

## **MEMORANDUM**

To: Fontana City Council c/o Salvador Quintanilla, Senior Planner

From: Candyce Burnett, Kimley-Horn and Associates, Inc.  
Scott Irwin, Seefried Industrial Properties

Date: August 7, 2025

Subject: Applicant Response to Appeal No. 25-0001 to the Certification of the Sierra Distribution Facility Project EIR (SCH No. 2023030788) (MCN 22-000104)

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### **Introduction**

This Memorandum is provided as the Applicant's response to Appeal No. 25-0001 to the Planning Commission's approval of Sierra Distribution Facility Project (Project) on June 3, 2025. Several issues were raised by the Appellant which have been grouped and responded together, as appropriate. The Draft Environmental Impact Report (EIR) and Final EIR are referred to as the "EIR" when referring to the whole of the environmental analysis. Specific references to the Draft EIR and Final EIR are made as well.

### **Applicant's Responses**

#### **LEGAL AND REGULATORY COMPLIANCE ISSUES**

##### **Piecemealing**

The Appellant reasserts that the EIR does not accurately or adequately describe the whole of the Project (MCN 22-000104). The Appellant continues to assert that the timing of the submission of applications for projects MCN 22-00079, MCN 22-000104, and MCN 22-000105 is substantial evidence for piecemealing. Piecemealing occurs when a Project is segmented in a way that environmental evaluation of some of the activities associated with the Project is deferred, not when multiple applications for similar developments are submitted around the same time.

Additionally, the Appellant fails to recognize that MCN 22-00079 and MCN 22-000105 are geographically distinct and separate from the Project. Notably, MCN 22-000105 and MCN 22-00079 are located in the Southwest Industrial Park Specific Plan (SWIP). SWIP is generally located south of Interstate 10 (I-10), which is more than 5.5 miles south of the Project site. No part of the Project is reliant on the implementation of these other separate, distinct projects to be made feasible, and neither MCN 22-00079 nor MCN 22-000105 rely on the implementation of the Project in order to be developed. A Project level EIR remains the appropriate CEQA document for the Project. This issue was adequately addressed in the Final EIR Section 2, Responses to Comments and no further response is required.

##### **Project Description**

The Appellant asserts that the project description fails to be legally adequate as it fails to provide legible site plans, elevations, and grading documents. Revised figures were provided in the Final EIR as a response to previous comments regarding the lack of information in those figures. It is important to note that all information was provided in either narrative or tabular format in the Project Description of the Draft EIR. As an informational document charged with being accessible to the lay person and the public, an EIR need not only be presented in a manner that would be sufficient for professional technical review. As such, the information provided in the EIR that was derived

from the technical design documents was distilled into a digestible format for ease of review by the public. Additionally, the full set of Project plans have been available for review at the City, both physically and digitally, throughout the public review process for the EIR. Further, Attachment A to Appendix K of the Draft EIR contains a full-size high-resolution sheet of the overall site plan where all of this information is available.

Additionally, the Appellant asserts that the figures and technical drawings provided throughout the EIR are illegible and prevent any meaningful public review. The Appellant then goes on to evaluate and provide comment on information provided within figures that were provided in the EIR, demonstrating their ability to review the information provided within the EIR. As indicated by this, the figures and technical drawings that have been provided are clearly adequate to allow meaningful public review. Further, all Project plans have been made available to the Public by the City through the public review process. No further response is required.

### **Land Use and Planning**

The Appellant asserts that the Project conflicts with the Light Industrial (M-1) zoning requirements as the Project would generate 239 truck trips (634 passenger car equivalents [PCE]). As the Project would redevelop the site from the existing operational businesses with the Project, the Project is able to “credit” the existing traffic from the site because the existing operational businesses are part of the Project’s environmental baseline. As a part of the Trip Generation Assessment and Traffic Scoping (Appendix K to the Draft EIR), traffic counts were taken at the existing businesses. During this three-day period the average daily truck trips, represented as PCEs, for the existing site was 877 PCEs. As a result, the Project would result in a reduction of truck trips by 243 PCEs. The Project would result in a 27.7 percent reduction in the amount of truck trips generated by the Project site.

Further, the City of Fontana Planning Commission is charged by the City Council to review the design of projects and ensure consistency with the zoning for the subject properties. After careful consideration and review of the Project, including its trip generation analysis, the Planning Commission approved the Project, finding that the Project was consistent with the zoning.

Regarding truck routes, Sierra Avenue is a designated truck route within the City of Fontana. Due to the median within Sierra Avenue, trucks leaving the Project site would not be able to turn southbound onto Sierra Avenue to gain access to State Route 210 (SR-210). As a result, trucks would enter/exit the Project site via a driveway along Mango Avenue, which is a low-speed road with a 25 mile per hour (mph) posted speed limit. Mango Avenue intersects with Sierra Lakes Parkway to the south which then reconnects with Sierra Avenue. Trucks would access southbound Sierra Avenue from this point to reach SR-210 and regional destinations beyond. Truck access to the Project site via Sierra Avenue is prohibited and limited to access for auto traffic. While Mango Avenue is not officially designated as a truck route within the City, the road primarily serves industrial uses and this segment of Mango Avenue north of Sierra Lakes Parkway terminates, providing no through connection northerly. The utilization of Mango Avenue, a lower traffic volume roadway, minimizes potential conflicts with automobile traffic and creates a safer condition when compared to ingress and egress along Sierra Avenue due to the much lower speeds and traffic volumes. Further, this route ensures that trucks drive less than 1 mile on City roads to access SR-210 and avoid passing through residential areas. If trucks were required to enter/exit along Sierra Avenue to travel north to the I-10/Sierra Avenue interchange, approximately 2.5 miles to the north, they would pass multiple residential areas. Based on direction provided by staff, all trucks from the Project site will use Mango Avenue for access.

### Truck Turning

Regarding truck turning templates and roadway geometrics, the Appellant has used an outdated graphic (the left and lower right screenshot on Page 4 of the Appellant's June 12, 2025, Appeal to the City document). These screenshots display information provided within Attachment A to Appendix K of the publicly circulated Draft EIR. The plan shown in Attachment A has a plot date of January 3, 2023, and represents a conceptual design of the Project site that was still subject to revisions from the City design review. Furthermore, analyzing truck turning movements is not within the scope of the Trip Generation Assessment and Scoping Agreement. As a part of the Final EIR, Errata to the Draft EIR were provided, which included an updated Figure 3-5: Overall Site Plan where the truck turning template was refined and depicts adequate turning space. This updated plan was prepared in 2025.

In the upper right screenshot on Page 4 of the Appellant's June 12, 2025, Appeal to the City document, the image shows a green portion of the truck turning movement seemingly overlapping with the curb. The red lines in the truck turning template depict the wheel path of the truck, while the green area indicates the overhang of the trailer. The outside width of the trailer exceeds that of the wheels. The turning template confirms that the truck's wheel path does not drive over the curb line. No further response, analysis, or design revisions are required.

All proposed driveways are designed to meet relevant design standards and will continue to undergo the City's review process.

## ENVIRONMENTAL JUSTICE

### Cumulative Impacts

The Appellant continues to assert that the EIR did not evaluate cumulative impacts specific to air quality and air pollution. The claims were raised in the Appellant's October 23, 2024, comment letter on the Draft EIR. Responses to those comments were provided within Section 2, Responses to Comments of the Final EIR. As stated in those responses, the Draft EIR, and reiterated here, the Project's cumulative impacts for all environmental resource areas were analyzed consistent with CEQA Guidelines Section 15130.

Specific to air quality and pollution, South Coast Air Quality Management District's (SCAQMD) standard methodology for the evaluation of cumulative air quality impacts include comparing a project's modeled air quality emissions against the SCAQMD thresholds of significance for specific criteria air pollutants for which the South Coast Air Basin (SCAB) is in non-attainment.

SCAB is designated as a nonattainment area for state standards of tropospheric ozone ( $O_3$ ), particulate matter with diameter of 10 microns or less ( $PM_{10}$ ), and particulate matter with diameter of 2.5 microns or less ( $PM_{2.5}$ ). SCAB is designated as a nonattainment area for federal standards of  $O_3$  and  $PM_{2.5}$ , attainment, and serious maintenance for federal  $PM_{10}$  standards, and is designated as unclassified or attainment for all other pollutants.

Table 4.3-8 and Table 4.3-9 of the Draft EIR show that the Project's construction and operational emissions would not exceed SCAQMD's thresholds of significance for any criteria air pollutant. As a result, the Project would not result in a cumulatively significant impact on air quality.

Additionally, there was a Health Risk Assessment (HRA) prepared as part of the Project's CEQA documentation, following SCAQMD methodologies. The HRA determined that the Project would not result in exceedances of SCAQMD's thresholds of significance for carcinogenic or non-carcinogenic health hazards. The City approved and adopted the Industrial Commerce Center Sustainability Standards Ordinance (Ordinance No. 1891) on April 12, 2022.

This Ordinance is applicable to all warehouse uses throughout the City. The Ordinance requires warehouse uses to meet and exceed all state and federal environmental standards. Standards include providing adequate buffering and screening from adjacent sensitive receptors, implementing appropriate signage and traffic patterns, incorporating alternative energy, and other operation and construction measures such as the use of super-compliant VOC architectural coatings and highest rated CARB Tier technology for construction equipment. The Project would be required to comply with all applicable standards of the Ordinance and final documentation of compliance would be subject to review and approval prior to issuance of applicable permits.

### Environmental Baseline

The Appellant claims, due to only one of the existing uses located on-site having a valid business license when the EIR states that four businesses operated on-site, that the EIR fails to provide an adequate environmental baseline consistent with CEQA Guidelines Section 15125. The environmental baseline for the Project was generally established by the release date of the Notice of Preparation and the timing of the traffic counts taken at the existing site, which is standard practice. The EIR accurately described the conditions of the Project site at the time of the traffic data collection and the release of the Notice of Preparation.

Furthermore, it is not within the scope of an environmental review to verify that existing uses have their City-required paperwork in order, nor does the presence or absence of business licenses impact the baseline environmental conditions. CEQA requires that the proper environmental baseline is the existing condition of the project site, even if that condition may be the result of prior illegal activity. *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1277 (upholding agency's discretion to use existing conditions baseline for use permit for privately owned airport that had been operating without county authorization for 30 years and had not previously been reviewed under CEQA). The number of businesses operating on the Project site is important to the environmental analysis contained within the EIR, affecting several environmental resource areas including, but not limited to, air quality, energy, greenhouse gas emissions, and traffic. Ignoring the operation of three additional businesses would have artificially lowered the environmental baseline and misrepresented reality. In the case of *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310 cited by the Appellant, the Court held that SCAQMD failed to "use the actually existing levels of operation as a baseline and treat any increase over that baseline as a project impact."<sup>1</sup> If the EIR had instead only measured traffic counts for the specific business with a valid business license, this would have created a hypothetical baseline not based on the "actually existing levels of operation" of the Project site. Therefore, the environmental baseline established for the Project is adequate, and no further response is required.

### Conclusion

As demonstrated by the substantial evidence provided within the EIR and this Memorandum, the EIR is adequate, and the Project does not require or necessitate additional environmental review. The EIR need not be recirculated for public review and the decision by the Planning Commission to certify the EIR was proper.

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<sup>1</sup> *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310; Page 9. <https://law.justia.com/cases/california/supreme-court/2010/s161190/>