project site's noise environment. Despite any information that might not be addressed by the General Plan, the Project adheres to guidelines set forth by the State Aeronautics Act. The nearest Airport is the San Bernardino International Airport, located approximately 1.5 miles east of the project site. The California Airport Noise Regulations in accordance with the State Aeronautics Act delineates parameters for aircraft noise and land use compatibility. The California Airport Noise Regulations state that the level of Noise acceptable for persons residing in the vicinity of an airport is established as a Community Noise Equivalent Level (CNEL) Value of 65 decibels (dB). The Project is located outside of the CNEL 65 Contour interval as determined in the Eastgate 2024 Airport Noise Contour analysis. Therefore, a less than significant impact would occur.

2. Comment: The MND fails to consider numerous policies from the City's Noise Element which are applicable to the Project, and its thresholds of significance are therefore not properly developed.

Response: The Project will comply with the requirements of the City's noise control ordinance, Chapter 8.54 of the Municipal Code (referenced in the Noise Element of the City's General Plan) including restrictions on business hours between 7:00 a.m. and 8:00 p.m. Any noises associated with the Project's loading and unloading activities would not be excessive and would be consistent with standard operations for an industrial use carried on in an area zoned for that purpose.

3. Comment: The MND's impact analyses with regard to sensitive receptors, construction noise impacts, and operation noise impacts are incomplete.

Response: The letter alleges the MND does not address impacts on existing adjacent uses, including adjacent residential uses and a nearby Church. The project site previously contained two warehouse buildings. The proposed warehouse is not anticipated to expose the residences and church to additional noise. The surrounding parcels are zoned for Office Industrial Park and Light Industrial consistent with the Project's proposed use.

A Noise Technical Memorandum was prepared by Vista Environmental for the Project on October 6, 2023. The report is available in Appendix H to the MND. The report further supports the conclusion in the draft MND that both short term construction and long-term operational impacts would have a less than significant impact.

Construction Impacts

To determine the existing noise levels, two short-term (15 minute) ambient noise measurements were taken on the project site between 12:11 p.m. and 12:47 p.m. on Thursday, September 21, 2023. The results of the noise level measurements are presented in Table 10 of the MND. The noise impacts from construction of the Project have been analyzed through use of the FHWA's Roadway Construction Noise Model (RCNM). Table 11 so shows the associated measured noise emissions for each piece of equipment from the RCNM model and measured percentage of typical equipment use per day. Construction noise impacts to the nearby sensitive receptors have been calculated according to the equipment noise levels and usage factors listed in Table 11 and through use of the RCNM. For each phase of construction, all construction equipment was analyzed based on being placed in the middle of the project site, which is based on the analysis methodology detailed in FTA Manual for a General Assessment. However, in order to provide a conservative analysis, all equipment was analyzed, instead of just the two noisiest pieces of equipment as detailed in the FTA Manual. These assumptions represent a worst-case noise scenario as construction activities would routinely be spread throughout the construction site further away from noise-sensitive receptors. In addition, noise generated during the construction, paving, and painting stages, which have the potential to occur simultaneously, were added together to provide a composite construction noise level.

Section 8.54.060(I) of the Municipal Code exempts construction noise from the City noise standards. Section 8.54.070 of the Municipal Code restricts construction activities from occurring between 8:00 p.m. and 7:00 a.m. However, the City construction noise standards do not provide any limits to the noise levels that may be created from construction activities during the allowable hours of construction and even with adherence to the City standards, the resultant construction noise levels may result in a significant substantial temporary noise increase to the nearby residents.

To determine if the proposed construction activities would create a significant substantial temporary noise increase, the National Occupational Safety and Health Administration (OSHA) provides a construction noise exposure standard of 85 dB. Table 12 shows that greatest construction noise impacts to the nearby homes would occur during the building construction phase, with a noise level as high as 72 dBA Leq at the nearest home to the east, 71 dBA Leq at the nearest homes to the north, and 70 dBA Leq at the nearest home to the southeast. The calculated construction noise levels are within the OSHA construction noise standard of 85 dBA for the nearby homes. Therefore, through adherence to the limitation of allowable construction times provided in Section 8.54.070

of the Municipal Code, construction-related noise levels would not exceed any standards established in the General Plan or Noise Ordinance nor would construction activities

create a substantial temporary increase in ambient noise levels from construction of the Project. Impacts would be less than significant.

The comment refers to an exception allowing construction operation at nighttime with prior City approval. City Municipal Code 8.54.070 "Disturbances from Construction Activity" shall be adhered to. This states that "No person shall be engaged or employed, or cause any other person to be engaged or employed, in any work of construction, erection, alteration, repair, addition, movement, demolition, or improvement to any building or structure except within the hours of 7:00 a.m. and 8:00 p.m. Any of the above activities laid out above shall halt during "nighttime hours" defined as the time between 8:00 p.m. and 7:00 a.m.

Operational Impacts

The operation of the Project may create an increase in onsite noise levels from truck operations, including truck loading/unloading activities, rooftop mechanical equipment, forklift activities, and automobile parking lot activities.

Section 19.20.030(15) of the Municipal Code limits the noise created from on the project site to 65 dBA at the nearby residential areas. To determine the noise impacts from the operation of rooftop mechanical equipment, automobile parking lots, forklifts, and truck loading/unloading activities, reference noise measurements were taken of each noise source. The noise levels at the nearby homes were calculated based on standard geometric spreading of noise, which provides an attenuation rate of 6 dB per doubling the distance between source and receptor.

The operational noise levels were calculated at the nearby homes. Table 13 shows that the Project's worst-case operational noise from the simultaneous operation of all noise sources on the project site would create a noise level as high as 52.4 dBA at the nearest homes to the north. The worst-case operational noise levels are within the City's residential exterior noise standard of 65 dBA. Because homes typically provide 20 dB or more of exterior to interior noise reduction, the operational noise levels would also be below the City's residential interior noise standard of 45 dBA. Therefore, the onsite operational noise impacts would be less than significant.

Sincerely,

Adkan Engineers & Vista Environmental