

October 8, 2025

Mr. Salvador Quintanilla, Senior Planner
City of Fontana
8353 Sierra Avenue
Fontana CA 92335

SUBJECT: Response to Comment Letters Received from SAFER Regarding Master Case No. 23-0101

Dear Mr. Quintanilla:

Lilburn Corporation was contracted by Mike Mahmoudi (Project Applicant) in October 2024 to prepare certain environmental documents required for the City of Fontana to consider adoption of a California Environmental Quality Act (CEQA) Exemption for a mixed-use project at Foothill Boulevard and Sultana Avenue (Master Case No. 23-0101). To justify the exemption and to document the project would have no potential for significant impacts, we prepared reports to document no potential for impacts to biological or cultural resources as well as to air quality, and the surrounding noise environment. The Hydrology/Drainage Study, Water Quality Management Plan, and Geotechnical Investigation prepared by Civil Engineers under contract to the Applicant were also used in the Categorical Exemption (CE) Justification Memo.

A Notice of Exemption (NOE) was considered by and approved by the Planning Commission on August 19, 2025. On that date, and prior to the public hearing, Planning Staff and Commissioners received a comment letter from Supporters Alliance for Environmental Responsibility (“SAFER”) objecting to the City’s decision to exempt the Project from environmental review under CEQA stating the terms of the Class 32 exemption do not apply. SAFER requested that an Initial Study be conducted to analyze and mitigate the Project’s environmental impacts.

Response: The CEQA Class 32 Exemption Justification Memo, dated April 15, 2025 provided analyses of the five criterion listed for justification of an exemption, based on five appended technical reports and the CalEEMod Detailed Report. The analyses concluded that the project impacts would be less than significant, no mitigation would be required. The analyses concluded that the project further was consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Therefore, the project met the terms of a Class 32 Exemption.

The Planning Commission considered the CE and the filing of a Notice of Exemption on August 19, 2025 and recommended approval of the project. SAFER subsequently submitted a letter to the City, dated August 26, 2025 appealing the Planning Commission’s decision. The letter states that the Class 32 Exemption does not apply because “the Project site has value as habitat for endangered, rare, or threatened species”. SAFER requested that the City rescind the Project approval and prepare an Initial Study.

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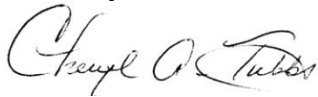
Response: The CEQA Class 32 Exemption Justification Memo, dated April 15, 2025 included as Appendix A the *BIOLOGICAL RESOURCES ASSESSMENT LETTER REPORT FOR THE MCN23-0101 PROJECT IN THE CITY OF FONTANA, SAN BERNARDINO COUNTY, CALIFORNIA*, dated December 4, 2024. The report concluded that based on the literature review and personal observations made in the immediate vicinity, no rare State and/or federally-listed threatened or endangered species are documented/or expected to occur within the Project site. Additionally, no plant species with the CNPS California Rare Plant Rank (CRPR) of 1 or 2 were observed on-site or documented to occur on-site in the relevant databases. No other sensitive species were observed within the project area or buffer area. The Project Site is highly disturbed. The habitat on-site is ruderal/disturbed vegetation with gravel surfaces. The site offers no suitable habitat for any rare, sensitive or listed species. Therefore, no further surveys are required.

The report further stated that there is some habitat within the Project site and adjacent area that is suitable for nesting birds in general. As a condition of approval in accordance with the Fontana General Plan Final Environmental Impact Report (August 10, 2018) Mitigation Measure BIO-3 and as recommended in the 2024 Biological Resources Assessment, nesting bird surveys shall be implemented prior to construction if construction occurs during the period of February 1 through September 15. Mitigation Measure BIO-3 states that the City of Fontana shall require that all future project applicants prepare a Biological Assessment in conjunction with a project-level analysis and that the requirements of the Biological Assessment shall be a **condition of approval of the individual development project**.

None of the findings of the 2024 Biological Resources Assessment completed for the project led to a conclusion that further environmental analysis is required.

Please contact me if you require additional information.

Sincerely,



Cheryl A. Tubbs
Vice President