

July 20, 2021

To Whom It May Concern:

We are submitting this letter to appeal the decision of the Planning Commission on July 6, 2021 approving application MCN 21-034 to construct a 92,433 square foot warehouse on 4.07 adjusted gross acres ("Project"). We believe that this approval is improper because an environmental report was not completed for the Project, and the CEQA exemption the City has used does not apply to this Project.

It's no secret that developers and their government henchmen have been playing fast and loose with CEQA laws over the past decade, especially here in Fontana in regards to warehouse distribution centers.

Along with zone changes, the manipulation of CEQA has dealt an environmental blow to the young people of the Inland Empire.

Focusing here in Fontana, along with the increased truck traffic that is in direct competition to pedestrian safety, courtesy, and pollution impacts, we are now seeing links to childhood obesity, linked to pollution from vehicles:

<https://www.theguardian.com/environment/2018/nov/04/childhood-obesity-linked-to-air-pollution-from-vehicles>

As well as research studies showing that "Mouse Lung Structure and Function after Long-Term Exposure to an Atmospheric Carbon Dioxide Level Predicted by Climate Change Modeling" which "suggests that the early life period, when lungs are undergoing rapid growth and development, is particularly sensitive to CO₂".

<https://ehp.niehs.nih.gov/doi/10.1289/EHP7305>

In our last appeal, the city council once again approved a warehouse, ignoring the science at hand, with an attempt at science based procedural justifications. In our present appeal, we challenge the Council on both science and law.

Design Review No. 21-003 demands an environmental impact report. The CEQA exemption is not appropriate because regardless of the size of the project, not doing a CEQA review means that the City would not adequately address the cumulative environmental, safety, and traffic impacts that this project will bring to Fontana and San Bernardino County. As stated by the Court in Center for Biological Diversity v. California Department of Fish and Wildlife, environmental decisions must be "supported by a reasoned explanation based on substantial evidence." The community and adjoining property homeowners, appeal that with or without a CEQA requirement, the basic threshold has not been met. This appeal demands that threshold

be met either with the reasonable equivalent of a CEQA to "support a reasoned explanation based on substantial evidence".

Our standing, along with fee waiver, comes from a neighbor, (Juan Carlos Areman: 9986 Almeria Ave. Fontana CA 92335, and Janet Meza: 9994 Almeria Ave, Fontana CA 92335) directly adjacent to the proposed development, as well as our community organization's standing as mothers, fathers, and stakeholders in the Fontana community, that have been caught between the moneyed interests of developers, and a gaslit defense played by the city council.

Here, the developer is allowed to avoid CEQA, due to exemptions that can be argued for based on size (a mere 92,000 square feet, with proximity to both long-standing Fontana neighborhoods and an elementary school). We demand to have the city council ask the city attorney to take the community step-by-step through their CEQA due process workarounds that are in use by the developer. Via the use of the exemption, it is impossible to determine whether the Project is meeting the requirements of MM-GHG-1 of the City of Fontana's 2015-2035 General Plan which requires a reduction of 28.5 percent below baseline conditions. But that is at odds with the legal precedent of the State Supreme Court's threshold for analysis in *Center for Biological Diversity v. California Department of Fish and Wildlife*. There is also an interest to cite the updated scientific research that we set forth above, along with the science in our previous appeal:

<https://www.scientificamerican.com/article/what-you-know-about-trumps-assault-on-science-was-just-the-tip-of-the-iceberg/>

In addition, we demand that the true costs of the cumulative effects, of all Fontana warehouse developments over the past ten years, be studied and released to the community, so that damages can be determined.

Finally, we demand for the health and safety of the community, that the city council approve our appeal and stop this latest development from moving forward, until a full health and safety accounting of this project can be made public during the school year, so parents can be informed.

What Inland Empire stakeholders, especially here in Fontana, are finding out, is that government officials no longer have any courtesy for their community. This is the second project this summer, where a warehouse is being approved close to a Fontana school. It is no coincidence that these projects are presented during the summer, during a pandemic, when kids are out of school.

Respectfully,
Janet Meza & Family
Adjoining Property Homeowners