LOCUST GATEWAY DEVELOPMENT PROJECT

Final Environmental Impact Report

SCH No. 2024061274

Lead Agency	City of Rialto 150 South Palm Avenue Rialto, California 92376

December 2025

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List of Attachments

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1.0 SUMMARY OF THE FINAL ENVIRONMENTAL IMPACT REPORT

1.1 INTRODUCTION

The City of Rialto (City) determined that a project-level environmental impact report (EIR) was required for the Locust Gateway Development Project (Project) pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term "proposed Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines § 15378[a]).

The City determined that a Project EIR was the appropriate CEQA document for the proposed Project. In accordance with CEQA Guidelines Section 15161, a Project EIR "examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The Locust Gateway Development Project EIR evaluates the potentially significant, adverse, and beneficial impacts on the environment resulting from implementation of the proposed Project. This document analyzes the environmental effects of the Project to the degree of specificity appropriate to the currently proposed actions, as required by CEQA Guidelines Section 15146. The EIR analysis considers the activities associated with the Project, to determine the short-term and long-term effects associated with their implementation. The EIR discusses both direct and indirect impacts of the Project, as well as cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Pursuant to Section 15082 of the CEQA Guidelines, as amended, the City of Rialto prepared and circulated a Notice of Preparation (NOP) to affected agencies and interested parties for a 30-day public review period beginning on June 27, 2024. The deadline to submit comments on the NOP was July 26, 2024. A public Scoping Meeting was held on July 11, 2024 at 6:00 PM at the Rialto City Hall Council Chambers, located at 150 S. Palm Avenue in the City of Rialto. Subsequently, a Draft EIR was prepared.

The Draft EIR was circulated for public review for a 45-day review period. The City published a Notice of Availability (NOA) for the Draft EIR on September 5, 2025, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was also mailed to various agencies, organizations, and individuals that had previously requested such notice. The public review period established by the City was from September 5, 2025 to October 20, 2025. The State Clearinghouse 45-day review period was from September 8, 2025 to October 22, 2025.

The City published a public Notice of Availability (NOA) for the Draft EIR on September 5, 2025, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was also mailed to various agencies, organizations, and individuals that had previously requested such notice. The NOA was filed with the State Clearinghouse (SCH# 2024061274) pursuant to the public noticing requirements of CEQA. The Draft EIR was released for public review and comment by the City of Rialto on September 5, 2025 for a 45-day review period ending on October 20, 2025. The State Clearinghouse 45-day review period was from September 8, 2025 to October 22, 2025.

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15132 states that the contents of a Final EIR shall consist of:

(a) The draft EIR or a revision of the draft.

(b) Comments and recommendations received on the draft EIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies commenting on the draft EIR.

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the Lead Agency.

This Final EIR has been prepared to address comments received in response to the Draft EIR. Acting as lead agency, the City has prepared written responses to the Draft EIR pursuant to CEQA Guidelines Section 15088(a). CEQA Guidelines Section 15204(a) directs persons and public agencies to focus their review of a Draft EIR be "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. …CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204(c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204(d) states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." CEQA Guidelines Section 15204(e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

CEQA Guidelines Section 15088(a) states that the "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments." Section 15088(c) notes "The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the

relevance of evidence submitted with the comment." Comments received on the Draft EIR are responded to in **Section 2.0: Responses to Comments** in this Final EIR.

State CEQA Guidelines Section 15088(d) recommends that where a response to comment makes important changes in the information contain in the text of the Draft EIR, that the Lead Agency either revise the text of the EIR or include marginal notes showing that information. Changes to the EIR text are shown in underlined text for additions and ~~strikeout~~ for deletions in **Section 3.0: Errata to the EIR** of this Final EIR.

Responses to comments received during the comment period do not require any new information to be added to the EIR, thus the Final EIR does not contain any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. None of the clarifications or changes made in the Errata reflect a new significant environmental impact, a "substantial increase" in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts. Nor do the Errata reflect a "fundamentally flawed" or "conclusory" Draft EIR. In all cases, as discussed in individual responses to comments and Errata, these minor clarifications and modifications do not identify new or substantially more severe environmental impacts that the City has not committed to mitigate. Therefore, the public has not been deprived of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a revised or new feasible Project alternative or mitigation measure. Instead, the information added supports the existing analysis and conclusions, and responds to inquiries made from commenters.

Public Resources Code Section 21092.5 requires that copies of the written responses to public agencies be provided to those agencies at least ten days prior to certifying the EIR by the Lead Agency. It is the City's policy to provide notification of the availability of written responses to comments to all parties providing comments on the Draft EIR. Further, the City provides such notification prior to first consideration of a project by the Planning Commission.

1.3 ACTIONS BY THE LEAD AGENCY

As previously noted, consistent with CEQA Guidelines Section 15132, the Final EIR for the Locust Gateway Development Project consists of the Draft EIR and its technical appendices; the list of parties commenting on the Draft EIR; the Responses to Comments included herein; and any other information added by the Lead Agency. The City Council will also consider adoption of a Mitigation Monitoring and Reporting Program (MMRP) which is provided in **Section 4.0: Mitigation Monitoring and Reporting Program**; a Statement of Findings of Fact, and a Statement of Overriding Considerations as part of the approval process for the Project.

The Final EIR, along with other relevant information and public testimony at the Planning Commission public hearing, will be considered by the City Council in determining whether to certify the Final EIR and approve the Project. Other relevant information includes:

- Notice of Preparation (NOP) and written comments received on the NOP
- Notice of Availability (NOA)
- All other public notices issued by the City associated with the Project

- Any documents incorporated by reference therein and other site-specific and/or project-specific technical studies and exhibits not included in the FEIR but explicitly referenced therein."
- All written and verbal public testimony presented during public hearings for the proposed Project at which public testimony was taken at the Planning Commission and City Council hearings.

1.4 PROJECT SUMMARY

The project site is located on Assessor Parcel Number (APN) 0239-19-223, at the southwest corner of the Locust Avenue and Lowell Street intersection, in the City of Rialto, County of San Bernardino, California. The approximately 40-acre project site ranges in elevation from 1,612 to 1,649 feet above mean sea level (amsl). The project site is generally bordered by the unincorporated community of Muscoy to the north, the cities of San Bernardino and Colton to the east, the City of Jurupa Valley to the south, and the City of Fontana to the west.

The Project would allow for the development of a 664,859-square-foot (sf) building with 657,146 sf of warehouse space and 4,112 sf of ancillary office space in the northeast corner of the first floor and 3,601 sf of ancillary office space on the mezzanine level. The Project would also have 365 passenger vehicle surface parking stalls, 398 truck trailer parking stalls split between two areas on the site, and 82 dock doors.

The project site has a Rialto General Plan (General Plan) land use designation of General Industrial. The General Industrial land use designation allows for a broad range of heavy industrial activities. The project site is zoned Rialto Airport Specific Plan. The Rialto Airport Specific Plan provides a framework to guide future land use and development decisions in the Specific Plan area. The Rialto Airport Specific Plan designates the project site as General Manufacturing (I-GM), which permits wholesale and warehousing operations. A Conditional Development Permit would be required for the development of a warehouse, which is a conditionally permitted use in industrial zones in the City. As such, the proposed Project will be consistent with the existing General Plan land use designation and Specific Plan zoning.

1.5 PROJECT OBJECTIVES

Section 15124(b) of the CEQA Guidelines (14 CCR) requires "A statement of objectives sought by the proposed Project. The following objectives have been identified for the Project.

Objective 1: Develop and operate a warehouse that is in close proximity to three major freeways (State Route 210, Interstate 215 and Interstate 15) to support the distribution of goods throughout the region and that also limits traffic truck disruption to residential areas within the City and neighboring jurisdictions.

Objective 2: Develop and operate a warehouse that maximizes the efficient use of a vacant and underutilized and environmentally constrained site near available infrastructure, to allow the City of Rialto to compete on a domestic and international scale through the efficient and cost-effective movement of goods.

Objective 3: Develop a warehouse in an appropriate location that is predominantly surrounded by other industrial uses and is consistent with the project site's General Manufacturing land use designation under the Rialto Airport Specific Plan.

Objective 4: Maximize the efficient movement of goods throughout the region by locating a warehouse development in close proximity to the Ports of Los Angeles and Long Beach.

Objective 5: Develop and operate an attractive warehouse development in the City of Rialto that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the region.

Objective 6: Positively contribute to the economy of the City of Rialto through new capital investment, expansion of the tax base and creation of new employment opportunities, including opportunities for highly trained workers.

Objective 7: Provide local employment for residents of the City to improve jobs-housing balance within the City, thereby reducing the need for members of the local workforce to commute outside the Project vicinity to work.

Objective 8: Provide infrastructure improvements including street and sidewalk improvements to Lowell Street and Locust Avenue, undergrounding of existing utilities, and drainage and water quality treatment improvements.

Objective 9: Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.

1.6 REQUIRED PERMITS AND APPROVALS

Pursuant to Section 15121 of the CEQA Guidelines, an EIR is primarily an informational document intended to inform the public agency decision-makers and the general public of the potentially significant environmental effects of a project. Prior to taking action on the proposed Project, the City must consider the information in this EIR and certify the Final EIR.

The City of Rialto, as lead agency for the Project, has discretionary authority over the primary approvals. The Applicant has requested the consideration of the following discretionary actions.

- **Certification of the Locust Gateway Project Final Environmental Impact Report (Environmental Assessment Review No. 2023-0051):** Environmental review under the California Environmental Quality Act is required for the proposed Project.
- **Precise Plan of Design (PPD) (PPD 2023-0041):** Site development of one 664,859-sf warehouse building and associated improvements including loading area, truck parking, paving, screening, landscaping, lighting, stormwater retention on a single parcel (0239-19-223) of approximately 40 acres.
- **Conditional Development Permit (CDP) (2023-0032):** Conditional Development Permit for the development of a warehouse, which is a conditionally permitted use in industrial zones within the City of Rialto.
- **Tentative Parcel Map (TPM) (TPM 2023-0006):** To create one parcel and one lettered lot, and to depict the required City right-of-way dedication for Lowell Street, vacations, and easements.
- **Development Agreement (DA) (2024-0002)**

In addition to the approvals identified above, the Project would be subject to other discretionary and ministerial actions by the City as part of Project implementation. Additional City approvals include but are not limited to haul route permits, site development permits, grading permits, use permits, sign permits, and building permits.

Approvals would also be required from the following agencies:

- **Santa Ana Regional Water Quality Control Board (RWQCB):** Issuance of a National Pollution Discharge Elimination System (NPDES) Permit and Construction General Permit.
- **California Department of Fish and Wildlife:** Issuance of an Incidental Take Permit for the Crotch's bumblebee.

2.0 RESPONSES TO COMMENTS

2.1 INTRODUCTION TO RESPONSES TO COMMENTS

The purpose of this section is to present public comments and responses to comments received on the Draft Environmental Impact Report (Draft EIR) (State Clearinghouse Number 2024061274) for the Locust Gateway Development Project located in the City of Rialto (City).

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Rialto, as the Lead Agency, has evaluated all substantive comments received on the Locust Gateway Development Project Draft EIR, and has prepared written responses to these comments. This document has been prepared in accordance with CEQA and represents the independent judgment of the Lead Agency.

Section 2.0: Responses to Comments is organized as follows:

Section 2.1 Provides a brief introduction to this section.

Section 2.2 Identifies the Draft EIR commenters.

Section 2.3 Provides responses to substantive comments received on the Draft EIR.

2.2 LIST OF RESPONDENTS

In accordance with CEQA Guidelines Section 15132, the following is a list of public agencies, organizations and individuals and businesses that submitted comments on the Draft EIR received as of close of the State Clearinghouse public review period on October 22, 2025.

The City of Rialto received a comment letter from Advocates for the Environment after close of the public review period on October 29, 2025. It is important to note that CEQA does not require the lead agency to respond to late comments, to reopen the comment period, or delay acting on an EIR (Public Resources Code
§§ 21091(d)(1), 21092.5(c)). Public Resources Code Section 21091(d)(2)(A) notes that the lead agency may respond to comments that are received after the close of the public review period.

In addition to the comment letters received during the public review period, the City of Rialto has also prepared a response to the late comment letter. All responses are provided in Section 2.3.

Comment Number	Commenter	Date of Correspondence	Page No.
Organization			
A1	Western States Regional Council of Carpenters	October 7, 2025	2-5
A2	United Association Local 364 Plumbers & Pipefitters	October 13, 2025	2-7
A3	Reinforcing Ironworkers Local 416	October 15, 2025	2-9
A4	Ironworkers Local 433	October 15, 2025	2-11
A5	Blum, Collins, & Ho LLP on behalf of Golden State Environmental Alliance	October 16, 2025	2-13
A6	Californians Allied for a Responsible Economy (CARE CA)	October 20, 2025	2-106
A7	Center for Community Action and Environmental Justice (CCAEJ)	October 20, 2025	2-108
Late Comment Letter			
A8	Advocates for the Environment	October 29, 2025	2-110

2.3 RESPONSES TO ENVIRONMENTAL COMMENTS

This section is formatted so that the respective comment letters are followed immediately by the corresponding responses. Comment letters and specific comments are given letters and numbers, respectively, for reference purposes. Where sections of the Draft EIR are excerpted in this document, the sections are shown indented. Changes to the EIR text are shown in <u>underlined</u> text for additions and ~~strikeout~~ for deletions.

Comment Letter A1: Western States Regional Council of Carpenters

WESTERN STATES REGIONAL COUNCIL OF CARPENTERS
Frank Hawk
Executive Secretary-Treasurer

59 Spokane, WA
82 Great Falls, MT
96 NW Millwrights
196 Pile Drivers, WA
206 Seattle, WA
213 Los Angeles, CA
323 So. Los Angeles, CA
360 So. Puget Sound, WA
425 No. Puget Sound, WA
503 Portland, OR
541 Eugene, OR
555 Colorado
562 Long Beach, CA
619 San Diego, CA
635 Boise, ID
661 Sylmar, CA
714 Buena Park, CA
721 Whittier, CA
743 Bakersfield, CA
801 Utah
805 Camarillo, CA
808 Idaho Falls, ID
909 Ontario, CA
951 Riverside, CA
971 Reno, NV
1136 Kettle Falls, WA
1243 Fairbanks, AK
1281 Anchorage, AK
1319 New Mexico
1607 Millwrights
1912 Arizona
1977 Las Vegas, NV
2520 Pile Drivers & Divers, AK
2761 McCleary, WA
2851 La Grande, OR
2949 Roseburg, OR

10/7/2025

Community Development Department at City Hall
150 South Palm Avenue, Rialto, CA 92376
dcasey@rialtoca.gov
(909) 820-2535

Re: Locust Gateway Development Project
SCH No. 2024061274

To Daniel Casey,

On behalf of the Western States Regional Council of Carpenters, we write to express our strong support for the proposed Locust Gateway Development Project in the City of Rialto. This project represents an important opportunity to bring high-quality jobs, vital infrastructure improvements, and long-term economic benefits to our community.

As a labor organization committed to creating and sustaining good-paying jobs for local skilled & trained workers, we believe this project will create these opportunities during the construction phase and additional jobs once the facility is complete.

Providing local career opportunities for skilled workers and trained professionals not only strengthens the local workforce but also reduces commute times for working families who live in the City of Rialto and allows more time for recreation and connection within the community, ultimately contributing to local prosperity and shared community wealth.

We respectfully urge the City to advance this project and ensure quality jobs, safety, and economic growth, keeping Rialto a place where working families can thrive.

A1-1

With appreciation,

Jacob Lopez
Regional Manager
Western States Regional Council of Carpenters

CC: Rafael Legido

Representing Carpenters in Southern California, Nevada, Arizona, Utah, New Mexico, Colorado, Washington, Idaho, Montana, Wyoming, Alaska and Oregon
WESTERN STATES REGIONAL COUNCIL OF CARPENTERS
533 S. Fremont Ave., 10th Fl. Los Angeles, CA 90071
(213) 385-1457 | Fax: (213) 385-3759 | www.wscarpenters.org

Response A1-1

This comment acknowledges support for the Project by the Western States Regional Council of Carpenters. The letter of support does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR. No further response is required.

Comment Letter A2: United Association Local 364 Plumbers & Pipefitters

UNITED ASSOCIATION

PLUMBERS

JOE RAYMOND
BUSINESS MANAGER
FINANCIAL SECRETARY
TREASURER

PIPEFITTERS

223 S. RANCHO AVE.
COLTON, CA 92324
PH: 909 825-0359
FX: 909 824-8362

www.ualocal364.org

10/13/2025

City of Rialto – Mayor and City Council
150 South Palm Avenue
Rialto, CA 92376

Re: **Support for the Locust Gateway Development Project (PPD 2023-0041, CDP 2023-0032, TPM 2023-0006, DA 2024-0002)**

Dear Honorable Mayor and City Council Members:

I am writing on behalf of the United Association (UA) Local 364 Plumbers & Pipefitters to express our enthusiastic support for the proposed Locust Gateway Development Project.

We are excited for Brookfield Properties' efforts at this site in particular, because of the site's long history of underutilization and as part of a Superfund Site. Through development of the site, they are turning a long vacant piece of land into an attractive warehouse building and use that is consistent with and complimentary to the surrounding industrial uses.

We also appreciate the Applicant's commitment to local hire that will provide opportunities for our local skilled and highly trained construction workforce, including our highly trained plumbers and pipefitters. We look forward to this project being built and we urge you to approve it expeditiously so we may call on our workers, many of whom are residents of Rialto and its neighboring cities, with an opportunity to share in the benefits of this development by working on a local project.

Again, UA Local 364 enthusiastically supports the Locust Gateway Development Project.

A2-1

Sincerely,

Joe Raymond
Business Manager

Response A2-1

This comment acknowledges support for the Project by the United Association Local 364 Plumbers & Pipefitters. The letter of support does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR. No further response is required.

Comment Letter A3: International Association of Bridge, Structural, Ornamental, and Reinforcing Ironworkers Local Union 416

International Association of
Bridge, Structural, Ornamental, and Reinforcing Ironworkers
Local Union 416

10/15/2025

City of Rialto – Mayor and City Council
150 South Palm Avenue
Rialto, CA 92376

Re: Support for the Locust Gateway Development Project

Dear Honorable Mayor and City Council Members:

On behalf of Reinforcing Ironworkers Local 416, I respectfully add our organization's name to the list of supporters of the Locust Gateway Development Project.

After further reviewing this project, Local 416 is satisfied that the project will maximize community, economic, and employment benefits and protect worker health and safety. In particular, the Applicant's commitment to local hire will ensure that skilled and trained local construction workers who build the project will be paid living wages, work in a safe worksite, and receive good benefits for their work. A3-1

In doing so, Brookfield Properties will not only transform an underutilized site into an engine of economic growth and development, but they have also demonstrated an overriding commitment to helping the local economy remain robust.

Therefore, Local 416 urges the City Council to expeditiously approve all requested entitlements to make the safe and timely Locust Gateway Development Project a reality. Thank you for your time and consideration.

Sincerely,

Frankie Jimenez
Business Manager/ Financial Secretary-Treasurer

13830 San Antonio Dr., Norwalk, CA 90650 • (562) 868-1251
960 Wigwam Pkwy., Suite 130, Henderson, NV 89014 • (702) 434-7416
www.ironworkers416.org

Response A3-1

This comment acknowledges support for the Project by the International Association of Bridge, Structural, Ornamental, and Reinforcing Ironworkers Local Union 416.. The letter of support does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR. No further response is required.

Comment Letter A4: Ironworkers Local 433

Ironworkers Local 433
International Association of Bridge, Structural & Ornamental Iron Workers A.F.L.-C.I.O.
Established 1929

17495 HURLEY STREET EAST
CITY OF INDUSTRY, CALIFORNIA 91744
PHONE: (626) 964-2500
FAX: (626) 964-1919
keith@ironworkers433.org

KEITH HARKEY
Business Manager
Financial Secretary-Treasurer

October 15, 2025

City of Rialto – Mayor and City Council
150 South Palm Avenue
Rialto, CA 92376

RE: Locust Gateway Development Project (PPD 2023-0041, CDP 2023-0032, TPM 2023-0006, DA 2024-0002

Dear Honorable Mayor and City Council Members:

On behalf of Ironworkers Local 433 ("Local 433"), I am submitting this letter of support for the proposed Locust Gateway Development Project. Brookfield Properties is proposing to develop a 666,265-square-foot (sf) industrial warehouse building with 656,265 sf of warehouse space, 5,000 sf of office space, and 5,000 sf of an office mezzanine.

We are pleased that Brookfield Properties has chosen to build their project in an equitable and responsible manner that places the needs of the community at present and in the future at the forefront. They have committed to helping the local economy remain robust and favorable by creating employment opportunities while supporting the local, skilled, and professional construction workforce, including the Ironworkers. A4-1

This project is proposed at the right place and time to make a real difference for the City of Rialto. Local 433 respectfully and enthusiastically supports approval for all entitlements requested to make this safe, timely, and needed project a reality.

Sincerely,

K + B. H

Keith Harkey
Business Manager
Ironworkers local 433

Response A4-1

This comment acknowledges support for the Project by Ironworkers Local 433. The letter of support does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR. No further response is required.

Comment Letter A5: Blum Collins, & Ho LLP on behalf of Golden State Environmental Alliance

BLUM, COLLINS & HO LLP
ATTORNEYS AT LAW
10250 CONSTELLATION BOULEVARD
SUITE 2300
LOS ANGELES, CALIFORNIA 90067
(213) 572-0400

October 16, 2025

Daniel Casey
Principal Planner
Community Development Department
150 South Palm Avenue
Rialto, CA 92376

Via Email to:
dcasey@rialtoca.gov

Subject: Comments on Locust Gateway Development Project EIR (SCH NO. 2024061274)

Dear Mr. Casey,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Locust Gateway Development Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

A5-1

1.0 Summary

The project proposes the construction and operation of an approximately 664,859 square foot (sf) warehouse, inclusive of approximately 7,713 sf of ancillary office space. The 40 acre project site provides 365 passenger vehicle parking stalls, 398 truck/trailer parking stalls, and a fence-secured truck/trailer loading dock area with 82 dock doors. Access to the project site would be provided via three new driveways on Lowell Street, one driveway on Locust Avenue, and one emergency vehicle only driveway on Lake Padden Lane.

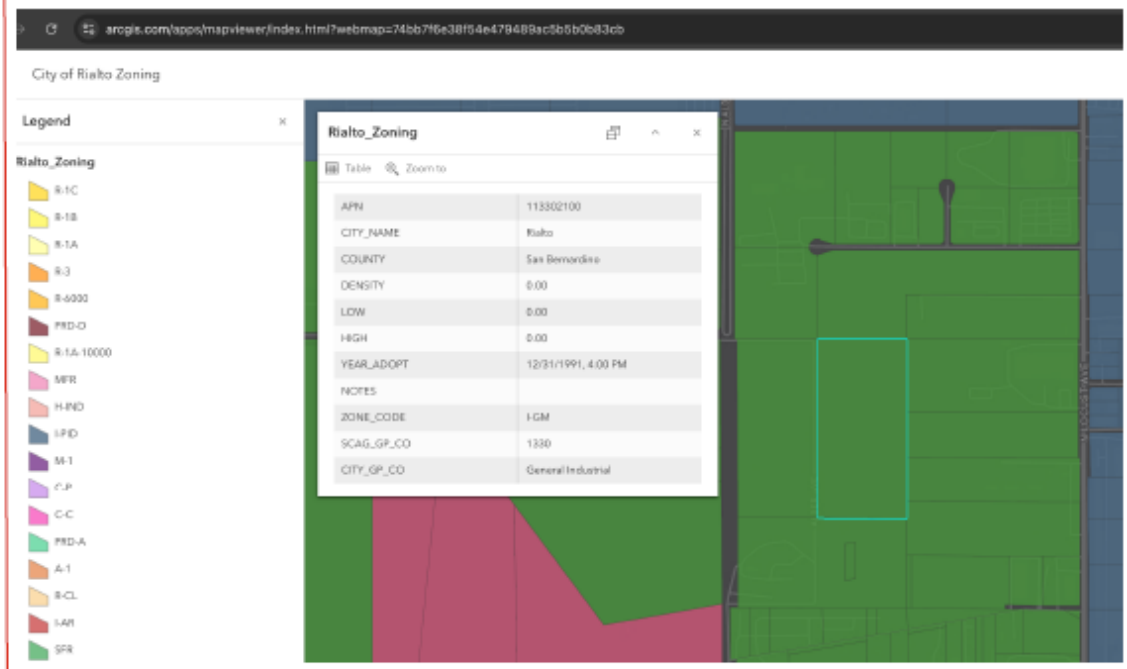
A5-2

3.0 Project Description

The EIR does not adequately describe the project. For example, the EIR states that the project is located on a single Assessors Parcel Number (APN): 0239-19-223. However, it is clear that the project site is bisected by the planned extension of Summit Avenue (refer to Transportation section below) and this is not disclosed in the EIR. The APN for the southern half of the project site is 1133-02-100. Figure 3-11: Tentative Parcel Map does not depict that there are two existing parcels.

A5-3

The EIR must be revised to disclose this information and it include for discussion and analysis throughout the document.



A5-3

Additionally, the EIR states that, "Approximately 270,000 cubic yards (cy) of cut and 300,000 cy of fill are anticipated for a net fill (imported soil) of 30,000 cy." However, the EIR does not provide any substantial evidence to support this statement, such as a grading plan. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during project construction. The EIR does not provide any information regarding the nearest available import site, either. It is clear that the grading plan has been completed since the applicant has applied for permit ENGGR25-0027[1] for On-Site Precise Grading Plans for PPD#2023-0041. The EIR must be revised to provide a a wholly accurate grading plan and a specific soil import site and its precise distance from the project site in order to provide an adequate, accurate environmental analysis and informational document.

A5-4

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing

A5-5

[1] https://cityofrialtoca-energovweb.tylerhost.net/apps/selfservice#/permit/16c7426c-03db-4715-8263-bfa96e3598cd

factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially significant as the surrounding community is highly burdened by pollution. See also the attached air quality comments and analysis from SWAPE.

A5-5

According to CalEnviroScreen 4.0[2], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6071002704) ranks in the 94th percentile for overall pollution burden, meaning that it is among the communities that are most severely burdened by pollution in the state. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 99th percentile for ozone burden, the 76th percentile for particulate matter (PM) 2.5 burden, the 53rd percentile for diesel PM burden, and 61st percentile for traffic burden. All of these environmental factors are attributed to heavy truck activity in the area. While California has strict vehicle-emissions standards, exhaust from cars and trucks is the main source of air pollution in much of the state[3]. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[4]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[5].

A5-6

The census tract also ranks in the 85th percentile for hazardous waste facility impacts and 94th percentile for solid waste facility impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[6]. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[7].

A5-7

The census tract ranks among the most severely impacted in several areas that impact water quality. The census tract ranks in the 97th percentile for groundwater threats. People who live near

A5-8

[2] https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0/
[3] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[4] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[5] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[6] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[7] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities

contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[8]. Accordingly, the census tract ranks in the 96th percentile for drinking water impacts, which indicates that it ranks with the worst quality drinking water in the state. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[9]. A5-8

The census tract also bears more impacts from cleanup sites than 88% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[10]. A5-9

Further, the census tract is a diverse community including 46% Hispanic, 14% African-American, and 12% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 49% of the census tract residents over age 25 has not attained a high school diploma. The community also has a high rate of poverty, meaning 37% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[11]. Poor communities are often located in areas with high levels of pollution[12]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[13]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 83rd percentile for incidence of cardiovascular disease and 48th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 40% of the census tract speaks little to no English and faces further inequities as a result. A5-10

Additionally, the proposed project's census tract (6071002704) and the census tracts adjacent to the project site (6071002301 (south), 6071003503 (southeast), and 6071003506 (southeast)) are identified as SB 535 Disadvantaged Communities[14]. This indicates that cumulative impacts of development and environmental impacts in the City are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities, does not utilize this information in its analysis, and has not considered the project's significant environmental impacts in relation to the SB 535 status of the project census tract and A5-11

[8] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats
[9] OEHHA Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[10] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[11] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[12] Ibid.
[13] Ibid.
[14] OEHHA SB 535 Census Tracts https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities

surrounding area. Notably, more than 44% of the goods bought and consumed in the United States pass through the Inland Empire on their way to their final destinations. The impacts of the warehousing and logistics industry in Rialto have become distinctly inequitable. The severity of impacts is demonstrated by SCAG funding a partnership with UCR[15] to conduct a truck route study in Rialto- Smart Cities Plan to Mitigate Impacts of Warehousing and Logistics.

A5-11

The EIR states that, "The Code California Energy Code (Title 24, Part 6) was created as part of the California Building Standards Code (Title 24 of the California Code of Regulations) by the California Building Standards Commission in 1978 to establish statewide building energy efficiency standards to reduce California's energy use. In general, Title 24 energy code is designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings." Title 24 Energy requirements are applicable plans and laws for energy efficiency in California. The State of California lists three approved compliance modeling softwares[16] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. The EIR utilizes CalEEMod and EFMAC as sources in its methodology and analysis, which is clearly not an approved software. The modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. The EIR has not analyzed the project in accordance with Title 24 Energy requirements, including providing an analysis of energy consumption utilizing one of the approved compliance modeling softwares for non-residential buildings. Therefore, it is unknown if the project conflicts with or obstructs an applicable state or local plan for renewable Energy or Energy efficiency. This necessitates a finding of significance in a revised EIR.

A5-12

4.10 Land Use and Planning

The EIR does not discuss or analyze the project's compliance with the General Plan's Land Use buildout scenario. Table 2-3: Land Use Build Out of the Updated Rialto General Plan Land Use Element[17] states that the General Industrial designation supports the development of 17,181,000 sf of industrial space through the document's 2040 horizon year. The project's proposed 664,859 sf of industrial space is 3.8% of the total industrial space permitted over the 30 year General Plan period, which represents a significant amount of growth attributed to a single project. The EIR also does not discuss or analyze the project's compliance with the Rialto Airport Specific Plan buildout

A5-13

[15] SCAG Regional Council April 7, 2022 Agenda Item 11: Truck Route Study
https://scag.ca.gov/sites/main/files/file-attachments/rc040722fullpacket.pdf?1648769425
[16] California Energy Commission 2022 Energy Code Compliance Software
https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1
[17] https://rialto.legistar.com/View.ashx?M=F&ID=13534009&GUID=DB438E29-5773-4F43-BA45-F3F9B078985E

scenario. A revised EIR must be prepared to include all of the above-stated analysis in order to provide an adequate informational document.

A5-13

The EIR provides an analysis with three goals/policies from SCAG's 2024 Connect SoCal RTP/SCS[18]. The EIR has exclude relevant analysis regarding the project's significant and unavoidable cumulatively considerable GHG impacts. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter), and the EIR's determination that the project will generate significant and unavoidable cumulatively considerable Greenhouse Gas Emissions, the proposed project is directly inconsistent with the following and a revised EIR must be included with a finding of significance:

1. Equitable Engagement and Decision-Making Policy 46. Promote racial equity that is grounded in the recognition of the past and current harms of systemic racism and one that advances restorative justice.

2. Equitable Engagement and Decision-Making Policy 47. Increase equitable, inclusive, and meaningful representation and participation of people of color and disadvantaged communities in planning processes.

3. Sustainable Development Policy 48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption and promote resilience.

A5-14

4. Sustainable Development Policy 49. Support communities across the region to advance innovative sustainable development practices.

5. Sustainable Development Policy 50. Recognize and support the diversity of communities across the region by promoting local place-making, planning and development efforts that advance equity, mobility, resilience and sustainability.

6. Air Quality Policy 51. Reduce hazardous air pollutants and greenhouse gas emissions and improve air quality throughout the region through planning and implementation efforts.

7. Air Quality Policy 52. Support investments that reduce hazardous air pollutants and greenhouse gas emissions.

8. Air Quality Policy 53. Reduce the exposure and impacts of emissions and pollutants and promote local and regional efforts that improve air quality for vulnerable populations, including but not limited to Priority Equity Communities and the AB 617 Communities.

[18] https://scag.ca.gov/sites/default/files/2024-05/23-2987-connect-socal-2024-final-complete-040424.pdf

9. Climate Resilience Policy 64. Prioritize the most vulnerable populations and communities subject to climate hazards to help the people, places and infrastructure that are most at risk for climate change impacts. In doing so, recognize that disadvantaged communities are often overburdened.

10. Climate Resilience Policy 65. Support local and regional climate and hazard planning and implementation efforts for transportation, land use, and other factors.

11. Climate Resilience Policy 66. Support nature-based solutions to increase regional resilience of the natural and built environment.

A5-14

Table 4.10-1: General Plan Consistency Analysis within the EIR does not provide any substantial or meaningful evidence to support the claim that the project does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. A revised EIR must be prepared to provide a consistency analysis with all of the most updated versions of the General Plan objectives, goals, policies, and actions, including but not limited to the following:

1. Policy 2–9.4: Encourage industrial uses to incorporate flexible commercial spaces such as retail, restaurants, and temporary vendors that can serve a broad audience.
2. Policy 2–12.2: Provide and maintain street trees and parkway landscaping within the public right-of-way for developed properties within Rialto. Require private development to do the same as per City design regulations.
3. Policy 2–16.1: Encourage the incorporation of public art into large-scale development projects.
4. Policy 2–17.3: Discourage architectural monotony.
5. Policy 2–17.4: Discourage the design of boxy structures; emphasize articulation of the front façade and the horizontal plane with multistory structures.
6. Goal 2–27: Maximize open spaces in urban areas.
7. Policy 2–27.1: Require that private open space be integrated into new development by providing green spaces and landscaped plazas between buildings.
8. Policy 2–27.2: Enhance street corridors by incorporating small green areas, extensive landscaping, and street trees.
9. Policy 2–27.3: Explore opportunities to create pocket parks within urbanized areas for public and/or private use.
10. Policy 2–37.1: Put conditions on discretionary permits to require fugitive dust controls.

A5-15

In finding consistency with Policies 4-1.20 and 4-1.21, the EIR states that, "LOS is not used under CEQA to evaluate traffic impacts." It is a commonly perpetuated misconception that when the

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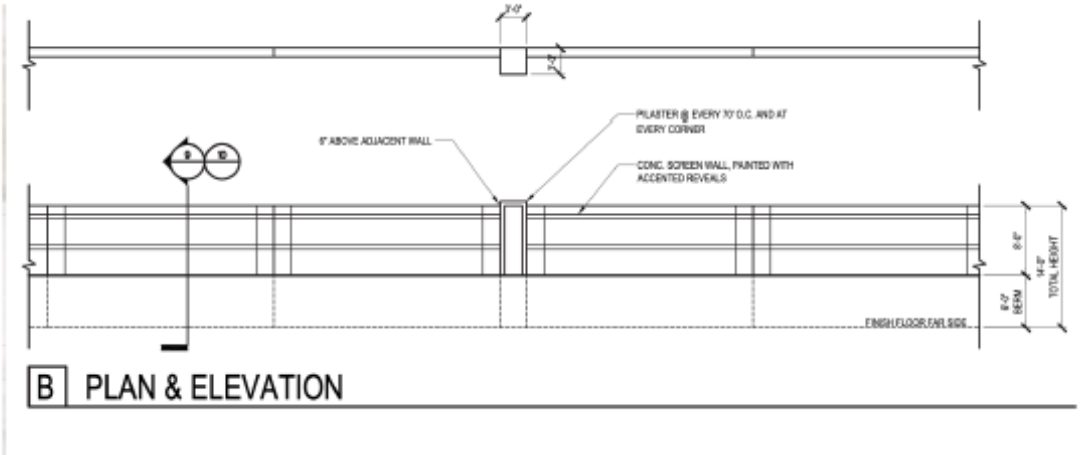
State added VMT as a required analysis under CEQA, it removed any need for LOS analysis. The threshold of significance poses the question whether the project conflicts with plans and policies addressing the circulation system. The City has adopted policies with LOS requirements for signalized intersections and delay requirements for unsignalized intersections, both of which are components of the circulation system. Therefore, an LOS analysis is required. The EIR has not provided a LOS analysis or any substantial evidence to support a less than significant finding, and therefore a finding of significance is required in a revised EIR.

A5-16

Additionally, the EIR states that the project is consistent with "Policy 2–12.1: Require the screening of commercial or industrial parking areas, storage yards, stockpiles, and other collections of equipment from the public right-of-way," but the project does not screen the parking area adjacent to Lake Padden Lane. The EIR concludes the project is consistent with, "Policy 2–12.5: Require that projects with perimeter walls (including gated residential communities) provide an interesting streetscape, with pedestrian access to major travel ways," because then project provides pedestrian access to the project site and references other responses that include statements regarding trees and a 14 foot high "decorative" screen wall around the perimeter of the property. The analysis does not provide any substantial evidence to support compliance, such as a streetscape analysis or color renderings of the 14 foot high "decorative" screen wall. Figure 3-9: Conceptual Fence and Wall Plan depicts an elevation view of the "decorative" screen wall, but does not provide any meaningful details such as paint colors. A concrete screen wall with heavy pilasters every 70 feet and unknown painted details does not substantially comply with the requirement of Policy 2–12.5 to provide an interesting streetscape. Notably, the 14 foot high "decorative" screen wall will only be constructed along Locust Avenue and Lowell Street. The remainder of the site and streetscape will feature concrete retaining walls topped with 8 foot high wrought iron fencing. The EIR has not provided any substantial evidence to demonstrate compliance with the above listed policies and a finding of significance must be included in a revised EIR.

A5-17



The EIR states that the project is consistent with "Policy 2-17.1: Require new development and construction to exhibit a high level of quality architectural design to emphasize community uniqueness, individuality, and historical references," and, "Policy 2–23.1: Require that developments incorporate varied planes and textures and variety in window and door treatments on building façades," because the building, "includes concrete tilt-up panels with architectural treatments, such as panel reveals to provide visual relief of the building facades," and, "the exterior elevations would be white and grey with blue accents and blue window glazing." These basic industrial building concepts do not constitute high-quality architectural design emphasizing the community nor incorporate varied planes and textures. The building is a standard concrete tilt-up rectangular box, which is directly inconsistent with the above policies and, "Policy 2–17.3: Discourage architectural monotony," and, "Policy 2–17.4: Discourage the design of boxy structures; emphasize articulation of the front façade and the horizontal plane with multistory structures." The EIR has not included substantial evidence to support a less than significant finding and a revised EIR must be prepared to include a finding of significance.

A5-18

The EIR states that the project is consistent with, "Policy 2-23.2: Encourage architecture that disaggregates massive buildings into smaller parts with greater human scale," because the building has, "facades that would use color variation, glazing, and vertical articulation to allow for variation in mass and scale. The proposed warehouse would be approximately 55 feet in height from finished grade; materials used would include wall panels, concrete, galvalume metal roofing, and a glass curtain wall as well as various colors to reduce the overall sense of perceived mass." Concrete wall panels and vertical glass walls do not reduce mass. Their overall large size contributes to the increased perceived scale of the building due to the size of the singular material. Metal roofing on a 55 foot building would not be seen from the pedestrian scale and does not contribute to reduced massing. The EIR has not included substantial evidence to support a less than significant finding and a revised EIR must be prepared to include a finding of significance.

A5-19

The EIR states that the project is consistent with, "Policy 2-31.2: Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, as appropriate;" "Goal 2–32: Conserve energy resources;" and "Policy 2–32.1: Require the incorporation of energy conservation features into the design of all new construction and site development activities," because, "The Project would comply with Parts 6 and 11 of Title 24." As stated above in the Energy analysis, Title 24 Energy requirements are applicable plans and laws for energy efficiency in California. The State of California lists three approved compliance modeling softwares[19] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. The EIR utilizes CalEEMod and EFMAC as sources in its

A5-20

[19] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

methodology and analysis, which is clearly not an approved software. The modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. The EIR has not analyzed the project in accordance with Title 24 Energy requirements, including providing an analysis of energy consumption utilizing one of the approved compliance modeling softwares for non-residential buildings. Therefore, it is unknown if the project conflicts with or obstructs an applicable state or local plan for renewable Energy or Energy efficiency. The EIR has not included substantial evidence to support a less than significant finding and a revised EIR must be prepared to include a finding of significance.

A5-20

4.13 Population and Housing

The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project's population and employment generation. The EIR also relies upon the assumption that, "Given the high percentage of City residents commuting outside the City for employment and the opportunity to reduce local unemployment rates, the addition of new jobs as a result of the Project would likely be filled by the local labor market." The EIR does not include demographic information or other data supporting that the City's local unemployed population is qualified for or interested in work in the industrial sector. Ultimately relying on the entire labor force within the greater Inland Empire region to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and the EIR must be revised to account for longer worker trip distances. The revised EIR must also include a construction worker employment analysis in order to adequately and accurately analyze all potentially significant environmental impacts.

A5-21

SCAG's Connect SoCal Demographics and Growth Forecast[20] notes that the City will add 4,300 jobs from 2019 - 2035. Utilizing the EIR's calculation of 557 employees, the project represents 13% of the City's employment growth from 2019 - 2035. A single project accounting for this amount of projected growth over 16 years represents a significant amount of growth. The EIR has not provided evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP.

A5-22

A revised EIR must also provide a cumulative analysis discussion of projects approved since 2019 (SCAG), the date of General Plan adoption, and projects "in the pipeline" to determine if the project will exceed SCAG's employment or population growth forecast for the City and/or the City's General Plan growth forecasts. For example, other recent projects such as 2830, 11190, 11258 S. Riverside Avenue Light Industrial (191 employees), Pepper Ave. SP Amendment and Development Project (717 employees), Birtcher Logistics (639 employees), Olive Ave.

A5-23

[20] SCAG 2024 Connect SoCal Demographics and Growth Forecast
https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-demographics-growth-forecast-final-040424.pdf

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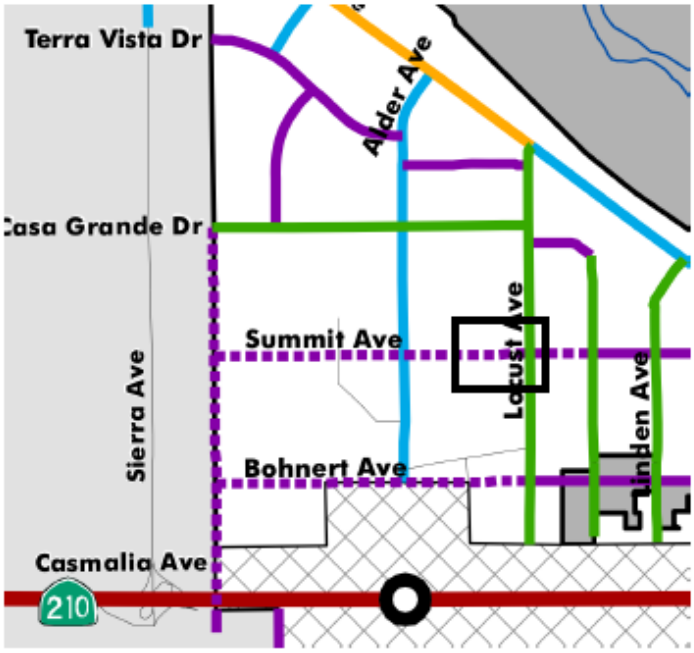
Warehouse (575 employees), Durst Drive Warehouse (175 employees), 436 W. Rialto Ave (259 employees), Lilac/Santa Ana Warehouse (252 employees), 160 N. Cactus Ave Warehouse (138 employees), 2223/2271 Locust Ave. Warehouse (164 employees), 2720 S. Willow Avenue (104 employees), and Santa Ana Truck Terminal (140 employees) combined with the proposed project will cumulatively generate 3,911 employees, which is 91% of the City's employment growth forecast through 2035 accounted for only by recent industrial projects. These totals increase exponentially when commercial development and other industrial activity is added to the brief list of recent industrial activity above. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2019 (SCAG), the date of General Plan adoption, and projects "in the pipeline" to determine the City's progress towards General Plan buildout capacity and SCAG's growth forecasts.

A5-23

4.15 Transportation

The EIR states that, "The Project's circulation plan would be consistent with the General Plan pertaining to transit, bicycle and pedestrian facilities." The EIR does not analyze the project in accordance with the City's Circulation Map. Exhibit 4.1 – Street Classifications within Circulation Element[21] depicts Summit Avenue bisecting the project site through to Locust Avenue. The dashed purple lines on Exhibit 4.1 indicate that Summit Avenue is a planned Collector Street within the project site.



A5-24

[21] https://rialto.legistar.com/View.ashx?M=F&ID=13534008&GUID=4121DE7B-2AD0-4630-A8E7-A17195FDDD99

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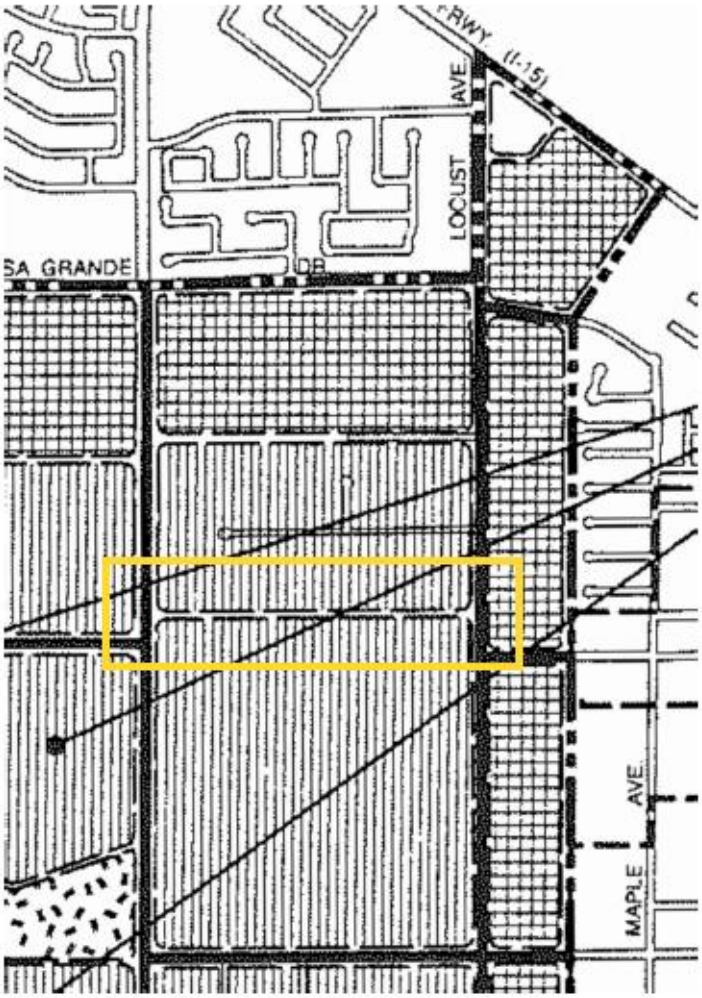
A5-24

Exhibit 3: Land Use Plan within the Rialto Airport Specific Plan also depicts Summit Avenue bisecting the project site.



A5-24

The Project conflicts with Exhibit 4.1 - Street Classifications within the Circulation Element and Exhibit 3: Land Use Plan within the Rialto Airport Specific Plan, which are plans and policies addressing the circulation system. A General Plan Amendment is required to remove the planned extension of Summit Avenue through the project site from Exhibit 4.1 - Street Classifications within the Circulation Element. A Specific Plan Amendment is required to remove the planned extension of Summit Avenue through the project site from Exhibit 3: Land Use Plan within the Rialto Airport Specific Plan. The project has not applied for these entitlements and the EIR does not address the planned extension of Summit Avenue. The project conflicts with these plans and policies addressing the circulation system, and therefore a finding of significance is required as part of a revised EIR.

Additionally, this section of the EIR has not addressed the following Circulation Element policies:

1. Policy 4-1.20: Design City streets so that signalized intersections operate at Level of Service (LOS) D or better during the morning and evening peak hours, and require new development to mitigate traffic impacts that degrade LOS below that level.
2. Policy 4-1.21: Design City streets so that unsignalized intersections operate with no vehicular movement having an average delay greater than 120 seconds during the morning and evening peak hours, and require new development to mitigate traffic impacts that increase delay above that level.

A5-25

The Land Use and Planning section stated that, "LOS is not used under CEQA to evaluate traffic impacts." It is a commonly perpetuated misconception that when the State added VMT as a required analysis under CEQA, it removed any need for LOS analysis. The threshold of significance poses the question whether the project conflicts with plans and policies addressing the circulation system. The City has adopted policies with LOS requirements for signalized intersections and delay requirements for unsignalized intersections, both of which are components of the circulation system. Therefore, an LOS analysis is required. The EIR has not provided a LOS analysis or any substantial evidence to support a less than significant finding, and therefore a finding of significance is required in a revised EIR.

The City's Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (LOS)[22] (City Guidelines) state, "To avoid unnecessary delays or revisions and to streamline the TIA preparation and review process, the City requires applicant to submit a Project Scoping Agreement to the City Planning Department. Even if a Project is exempt from level of service analysis, the Project Scoping must provide proposed VMT analysis or document screening criteria." The EIR has not provided the Project Scoping Agreement as an attachment for public review. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the Project Scoping Agreement contributes directly to analysis of the problem at hand. The EIR must be revised to include the Project Scoping Agreement for public review and comment.

A5-26

Appendix J: VMT Analysis has underreported the quantity of VMT generated by the proposed project operations. Table 1 – Project SED Model Inputs within Appendix J states that 246 employees were analyzed for VMT generation, and a methodology for determining this quantity of employees is not provided. This conflicts with the Population and Housing analysis that states the project will generate 557 operational employees utilizing the employment generation ratios from SCAG's Employment Density Study. The EIR must be revised to analyze the project's VMT

A5-27

[22] https://rialto.legistar.com/View.ashx?M=F&ID=11079844&GUID=534A81D0-0C1D-4A51-9B71-3368ABC01F41

generated by 557 operational employees in order to provide an adequate and accurate environmental analysis. A5-27

Additionally, the operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a fulfillment center warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity. A5-28

Appendix J also excludes modeling input parameters and output screens generated by the SBTAM model to support the EIR's analysis. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and PRC 21003(b)). The VMT input/output modeling information contributes directly to analysis of the problem at hand and cannot be incorporated by reference (CEQA § 15150 (f)). A revised EIR must be prepared to include these items for review by the public and decision makers in order to provide an adequate informational document. A5-29

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access.

Figure 3-5: Conceptual Truck Circulation Plan depicts several areas of conflict between vehicles. For example, trucks are modeled exiting the site via the central and eastern driveways on Lowell Street. They require additional maneuvering space across the centerline of each street, meaning that the trucks will need to drive on the "wrong side" of the street into oncoming traffic in order to leave the site. A5-30

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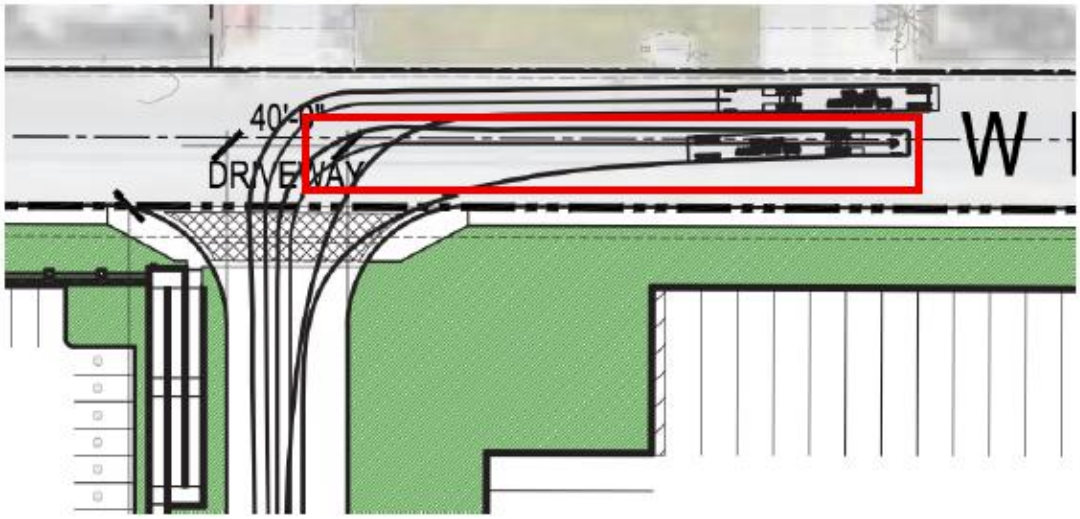
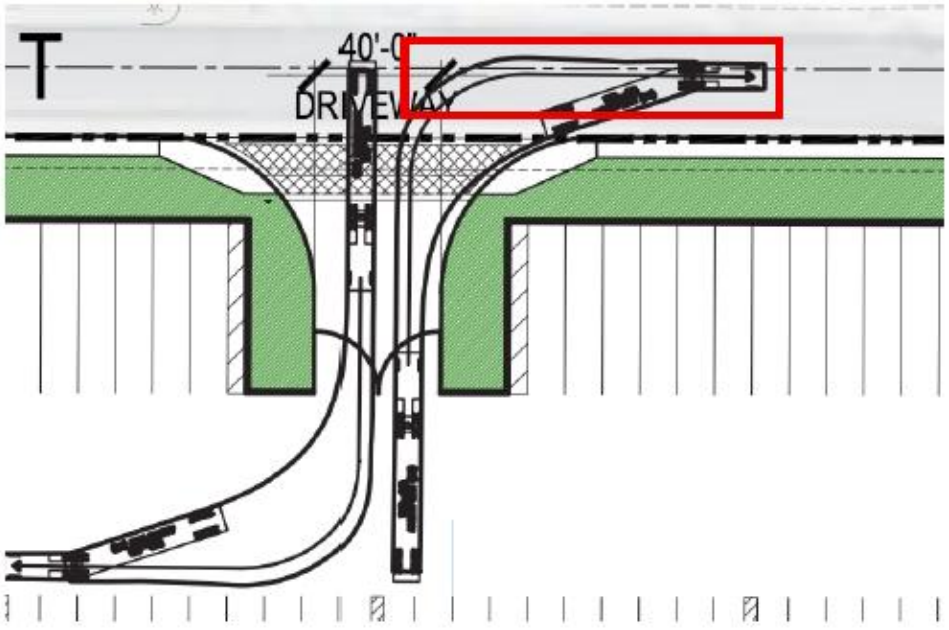


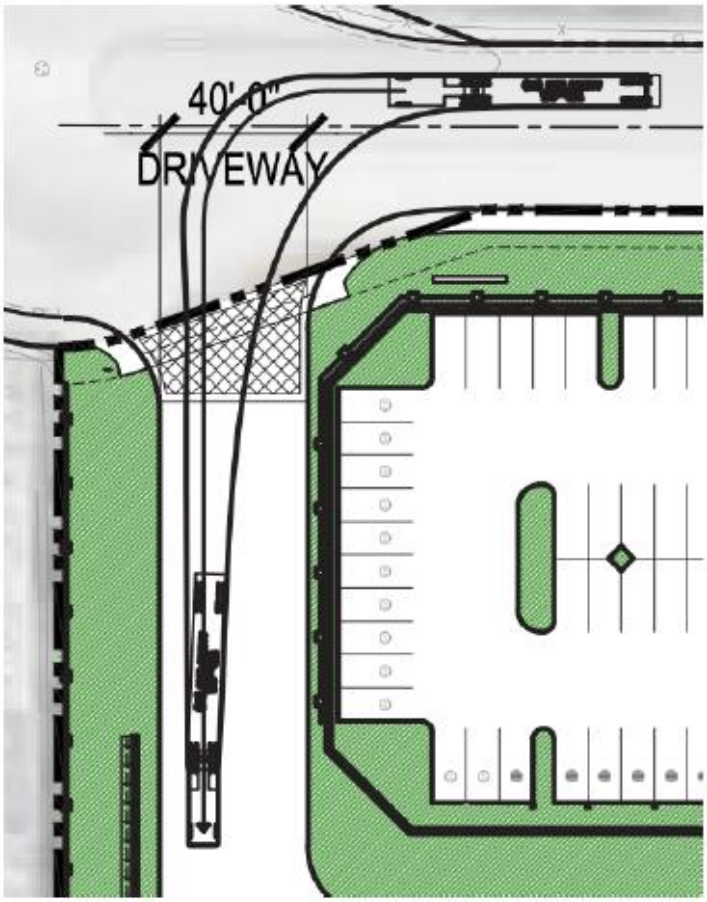
Additionally, the overlapping lines along the internal driveway indicate that it is not wide enough to accommodate more than one truck/trailer. Queuing/storage space is required on Lowell Street and the EIR has not analyzed these significant impacts. A finding of significance is required in a revised EIR.

A5-30



Further, the truck/trailer entering the site via the easterly driveway on Lowell Street is not modeled to execute the full turning maneuver. The modeling must be updated to depict the truck/trailer entering the site conducting a full turning maneuver in order to provide an adequate and accurate environmental analysis.

The truck/trailer modeling at the westerly driveway on Lowell Street and the driveway on Locust Avenue only depicts trucks/trailers entering the site. It does not model trucks/trailers simultaneously exiting and entering the site at these access points, meaning that there is not enough space to accommodate full truck maneuvering. The modeling must be updated to depict trucks/trailers simultaneously exiting and entering the site.



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A5-31

It is also not possible to discern the size of the truck/trailer utilized for modeling throughout Figure 3-5. The EIR must be revised to model a WB-67 truck (a standard 72 feet in length) maneuvering throughout the site and accessing the site at all vehicular access points in order to provide an adequate, accurate environmental analysis and worst-case scenario modeling.

The EIR states that, "The limited-use area for each driveway would be kept clear of visual obstructions, including signage, structures, and obstructive landscaping, in order to maintain adequate sight distance. The Project would be designed in compliance with all applicable State building codes and would meet City standards for design, including sight distance at intersections. Therefore, impacts are considered less than significant and no mitigation is required." However, this does not account for street parking on any public street adjacent to the project site, and other typical visual obstructions beyond the immediate limited-use areas adjacent to project driveways. A revised EIR must be prepared to include a sight distance analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements in oder to provide an adequate and accurate environmental analysis.

A5-32

5.4 Growth-Inducing Effects

The EIR does not discuss or analyze the project's compliance with the General Plan's Land Use buildout scenario. Table 2-3: Land Use Build Out of the Updated Rialto General Plan Land Use

A5-33

Element[23] states that the General Industrial designation supports the development of 17,181,000 sf of industrial space through the document's 2040 horizon year. The project's proposed 664,859 sf of industrial space is 3.8% of the total industrial space permitted over the 30 year General Plan period, which represents a significant amount of growth attributed to a single project. The EIR also does not discuss or analyze the project's compliance with the Rialto Airport Specific Plan buildout scenario. A revised EIR must be prepared to include all of the above-stated analysis in order to provide an adequate informational document.

A5-33

As noted throughout this comment letter, the project represents a significant amount of growth in the City and accounts for a significant amount of the City's employment growth over 16 years (SCAG) and through the City's General Plan horizon year of 2040. The EIR has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. SCAG's Connect SoCal Demographics and Growth Forecast[24] notes that the City will add 4,300 jobs from 2019 - 2035. Utilizing the EIR's calculation of 557 employees, the project represents 13% of the City's employment growth from 2019 - 2035. A single project accounting for this amount of projected growth over 16 years represents a significant amount of growth. The EIR has not provided evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP.

A revised EIR must also provide a cumulative analysis discussion of projects approved since 2019 (SCAG), the date of General Plan adoption, and projects "in the pipeline" to determine if the project will exceed SCAG's employment or population growth forecast for the City and/or the City's General Plan growth forecasts. For example, other recent projects such as 2830, 11190, 11258 S. Riverside Avenue Light Industrial (191 employees), Pepper Ave. SP Amendment and Development Project (717 employees), Birtcher Logistics (639 employees), Olive Ave. Warehouse (575 employees), Durst Drive Warehouse (175 employees), 436 W. Rialto Ave (259 employees), Lilac/Santa Ana Warehouse (252 employees), 160 N. Cactus Ave Warehouse (138 employees), 2223/2271 Locust Ave. Warehouse (164 employees), 2720 S. Willow Avenue (104 employees), and Santa Ana Truck Terminal (140 employees) combined with the proposed project will cumulatively generate 3,911 employees, which is 91% of the City's employment growth forecast through 2035 accounted for only by recent industrial projects. These totals increase exponentially when commercial development and other industrial activity is added to the brief list of recent industrial activity above. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2019

A5-34

[23] https://rialto.legistar.com/View.ashx?M=F&ID=13534009&GUID=DB438E29-5773-4F43-BA45-F3F9B078985E

[24] SCAG 2024 Connect SoCal Demographics and Growth Forecast https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-demographics-growth-forecast-final-040424.pdf

(SCAG), the date of General Plan adoption, and projects "in the pipeline" to determine the City's progress towards General Plan buildout capacity and SCAG's growth forecasts.

A5-34

Impact on Biological Resources
Please see the attached comments and analysis from Dr. Smallwood.

A5-35

Conclusion
For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

A5-36

Sincerely,

Vashon Simien
Blum, Collins & Ho, LLP

Attachments:
1. SWAPE Technical Analysis
2. Shawn Smallwood, PhD Analysis Report

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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October 13, 2025

Gary Ho
Blum, Collins & Ho LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the Locust Gateway Development Project (SCH No. 2024061274)

Dear Mr. Ho,

We have reviewed the September 2025 Draft Environmental Impact Report ("DEIR") for the Locust Gateway Development Project ("Project") located in the City of Rialto ("City"). The Project proposes to construct a 664,859-square-foot ("SF") warehouse, including 7,713-SF of office space, and 365 parking spaces on the 40-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the air quality, health risk, and greenhouse gas impacts that the project may have on the environment. A5-37

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

When reviewing the Project's CalEEMod output files, provided in the Air Quality, Energy, and Greenhouse Gas Data ("AQ Report") provided as Appendix B to the DEIR, we identified several model inputs related to Project construction that are inconsistent with information disclosed in the DEIR. A revised EIR be prepared to include an updated air quality analysis that provides a more detailed evaluation of the impact that construction and operation of the Project may have on local and regional air quality. A5-38

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "Locust Gateway Development Project_Unmitigated Detailed Report" and the "Locust Gateway Development Project_Mitigated A5-39

Detailed Report" models include changes to the default construction schedule (see screenshot below) (Appendix B, pp. 55, 140).

8. User Changes to Default Data

Screen	Justification
Land Use	Per site plans and PD.
Construction: Construction Phases	Per construction questionnaire.
Construction: Off-Road Equipment	Per construction questionnaire.
Operations: Vehicle Data	Warehouse = Trucks Parking Lot = Passenger Cars
Operations: Fleet Mix	Warehouse = Trucks Parking Lot = Passenger Cars
Operations: Energy Use	Electricity consumption per Applicant.
Construction: Dust From Material Movement	Anticipated import.

As a result of these changes, the models include the following construction schedule (see excerpt below) (Appendix B, pp. 42, 122):

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	8/1/2025	8/28/2025	5.00	20.0	—
Site Preparation	Site Preparation	8/29/2025	9/25/2025	5.00	20.0	—
Grading	Grading	9/26/2025	1/15/2026	5.00	80.0	—
Building Construction	Building Construction	1/16/2026	9/1/2026	5.00	163	—
Paving	Paving	9/2/2026	9/29/2026	5.00	20.0	—
Architectural Coating	Architectural Coating	9/1/2026	12/30/2026	5.00	87.0	—
Infrastructure Improvements	Trenching	12/1/2026	12/30/2026	5.00	22.0	—

A5-39

The CalEEMod User's Guide requires any changes to model defaults be justified.[1] The justification provided for these changes is:

> "Per construction questionnaire" (Appendix B, pp. 55, 140).

Regarding the Project's construction schedule, the DEIR states:

> "For the purpose of this CEQA analysis, Project construction is expected to commence in 2025 with a construction duration of approximately 15 months and would be completed in one phase" (p. 3-14).

Additionally, the AQ Report includes a breakdown of their CalEEMod assumptions and includes the following table (see excerpt below) (Appendix B, pp. 2).

[1] "CalEEMod User Guide." CAPCOA, April 2022, available at: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 13, 14.

2

Construction

Schedule

Phase Name	Start Date	End Date	Workdays
Demolition	8/1/2025	8/28/2025	20
Site Preparation	8/29/2025	9/25/2025	20
Grading	9/26/2025	1/15/2026	80
Building Construction	1/16/2026	9/1/2026	163
Paving	9/2/2026	9/29/2026	20
Architectural Coating	9/1/2026	12/30/2026	87
Infrastructure Improvements	12/1/2026	12/30/2026	22

However, the construction schedule included in the model remains unsupported for two reasons.

A5-39

First, the AQ Report indicates that construction schedule presents the *assumed* construction schedule included in the model and, thus, reflects the modeling parameters, not the actual construction schedule anticipated on the site. Second, although the DEIR justifies a total construction duration of 15 months, the provided table does not adequately substantiate the individual construction phase lengths. The construction schedule—and any changes in the CalEEMod model—should be provided by the Project Applicant. According to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA." [2]

Here, as the Project documents fail to provide substantial evidence or a verifiable source to support the revised individual construction phase lengths, we cannot verify the changes.

These unsubstantiated changes present an issue, as construction emissions may be unevenly distributed, with some phases extended over longer periods. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[3]

A5-40

[2] "CalEEMod User Guide." CAPCOA, April 2022, available at: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 10.
[3] "CalEEMod User Guide." CAPCOA, April 2022, available at: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 34, Table 3.

3

Table 3. CalEEMod Default Construction Phases [a]

Phase Type	Description
NON-LINEAR LAND USE TYPES (VERTICAL CONSTRUCTION)	
Demolition	Involves removing buildings or structures.
Site Preparation	Involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
Grading	Involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
Building Construction	Involves the construction of the foundation, structures, and buildings.
Paving	Involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.
Architectural Coating	Involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

A5-40

By modifying the individual construction phase lengths, the models assume there are more days to complete the construction activities required by the certain phases. The models therefore assume fewer activities would be required per day for those phases and, consequently, less pollutants emitted per day. Thus, the models may underestimate the peak daily emissions associated with certain construction activities. The models should have instead proportionately altered all phase lengths to match the proposed construction duration of 15 months.

Unsubstantiated Amount of Required Demolition

Regarding demolition required for Project construction, the DEIR simply indicates that "Project implementation would include removal of existing on-site vegetation and building remnants" (p. 1-1).

Review of the CalEEMod output files demonstrates that the "Locust Gateway Development Project_Unmitigated Detailed Report" and the "Locust Gateway Development Project_Mitigated Detailed Report" models include 4,750-SF of demolition debris (Appendix B, pp. 45, 128).

Phase Name	Material Imported (Cubic Yards)	Material Exported (Cubic Yards)	Acres Graded (acres)	Material Demolished (Building Square Footage)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	4,750	—
Site Preparation	0.00	0.00	30.0	0.00	—
Grading	30,000	0.00	240	0.00	—
Paving	0.00	0.00	0.00	0.00	20.9

A5-41

However, the DEIR does not disclose the specific square footage of buildings to be demolished, or the tons of demolition debris estimated to be generated during Project construction. Therefore, the amount of demolition material inputted into the models may be underestimated and we cannot verify that only 4,750-SF of material demolished would be generated during Project construction.

This presents an issue, as demolition material is used to calculate emissions associated with fugitive dust, debris removal, as well as exhaust from hauling trucks traveling to and from the Project site.[4] By

[4] "CalEEMod User Guide." CAPCOA, April 2022, available at: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf, p. 38.

4

including an unsubstantiated amount of demolition, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance. A5-41

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

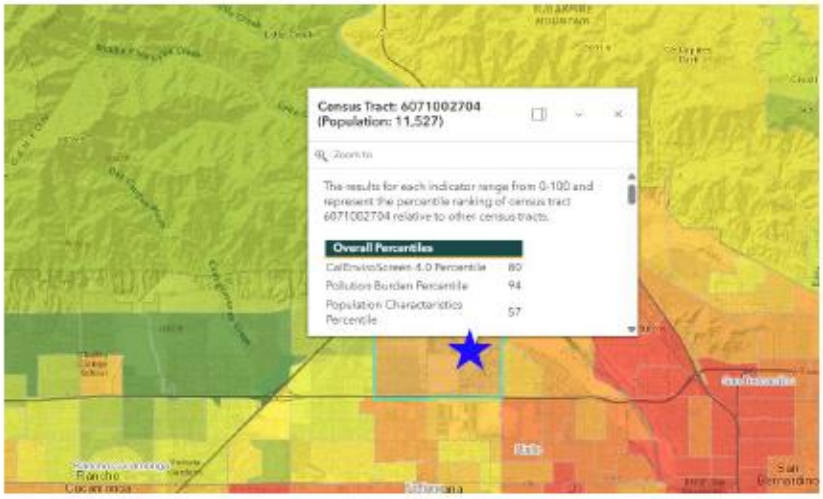
The development of the proposed Project may contribute to the disproportionate health risk impact that warehouses already pose on community members living, working, and going to school within the immediate area of the Project site. According to the SCAQMD, communities of color living within a half mile of warehouses face higher health risks, including increased rates of asthma and heart attacks, along with a greater environmental burden.[5]

Specifically, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.[6] Another study indicates "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."[7] Furthermore, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands explains that the warehouse and logistics industry is expanding rapidly, with many new projects being built in low-income communities of color. These projects attract high volumes of polluting truck traffic, which emits harmful nitrogen oxide and particulate matter, contributing to severe health issues like asthma, COPD, cancer, and premature death.[8] Despite these public health impacts, warehouse development continues to accelerate, with the Inland Empire adding 10 to 25 million square feet of new industrial space annually.[9] A5-42

When using CalEnviroScreen 4.0, CalEPA's screening tool that ranks each census tract in the State for pollution and socioeconomic vulnerability, we found that the Project's census tract is in the 80th percentile of most polluted census tracts in the State (see screenshot below).[10] A5-43

[5] "South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule." SCAQMD, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9.
[6] "Southern California warehouse boom a huge source of pollution. Regulators are fighting back." Los Angeles Times, May 2021, *available at:* https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution.
[7] "Location of warehouses and environmental justice: Evidence from four metros in California." Metro Freight Center of Excellence, January 2018, *available at:* https://www.metrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.
[8] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.
[9] "2020 North America Industrial Big Box Review & Outlook." CBRE, 2020, *available at:* https://www.cbre.com/-/media/project/cbre/shared-site/insights/local-responses/industrial-big-box-report-inland-empire/local-response-2020-ibb-inland-empire-overview.pdf, p. 2.
[10] "CalEnviroScreen 4.0." OEHHA, October 2021, *available at:* https://experience.arcgis.com/experience/11d2f52282a54ceebcac7428e6184203/page/CalEnviroScreen-4_0.

5



The Data Visualization Tool for Mates V, a monitoring and evaluation study conducted by SCAQMD, demonstrates that the County already exhibits a heightened residential carcinogenic risk from exposure to air toxics.[11] Specifically, the location of the Project site is in the 78th percentile of highest cancer risks in the South Coast Air Basin ("SCAB"), with a cancer risk of 436 in one million (see screenshot below).[12]

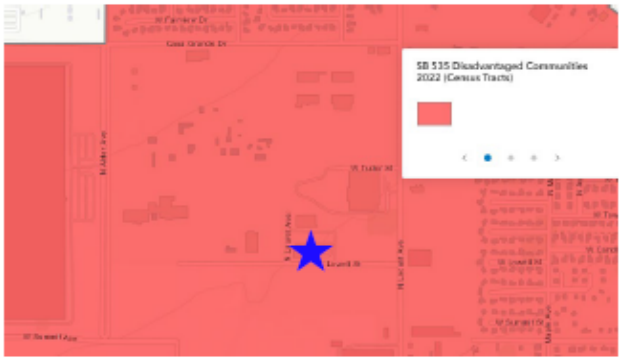
A5-43

[11] "Residential Air Toxics Cancer Risk Calculated from Model Data in Grid Cells." MATES V, 2018, *available at:* https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk; see also: "MATES V Multiple Air Toxics Exposure Study." SCAQMD, *available at:* http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v.

[12] "Gridded Cancer Risk." SCAQMD, *available at:* https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?data_id=dataSource_112-7c8f2a4db79b4a918d46b4e8985a112b%3A20315&views=Click-tabs-for-other-data%2CGridded-Cancer-Risk.

6

Additionally, according to CalEnviroScreen's Senate Bill ("SB") 535 Disadvantaged Communities Map, the Project site is identified as a designated disadvantaged community (see screenshot below).[13]



A5-44

SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. CalEPA has been given the responsibility for identifying those communities based on "geographic, socioeconomic, public health, and environmental hazard criteria."[14] The Project may therefore worsen disproportionate health risks for community members within the immediate area, a concern underscored by the mandates of SB 1000. SB 1000, enacted to address environmental justice concerns, requires local governments to integrate environmental justice elements into their planning processes, particularly focusing on reducing health risks for disadvantaged communities.[15] As the DEIR indicates that the proposed Project site is located approximately 700 feet away from residential receptors (p. 4.2-28), the Project should comply with the objectives of SB 1000.

In accordance with the California Department of Justice ("CA DOJ") guidelines, the effects of greenhouse gas emissions and air pollutants from warehouses should be evaluated cumulatively. The CA DOJ states that cumulative impacts should be evaluated by considering the project's incremental effects alongside past, present, and future projects, even if the project alone does not exceed significance thresholds.[16] To more adequately assess the Project's impact on disadvantaged communities, both existing and future warehouse developments should be considered during the environmental review process.

A5-45

[13] "SB 535 Disadvantaged Communities (2022 Update)." California Environmental Protection Agency, *available at:* https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/

[14] "Final Designation of Disadvantaged Communities." CalEPA, *available at:* https://calepa.ca.gov/wp-content/uploads/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf, p. 1.

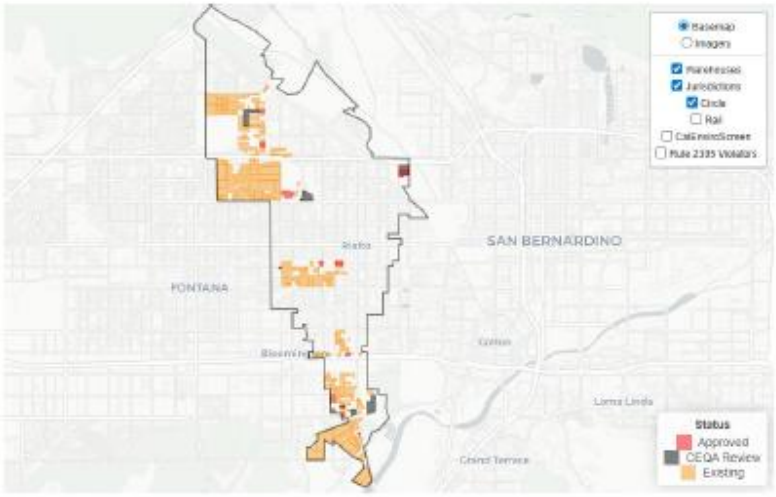
[15] "Environmental Justice in Local Land Use Planning." CA DOJ, *available at:* https://oag.ca.gov/environment/sb1000.

[16] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." CA DOJ, available at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf, p. 6.

7

As the Project site is in an SB 535 disadvantaged community that experiences disproportionately high levels of pollution, we recommend reevaluating the Project's cumulative health risks to more sufficiently align with CA DOJ guidelines and SB 1000 environmental justice requirements.

The Warehouse Cumulative Impact Tool for Community dashboard ("Warehouse CITY"), developed by the Redford Conservancy at Pitzer College and Radical Research LLC, is a tool that visualizes and quantifies existing, potential, and approved warehouse locations across Southern California. Review of Warehouse CITY reveals that there are 197 existing warehouses currently in Rialto, 10 more that have been approved, and 7 that are currently under CEQA review (see screenshot below).[17]



A5-46

The presence of numerous existing warehouses in the City underscores the need to reassess the Project's cumulative health risks pursuant to CA DOJ guidelines and SB 1000 environmental justice requirements.

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR conducts a health risk analysis ("HRA") evaluating impacts as a result of exposure to diesel particulate matter ("DPM") emissions from Project construction and operation. Specifically, the DEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors as a result of Project construction and operation would be 1.41 in one million (p. 4.2-29). However, the DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is unsupported.

A5-47

The equation used to calculate the Project's construction-related and operational cancer risks is incorrect as it does not account for Age Sensitivity Factors ("ASF"). According to the *Risk Assessment*

[17] "Warehouse and Air Quality Mapping." Pitzer College & Radical Research LLC, *available at*: https://radicalresearch.shinyapps.io/WarehouseCITY/.

Guidelines provided by the Office of Environmental Health Hazard Assessment ("OEHHA"), the following ASF factors should be used when calculating cancer risks for different age groups:[18]

Age Group	Age Sensitivity Factor (unitless)
3rd Trimester	10
0<2 years	10
2<9 years	3
2<16 years	3
16<30 years	1
16-70 years	1

However, the DEIR's HRA uses the following equation (see screenshot below) (Appendix C, p. 25):

$$Risk_{inh\text{-}res} = (Dose_{air}*CPF*(ED/AT)*FAH)$$

$Risk_{inh\text{-}res}$ =	residential inhalation cancer risk (potential chances per million)
$Dose_{air}$ =	daily dose through inhalation (mg/kg-day)
CPF =	inhalation cancer potency factor ($mg/kg\text{-}day^{-1}$)
ED =	exposure duration (years)
AT =	averaging time of lifetime cancer risk (years)
FAH =	fraction of time spent at home (unitless)

A5-47

As demonstrated above, the equation used for the DEIR's HRA does not include ASFs. Instead, per OEHHA guidance, the DEIR should have used the following equation:[19]

A. Equation 8.2.4 A: $RISK_{inh\text{-}res} = DOSE_{air} \times CPF \times ASF \times ED/AT \times FAH$

7. $RISK_{inh\text{-}res}$ = Residential inhalation cancer risk
8. $DOSE_{air}$ = Daily inhalation dose (mg/kg-day)
9. CPF = Inhalation cancer potency factor ($mg/kg\text{-}day^{-1}$)
10. ASF = Age sensitivity factor for a specified age group (unitless)
11. ED = Exposure duration (in years) for a specified age group
12. AT = Averaging time for lifetime cancer risk (years)
13. FAH = Fraction of time spent at home (unitless)

By not including ASF values, the DEIR's HRA underestimates the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation. As such, a revised EIR should be prepared to include an updated analysis correctly accounting for ASF values.

[18] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-5 Table 8.3.
[19] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-7 Equation 8.2.4.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in mitigated net annual greenhouse gas ("GHG") emissions of 10,172-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (see screenshot below) (p. 4.7-19, Table 4.7-3).

Table 4.7-3: Project Greenhouse Gas Emissions

Emissions Source	$MTCO_2e$ per Year	
	Unmitigated	Mitigated
Area and Indirect Sources		
Construction Amortized Over 30 Years	44	44
Area Source[1]	14	0
Energy – Electricity[2]	229	5
Energy – Natural Gas[3]	674	0
Off-road – Yard Trucks[4]	111	35
Off-Road – Forklifts[4]	354	112
Emergency Backup Generator	8	8
Waste[5]	196	49
Water and Wastewater[6]	467	421
Mobile Sources		
Trucks	8,029	8,029
Passenger Cars[7]	1,469	1,469
Total	***11,596***	***10,172***
Threshold	*3,000*	*3,000*
Exceeds Threshold?	**Yes**	**Yes**

1. Mitigation Measure (MM) AQ-3 requires 100 percent electric landscaping equipment, which would reduce area source emissions.
2. MM GHG-1 requires renewable energy to offset energy emissions and MM GHG-2 requires buildings to meet or exceed CALGreen Tier 2 standards.
3. MM AQ-2 requires the Project to use all-electric appliances, and end uses instead of natural gas, as well as prohibits installation of natural gas utility lines or connections (refer to **Section 4.2: Air Quality**).
4. MM AQ-5 requires outdoor cargo handling equipment to be zero emissions or alternatively fueled (refer to **Section 4.2: Air Quality**).
5. MM GHG-3 requires the Project to divert 75 percent of waste from landfills.
6. MM GHG-4 requires to implement a Water Use Efficiency and Conservation Plan.
7. MM AQ-4 requires the implementation of a Transportation Demand Management (TDM) program to reduce single-occupant vehicle trips and encourage public transit (refer to **Section 4.2: Air Quality**). However, emission reductions associated with MM AQ-4 were conservatively not included in this table.

Source: CalEEMod version 2022.1. Refer to **Appendix B** for model outputs.

A5-48

The DEIR subsequently concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

> "As shown in Table 4.7-3, mitigated GHG emissions would exceed the 3,000 $MTCO_2e$ per year threshold despite implementation of all feasible mitigation. Therefore, project-related GHG emissions would be significant and unavoidable" (p. 4.7-21).

The DEIR implements Mitigation Measure ("MM") GHG-1 – MM GHG-4 (p. 1-24 – 1-26). However, while we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant-and-unavoidable is incorrect, as additional feasible mitigation is available. According to CEQA Guidelines §15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible

mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."[20]

As such, the DEIR is required under CEQA to implement all feasible mitigation to reduce impacts to a less-than-significant level. To reduce the Project's GHG impacts to the maximum extent possible, additional mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels if feasible. A5-48

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts. As demonstrated above, the Project would result in a significant greenhouse gas impact that should be mitigated further.

To reduce the GHG emissions associated with the Project, we recommend several mitigation measures listed below. The CA DOJ recommends: [21]

- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel. A5-49
- Designing to LEED green building certification standards.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces.
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also

[20] "Cal. Code Regs. tit. 14 § 15096." California Legislature, available at: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

[21] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

SCAQMD staff recommends: [22]

- Using light-colored paving and roofing materials.
- Utilizing only Energy Star heating, cooling, and lighting devices and appliances.

A5-49

CEQA Guidelines 15126.4 (c)(3) include "[o]ffsite measures, including offsets that are not otherwise required, to mitigate a project's emissions" as an option for GHG mitigation.[23] An example of this was in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended.[24] We recommend consideration of local carbon offset programs to reduce the Project's GHG impacts as a measure of last result.

Provided above are several mitigation measures that would reduce Project-related GHG emissions. These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently reduces emissions released during Project construction and operation.

A5-50

A revised EIR should be prepared that includes all feasible mitigation measures, as well as an updated GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's potentially significant emissions are reduced to the maximum extent possible.

A5-51

Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of

A5-52

[22] "Draft Environmental Impact Report (EIR) for the Proposed CADO Menifee Industrial Warehouse Project (Proposed Project)." SCAQMD, April 2024, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/april-2024/RVC240313-05.pdf?sfvrsn=8, p. 3.

[23] "Cal. Code Regs. tit. 14 § 15126.4." CEQA Guidelines, May 2024, *available at*: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-151264-consideration-and-discussion-of-mitigation-measures-proposed-to-minimize-significant-effects.

[24] "Cal. Pub. Resources Code § 21168.6.7." 2023, *available at*: https://casetext.com/statute/california-codes/california-public-resources-code/division-13-environmental-quality/chapter-6-limitations/section-2116867-oakland-sports-and-mixed-use-project-conditions-for-approval-certification-of-project-for-streamlining.

care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

A5-52

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

SWAPE Attachment A: Matt Hagemann CV and Attachment B: Paul Rosenfeld CV associated with Comment A5-53 are provided in Attachment A to the Locust Gateway Development Project Final EIR.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

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Shawn Smallwood, PhD
3108 Finch Street
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Gary Ho
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Los Angeles, CA 90067
(213) 572-0400

13 October 2025

RE: Locust Gateway Development Project

Dear Mr. Ho,

I write to comment on potential impacts to biological resources that would result from development of the proposed Locust Gateway Development Project. I understand the project would add a 664,859 square-foot warehouse and a 365 vehicle stall parking lot on 44.2 acres south of W Lowell St and west of N Locust Ave in Rialto, California. My comments that follow address my concerns that the Draft Environmental Impact Report (DEIR), supported by Rocks Biological Consulting (RBC 2025), mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate. A5-54

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached. A5-55

THE WILDLIFE COMMUNITY AS A BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not A5-56

restricted to special-status species, but it also applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). An essential portion of the environment used by any special-status species is composed of the collection of other species of plants and wildlife, because these species are forage, provisioners of refugia and nest substrates, and ecological mutualists; no special-status species can exist in a vacuum of other wildlife. The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

A5-56

All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/ Birds/Raptors).

What follows is a summary of a site visit to detect as many of the species of wildlife as possible within the short time available. The survey was also intended to detect as many of the special-status species as possible, but with the understanding that most special-status species are less readily detectable due to rarity and crypticity. Nonetheless, the species detected can indicate the ecological integrity of the site and thus the likelihood of occurrence of special-status species not yet detected.

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 1.37 hours of diurnal survey from 17:15 to 18:37 hours and for 2.3 hours of nocturnal survey from 18:37 to 20:55 hours on 23 September 2025, and for 2.6 hours of diurnal survey from 06:41 to 09:17 hours on 26 September 2025. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. At night, Noriko strapped a Pettersson M500 acoustic bat detector to a 30-foot pole, and cabled the detector to her computer, which ran Sonobat Live. Sonobat Live identifies bats to species based on the bats' sonograms that are detected by the M500. Noriko recorded all species of vertebrate wildlife she detected, including those

A5-57

whose members flew over the site or were seen just off the site. Animals of uncertain species identity were either recorded to the Genus or higher taxonomic level.

On 23 September 2025, conditions were sunny to partly cloudy with 12 MPH southwest wind and temperatures of 92-84° F during the diurnal survey, and clear with 7 MPH southwest wind and temperatures of 84-75° F during the nocturnal survey. On 26 September, conditions were cloudy with 2 MPH southwest wind and temperatures of 61-64° F. The site is primarily sage scrub and chaparral (Photos 1 and 2).

Noriko saw red-tailed hawk and American kestrel (Photos 3 and 4), Cooper's hawk and common raven (Photos 5 and 6), Costa's hummingbird (Photo 7), double-crested cormorant and killdeer (Photos 8 and 9), Say's phoebe (Photo 10), black phoebe and Cassin's kingbird (Photos 11 and 12), northern mockingbird (Photo 13), lesser goldfinch and bushtit (Photos 14 and 15), house finch and western meadowlark (Photos 16, 17, and 18), Bewick's wren and mourning dove (Photos 19 and 20), California towhee and California ground squirrel (Photos 21 and 22), silver-haired bat, canyon bat, and Mexican free-tailed bat (Photos 23, 24, and 25), among the other species listed in Table 1. Noriko detected 36 species of vertebrate wildlife at or adjacent to the project site, including 9 species with special status (Table 1).

Photos 1 and 2. *Views of the project site, 26 September 2025. Photos by Noriko Smallwood.*

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Photo 3. *Red-tailed hawk on the project site, 26 September 2025. Photo by Noriko Smallwood.*

Photos 4 and 5. *American kestrel (left), and Cooper's hawk (right) on the project site, 26 September 2025. Photos by Noriko Smallwood.*

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***Photos 6 and 7**. Cooper's hawk being harassed by a Common raven (left), and Costa's hummingbird (right) on the project site, 23 September 2025. Photos by Noriko Smallwood.*

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***Photos 8 and 9**. Double-crested cormorant (left), and killdeer (right) on the project site, 23 and 26 September 2025. Photos by Noriko Smallwood.*

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***Photo 10**. Say's phoebe on the project site, 23 September 2025. Photo by Noriko Smallwood.*

***Photos 11 and 12**. Black phoebe (left), and Cassin's kingbird (right) on the project site, 26 September 2025. Photos by Noriko Smallwood.*

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Photo 13. *Northern mockingbird on the project site, 23 September 2025. Photo by Noriko Smallwood.*

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Photos 14 and 15. *Lesser goldfinch (left), and bushtit (right) on the project site, 26 September 2025. Photos by Noriko Smallwood.*

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Photo 16. *House finches on the project site, 26 September 2025. Photo by Noriko Smallwood.*

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Photos 17 and 18. *House finch (left), and western meadowlark (right) on the project site, 23 and 26 September 2025. Photos by Noriko Smallwood.*

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Photos 19 and 20. *Bewick's wren (left), and mourning dove (right) on the project site, 26 September 2025. Photos by Noriko Smallwood.*

A5-57

Photos 21 and 22. *California towhee (left), and California ground squirrel (right) on the project site, 26 September 2025. Photos by Noriko Smallwood.*

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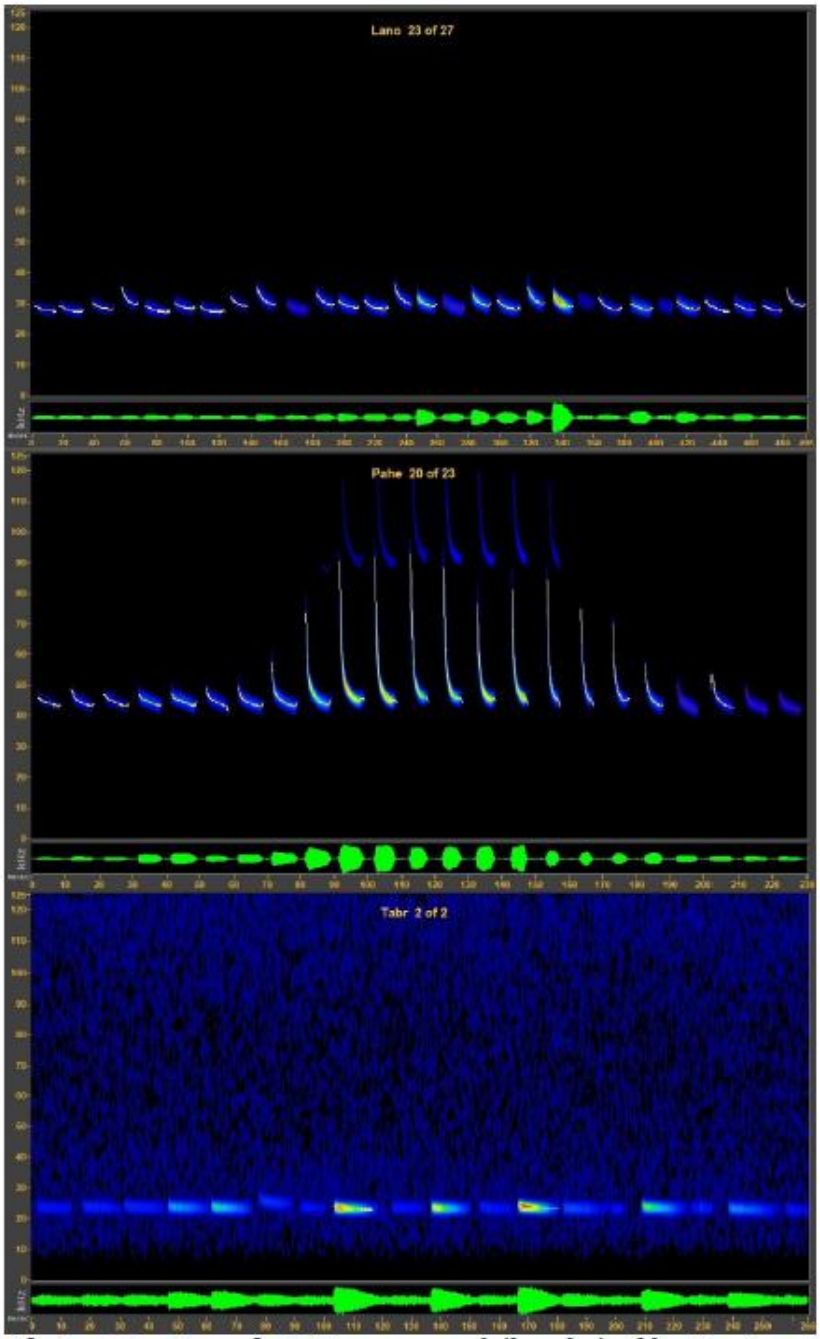

Photos 23, 24, and 25. *Sonograms of silver-haired bat (top) canyon bat (middle), and Mexican free-tailed bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 23 September 2025.*

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Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood

***Table 1**. Species of wildlife Noriko observed during 1.37 hours of diurnal survey and 2.3 hours of nocturnal survey on 23 September 2025, and during 2.6 hours of diurnal survey on 26 September 2025.*

Common name	*Species name*	Status[1]	Notes
Rock pigeon	*Columba livia*	Non-native	
Mourning dove	*Zenaida macroura*		
Anna's hummingbird	*Calypte anna*		Territorial
Costa's hummingbird	*Calypte costae*		Territorial
Allen's hummingbird	*Selasphorus sasin*	BCC	Territorial
Killdeer	*Charadrius vociferus*		Flew over
Double-crested cormorant	*Nannopterum auritum*	WL	Flew over
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Harassed by CORA
Red-tailed hawk	*Buteo jamaicensis*	BOP	2 chased each other, also harassed by CORA
Great horned owl	*Bubo virginianus*	BOP	Called, chased by CORA
American kestrel	*Falco sparverius*	BOP	
Cassin's kingbird	*Tyrannus vociferans*		
Black phoebe	*Sayornis nigricans*		
Say's phoebe	*Sayornis saya*		Foraged
American crow	*Corvus brachyrhynchos*		
Common raven	*Corvus corax*		
Barn swallow	*Hirundo rustica*		Flew low over site
Bushtit	*Psaltriparus minimus*		Foraged
Blue-gray gnatcatcher	*Polioptila caerulea*		
Bewick's wren	*Thryomanes bewickii*		
Northern mockingbird	*Mimus polyglottos*		
European starling	*Sturnus vulgaris*	Non-native	Flocks
House finch	*Haemorphous mexicanus*		Many, foraged
Lesser goldfinch	*Spinus psaltria*		Many, foraged
White-crowned sparrow	*Zonotrichia leucophrys*		
California towhee	*Melozone crissalis*		
Western meadowlark	*Sturnella neglecta*		
Brewer's blackbird	*Euphagus cyanocephalus*		Flew over
Canyon bat	*Parastrellus hesperus*	WBWG: M	Detected using Sonobat Live and Pettersson M500
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M	Detected using Sonobat Live and Pettersson M500

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Common name	*Species name*	Status[1]	Notes
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L	Detected using Sonobat Live and Pettersson M500
Desert cottontail	*Sylvilagus audubonii*		Scat
California ground squirrel	*Otospermophilus beecheyi*		One observed
Coyote	*Canis latrans*		Called nearby
Kangaroo rat	*Dipodomys sp.*		Burrows
Botta's pocket gopher	*Thomomys bottae*		Burrows

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID =109406) as BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); WL = CDFW's Taxa to Watch List; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

A5-57

ANALYSIS OF RECONNAISSANCE SURVEY DATA

Noriko detected 36 species of vertebrate willdife, which was a large number for the brevity of her survey effort. All the species in Table 1 would lose habitat as the result of the project and its replacement of natural ground covers with impervious surfaces. Smallwood and Smallwood (2023) confirmed this habitat loss by measuring the impacts of similar developments on species richness and the abundances of wildlife. Smallwood and Smallwood (2023) directly compared the species and the numbers of animals observed prior to development to the those observed after development, while they did the same at control sites. The measured losses of these species resulting from development is indicative of habitat loss, because habitat is defined as that portion of the environment that is used for survival and reproduction by members of a species (Hall et al. 1997), and this use is inferred by observations of the presence of a species (Smallwood 2002).

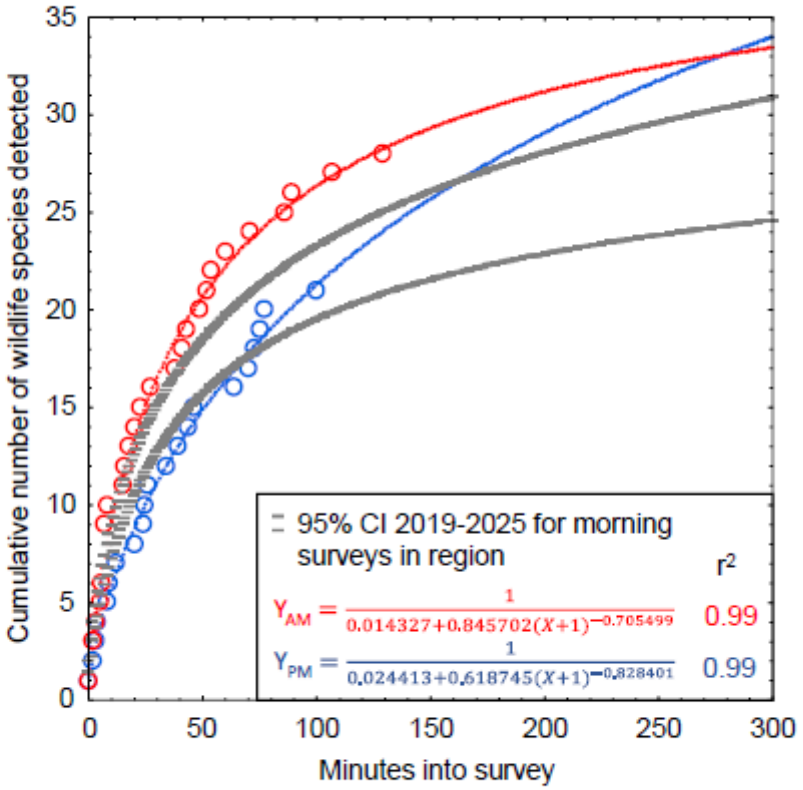
A5-58

However, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as there are always species that are not detected. To demonstrate this, I fit nonlinear regression models to Noriko's cumulative numbers of vertebrate species detected with time into her daytime surveys to predict the number of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The type of model is a logistic growth model, which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model fit to Noriko's survey data from the evening of 23 September predicts 70 species of vertebrate wildlife were available to be detected, or 49 more species than she detected that evening (Figure 1).The model fit to Noriko's survey data from the morning of 26 September predicts 41 species of vertebrate wildlife were available to be detected, or 13 more species than she detected that morning (Figure 1). The rate of species detections in the morning survey exceeded the 95% confidence interval estimated from many other

A5-59

morning surveys we completed in the region. And the patterns in her species detection rates were similar between her morning and evening surveys.

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys on 23 and 26 September 2025.* Note the confidence interval applies only to the morning survey (red line).



A5-59

Unknown are the identities of the species Noriko missed, but the species that Noriko did and did not detect on 23 and 26 September 2025 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort because they are highly cryptic, and the members of other species would visit the site only periodically while patrolling large home ranges. Surveys on only two days cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I

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performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 15.2 species over my first 4 hours of diurnal surveys at my research site in the Altamont Pass (4 hours to match the 4 hours Noriko surveyed during daylight hours at the project site), which composed 26.67% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 31 diurnally active species Noriko detected after her 4 hours of daylight survey at the project site likely represented 26.67% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $^{31}/_{0.2667} = 116$ species of diurnally active vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 116 predicted species, then continued surveys would eventually detect 22 special-status species of diurnally active vertebrate wildlife.

A5-59

Because my prediction of 116 species of vertebrate wildlife, including 22 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to produce an inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

Of particular concern is Noriko's finding of kangaroo rat burrows on the project site. Species of kangaroo rat can be difficult to identify based on their burrows, so Noriko could not identify the species of kangaroo rat that lives there. Live-trapping is needed to determine whether the burrows were constructed by the endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*) or Stephens' kangaroo rat.

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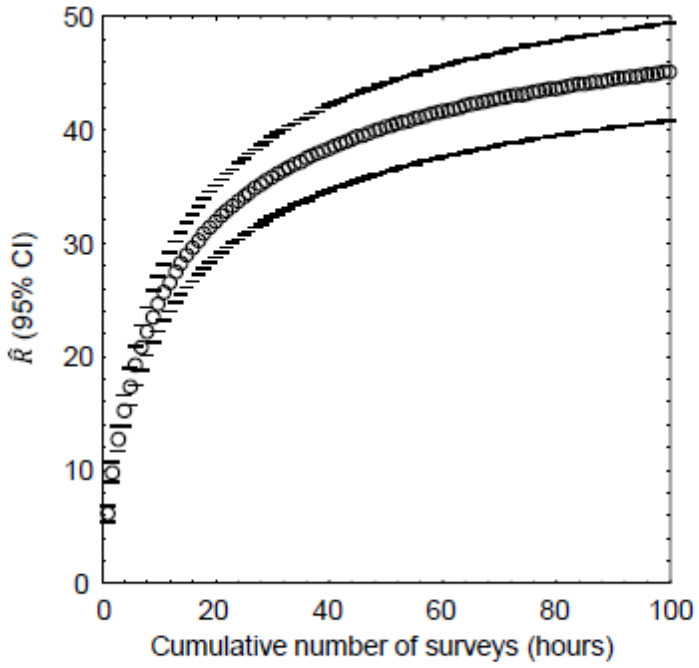
Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*



A5-59

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of the CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these steps were taken, though not with sufficient rigor and not interpreted in furtherance of an accurate characterization of the wildlife community.

A5-60

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources. In the case of this project, however, more surveys were needed.

A5-61

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RBC (2025) conducted a reconnaissance survey on 29 October 2024 to map vegetation, assess habitats for special-status species, and to complete a general biological survey to detect species of wildlife and plants. RBC committed 1.5 person-hours to this survey, as well as another 22.66 person-hours to five non-breeding-season burrowing owl surveys between 29 October 2024 and 31 January 2025. RBC (2025) reports the bird species detected during the burrowing owl surveys, but otherwise does not report which species were detected during which surveys. In all, RBC (2025) detected 42 species of vertebrate wildlife. However, RBC (2025) fails to explain the meaning of this finding other than to point out the species that have special status, and the species that are non-native. RBC (2025) provides no context, such as what it means to have found 42 species of vertebrate wildlife on the project site. Is this the number of species RBC normally finds at project sites?

A5-62

I have maintained a record of RBC's survey outcomes that I have reviewed in my role as an expert. I have records of four of RBC's earlier survey efforts. Of these, RBC detected 7, 11, 13, and 17 vertebrate species, of which 0, 1, 2, and 5 were special-status species, respectively. RBC averaged 12 vertebrate species detections including 2 special-status species detections per site. The 42 species that RBC detected at the Locust Gateway site numbered 3.5 times the average number detected by RBC at the other four sites, and the seven special-status species of vertebrate wildlife found at the Locust Gateway site also numbered 3.5 times the number detected at the other sites. So why are there so many more species at the Locust Gateway site? And what does this relatively large number of species mean? There is no reported measure of variance, and not even a qualitative comparison of what RBC found at the Locust Gateway site as compared to what RBC or anyone else has found elsewhere.

A5-63

My records of the RBC surveys completed elsewhere reveal that RBC committed 6 person-hours starting at 09:00 hours at one site, but its survey start time and survey duration were not reported for the surveys at the other three sites. A start time of 09:00 hours was late relative to the peak activity period of wildlife, but it alone cannot explain the many fewer (11) species detected at that project site. It remains unknown whether the 3.5-fold increase in the number of species RBC detected at the Locust Gateway site was due to greater survey efforts and earlier start times, or whether it was due to a greater species richness at the Locust Gateway site.

A5-64

On the other hand, Noriko's survey outcome is comparable to the outcomes of our other surveys (see Figure 1). Her data suggest that species richness at the Locust Gateway site is higher than at most project sites we have surveyed in the Inland Empire region.

A5-65

Burrowing owl Protocol Detection Surveys

According to RBC (2025:9), "RBC qualified biologists conducted four burrowing owl surveys during the non-breeding season; surveys were conducted between October 29, 2024, and January 31, 2025, in favorable weather conditions. All surveys were scheduled to be conducted at least three weeks apart, in accordance with CDFW BUOW Guidelines." However, the CDFW (2012) guidelines recommend much longer intervals between non-breeding-season surveys than three weeks. CDFW (2012) recommends the

A5-66

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surveys should be evenly spread across the season between 1 September and 15 February. During this time span, there should have been four surveys, each separated by about 55 days, or nearly three times the survey interval implemented by RBC (2025). RBC (2025) mistakenly applied the three-week survey spacing of the breeding season to the non-breeding season, and as a result RBC insufficiently covered the non-breeding season as recommended by CDFW (2012). Moreover, CDFW (2012) strongly recommends breeding-season surveys, and assigns priority to breeding-season surveys over non-breeding-season surveys. My own research has found that burrowing owls shift centers of activity between the breeding season and non-breeding seasons, and that the intensity of the shifts are functions of breeding-season nesting density (Figure 3). The implication is that negative findings in the non-breeding seasons do not mean that burrowing owls are absent during the breeding season.

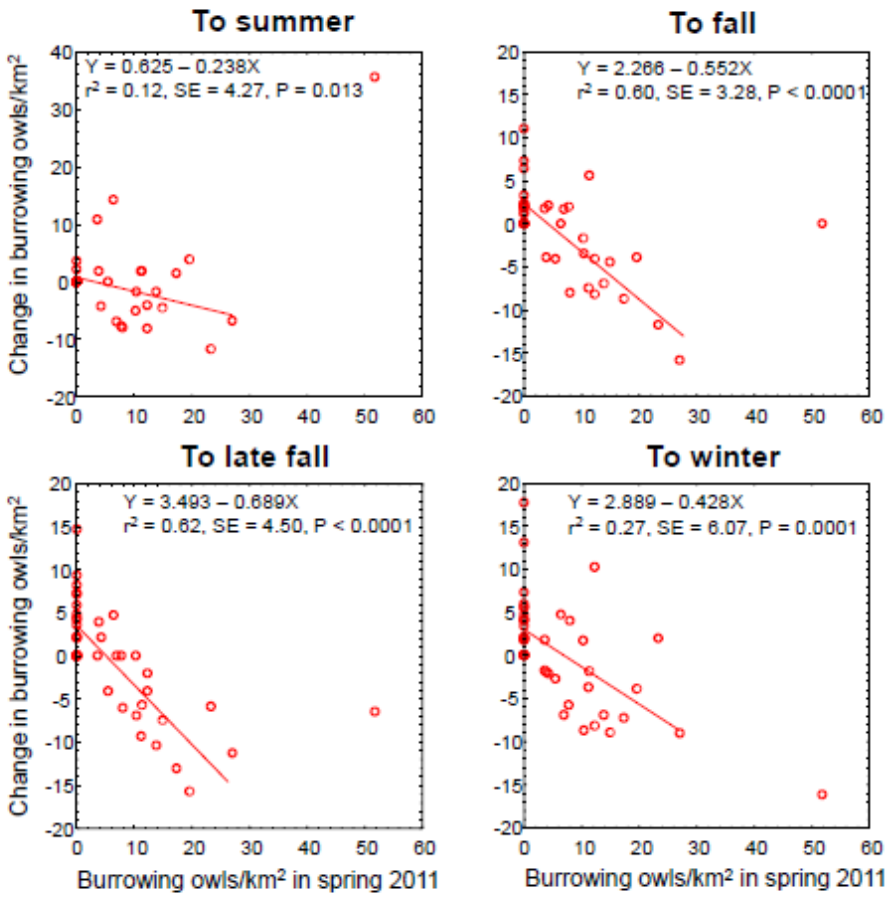

Figure 3. *Seasonal shifts in burrowing owl densities from the 2011 breeding season among 46 sampling plots in the Altamont Pass Wind Resource Area.*

A5-66

Rare Plant Surveys

RBC (2025) reportedly completed focused rare plant surveys in accordance with the standards recommended in the rare plant survey guidelines of CDFW (2018). However,

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although Parry's spineflower was detected in abundance on the project site, multiple other rare plant species have potential to occur on the site but RBC (2025) does not identify their blooming periods to ensure its surveys overlapped the blooming periods, nor did RBC make use of any reference sites.

A5-67

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths. In the case of this project, the desktop review was incomplete, and the review that was completed was distorted to minimalize the likelihoods of occurrence of special-status species.

A5-68

In its reporting of how it established the pool of special-status species for assessment of occurrence likelihoods, RBC (2025) makes no mention of iNaturalist or eBird. I assume these databases were not used. If my assumption is correct, then the step of establishing the pool of species to be analyzed for occurrence likelihoods was incomplete. Even had iNaturalist and eBird been used for this purpose, it would have been inappropriate to rule out species based on absences of occurrence records. Positive-sighting databases are useful for confirming presence, but not for confirming absence of species.

To establish the pool of special-status species for assessment of occurrence likelihoods, RBC (2025) queried CNDDB for occurrence records within three miles of the project site. By querying the CNDDB to establish the pool of special-status species for analysis of occurrence likelihoods, RBC (2025) screened out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting. The CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.*" RBC (2025) and hence the DEIR misuse the CNDDB.

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The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because

negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

In my assessment based on a database review and site visits, 138 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Not all these species should be expected to occur at the project site, but each of them should be given a closer look to determine occurrence likelihoods and whether additional surveys are needed, or implementation of detection surveys, or whether it would be reasonable to assume presence. Of these 138 species, 12 (9%) were recorded on or just off the project site, and another 30 (22%) species have been documented within 1.5 miles of the site (Very close), another 30 (22%) between 1.5 and 4 miles (Nearby), and another 54 (39%) between 4 to 30 miles (In region). Half (52%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports at least 12 special-status species of wildlife, and it carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. Evidence certainly suggests that habitat assessments are needed for these species.

A5-69

RBC (2025) considers the occurrence likelihoods of 29 (21%) of the special-status species listed in Table 2, which means that 109 (79%) of the special-status species in Table 2 were screened out of the analysis in the first step of the desktop review. Of the 29 species assessed, RBC (2025) determines 18 of them to have low or no potential of occurring on site, but five of those species have been documented within 1.5 miles of the site and another four of those species have been documented between 1.5 and 4 miles of the site. In summary, RBC's determinations of occurrence likelihoods comport only poorly with survey results and with available occurrence records in the region.

Mischaracterization of the Wildlife Community

RBC (2025) reports on field surveys and desktop review having been performed, but the field survey results are interpreted without any context to survey results from elsewhere, and the desktop review starts with an inappropriately small pool of special-status species after misusing the CNDDB and having not used eBird and iNaturalist. RBC (2025) too often resorts to speculation in its analyses of occurrence likelihoods, having not completed surveys appropriate to bats and fossorial small mammals and having committed too little survey effort overall. Speculated habitat assessments are highly uncertain, which is inappropriate for precious or rare resources such as special-status species (National Research Council 1986). The true wildlife community remains to be described. Without a more accurate characterization of the wildlife community, the basis is inadequate for predicting impacts and formulating appropriate mitigation strategies.

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Table 2. *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood during her site visit.*

Common name	***Species name***	**Status[1]**	**Rocks Bio Report**	**Occurrences in data base records, Site visits**
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT		In range
San Diego fairy shrimp	*Branchinecta sandiegonensis*	FE		In range
Riverside fairy shrimp	*Streptocephalus woottoni*	FE		In region
Delhi sands flower-loving fly	*Rhaphiomidas terminatus abdominalis*	FE	Low	In region
Monarch	*Danaus plexippus*	FC	Low, no potential for overwintering	Very close
Crotch's bumble bee	*Bombus crotchii*	CCE	Present	Nearby
Western spadefoot	*Spea hammondii*	FC, SSC	Low	In region
Southwestern pond turtle	*Actinemys pallida*	FC, SSC	None	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	Low to moderate	In region
Orange-throated whiptail	*Aspidoscelis hyperythra*	WL	Very low	In region
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC	Present	Nearby
San Diegan legless lizard	*Anniella stebbinsi*	SSC	Moderate	Nearby
San Diego banded gecko	*Coleonyx variegatus abbotti*	SSC		Nearby
California glossy snake	*Arizona elegans occidentalis*	SSC	Low	In region
Coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC		In region
Two-striped gartersnake	*Thamnophis hammondii*	SSC		In region
South coast gartersnake	*Thamnophis sirtalis pop. 1*	SSC		In region
Red-diamond rattlesnake	*Crotalus ruber*	SSC		Nearby
Brant	*Branta bernicla*	SSC2		In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		Nearby
Redhead	*Aythya americana*	SSC2		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC		In region

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Common name	*Species name*	Status[1]	Rocks Bio Report	Occurrences in data base records, Site visits
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE		In region
Black swift	*Cypseloides niger*	SSC_3, BCC		In region
Vaux's swift	*Chaetura vauxi*	SSC_2		Very close
Calliope hummingbird	*Selasphorus calliope*	BCC		Nearby
Rufous hummingbird	*Selasphorus rufus*	BCC		Very close
Allen's hummingbird	*Selasphorus sasin*	BCC		Very close/**On site**
Mountain plover	*Charadrius montanus*	SSC_2, BCC		In region
Snowy plover	*Charadrius nivosus*	BCC		In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC		In region
Long-billed curlew	*Numenius americanus*	WL		In region
Marbled godwit	*Limosa fedoa*	BCC		In region
Red knot	*Calidris canutus*	BCC		In region
Pectoral sandpiper	*Calidris melanotos*	BCC		In region
Short-billed dowitcher	*Limnodromus griseus*	BCC		In region
Lesser yellowlegs	*Tringa flavipes*	BCC		In region
Willet	*Tringa semipalmata*	BCC		In region
Laughing gull	*Leucophaeus atricilla*	WL		In region
Franklin's gull	*Leucophaeus pipixcan*	BCC		Nearby
Heermann's gull	*Larus heermanni*	BCC		In region
Western gull	*Larus occidentalis*	BCC		In region
California gull	*Larus californicus*	BCC, WL	Low	Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP		In region
Black tern	*Chlidonias niger*	SSC_2, BCC		In region
Elegant tern	*Thalasseus elegans*	BCC, WL		In region
Black skimmer	*Rynchops niger*	BCC, SSC_3		In region
Common loon	*Gavia immer*	SSC		Nearby
Double-crested cormorant	*Phalacrocorax auritus*	WL		Very close/**On site**
American white pelican	*Pelacanus erythrorhynchos*	SSC_1		Nearby

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Common name	*Species name*	Status[1]	Rocks Bio Report	Occurrences in data base records, Site visits
Least bittern	*Ixobrychus exilis*	SSC2		In region
White-faced ibis	*Plegadis chihi*	WL		Very close
Turkey vulture	*Cathartes aura*	BOP		Very close
Osprey	*Pandion haliaetus*	WL, BOP		Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP		Nearby
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	Low	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Low	Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP		Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Present	Very close/**On site**
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP		Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP		Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP		Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP		Very close/**On site**
Ferruginous hawk	*Buteo regalis*	WL, BOP	Low	Very close
Zone-tailed hawk	*Buteo albonotatus*	BOP		In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP		In region
Rough-legged hawk	*Buteo lagopus*	BOP		In region
American barn owl	*Tyto furcata*	BOP		Very close
Western screech-owl	*Megascops kennicotti*	BOP		In region
Great horned owl	*Bubo virginianus*	BOP		Very close/**On site**
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Moderate (surveys negative)	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP		In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP		In region
Lewis's woodpecker	*Melanerpes lewis*	BCC		Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC		Nearby

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Common name	*Species name*	Status[1]	Rocks Bio Report	Occurrences in data base records, Site visits
American kestrel	*Falco sparverius*	BOP		Very close/On site
Merlin	*Falco columbarius*	WL, BOP	Low to moderate	Very close
Peregrine falcon	*Falco peregrinus*	BOP		Very close
Prairie falcon	*Falco mexicanus*	WL, BOP	Low to moderate	Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2		Very close
Willow flycatcher	*Empidonax trailii*	CE		Very close
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	Very low	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		Very close
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Very low	Nearby
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Moderate	Very close
Oak titmouse	*Baeolophus inornatus*	BCC		Very close
California horned lark	*Eremophila alpestris actia*	WL	Moderate	Very close
Bank swallow	*Riparia riparia*	CT		Nearby
Purple martin	*Progne subis*	SSC2		Very close
Wrentit	*Chamaea fasciata*	BCC		Nearby
California gnatcatcher	*Polioptila c. californica*	FT, SSC2	Low	Nearby
California thrasher	*Toxostoma redivivum*	BCC		Very close
Cassin's finch	*Haemorhous cassinii*	BCC		Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Present	Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2		In region
Black-chinned sparrow	*Spizella atrogularis*	BCC		Nearby
Gray-headed junco	*Junco hyemalis caniceps*	WL		Nearby
Bell's sparrow	*Amphispiza b. belli*	WL	Low	Nearby
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2		In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	Low	Nearby
Yellow-breasted chat	*Icteria virens*	SSC3		Very close
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3		Nearby

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Common name	*Species name*	Status[1]	Rocks Bio Report	Occurrences in data base records, Site visits
Bullock's oriole	*Icterus bullockii*	BCC		Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1		Nearby
Prothonotary warbler	*Protonotaria citrea*	BCC		Very close
Lucy's warbler	*Leiothlypis luciae*	SSC3		Nearby
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC		Nearby
Yellow warbler	*Setophaga petechia*	SSC2		Very close
Prairie warbler	*Setophaga discolor*	BCC		In region
Summer tanager	*Piranga rubra*	SSC1		Nearby
Little brown bat	*Myotis lucifugus*	WBWG: M		In range
Yuma myotis	*Myotis yumanensis*	WBWG: LM		Nearby
Long-eared myotis	*Myotis evotis*	WBWG: M		In region
Fringed myotis	*Myotis thysanodes*	WBWG: H		In range
Long-legged myotis	*Myotis volans*	WBWG: H		In range
California myotis	*Myotis californicus*	WBWG:L		In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M		In region
Canyon bat	*Parastrellus hesperus*	WBWG: M		Nearby/**On site**
Big brown bat	*Episticus fuscus*	WBWG: L		In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M		In range/**On site**
Hoary bat	*Lasiurus cinereus*	WBWG: M		In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG: H		In region
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG: H	Low	In region
Spotted bat	*Euderma maculatum*	SSC, WBWG: H		In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H		In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H		In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L		Nearby/**On site**
Pocketed free-tailed bat	*Nyctinomops femorosaccus*	SSC, WBWG: M		In range
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H		In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC		In region

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Common name	*Species name*	Status[1]	Rocks Bio Report	Occurrences in data base records, Site visits
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	SSC	Low	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC		In range
Stephens' kangaroo rat	*Dipodomys stephensi*	FE, CT		In region
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	Low	In region
San Diego Bryant's woodrat	*Neotoma bryanti*	SSC		Nearby
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC		In range
American badger	*Taxidea taxus*	SSC		In region

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[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; BGEPA = Bald and Golden Eagle Protection Act; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSC = California Species of Special Concern, and SSC_1, SSC_2 and SSC_3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively); WL = CDFW's Taxa to Watch List; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

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BIOLOGICAL IMPACTS ASSESSMENT

In the following, I analyze several types of impacts likely to result from the project, none of which are analyzed adequately in the DEIR, and some of which are not analyzed at all. A5-72

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species. The site is proven to serve as habitat to at least 23 species of vertebrate wildlife which Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's survey was only a reconnaissance survey and therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. The alternative method would be to infer productive capacity from estimates of total nest density elsewhere. Noriko has completed several studies to estimate total avian nest density in similar environments in the local area.

Noriko estimated 5.56 nests/acre on a 3.6-acre site of ruderal grassland bordering a woodland strip in Murrieta, and 1.86 nests/acre on another 4.83-acre grassland site bordering a strip of woodland in Murietta. The average of the above two estimates is 3.71 nests/acre. This density applied to the 44.2 acres of the project site would predict 164 nest sites. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 228 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 661 fledglings/year at the project site. A5-73

The loss of 164 nest sites and 228 nest attempts per year would qualify as significant impacts that have not been analyzed by the City of Rialto. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 661 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 743 birds per year denied to California.

The loss of 743 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. The loss of 743 birds would easily qualify as an unmitigated significant impact.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. The species Noriko and RBC (2025) detected on the project site had at some point moved to the site, A5-74

and in fact members of some of these species were in flight when Noriko detected them. At minimum, the project site provides wildlife with stopover opportunities during migration or dispersal of young. However, the DEIR focuses too much on the red-herring question of whether the site occurs within a movement corridor. The question is a red herring because the CEQA standard applies to all types of movement and not just the movement channeled by corridors.

However, the DEIR concludes without evidence "no wildlife movement corridors are mapped within the project site." This conclusion is based on no program of observation. There was no study design or specific field method implemented to quantify or characterize wildlife movement across the project site or beyond. A simple program of observation, for example, would be to perform timed surveys on stations located at intervals across the site, and to have observers plot wildlife flight paths on handheld maps. Another would be to use a thermal-imaging camera to track and record animal movements at night, including terrestrial mammals, birds and bats. But RBC (2025) reports nothing like this, and its analysis of wildlife movement and whether the project would interfere with it is therefore limited to speculation. Speculation is an unsound basis for making important determinations. A5-74

Whether the site includes a wildlife movement corridor is not the only consideration when it comes to the standard CEQA Checklist question of whether the project would interfere with wildlife movement in the region. The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. Wildlife are obviously using the site, so they are able to travel to and from the site. Most of the birds recorded at the site are migratory birds, and the site is one of the last remaining patches of open space available to birds that need to move through the region. The project site is important to wildlife movement in the region.

TRAFFIC IMPACTS ON WILDLIFE

The DEIR neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 26–29), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally. A5-75

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Photo 26. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 27. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

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Photos 28 and 29. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a Bakersfield road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study

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found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

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For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Predicting project-generated traffic impacts on wildlife

The DEIR predicts 9,413,031 mitigated annual VMT would be generated by the project. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road in Contra Costa County daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 4,004 vertebrate wildlife fatalities per year due to project-generated traffic. This would still be a large number of animals killed by the project's traffic.

A5-76

Based on my analysis, the project-generated traffic would cause substantial, significant impacts on wildlife. The EIR does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and

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are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that, as the EIR is currently written, these impacts would be unmitigated. A5-76

CUMULATIVE IMPACTS

The DEIR's cumulative impacts analysis is flawed. The most fundamental flaw is its assumption that mitigation of a project's direct impacts would prevent cumulative impacts, which is an assumption that is inconsistent with the CEQA's definition of cumulative impacts. According to the DEIR (p. p. 4.3-25), "With implementation of MM BIO-1 through MM BIO-6, the proposed Project would not cause a significant impact to biological resources. Mitigation would include construction BMPs to avoid potential impacts and disturbance to special status species, and Parry's spineflower, burrowing owl, nesting bird, Crotch's bumble bee, Coastal whiptail, Coast horned lizard, and Southern California legless lizard pre-construction surveys and avoidance measures. Project level impacts would be less than significant with the implementation of these measures and therefore would not contribute to a cumulative impact." The notion expressed in this passage is that cumulative impacts are really only residual impacts of insufficiently mitigated direct impacts, and that sufficient mitigation of direct impacts would leave no residual impacts and therefore no cumulative impacts. But this is not how cumulative impacts are defined. Mitigation directed to the project's direct impacts cannot avoid, minimize or reduce the habitat losses and habitat fragmentation already well underway throughout the region, leaving the project site as one of the last remaining patches of habitat of many special-status species. The loss of the habitat on the project site would contribute cumulatively and very significantly to the loss and fragmentation of habitat regionally. A5-77

MITIGATION STRATEGY

MM BIO-1: Rare Plant Mitigation Plan. *...A rare plant mitigation plan shall be prepared ... The plan will demonstrate the feasibility of conserving, enhancing, or restoring Parry's spineflower habitat in areas to be managed as natural open space without conflicting with other resource management objectives. Habitat conservation, enhancement, or restoration will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). If the rare plant mitigation plan proposes conservation of an extant population, the plan shall include at a minimum: (a) the location of the conserved habitat and an analysis of its suitability as compensatory mitigation; (b) an assessment of the extant Parry's spineflower populations at the proposed conservation site; (c) a long-term management plan which includes objectives, management practices, monitoring protocols, adaptive management strategies, and reporting requirements; and (d) details regarding the establishment of a non-wasting endowment to perpetually fund management of the conserved land, or such other funding mechanism acceptable to CDFW. If the rare plant mitigation plan proposes enhancement or restoration, the plan shall include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions* A5-78

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and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques details for top soil storage, as applicable; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the plan's goals.

Essentially, the DEIR defers the formulation of a rare plant mitigation plan to some later date, presumably (but not clearly) prior to project construction. The main problem with this measure is that no candidate sites have been identified for its implementation. The DEIR does not report whether any suitable mitigation sites exist where the mitigation plan can be implemented.

A5-78

Another problem with the measure is the 1:1 mitigation ratio based on acres. Acres are not plants. The measure specifies that the acres conserved would be based on acres impacted, but the DEIR does not clarify what acres impacted means. If the acres impacted are simply the little green-bordered polygons depicted on Figure 5 of RBC (2025), then the environmental context of the inhabited acres at the mitigation site might encompass many fewer individual Parry's spineflowers or the environmental context they need. And mitigation success would be measured in acres regardless of whether the Parry's spineflowers at the mitigation site persist.

A5-79

Yet another problem is the mitigation ratio, which, assuming the same number of Parry's spinflowers are conserved as those that are destroyed by the project, truly results in a 50% loss of Parry's spinelflowers. To achieve a no-net-loss standard, a much larger mitigation ration is needed; I would suggest 5:1, and it should be based on plants, not acres.

A5-80

Finally, the DEIR fails to cite evidence of the efficacy this measure where it has been applied elsewhere. The DEIR needs to convince the public and decision-makers that the measure has already conserved Parry's spineflowers after members of this species were lost to other projects.

A5-81

MM BIO-2: Best Management Practices. *...the following monitoring requirements and Best Management Practices (BMPs) shall be implemented: a. Construction vehicles shall not exceed 15 miles per hour ... Prior to initial ground disturbing activities, a Worker Environmental Awareness Program (WEAP) shall be prepared, ...*

Should the project go forward, then I concur the listed BMPs should be implemented. However, it needs to be understood that the BMPs' conservation benefits to special-status species would be *de minimis* compared to project impacts. Most of these measures were required at most if not all the projects that my co-investigator and I surveyed before and after development to measure impacts on wildlife (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration in order to measure the effects of mitigated development on wildlife. We structured the

A5-82

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experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. All the developed sites had included mitigation measures to avoid, minimize or compensate for impacts to wildlife. Nevertheless, we found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. We reported that "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures and existing policies, regulations, and habitat plans.

A5-82

Regarding the WEAP, it should be remembered that construction workers are working with heavy machinery and moving vehicles, and therefore they need to focus on their work. The WEAP might help prevent the taking of one or a few animals, but workers should not be expected to focus on anything but work safety and performance.

MM BIO-3A: Burrowing Owl Preconstruction Surveys. *No less than 14 days prior to the onset of construction activities, a qualified biologist shall survey the construction limits of the project site and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. A second survey shall be conducted within 24 hours prior to the onset of construction activities. Time lapses between project activities greater than one week (7 days) would trigger subsequent 24-hour take avoidance surveys to confirm burrowing owl absence. The surveys shall be conducted in accordance with the most current CDFW survey methods. If burrowing owls are not observed during clearance surveys or biological monitoring, no additional conditions are required to avoid impacts to burrowing owl. The Project Applicant shall submit at least one burrowing owl pre-construction survey report to the satisfaction of the City to document compliance with this mitigation measure. For the purposes of this measure, 'qualified biologist' is a biologist who meets the requirements set forth in the BUOW Guidelines (CDFW 2012).*

A5-83

The burrowing owl is a candidate for listing under the California Endangered Species Act. Therefore, the applicant needs to consult with the CDFW as a first step and before the EIR is certified. Furthermore, the CDFW (2012) survey guidelines need to be implemented in full, meaning that breeding-season detection surveys must be completed. MM BIO-3A's preconstruction surveys cannot stand in for breeding season detection surveys, because preconstruction surveys carry nowhere near the same detection probabilities as do breeding-season detection surveys. For these reasons, MM BIO-3A is flawed and deficient.

A5-84

MM BIO-3B: Burrowing Owl Preconstruction Surveys. *If burrowing owls, active burrows, or signs thereof are confirmed during any survey or biological monitoring, project activities with the potential to impact burrowing owl shall be*

immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing project activities with the potential to impact burrowing owl. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities with the potential to impact burrowing owl shall not occur within 500 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If project activities, including occupied burrow exclusion and closure, could result in take of burrowing owl, the applicant shall coordinate with CDFW for appropriate CESA authorization (i.e., ITP under CFGC section 2081) prior to commencement of project activities with the potential to impact burrowing owl. The ITP shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition. The conditions of the permit or measures outlined in the plan shall be adhered to by the applicant and any required compensatory mitigation of habitat would be provided.

A5-84

See my comment under MM BIO-3A. The applicant needs to consult with the CDFW as a first step, and not as a condition of whether a preconstruction survey results in a burrowing owl detection. This measure is unacceptable.

MM BIO-4A: Crotch's Bumble Bee Surveys. *At a minimum, two pre-construction nesting surveys shall be conducted prior to project implementation. Surveys shall occur within 1) one week; and 2) within 24-hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October). Surveys shall follow the guidelines provided in the CDFW's Survey Considerations for CESA Candidate Bumble Bee Species (2024b) and shall occur within the project site and areas adjacent to the project site where suitable habitat exists. The surveyors shall be qualified biologists familiar with Crotch's bumble bee identification and life history.*

A5-85

Crotch's bumble bee occurs on the project site. As a first step, the project applicant needs to consult with the CDFW about how to obtain an incidental take permit for this species.

MM BIO-4B: Crotch's Bumble Bee CESA ITP. *Suitable Crotch's bumble bee habitat and Crotch's bumble bee presence has been confirmed on the site; therefore, a CESA ITP shall be applied for and obtained prior to the commencement of project activities with the potential to impact Crotch's bumble bee. The ITP shall include, at a minimum, a description of project activities and equipment, proposed avoidance/buffers, identification of temporary and permanent impacts, monitoring requirements, relocation and/or translocation protocols, and compensatory*

A5-86

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mitigation measures. Compensatory mitigation will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). ITP compensatory mitigation shall be satisfied by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.

A5-86

See my comment under MM BIO-4A.

MM BIO-4C: Crotch's Bumble Bee Biological Monitor. *A qualified biological monitor shall conduct fulltime monitoring during removal of suitable nectar plants that is scheduled to occur during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period (September through October). The monitor shall have authority to temporarily halt or redirect activities as needed to avoid unauthorized impacts.*

A5-87

See my comment under MM BIO-4A.

MM BIO-5A: Nesting Bird Surveys. *To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February 15 through August 31), if feasible. Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three (3) days prior to any disturbance of the site, including but not limited to vegetation clearing, disking, demolition activities, staging, or grading.*

Regarding the start of construction outside the breeding season, "if feasible," this avoidance measure is not a requirement, but rather a condition for implementing a preconstruction survey. Moreover, its implementation would not prevent the permanent loss of the avian productive capacity that I predict in my letter herein.

A5-88

Should the project go forward, I concur with this measure. However, it needs to be understood that the conservation benefits of this measure would be *de minimis* compared to the project's potential impacts on breeding birds. This measure would not prevent the permanent loss of the avian productive capacity that I predict in my letter herein. Preconstruction, take-avoidance surveys consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site requires a much greater survey effort. Even assuming all the predicted 522 nest sites could be found (not likely), the mitigation measure would apply only to the breeding season of the survey. After the breeding season of the preconstruction survey, California would be denied the production of birds from the project site during every subsequent year. The project's impacts on birds would be permanent and of large magnitude.

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MM BIO-5B: Nesting Bird Surveys. *If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed. Buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist to avoid take of nesting birds. If nesting birds are not documented during the pre-construction survey, adherence to additional measures may not be necessary to avoid impacts to nesting birds.*

The mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area for any given species. This measure lacks objective criteria, and it is therefore unenforceable.

A5-89

MM BIO-6A: Special-Status Preconstruction Lizard Surveys. *Within 30 days prior to the commencement of any on-site project activities, a qualified biologist shall conduct preconstruction surveys in suitable special-status lizard habitat throughout the project site. ... A minimum of one daytime survey during suitable weather for lizard activity shall be conducted by walking linear transects spaced to provide 100 percent coverage of suitable habitat. The location of any observed special-status lizards shall be documented. If feasible, the locations of any special-status lizards shall be avoided. Avoidance measures shall be monitored by the qualified biologist.*

The required survey should have been completed in support of the preparation of the DEIR. Deferring this survey until the preconstruction phase effectively bypasses the part of the environmental review that is intended to be slated for informing the pubic and decision-makers with an accurate characterization of the existing environmental setting.

A5-90

MM BIO-6B: Special-Status Preconstruction Lizard Surveys. *If pre-construction surveys are positive for coastal whiptail, coast horned lizard, or Southern California legless lizard and avoidance is not feasible, CDFW shall be notified in writing. In addition, relocation of all observed special-status lizard individuals shall be attempted and, if feasible, lizards would be relocated to the nearest available suitable habitat on conserved land in consultation with CDFW.*

See my comment under MM BIO-6A. Moreover, the capture and relocation of lizards can be seen as cruel to the animals in the receiving areas. Dumping lizards into areas where the same species already reside would increase competition for mates, home ranges and forage, hence adding stress to residents and forced emigrants as well. The carrying capacities of the species at issue cannot be increased, so relocations would ultimately result in the same numbers of individuals that existed in the receiving areas as before the relocations. But these same numbers would be settled upon after the social chaos forced on residents in the receiving areas as a result of this measure. Although I am sure it is not the intent of this measure to be cruel, I argue it would be cruel and unethical to relocate lizards from the project site to the nearest available habitat.

A5-91

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NEEDED MITIGATION MEASURES

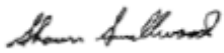
Fund Wildlife Rehabilitation Facilities: Compensatory mitigation is needed, and it ought also include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured during construction and by collisions with automobiles traveling to and from the project site during project operations.

A5-92

Landscaping: If the project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as important sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threatened insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and it is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

A5-93

Thank you for your consideration,



Shawn Smallwood, Ph.D.

Additional Literature Cited pages also provided in Attachment A to the Locust Gateway Development Project Final EIR.

LITERATURE CITED

A5-94

Adams, B. J., E. Li, C. A. Bahlai, E. K. Meineke, T. P. McGlynn, and B. V. Brown. 2020. Local and landscape-scale variables shape insect diversity in an urban biodiversity hot spot. Ecological Applications 30(4):e02089. 10.1002/eap.2089

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Basilio, L. G., D. J. Moreno, and A, J. Piratelli. 2020. Main causes of bird-window collisions: a review. Anais da Academia Brasileira de Ciências 92(1): e20180745 DOI 10.1590/0001-3765202020180745.

Response A5-1

This comment is introductory in nature. The commenter asks the City to accept the comments behalf of the Golden State Environmental Justice Alliance and requests to be added to the public interest list regarding future environmental documents.

Response A5-2

This comment summarizes information about the Project and does not raise any specific issue or questions on the environmental analysis provided in the Draft EIR.

Response A5-3

This comment incorrectly states the southern portion of the project site is located on Assessor Parcel Number (APN) 1133-02-100. The image of the parcel and APN 1133-02-100 provided by the commenter does not rely on the City of Rialto's official GIS web mapping service.[1] As identified in **Section 3.0: Project Description** of the Draft EIR, the Project would be located on APN 023-19-223. The City disagrees with this claim of the commenter. The commenter has not raised issues that would render the EIR deficient or require recirculation.

For response to the commenter's note about Summit Avenue, please see Response A5-25.

Response A5-4

The comment asserts that the Draft EIR lacks substantial evidence supporting the stated earthwork quantities (270,000 cubic yards of cut and 300,000 cubic yards of fill) and fails to identify a specific soil import site. The commenter contends that this information is necessary to accurately assess construction-related truck trips and associated impacts. Rather, the commenter provides no evidence to support this assertion. Under CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580.)

As discussed in **Section 3.0: Project Description** of the Draft EIR, the grading estimates are based on the preliminary civil engineering plans prepared for the Project, which provide a reasonable approximation of anticipated cut and fill quantities. Under CEQA, an EIR is not required to include final engineering or construction-level design drawings, nor to identify specific material sources or destinations, provided that the analysis reasonably discloses the maximum foreseeable impacts based on available project-level information (CEQA Guidelines §§15144, 15151; *Laurel Heights Improvement Assn.* (1988) 47 Cal.3d 376, 415).

The EIR's analysis conservatively assumes a net import of approximately 30,000 cubic yards of soil, which was used to quantify the maximum potential number of haul truck trips and associated air quality, greenhouse gas, and noise impacts during construction; see **Section 3.0: Project Description** of the Draft EIR. These assumptions were incorporated into the CalEEMod modeling. The import soil site and corresponding distance for analysis in the Draft EIR was generated from default CalEEMod parameters which is based on the Transportation Analysis Zone (TAZ) specific to the site's location. Reliance on these assumptions for the analysis in the Draft EIR accounts for a conservative worst-case scenario and provides an adequate and accurate environmental analysis. Further, the City will verify all Project details (i.e.,

[1] City of Rialto's online GIS Mapping Service is provided at this website address: https://gis.rialtoca.gov/portal/apps/experiencebuilder/experience/?id=89d11c74cb054b3aa22f28759e6296c7

earthwork quantities and compliance with development standards) as part of the plan check process prior to issuing permits.

The commenter has not raised issues that would render the EIR deficient or require recirculation. No changes to the document are required.

Response A5-5

This comment states that the Draft EIR does not include analysis relevant to environmental justice issues in reviewing potential Project impacts, including cumulative impacts from the proposed Project. The Draft EIR fully analyzes and discloses the Project's cumulative impacts in **Section 4.2: Air Quality** (page 4.2-32), **Section 4.5: Energy** (page 4.5-19); and **Section 4.7: Greenhouse Gas Emissions** (page 4.7-26). CEQA does not require consideration of potential implications to environmental justice or socioeconomics as a specific resource; further, environmental justice is not listed within the "Environmental Factors Potentially Affected" in Appendix G, Environmental Checklist Form, to the CEQA Guidelines. The Draft EIR analyzed the Project's potential impacts on sensitive receptors and concluded that impacts can be mitigated to a less than significant level. Additionally, the City, County, SCAQMD, and the CEQA Guidelines do not include thresholds that consider environmental justice such as the CalEnviroScreen results, but rather account for the potential health effects of a project with project-level thresholds.

This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the EIR, no further response is warranted.

Response A5-6

See Response A5-5. There is currently no air quality guidance or thresholds to analyze areas with higher pollution burden differently from areas with lower pollution burden. However, the Draft EIR includes project-specific dispersion modeling to estimate the PM_{10} and potential of cancer risk in the vicinity of Project construction and operations. On page 4.2-16 of Draft EIR **Section 4.2: Air Quality**, the methodology for the dispersion modeling is explained. Construction dispersion modeling included all construction activity while operational modeling included idling of trucks, on-site truck movement, off-site truck movement, off-road equipment including forklifts and cargo handling equipment, and one emergency generator. Meteorological data was used from the Fontana-Arrow Highway Monitoring Station, which is representative of and nearest to the project site. The modeling included building downwash and conservative estimates for vehicle and stack heights. Risk was calculated using the State of California Office of Environmental Health Hazard Assessment (OEHHA) methodology with age sensitivity factors and frequency of time spent at home (as shown in Draft EIR Appendix C page 19 in Table 2). Table 4.2-13 in the Draft EIR (page 4.2-29) shows the unmitigated scenarios for construction, operation and combined for nearby residential, student, and worker receptors. Both construction and operational cancer risk is less than 2 per one million for all receptors. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-7

See Response A5-5. The comment states information from OEHHA on hazardous waste and solid waste facility impacts. The project site is located within the 160-acre area and the former bunker area of the larger Rockets, Fireworks, and Flares (RFF) Superfund site (formerly known as the B.F. Goodrich site).Development of the Project will result in a benefit to the community by developing a currently vacant and underutilized site that is environmentally constrained due to its location within the RFF Superfund

site, and will ensure the careful and thorough removal of any unexploded ordnances and discarded military munitions that may be present on the site prior to development, thus resulting in reduced hazards and increased safety for the surrounding community. Refer to **Section 4.8: Hazards and Hazardous** Materials of the Draft EIR. No further response is required.

Response A5-8

See Response A5-5. The comment discusses water quality information from OEHHA but provides no comment regarding the proposed Project. As discussed in Draft EIR **Section 4.9: Hydrology and Water Quality**, the Project will not result in any impacts to hydrology and water quality, including drinking water. No further response is required.

Response A5-9

See Response A5-5 and Response A5-7. The comment states information from OEHHA on cleanup sites but provides no comment regarding the proposed Project. Please refer to Draft EIR **Section 4.8: Hazards and Hazardous Materials** for a discussion of the RFF Superfund site. No further response is required.

Response A5-10

See Response A5-5. The comment discusses socioeconomic data but provides no comment regarding the proposed Project. No response is required.

Response A5-11

See Response A5-5 and Response A5-6. The Draft EIR included project-specific dispersion modeling to evaluate the potential environmental impacts to the communities in the vicinity of the project site.

Response A5-12

This commenter states that CalEEMod, the software used for the Draft EIR analysis, is not considered an approved compliance modeling software for non-residential uses in the State of California. CEQA does not mandate that certain tools or modeling protocols be employed in environmental analysis such as is implied by the commenter. CEQA requires that analyses be sufficient to provide decision-makers with information enabling them to make decisions that intelligently account of environmental consequences of projects (CEQA Guidelines § 15151, Standards of Significance).

With specific regard to the use of CalEEMod for the purposes of modeling energy consumption, the City has historically and successfully employed CalEEMod for this purpose. Further, the SCAQMD, the Responsible Agency for air quality considerations, sanctions use of CalEEMod to provide a "uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operational from a variety of land use projects."[2] Through the use of CalEEMod, SCAQMD integrates air quality and energy impact analyses. To ensure consistency and accuracy of analyses in support of SCAQMD policies, the City has determined that CalEEMod is appropriate for CEQA modeling of both air quality impacts and energy consumption.

The energy modeling protocols cited by the commenter (CBECC-Com, EnergyPro, and IES VE) are used for the performance approach (energy budget) method for demonstrating compliance with the Title 24 Energy Standards. The analysis included within **Section 4.5: Energy,** of the Draft EIR discloses the amount

[2] SCAQMD. (2024). Air quality modeling for CEQA. Retrieved from https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-modeling

of energy that the proposed Project would require. The analysis is not intended or required to demonstrate compliance for Title 24 energy standard performance.

The energy modeling protocols identified in the comment provide modeling of building energy consumption only, whereas CalEEMod comprehensively and cohesively provides building energy consumption estimates, as well as establishes the basis for estimation of construction activity/ construction equipment energy consumption, and mobile-source (vehicular) energy consumption. This latter category (vehicular energy consumption) comprises the majority of the proposed Project energy demand. In addition, the sources for the methodologies include studies commissioned by the California Energy Commission (CEC) and also use energy conservation standards subject to Title 24. CalEEMod User Guide Appendix D (Technical Source Documentation for Emissions Calculations) states the energy intensity estimates are based on a survey completed in 2019 with structures ranging from 1935 to 2015. The Appendix notes "default energy consumption estimates provided in CalEEMod based on the RASS (California Residential Appliance Saturation Study are very conservative, overestimating expected energy use compared to what would be expected for new buildings subject to the latest Energy Code with more stringent energy efficiency measures." Therefore, the energy estimates in **Section 4.5: Energy** of the Draft EIR are conservative. The energy modeling protocols offered by the commenter (which do not consider energy consumption attributable to construction activities or mobile sources) would vastly underestimate the proposed Project energy demands and proposed Project energy consumption.

Additionally, the Draft EIR discloses the proposed Project's electricity consumption, natural gas consumption, and transportation fuel consumption and determined that the proposed Project's energy consumption would not be inefficient or wasteful, as the proposed Project will be required to comply with the Title 24 Nonresidential Building Energy Efficiency Standards and CALGreen standards published by the CEC, which contain stringent mandatory standards for mechanical systems, lighting (indoor and outdoor), and appliances to minimize energy use. Therefore, the Draft EIR used the appropriate model to calculate and disclose the proposed Project's energy use, and also demonstrated that the proposed Project would be required to comply with Title 24 Building Energy Efficiency and CALGreen Standards. Additionally, MM GHG-2 requires buildings to meet or exceed CALGreen Tier 2 standards, which would further reduce energy consumption. Findings and conclusions of the Draft EIR are not affected. As demonstrated, the comments submitted are incorrect. Revisions to the EIR are not required.

Response A5-13

The comment states that the Draft EIR does not include an analysis of the Project's compliance with the City's General Plan buildout assumptions or the Rialto Airport Specific Plan buildout scenario, and therefore must be revised to provide this analysis.

The City disagrees. The Draft EIR adequately analyzes the Project's consistency with the City of Rialto General Plan and the Rialto Airport Specific Plan in accordance with CEQA Guidelines Section 15125(d), which requires an EIR to "discuss any inconsistencies between the proposed Project and applicable general plans." As addressed on page 4.13-6 of **Section 4.13: Population and Housing**, the proposed Project is consistent with the existing General Plan and Specific Plan designations for the site, meaning that future growth associated with Project implementation has already been accounted for in the General Plan and General Plan EIR. Because the Project is consistent with the existing General Plan land use designation and Specific Plan designation, development of the site with a warehouse use was already anticipated and analyzed.

The Project's contribution of approximately 664,859 square feet represents only a small portion (approximately 3.8%) of the total industrial buildout potential identified in the General Plan and falls within the scope of development anticipated in the City's adopted plans and environmental analyses. No substantial evidence has been provided by the comment to suggest that this amount of industrial development would exceed or conflict with the growth assumptions of the City's General Plan or Specific Plan.

Accordingly, the Draft EIR's conclusion that the Project is consistent with the City's adopted land use plans and policies is supported by substantial evidence. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-14

The commenter asserts that the Draft EIR failed to analyze the Project's consistency with several goals and policies from SCAG's 2024 Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and that the Project's greenhouse gas (GHG) impacts conflict with these policies.

The City disagrees. All policies cited in the comment are taken from Chapter 3.3: Regional Planning Policies of the 2024 Connect SoCal RTP/SCS. As stated in the plan, these policies are intended for County Transportation Commissions (CTCs) and local jurisdictions, which "can refer to specific policies to demonstrate alignment with the Regional Transportation Plan/Sustainable Communities Strategy when seeking resources from state or federal programs." These policies are not regulatory requirements and are not applicable to individual private development projects such as the proposed warehouse.

Furthermore, the commenter does not provide any specific explanation or evidence showing how the Project would conflict with the cited policies or why they are relevant to this Project. Many of the referenced policies, particularly those related to equitable engagement, restorative justice, and disadvantaged communities, are regional and programmatic objectives, beyond the scope or responsibility of a private development project. Further, CEQA does not require analysis of "disadvantaged communities" or "environmental justice" impacts, and the CEQA Guidelines do not define or use that terminology.

For the foregoing reasons, Equitable Engagement and Decision-Making Policies 46 and 47 and Sustainable Development Policies 48-50 cited by commenter are inapplicable to the Project. Likewise, Air Quality Policies 51-53 and Climate Resilience Policies 64-66 focus on regional or programmatic efforts and cannot directly be implemented by the Project. However, as discussed in **Section 4.7: Greenhouse Gas Emissions**, the Project's GHG analysis complies with CEQA Guidelines Section 15064.4 and demonstrates consistency with applicable State, regional, and local climate plans, including SCAG's Connect SoCal RTP/SCS, the City's General Plan, and the CARB Scoping Plan. Although the Draft EIR concludes that GHG impacts would remain significant and unavoidable, this finding does not constitute a policy inconsistency, as the Connect SoCal policies are advisory, not binding, and the Project's emissions are consistent with regional growth assumptions used in SCAG's modeling.

Accordingly, the Draft EIR's GHG policy consistency analyses are adequate and the commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-15

The commenter states that the General Plan consistency analysis in the Draft EIR does not provide an adequate evaluation of all land use plans, policies, and regulations adopted for the purpose of reducing environmental effects.

Section 4.10: Land Use and Planning of the Draft EIR provides a discussion of Project consistency with applicable City of Rialto General Plan policies and other plans; this analysis can be found starting on page 4.10-8 in Table 4.10-1: General Plan Consistency Analysis. The analysis in the table is consistent with the thresholds of significance established in Appendix G of the CEQA Guidelines and CEQA Guidelines Section 15125 as it addresses General Plan policies that have been adopted for the purpose of avoiding or mitigating an environmental effect and that are applicable to the Project. More specifically, Section 15125(d) states "The EIR shall discuss any inconsistencies between the proposed Project and applicable general plans, specific plans, and regional plans."

The commenter asserts that the Draft EIR does not provide evidence or support that the Project does not conflict with some of the goals and policies of the General Plan. The commenter provides a list of these goals and policies but does not provide any specific explanation or evidence showing how the Project would conflict with the cited policies or why they are relevant to this Project.

With respect to the commenter's opinion regarding alleged inconsistencies, it should be noted that, under CEQA, a project is consistent with the underlying general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. A given project need not be in perfect conformity with each and every general plan policy (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238). Moreover, a lead agency's determination that a project is consistent with the general plan is entitled to deference (*Id.*).

It should further be noted that not all goals and policies relate to an environmental consideration and by their nature do not require evaluation in an EIR. In making this determination, factors such as the following may be considered:

1. The goal, policy, or implementation measure does not relate, nor was it written to reduce and impact to an environmental resource;
2. The goal, policy, or implementation measure does not relate to topics requiring examination under CEQA;
3. The goal, policy, or implementation measure is beyond the scope or responsibility of a private development;
4. The goal, policy, or implementation measure is written so broadly that the responsibility for its implementation could only be the responsibility of the City.

Responses to the individual policies listed by the commenter are outlined below. The Project does not conflict with these General Plan policies. Further, these polices are advisory in nature and are not required.

- **Policy 2-9.4.** At the time of preparation of the Draft EIR, the future warehouse tenant is unknown and commercial space is not proposed as it would not be consistent with the intended industrial use of the site. If feasible, incorporation of flexible commercial spaces could be implemented at a later date.

- **Policy 2-12.2.** The Project does not require or propose any street trees or parkway landscaping within public right-of-way. As stated in **Section 4.1: Aesthetics**, of the Draft EIR, the Project would be subject to the development regulations in Section V of the Rialto Airport Specific Plan, which serve as the controlling mechanism for development within the Specific Plan. Per the Rialto Airport Specific Plan, projects designated General Manufacturing (I-GM) are required to provide a 20-foot average minimum width of landscaping from the property line along public roadways. The conceptual landscape plan is provided as Figure 3-10 in the Draft EIR Project Description. The Project would provide 20-foot-wide landscape buffers along the project site frontage of Locust Avenue and Lowell Street. A smaller landscape buffer would be provided along the western project boundary along Lake Padden Lane, which is not a public roadway. The Project would also be subject to compliance with the development standards in Rialto Municipal Code Sections 18.61.250 and 18.61.270, which include requirements for plants, landscape maintenance, and landscape buffers. The Rialto Airport Specific Plan landscape requirements are greater than the Municipal Code requirements.

- **Policy 2-16.1.** Given the nature and function of the Project, opportunities for integrating traditional public art are limited. This policy is encouragement-based and not a mandatory requirement for individual projects.

- **Policy 2-17.3 and Policy 2.17-4.** Policy 2-17.3 states "Discourage architectural monotony" and Policy 2-17.4 states "Discourage the design of boxy structures; emphasize articulation of the front façade and the horizontal plane with multi-story structures." Please refer to **Section 3.0: Project Description**, page 3-12, which addresses building design, landscaping, and lighting. Figure 3-8 in the Draft EIR depicts the conceptual elevations for the building, which shows that the Project incorporates architectural articulation, panel reveals, varying wall planes, and accent colors (white, gray, and blue) with blue window glazing. These features provide visual interest and relief. As documented in **Section 4.1: Aesthetics** and **Section 4.10: Land Use and Planning**, and Table 4.10-1: General Plan Consistency Analysis, the Draft EIR includes substantial evidence supporting the Project's consistency with applicable design policies. Please also refer to Response A5-18.

- **Goal 2-17, Policy 2-27.1.** As stated throughout the Draft EIR the project site would include approximately 160,491 sf of landscaping (9.2% of the project site). Landscaping would be focused around the site perimeters, parking areas, driveway entrances, and building entrances. The Project does not propose multiple structures with the opportunity to provide landscape plazas or green spaces between buildings.

- **Goal 2-17, Policy 2-27.2.** See response to Policy 2-12.2.

- **Goal 2-17, Policy 2-27.2.** The project site is not located on land intended for development of open space or a pocket park. This policy is advisory in nature and not required.

- **Policy 2-37.1.** This is a City initiative and not applicable to a single private warehouse development project.

Based on the above, the environmental review contained in the Draft EIR pertaining to General Plan consistency, and consistency with other applicable planning documents, meets CEQA requirements. Further, the planning consistency analysis for all applicable documents in relation to the Project was

properly tailored and used to clearly define policies that are within the applicant's ability and responsibility to address environmental impacts.

The discussion above is consistent with CEQA case law that has found that a given project need not be in perfect conformity with each General Plan policy. Accordingly, it may not be possible for every project to completely satisfy, nor is it the responsibility of every project to satisfy every goal or policy of a general plan, including those pertaining to environmental resources. Thus, the Project was evaluated for consistency with each of the applicable policies from the City of Rialto General Plan that were adopted for the purpose of avoiding or mitigating an environmental effect and through that evaluation it was determined that no additional environmental impacts from a conflict with an applicable policy would occur. No further discussion is required and no changes to the EIR have been made or are required because of this comment.

Response A5-16

The comment asserts that the Draft EIR incorrectly excluded Level of Service (LOS) analysis and that LOS remains required to evaluate consistency with Policies 4-1.20 and 4-1.21 of the City's General Plan Circulation Element.

As correctly stated in the Draft EIR, LOS is no longer used under CEQA to determine transportation impact significance. In 2018, the State of California adopted CEQA Guidelines Section 15064.3, which formally replaced delay-based metrics (such as LOS and intersection delay) with Vehicle Miles Traveled (VMT) as the appropriate measure of transportation impacts under CEQA. The Guidelines expressly state that "a project's effect on automobile delay shall not constitute a significant environmental impact" (§ 15064.3(c)).

While the City's General Plan includes LOS-based operational policies for local traffic management, those policies are not CEQA thresholds of significance. Rather, they are design and performance standards applied during City engineering review during project permitting. The Draft EIR appropriately addressed potential conflicts with applicable circulation plans and policies and found the Project consistent with the Rialto Circulation Element because the Project would provide adequate site access, internal circulation, and roadway improvements consistent with City standards.

Therefore, a detailed LOS analysis is not required for CEQA impact determination, and its exclusion does not render the EIR inadequate. As a point of information, a Transportation Impact Study (TIS) was prepared for the Project in accordance with the City's *Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment*. The TIS is on file with the City of Rialto Planning Department and available for public review upon request. The Project's VMT analysis included as Appendix J to the Draft EIR fulfills CEQA's current requirements, and the Draft EIR provides substantial evidence supporting its less than significant findings for transportation impacts. Accordingly, a project-level LOS analysis is not required for CEQA purposes, and the commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-17

The comment mischaracterizes the Project's compliance with General Plan Policies 2-12.1 and 2-12.5. Lake Padden Lane is not a public roadway and therefore does not require screening under Policy 2-12.1. However, a landscape buffer is proposed along Lake Padden Lane. As stated in **Section 4.10: Land Use and Planning**, Table 4.10-1: General Plan Consistency Analysis, page 4.10-9, the Draft EIR evaluated

consistency with these policies and found the Project compliant. As referenced in Draft EIR Table 4.10-1, Figures 3-9 and 3-10 support the consistency finding as they demonstrate that the proposed design includes tree and landscape screening along public roadways, and a 14-foot-high decorative screen wall painted with accented reveals to provide visual relief. Landscaping encompassing approximately 9.2 percent of the site, including street-front buffers along Lowell Street and Locust Avenue, contributes to an attractive and varied streetscape. Accordingly, substantial evidence supports the Draft EIR's conclusion that the Project is consistent with Policies 2-12.1 and 2-12.5, and no further analysis or finding of significance is warranted. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-18

The comment asserts that the Draft EIR does not provide substantial evidence demonstrating compliance with General Plan Policies 2-17.1, 2-17.3, 2-17.4, and 2-23.1, and that the Project's design—a concrete tilt-up industrial building—constitutes architectural monotony inconsistent with these policies.

The City disagrees. As documented in **Section 4.10: Land Use and Planning**, and Table 4.10-1: General Plan Consistency Analysis, the Draft EIR includes substantial evidence supporting the Project's consistency with applicable design policies. As noted on page 4.10-10 of the Draft EIR, the Project incorporates architectural articulation, panel reveals, varying wall planes, and accent colors (white, gray, and blue) with blue window glazing, as depicted in Figures 3-6 through 3-8. These features provide visual interest and relief, consistent with Policies 2-17.1 and 2-23.1, which emphasize variety in planes, textures, and façade treatments.

Moreover, CEQA does not require an evaluation of aesthetics or architectural style based on subjective aesthetic preferences (*see Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 592). The City's adopted Precise Plan of Design review process ensures that the final building design conforms to the City's design standards and visual quality expectations. Accordingly, the Draft EIR provides substantial evidence demonstrating consistency with the City's General Plan design policies and no revision is required.

Response A5-19

The commenter misrepresents the Draft EIR's analysis of Policy 2-23.2, which encourages architecture that disaggregates large buildings into smaller parts with greater human scale.

As outlined in the comment and stated in the consistency analysis table on page 4.10-11 of the Draft EIR, the Project would include vertical articulation, glazing, and color variation across the façades, along with the use of contrasting tones (white, gray, and blue) and changes in wall plane depth to visually break up the building's form.

The City disagrees with the commenter's claim that these elements do not reduce massing. The Draft EIR provides substantial evidence—both descriptive and graphical—demonstrating that the Project's vertical articulation, color, material diversity, and landscaping collectively meet the intent of Policy 2-23.2. Accordingly, the Draft EIR's determination that the Project is consistent with Policy 2-23.2 is supported by substantial evidence, and no revision to the EIR is required.

Response A5-20

The commenter claims policy consistency analysis is inaccurate due to modeling software used in the Draft EIR. This is further addressed in the Response A5-12 above. The Draft EIR provides substantial evidence and adequate analysis demonstrating consistency and no revision is required.

Response A5-21

The commenter misrepresents the Draft EIR's analysis and conclusions regarding population and employment generation. The Draft EIR does not make speculative assumptions; rather, it relies on data from the Southern California Association of Governments (SCAG) Rialto 2019 Local Profiles Report and SCAG's 2024 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), as stated on page 4.13-5 of the Draft EIR, to evaluate the Project's employment and population context.

As discussed in **Section 4.13: Population and Housing**, the Draft EIR concludes that the Project is consistent with the General Industrial General Plan designation and General Manufacturing Specific Plan designation, both of which already account for warehouse and employment-generating uses in the City's long-range land use projections. Employment generation was estimated using SCAG's accepted employment density factor for industrial/warehouse uses (one employee per 1,195 sf), resulting in approximately 557 operational employees. This estimate is a reasonable and conservative basis for CEQA analysis.

The Draft EIR's statement that new jobs "would likely be filled by the local labor market" is supported by SCAG data, referenced on page 4.13-5, showing that approximately 92.4 percent of Rialto residents commute outside the City for employment, meaning the Project would help balance the City's jobs-to-housing ratio and provide opportunities for local employment. CEQA does not require a demographic or skills-based labor market analysis to determine worker qualifications or interest; such economic assessments are outside CEQA's scope.

The commenter's suggestion that construction or operational workers commuting from outside the City would substantially increase VMT or emissions is also unfounded and is not supported by substantial evidence. Construction and operational worker trips were already analyzed in the Air Quality, Greenhouse Gas Emissions, and Transportation sections of the Draft EIR using CalEEMod and the City's Traffic Impact Analysis Guidelines, which incorporate regional commute distances typical of the Inland Empire labor force. These analyses therefore capture the full range of potential environmental effects associated with worker travel. Accordingly, the Draft EIR includes substantial evidence and no additional or revised analysis of population, housing, or labor market effects is required.

Response A5-22

The comment asserts that the Project would generate 557 employees, representing 13 percent of Rialto's projected job growth from 2019–2035, and claims that the Draft EIR did not demonstrate that such growth was anticipated by the Rialto General Plan, SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), or the Air Quality Management Plan (AQMP).

The City disagrees. The commenter mischaracterizes the Draft EIR's employment analysis and its consistency findings. As discussed in **Section 4.13: Population and Housing**, pages 4.13-6 and 4.13-7, the Draft EIR demonstrates that the Project is consistent with the site's existing General Plan and Rialto Airport Specific Plan land use designations. Warehouse and employment-generating industrial uses on the project site are already assumed in the City's planned growth capacity, and therefore the employment associated

with the Project is accounted for in the Rialto General Plan buildout projections and the General Plan EIR. The estimate of 557 operational employees is based on SCAG's Employment Density Study (jobs per square foot), an accepted regional methodology, and does not induce substantial unplanned population growth, consistent with CEQA Guidelines Section 15126.2(d).

The commenter's assertion that 557 jobs would constitute "significant growth" misunderstands the nature of SCAG's growth forecasts. SCAG's Connect SoCal 2024 Demographics and Growth Forecast incorporates local general plans and specific plans into its regional growth allocation. Because the Project is consistent with both adopted land use designations, the employment growth associated with the Project is already included in SCAG's regional projections, including the RTP/SCS and the regional AQMP, which relies on the same SCAG forecasts. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-23

The comment asserts that the Draft EIR must include a cumulative analysis of employment growth from recently approved or pending industrial projects since 2019 to determine whether combined job growth would exceed SCAG or General Plan forecasts.

The City disagrees. The Draft EIR's cumulative analysis appropriately relied on SCAG's 2024 Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the City of Rialto General Plan (adopted in 2024) as the basis for evaluating cumulative growth. The SCAG's RTP/SCS forecasts reflect the City's adopted land use designations and buildout potential; therefore, any project consistent with the General Plan and the Rialto Airport Specific Plan is, by definition, accounted for in the cumulative employment projections used by SCAG and the South Coast Air Quality Management District (SCAQMD) in preparing the Air Quality Management Plan (AQMP). Moreover, any projects that have since been developed and are already operational are properly accounted for as part of the baseline conditions.

As identified in **Section 3.13: Population and Housing**, the Project is consistent with the existing General Plan and Rialto Airport Specific Plan land use designations, which already anticipate large-scale industrial and logistics uses. The Project's approximately 557 employees are within the type and scale of employment assumed in SCAG's Connect SoCal forecasts and the Rialto General Plan EIR. Please also refer to Response A5-13 and A5-22. Accordingly, the Draft EIR provides an adequate cumulative analysis and the commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-24

The comment asserts that the Draft EIR fails to evaluate the Project's consistency with the Rialto Circulation Element and the Rialto Airport Specific Plan with respect to the planned extension of Summit Avenue through the project site, and contends that the Project conflicts with those plans because it does not include the extension of Summit Avenue to Locust Avenue. The comment further claims that General Plan and Specific Plan amendments are required and that the Draft EIR must be revised accordingly.

The Draft EIR appropriately evaluates the Project's consistency with the current, applicable circulation network and related policies. The City of Rialto General Plan Circulation Element identifies a conceptual alignment of Summit Avenue extending eastward to Locust Avenue. However, no existing or dedicated right-of-way for this segment of Summit Avenue exists across the project site or adjacent parcels. Moreover, the area that would have accommodated this conceptual alignment has been encumbered by

existing development and permanent structures since the mid-1990s, including industrial facilities and the Mid-Valley Landfill, making the extension of Summit Avenue physically infeasible.

The City's Engineering and Planning staff have confirmed that no capital improvement, right-of-way acquisition, or entitlement actions are planned or funded to construct this segment of Summit Avenue. The Rialto Focused General Plan Update retained the conceptual depiction of Summit Avenue on Exhibit 4.1 as a legacy element from earlier plans; however, the planned roadway segment is not an actionable or implementable improvement and has been superseded by subsequent development patterns and circulation system modifications.

Consistent with CEQA Guidelines Section 15125(a), the Draft EIR properly describes and analyzes the Project in relation to existing and reasonably foreseeable physical conditions, rather than speculative or abandoned circulation concepts. The Draft EIR's transportation analysis relies on the current City roadway network and functional classification. Because the planned extension of Summit Avenue is not part of the existing or foreseeable circulation network, the Draft EIR was not required to analyze this speculative future roadway.

The Project's circulation design provides safe and efficient access via Locust Avenue and Lowell Street, in full conformance with City standards for driveways, truck circulation, and emergency access. As documented in the Draft EIR, the Project would not conflict with adopted transportation policies, plans, or programs that address the circulation system within the City or region, and no potentially significant impacts would occur. Accordingly, the Draft EIR does not require revision, and no General Plan or Specific Plan amendment is necessary. The Project remains consistent with the applicable General Plan Circulation Element and Rialto Airport Specific Plan policies when considered in light of existing site conditions and the City's current circulation framework.

Response A5-25

The comment asserts that the Draft EIR incorrectly excluded Level of Service (LOS) analysis and that LOS remains required to evaluate consistency with Policies 4-1.20 and 4-1.21 of the City's General Plan Circulation Element. See Response A5-16.

Response A5-26

The comment asserts that the Draft EIR is deficient because it does not include the Project Scoping Agreement required under the City's *Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment.* The Traffic Scoping Agreement was approved by the City Public Works Department on April 25, 2024 and was included in the TIS as Appendix A, which is on file with the City of Rialto Planning Department and available for public review upon request. The Project Scoping Agreement is also provided as **Attachment B**.

Response A5-27

The commenter states that Appendix J: VMT Analysis underestimates vehicle miles traveled (VMT) generated by Project operations because the analysis assumes 246 employees, while the Population and Housing section references 557 employees based on SCAG employment density factors.

The employee estimate used in Appendix J reflects the methodology typically applied in VMT analyses, which rely on standard Institute of Transportation Engineers (ITE) trip generation factors and employment rates calibrated to building square footage and land use type. This approach is consistent with the City's

Traffic Impact Analysis Guidelines for VMT and LOS Assessment and with statewide practice under SB 743 implementation. The Population and Housing section, by contrast, uses SCAG's Employment Density Study ratios solely to estimate employment growth for demographic context; it does not inform trip generation or VMT modeling. Because VMT is primarily a function of land use type, building intensity, and regional trip lengths—not the precise number of employees—the use of 246 employees in the VMT model provides an appropriate and representative estimate of trip generation for the proposed warehouse use. Accordingly, the commenter has not raised issues that would render the Draft EIR deficient or require recirculation.

Response A5-28

The commenter claims that the Draft EIR's VMT analysis is inadequate because it excludes truck, trailer, and delivery van trips from the operational VMT assessment and therefore underrepresents total Project-generated VMT.

The VMT analysis in Appendix J of the Draft EIR was prepared in accordance with SB 743 and the City's Traffic Impact Analysis Guidelines for VMT and LOS Assessment. These authorities specify that VMT analyses are limited to light-duty passenger vehicle travel, which is the metric used to evaluate consistency with statewide greenhouse gas reduction goals. Heavy-duty truck VMT is not part of the SB 743 transportation impact metric, as those emissions are instead addressed under air quality and greenhouse gas (GHG) analyses. The Project's operational truck and delivery vehicle activity assumed for the proposed warehouse use was fully analyzed in **Section 4.2: Air Quality** and **Section 4.7: Greenhouse Gas Emissions**. Therefore, the Draft EIR provides a complete analysis of both employee commute VMT and truck-related emissions.

The Project's VMT analysis properly focuses on passenger vehicle travel associated with employee commutes and visitor trips; it is methodologically correct and consistent with legislative intent under SB 743. Accordingly, the Draft EIR's VMT analysis is adequate and the commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-29

The commenter claims that Appendix J is inadequate because it does not include the San Bernardino Transportation Analysis Model (SBTAM) model input parameters or output screens used to support the VMT analysis.

The SBTAM is a regional travel demand model and its full datasets and software outputs are not typically appended to project-level CEQA documents due to their size, complexity, and licensing restrictions. Consistent with CEQA Guidelines Section 15151, the Draft EIR includes sufficient information in Appendix J to describe the model inputs, assumptions, and results used to evaluate Project-generated VMT. SBTAM model files and output data are provided as **Attachment C**. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-30

The commenter asserts the Draft EIR has not adequately analyzed the Project's potential to substantially increase hazards due to a geometric design feature, specifically as it relates to conflict between vehicles due to truck movements.

The commenter misclassifies movements on Lowell Street. As Lowell Street is classified as an Industrial Collector, trucks are allowed to use the width of the road to turn into and out of the site. If a driveway entrance or exit is occupied by a vehicle/truck, the incoming or outbound vehicle/truck would not be visually obstructed from seeing each other. In addition, No Parking Signs on the outbound vehicle/truck turns on Lowell Street would be provided for 100 linear feet such that parking does not obstruct the turning movement. The truck turn movements have been updated to depict the maneuverability and sight distances into and out of the project site; see exhibits provided in **Attachment D**. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-31

The truck turn dimensions for the WB-67 have been added to the truck turn exhibits; see **Attachment D**. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-32

The site distance analysis per the American Association of State Highway and Transportation Officials (AASHTO) requirements has been provided per the commenter's request; see exhibits in **Attachment D**. As depicted, the driveways are not obstructed by visual impacts. The commenter has not raised issues that would render the EIR deficient or require recirculation.

Response A5-33

The commenter states that the EIR does not address the Project's compliance with the General Plan buildout scenario. See Response A5-13.

Response A5-34

The commenter asserts that the EIR does not provide an adequate or accurate analysis of cumulative growth and that the Project would exceed SCAG projections. The City disagrees with the commenter. See Response A5-22 and A5-23.

Response A5-35

The commenter refers to an attached analysis from Dr. Smallwood for comments on biological resources. See Responses A5-54 through Responses A5-93.

Response A5-36

The City disagrees with the opinions of the commenter. The commenter has not raised issues that would render the EIR deficient. The commenter makes conclusory statements, but they do not pertain to any specific environmental issues other than the commenter stating the Draft EIR should be recirculated. The commenter's request for recirculation is repeated from previous comments. The commenter repeats its request for Golden State Environmental Justice Alliance to be added to the public interest list regarding future environmental documents. No further response is necessary and no changes to the EIR have been made or are required as a result of this comment.

Response A5-37

This comment is introductory in nature. The comment restates the Project Description. Responses to the comments contained in this letter are provided below in Responses A5-38 through A5-52. The comment has been noted for the record and no changes to the document have been made or are required.

Response A5-38

The commenter makes a general statement that the Draft EIR CalEEMod emissions modeling is inaccurate, citing "model inputs related to Project construction that are inconsistent with information disclosed in the DEIR." Responses to specific comments are provided below in Responses A5-39 through A5-41. No further response is required.

Response A5-39

The commenter states the Project construction schedule and any changes to CalEEMod should be provided by the Project Applicant. The comment further notes that the Draft EIR fails to provide substantial evidence to support the construction schedule and individual phase lengths.

According to the CalEEMod User's Guide, CalEEMod allows for changes to be made to the default model and for the user to provide justification for the change. The justification for any change to the default model must be supported by substantial evidence under CEQA and cannot be based on unsubstantiated data. The Project Applicant provided the construction schedule within the construction questionnaire, which is noted as justification in CalEEMod. The model inputs and analysis assumptions are provided in detail within Draft EIR Appendix B. Furthermore, CalEEMod 2022 outputs summarize changes to the model defaults in Section 8 (User Changes to Default Data) (see Draft EIR Appendix B).

All of the proposed Project air quality modeling has been conducted in conformance with SCAQMD requirements and applicable CalEEMod protocols. Findings and conclusions of the Draft EIR are not affected. Revisions to the EIR are not required.

Response A5-40

The commenter asserts that the methodology for air quality construction emissions is incorrect. The City disagrees. See response A5-39. As discussed above, CalEEMod User's Guide allows for changes to the model for project specific parameters. No further response or changes to the EIR are required.

Response A5-41

The commenter asserts that the Draft EIR does not clearly describe the extent of demolition and that the CalEEMod modeling may underestimate construction emissions due to an "unsubstantiated amount" of demolition debris.

As described in **Section 3.0: Project Description** of the EIR, demolition would be limited to "a World War II-era bunker structure and rail spurs in the southern portion of the project site and an underground transformer on the northwestern portion of the project site along Lowell Street." The 4,750 square feet of demolition reflected in CalEEMod represents an estimate of the minor amount of material on-site to be removed. This assumption was included to ensure that any limited demolition-related emissions were captured in the construction emissions analysis.

Because demolition activities are minor compared to the overall construction effort and were included in the CalEEMod inputs, the modeling does not underestimate construction emissions. The estimated emissions presented in the Draft EIR remain representative of expected conditions and adequate for determining significance under CEQA. Therefore, no revisions to the EIR or its conclusions are required.

Response A5-42

The commenter asserts that the Project may contribute to a disproportionate health risk impact to the community. See Responses A5-5 and A5-6. The Draft EIR evaluated cancer health risk to the community,

see Table 4.2-13 in **Section 4.2: Air Quality** of the EIR. Project cancer risk was below SCAQMD thresholds of 10 in one million. Therefore, per SCAQMD guidance, if an individual project does not exceed a threshold it would not have a cumulatively significant impact. Revisions to the EIR are not required.

Response A5-43

The commenter describes CalEPA's CalEnviroScreen 4.0 tool and identifies the Project's census tract ranking. No comment is provide and response is required.

Response A5-44

The commenter asserts that the Project may worsen disproportionate health risks to the community. Senate Bill 1000 requires cities and counties to integrate environmental justice elements into the planning process. As it applies to the City's General Plan, the Environmental Justice General Plan Element was adopted by the City on December 10, 2024 and is addressed in the Draft EIR. See response A5-42.

Response A5-45

The commenter notes that greenhouse gas emissions and air pollutants from warehouses should be evaluated cumulatively. See Responses A5-5 and A5-6.

Response A5-46

The Warehouse CITY dashboard is a community-based visualization tool developed by the Redford Conservancy at Pitzer College and Radical Research LLC to illustrate cumulative warehouse impacts in Southern California. While the dashboard provides regional context, CEQA requires that cumulative impact analysis for this project be based on substantial evidence and accepted methodologies (e.g., CalEEMod modeling, SCAQMD guidance, and project-specific data). Therefore, the tool was not used as the primary basis for CEQA significance determinations but may inform broader discussions on regional trends and environmental justice considerations. Please also see response A5-42.

Response A5-47

The commenter claims diesel particulate matter (DPM) emissions were inadequately evaluated due to age sensitivity factors (ASFs) not being accounted for in the Draft EIR's Appendix C page 25. The specific ASFs used in the health risk modeling are shown on Draft EIR Appendix C page 18 and 19, as well as throughout the appendix of Draft EIR Appendix C; refer to Health Risk Assessment Appendix A. The equation specific to each modeling scenario, which includes ASFs, is also shown in Health Risk Assessment Appendix A.

The commenter identified a typographical error in the equation shown on Appendix C page 25, which has been corrected and is shown below and in Final EIR Section 3.0, Errata. This correction does not change the analysis provided in the EIR. No further response or changes to the EIR are required.

> To estimate the cancer risk, the dose is multiplied by the cancer potency factor, <u>the ASF,</u> the exposure duration divided by averaging time, and the frequency of time spent at home (for residents only):
>
> $$Risk_{inh\text{-}res} = (Dose_{air}*CPF*\underline{ASF*}(ED/AT)*FAH)$$
>
> $Risk_{inh\text{-}res}$ = residential inhalation cancer risk (potential chances per million)
> $Dose_{air}$ = daily dose through inhalation (mg/kg-day)
> CPF = inhalation cancer potency factor ($mg/kg\text{-}day^{-1}$)

ASF = age sensitivity factor for a specified age group (unitless)
ED = exposure duration (years)
AT = averaging time of lifetime cancer risk (years)
FAH = fraction of time spent at home (unitless)

Response A5-48

The commenter provides a summary of the Draft EIR's GHG findings, states that under CEQA the Draft EIR must implement all feasible mitigation measures, and argues that additional feasible mitigation measures are available. Refer to Response A5-49 for information on the City's review of the commenter's suggested GHG mitigation measures.

Response A5-49

The commenter asserts that the Draft EIR should include additional mitigation measures to further reduce the Project's GHG emissions and suggests several measures purported to be feasible. These include requirements for future tenants occupying the Project to use advanced transportation technologies, alternative vehicle fuels, alternative generator fuels, and advanced building construction methods, as well as train staff. The Project will install solar photovoltaic (PV) panels or other source of renewable energy generation on the site, or will otherwise acquire energy from the local utility that has been generated by renewable sources, such that either option will provide 100 percent of the expected building electrical load. The building will be designed to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application; see MM GHG-1 and GHG-2. MM AQ-4 requires the preparation of a Transportation Demand Management (TDM) program, detailing strategies that would reduce the use of single occupant vehicles by employees, and MM AQ-5 requires non-diesel cargo handling equipment.

However, the commenter provides no evidence demonstrating that additional measures are feasible for the City to monitor or for the Project Applicant to implement. This is particularly true with respect to zero-emission heavy-duty truck technology, which is not yet widely or commercially available. No substantial evidence has been provided showing how such technology could realistically be used by Project tenants or that the local electricity provider, Southern California Edison, has sufficient capacity to meet the energy demands of an all-electric heavy-duty truck fleet for a facility of this size.

Moreover, the commenter offers no evidence that the suggested measures would actually or substantially reduce the Project's GHG emissions. CEQA does not require the adoption of every conceivable mitigation measure but only those that are feasible and would "substantially lessen" a project's significant effects (Public Resources Code § 21002). As the court explained *in San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519, a lead agency's duty to require mitigation applies only when such measures would avoid or substantially lessen significant effects; "the agency need not, under CEQA, adopt every nickel and dime mitigation scheme brought to its attention." Likewise, *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 365, confirms that an EIR should focus on mitigation that is feasible, practical, and effective.

As demonstrated in the Draft EIR and supported by substantial evidence in the record, the Project already incorporates all feasible mitigation measures capable of substantially reducing its GHG emissions. Therefore, no additional mitigation measures or revisions to the EIR are required.

Response A5-50

The commenter recommends the consideration of local carbon offset programs to reduce as a last resort. Refer to Response A5-49. As discussed in Response A8-4, reliance on carbon offsets cannot ensure enforceable or effective mitigation under CEQA.

Response A5-51

The comment suggests the Draft EIR should be revised to include all feasible GHG mitigation measures. Refer to Response A5-49 regarding all feasible GHG mitigation measures. No revisions to the EIR are required.

Response A5-52

The commenter's statement is a standard professional disclaimer noting that their review was based on limited information and may be updated if additional data become available. The comment has been noted for the record and no changes to the Draft EIR have been made or are required as a result of this comment.

Response A5-53

This comment is a summary of the commenter's qualifications. The qualification pages of the comment letter are provided in full in **Attachment A**. This comment does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR.

Response A5-54

This comment introduces the letter and summarizes the Project Description. This comment provides a summary statement of the commenter's concerns but does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR. Specific comments on the Draft EIR are provided and responded to below.

Response A5-55

This comment is a summary of the commenter's qualifications. It does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR.

Response A5-56

This comment summarizes the commenter's argument that all wildlife species should be considered in a CEQA review and presents the commenter's definition of "special-status species." It should be noted that the commenter's definition is broader than the one used in the Draft EIR and arguably extends beyond standard industry practice, precedence, and relevant case law. Please refer to **Section 4.3: Biological Resources** of the Draft EIR for a full discussion of applicable regulations and definitions pertaining to identification of special-status species. This comment does not raise any specific issues or questions on the environmental analysis in the Draft EIR. Specific comments on the Draft EIR are provided and addressed below.

Response A5-57

This comment is a summary of two site visits conducted by the commenter's employee. The comment includes photographs taken during the site visits, as well as a list of all wildlife species observed or otherwise detected. This comment does not raise any specific issues or questions on the environmental analysis in the Draft EIR.

Response A5-58

This comment summarizes the number of wildlife species observed during the site visits conducted by the commenter's employee from the perimeter of the project site and argues that habitat for these species would be lost as a result of the proposed Project. The Draft EIR acknowledges and analyzes this loss of habitat; refer to **Section 4.3: Biological Resources**.

Response A5-59

This comment summarizes a predictive analysis conducted by the commenter to justify the assumption that more species are present on the site than would have been observed. Sub-sampling, as was carried out for the Project's biological study, is a standard industry practice to acquire data for technical studies in support of environmental review. Regulatory agency protocols are established for more focused surveys of sites that may support certain special-status species to improve likelihood of detection and adequately analyze impacts on those species. Rocks Biological Consulting conducted numerous surveys at the project site as a part of the EIR technical analyses between October 2024 and June 2025 including focused protocol surveys for burrowing owl, rare plants, and Crotch's bumble bee. Approximately 59 person hours were spent surveying the site resulting in the observation of 75 animal (including insects) and 96 plant species as described in the August 2025 Biological Technical Report (BTR) included as Appendix D to the Draft EIR (see Table 1 page 6 for a summary of surveys conducted and Appendix B of the BTR for the list of species observed). Accordingly, the level of survey effort carried out for the biological resources analysis was in line with industry standards and precedent for a project of this size, type, and location. Additionally, Rocks Biological Consulting has conducted biological field work in Rialto for over two decades. Both field-level and principal biologists are highly qualified to detect plants and wildlife in the area possessing extensive knowledge of the local biological resources. In addition to field surveys and local knowledge, assessments also incorporated information from agency and citizen science databases to evaluate the potential for special-status species to occur. An assessment of the potential for rare small mammal species to be present, such as San Bernadino kangaroo rat, is provided in Draft EIR **Section 4.3: Biological Resources**, Table 4.3-1: Special Status Species Potential to Occur within the Project Site, on page 4.3-13. Habitats were not considered suitable, and the site is isolated from extant populations by adjacent development. Disagreement among experts does not render an EIR inadequate. (CEQA Guidelines § 15151).

Response A5-60

The commenter opines that the wildlife community associated with the project site was not accurately characterized. The City disagrees with the opinion of the commenter. As explained in response to Comment A5-59, the background review conducted and level of survey effort carried out at the project site is in line with standard industry practice, regulatory agency accepted protocols, and precedent for CEQA review, and provides adequate information for the public and decision-makers to consider potentially significant project consequences. Draft EIR **Section 4.3.4: Methodology**, pages 4.3-15 through 4.13-16 and pages 6 through 10 of the BTR in Appendix D detail the background review, site reconnaissance, and focused field survey methods. No further response is required.

Response A5-61

The comment summarizes CEQA objectives and the need to establish baseline conditions at a project site, claiming that more surveys were needed to adequately characterize the project site. See response A5-59 and A5-60 above, which summarize the numerous biological surveys conducted at the site. Biological

surveys carried out by Rocks Biological Consulting entailed 10 separate survey events and captured seasonal variation (fall, winter, spring, early summer) providing more than adequate data on existing site conditions. No further response is required.

Response A5-62

The comment is a summary of Rocks Biological Consulting's biological site surveys (reconnaissance and focused burrowing owl) and the number of wildlife species (and special-status species) observed during those surveys. In addition, Rocks Biological Consulting conducted rare plant and Crotch's bumble bee surveys that are not acknowledged by the commenter (see detailed response A5-59 above). The commenter questions the meaning of the findings regarding the number of wildlife species observed. This data as presented in the BTR, Appendix D of the Draft EIR, is for the purpose of characterizing the site's biological conditions, as required by CEQA and pointed out by the commenter in Comment A5-61. CEQA does not require an analysis or comparison of the survey findings between unrelated project sites as is suggested by the commenter. Rocks Biological Consulting's survey findings at other project sites are irrelevant from a CEQA standpoint as well as a biological perspective, as project sites surveyed by consultants vary widely in size, location, and habitat quality. Thus, comparisons cannot be drawn out of context. Furthermore, the commenter does not include the unrelated survey reports in their literature cited list, so it is unclear which project sites are being compared.

Response A5-63

The commenter references biological surveys conducted by Rocks Biological Consulting at other project site and questions why the findings for the proposed Project are not compared to other (unnamed/undisclosed) sites. See Response A5-62. The results of surveys at select other project sites are not relevant as the site location, size, habitat quality, and focused survey requirements may have been substantially different. No further response is needed.

Response A5-64

The commenter more species were detected on the project site than on other (unnamed/undisclosed) sites. See Response A5-62 and A5-63.

Response A5-65

The commenter notes that surveys conducted at other sites by the commenter's biological consultant had fewer resources. This comment is noted for the record but is irrelevant to the proposed Project; see Response A5-62 and A5-63.

Response A5-66

The commenter suggests that the non-breeding season burrowing owl surveys should have been done over greater time intervals. As shown on Draft EIR **Section 4.3: Biological Resources**, Table 4.3-2: Summary of Biological Surveys Conducted on page 4.13-6, non-breeding season surveys for burrowing owl were spaced out over the fall 2024 and winter 2025 period with surveys beginning in October and ending in late January. Additionally, as noted in **Section 4.3: Biological Resources,** page 4.13-19, focused surveys conducted at the site in spring and summer 2025 included inspection of potential habitat for burrowing owl. Thus, seasonal variability in owl presence/absence was adequately covered by the surveys. Additionally, the Draft EIR impact analysis assumes that future occupancy of the site by burrowing owl is a possibility and is addressed accordingly through mitigation measures to reduce and/or avoid potential impacts (see MM BIO-3A and BIO-3B).

Response A5-67

The commenter states that the blooming period for rare plant species with the potential to occur on the site was not identified. The commenter is incorrect. Draft EIR **Section 4.3: Biological Resources**, Table 4.3-1: Special Status Species Potential to Occur within the Project Site, on pages 4.3-8 through 4.3-9 identifies the blooming periods of special-status plant species with potential to occur in the project region. As demonstrated by this table, focused rare plant surveys were conducted during the seasonal timeframe (May and June) when those species identified as having a reasonable potential to occur on site would have been detectable. Reference sites for Parry's spineflower were not necessary as this species was detected on site. All other potentially occurring species were considered to have a low or very low potential, and thus identification of reference sites was not warranted or feasible as the habitat for such species is lacking.

Response A5-68

The commenter suggests that the literature and database reviews and consultation with local experts was inadequate. Special-status species evaluated for their potential to occur on site are listed in Draft EIR **Section 4.3: Biological Resources**, Table 4.3-1: Special Status Species Potential to Occur within the Project Site, on pages 4.3-8 through 4.3-13, and as noted a full list is presented in the BTR in Appendix D, Table 4. Standard databases were reviewed to assist in creation of these lists although other sources, including professional experience and local expertise, augment the database information. As stated in **Section 4.3: Biological Resources,** on page 4.3-7, and page 7 of the BTR included as Appendix D, database results, along with local biological knowledge, were used for assessment of special-status species' potential for occurrence on or adjacent to the project site. If surveyors had determined a special-status species had a moderate or high potential to occur based on conditions observed on site, the species would have been disclosed and assessed – whether it had been identified in the desktop analysis or not, as there is concurrence that database absence does not prove site absence. The potential for special-status species to occur at the project site was refined by considering the habitat affinities of each species, field habitat assessments, vegetation mapping, and knowledge of local biological resources which, although not specifically stated in the methodology, includes review of iNaturalist and eBird – hence these sources are cited on page 52 of the BTR which is included as Appendix D to the Draft EIR. This methodology corresponds to standard industry practice for developing potential to occur lists for project sites.

Response A5-69

The commenter questions the use of a three-mile buffer for the special-status species database search. A three-mile database query buffer was considered adequate to capture occurrences in the area of the site given its proximity to urban development and is an acceptable local lead agency practice for CEQA review. Other resources are reviewed and local knowledge incorporated as part of the background review as described in response to Comment A5-68, not merely the three-mile database search. Thus, screening of other species that are not necessarily included in Draft EIR **Section 4.3: Biological Resources**, Table 4.3-1: Special Status Species Potential to Occur within the Project Site, occurred as part of the review process. Those species for which potential habitat is present are documented within three miles, and/or have a heightened sensitivity status are included for further evaluation. The commenter indicates that some of the special-status species identified as having a low or no potential to occur have been documented within two miles of the site, questioning this determination. Potential to occur on site is not merely based upon proximity to the site. As described in the response to Comment A5-68, habitat suitability is evaluated in the field to further refine a species' potential for occurrence. Species excluded from discussion were not

expected or were considered to have a low likelihood of occurrence due to a lack of suitable habitat features or only marginal habitat suitability on site, as detailed in **Section 4.3: Biological Resources**, Table 4.3-1: Special Status Species Potential to Occur within the Project Site. Further, the City does not concur with the commenter's claim that a set number of special-status species occur on site merely based on their presence within a 4-mile radius. Varying sites have vastly different species richness and diversity based on many factors (e.g., habitat/vegetation types, quality and diversity, site size, urban disturbance, fragmentation and isolation). Lastly, the potential for occurrence determinations are made during the field survey, not during desktop review; no species were screened out during the initial database search.

Response A5-70

The commenter opines that the wildlife community was not adequately characterized. The methods employed to characterize the wildlife community are in line with industry standards and accepted lead and regulatory agency protocols as described in Response A5-59 through A5-62, A5-68, and A5-69.

Response A5-71

This comment provides a table of special-status species that have been recorded in natural resource databases within 30 miles of the project site. Please reference the response to Comment A5-69 regarding the methodology used by Rocks Biological Consulting to narrow down the list of species analyzed in the Draft EIR and BTR included as Appendix D. A broader list (as provided in this comment) which encompasses habitats and ecoregions far beyond that of the project site is not necessary for evaluation of Project impacts and CEQA adequacy.

Response A5-72

This comment provides an introduction to a discussion of impacts provided by the commenter and indicates impact analysis in the Draft EIR is not adequate, but does not identify specific analyses that are inadequate or lacking. More specific comments on the Draft EIR are provided and addressed below.

Response A5-73

The commenter opines that the loss of migratory birds would be a significant and unavoidable impact. The commenter provides a mathematical equation (nests per acre) from an unrelated site in Murietta. The opinion of the commenter are not based on factual information for the project site. Estimation of nest density is not required under CEQA and is not standard industry practice for species that are not considered rare under CEQA thresholds. Nesting birds are protected by the Migratory Bird Treaty Act and California Fish and Game Code as discussed in **Section 4.3: Biological Resources** on page 4.3-1. These regulations protect against direct take of active nests; they do not regulate future reproductive success of individual birds as such extrapolations are not required for common (i.e., non-rare) wildlife species under CEQA significance criteria. As required by MM BIO-5A, a pre-construction nest survey will be required prior to project development in compliance with State and federal law to avoid loss of individual birds and active nest sites. Accordingly, the Project will reduce impacts to these resources to a less than significant level per CEQA requirements.

Response A5-74

The commenter states that because wildlife was observed on the site, including migratory birds, the site is important to wildlife movement. As discussed in **Section 4.3: Biological Resources** on page 4.3-14, the site is surrounded by existing development, creating barriers to dispersal by overland wildlife movement, and is not identified as a corridor in CDFW biogeographic mapping. Accordingly, the site does not likely

function as part of a regional wildlife corridor as discussed in **Section 4.3: Biological Resources** on page 4.3-23. The analysis recognizes that native habitat on site could be utilized "by wildlife as a refuge between larger areas of naturally occurring habitat" and these natural areas are identified for the regional vicinity. Additionally, it is acknowledged that species capable of flight may use the site as a stepping-stone refuge. Thus, the assertion in this comment that only absence of a "movement corridor" was analyzed is inaccurate. The potential impacts associated with the loss of the site as a movement refuge for some species is disclosed and analyzed accordingly based on CEQA significance criteria.

Response A5-75

The commenter states that the Draft EIR does not address wildlife injury and mortality from vehicles. Traffic impacts and potential vehicle strikes are addressed in **Section 4.3: Biological Resources** on page 4.3-19; this analysis is related to burrowing owl. To minimize the potential for vehicle strikes, MM BIO-2 requires a construction vehicle speed limit of 15 miles per hour. Additionally, construction will occur during daylight hours to avoid impacts on nocturnal species such as coyote and raccoons, both of which are discussed in this comment as a concern for vehicle strikes. Post-construction vehicle speed limits will be equivalent to those of existing traffic for the area which is already surrounded by developed roadways and urbanization. The road mortality data sources cited in the comment are from substantially different settings as they relate to animal populations (Canada) and setting (rural roads). Species compositions, density, and behavior would be substantially different and thus these data are not comparable to the project site which is located among dense urbanization and existing human activity.

Response A5-76

The commenter states that the Draft EIR does not address wildlife injury and mortality from vehicles. Extrapolation of mortality rates from data collected on Vasco Road in eastern Contra Costa County is not appropriate for this site. Vasco Road, located in the east San Francisco Bay Area outside of urban and suburban development boundaries, is surrounded by thousands of acres of open space consisting of native grassland and oak savanna habitats. In contrast, the project site is generally bordered by urban development including warehouses, industrial office uses, a rock quarry, and landfill. As such, the species composition near the project area will be skewed to urban-adapted species as opposed to those species associated with native habitats. Additionally. wildlife densities will be naturally lower as habitat availability for wildlife is substantially reduced in an urban setting.

Response A5-77

The commenter opines that although the direct biological impacts of the Project would be mitigated, the Project would have cumulative biological impacts. The Project will compensate for overall habitat loss as discussed in this comment. **Section 4.3: Biological Resources**, pages 4.3-5 through 4.3-6 and Table 6 of the BTR included as Appendix D of the Draft EIR, identify impacts of up to 28.7 acres of vegetated habitat at the site. The remaining lands in the project area (15.6 acres) are considered developed/disturbed, providing little to no habitat value. As required by MM BIO-1 and MM BIO-4B, impacts to Parry's spineflower and Crotch's bumble bee habitat will be compensated for at a minimum 1:1 ratio. Habitat mitigation lands preserved for these species, offsetting the loss of 28.7 acres of vegetated land, will benefit other native plant and wildlife species occurring in the region and contribute to regional conservation efforts. Compensatory mitigation lands will be of higher quality than the project site lands as they must be characterized by highly suitable habitat for the target species, be placed in a Conservation Easement, and be managed for long-term habitat viability in perpetuity. Thus, there will be a net

cumulative habitat benefit associated with the Project as opposed to a cumulative loss as suggested in the comment.

Response A5-78

The commenter suggests that rare plant mitigation plan has been deferred. **Section 4.3: Biological Resource** of the Draft EIR, inclusive of MM BIO-1 prescribe criteria for the mitigation plan and mitigation site selection, both of which would be reviewed and approved by the lead agency and CDFW. As described in MM BIO-1, the selected site must either support or be enhanced to support the sensitive plant species found at the site. Further, the measure sets a minimum mitigation ratio that must be achieved. CEQA requires that mitigation must be feasible and as such, this mitigation measure was vetted accordingly before inclusion in the Draft EIR. (See Public Resources Code § 21061.1; CEQA Guidelines § 15364).

Response A5-79

The commenter suggests that mitigation based on acres impacted is not correct. As described in MM BIO-1 in **Section 4.3: Biological Resource**, the mitigation area, either occupied or enhanced/restored to be occupied, must be commensurate to the area occupied by Parry's spineflower on the project site. This would be based on both the extent of occupied habitat (polygons) and density of plants found at the impact site as shown on Figure 2 of the BTR included as Appendix D. Both occupied habitat polygons and the number of individual plants detected are provided on Figure 2. Since occupied habitat also includes a seedbank, the population could be underrepresented if mitigation was based only on the number of individuals found in a single year. A mitigation approach based on occupied habitat acreage, as proposed by MM BIO-1, achieves a more accurate compensatory mitigation area to adequately reduce impacts. Comment regarding mitigation timing is acknowledged, and the measure introduction has been revised as follows (addition underlined):

> **MM BIO-1: Rare Plant Mitigation Plan.** Parry's spineflower (CRPR 1B.1) is present on site and impacts are unavoidable; therefore, compensatory mitigation shall be provided to offset impacts. A rare plant mitigation plan shall be prepared and implemented by the applicant or its designee <u>prior to the onset of grading activities</u>….

Response A5-80

The commenter suggests a mitigation ratio of 5:1. The commenter does not provide evidence to support this suggested ratio. CEQA Guidelines allow reduction of potentially significant impacts through implementation of mitigation measures, and a less than significant level of impact is the threshold to be achieved through mitigation. Lead and responsible agencies establish significance criteria based on the sensitivity level of the resource. A "no net loss" standard for mitigation is not required by CEQA unless specified by a responsible agency as a regulatory requirement (i.e., in the case of State jurisdictional waters). There is no such "no net loss" policy for non-listed CRPR species and a minimum 1:1 compensation ratio achieves the less than significant impact threshold accordingly.

Response A5-81

The commenter states that the EIR does not address the success of Parry's Sunflower mitigation associated with other projects. An establishment monitoring period will be carried out to measure success of the mitigation as described in MM BIO-1. The mitigation plan will describe steps to be implemented if site monitoring results fall short of the success criteria and corrective actions to be taken until success is

achieved. The mitigation approach is in line with regulatory and lead agency mitigation standards for special-status plant species and has proven successful for rare plants in a variety of southern California habitats. As is also industry standard, a qualified botanist with knowledge of the specific species requirements will assist with preparation and implementation of the plan as described in MM BIO-1 to facilitate its efficacy.

Response A5-82

The comment is noted regarding study results that developed sites have less wildlife compared with undeveloped sites; however, this study did not take into account a survey of compensatory habitat mitigation lands that may have been required to offset development of the subject project sites. Without this comparison, it cannot be concluded that there is an overall loss of biodiversity. There is concurrence that Workers Environmental Awareness Protection (WEAP) training should not interfere with worker safety. Standard practice is for WEAP training to occur prior to the start of work at the project site and as required by MM BIO-2J to avoid this issue. MM BIO-2J states "all construction staff shall attend the WEAP training presentation prior to beginning work on site."

Response A5-83

The comment is noted regarding burrowing owl candidate listing, which is consistent with the status discussion provided in **Section 4.3: Biological Resources** on page 4.3-19. Coordination with CDFW has already occurred regarding the burrowing owl findings at the project site, and additional consultation would be required if results of pre-construction surveys are positive outline in MM BIO-3B. See response to Comment A5-66 regarding adequacy of the site surveys for burrowing owl.

Response A5-84

The commenter states that MM BIO-3B is not sufficient and CDFW consultation must be done before the EIR is certified. See Response A5-30. CDFW consultation has occurred and would continue if burrowing owl is positively identified through implementation of MM BIO-3A and as required by MM BIO-3B.

Response A5-85

The commenter states that the applicant needs to consult with CDFW regarding the Incidental Take Process. CDFW has been consulted, and the Project has already applied for an Incidental Take Permit for Crotch's bumble bee as required by MM BIO-4B. On November 25, 2025, CDFW determined that the application was complete.

Response A5-86

The commenter references comment A5-85. See Response A5-85.

Response A5-87

The commenter references comment A5-85. See Response A5-85.

Response A5-88

The commenter opines that the conservation benefits of MM BIO-5A would be de minimis. See Response A5-73.

Response A5-89

The comment suggests that MM BIO-5B allows for a subjective determination of a buffer area. The City disagrees. MM BIO-5A requires that a "qualified biologist" implement the measure to avoid take of active

avian nest sites. Industry standards indicate a certain level of education and training to be considered "qualified" to make avoidance recommendations and carry out compliance monitoring for nesting birds. Contrary to the statement in this comment that the measure is not enforceable, the City as the lead agency has oversight of implementation of avoidance measures (project conditions of approval) as part of the MMRP required for compliance with the adopted CEQA document. Project conditions of approval are public knowledge, and although accountability for implementation is assumed by technical professionals and the lead agency, implementation occurs within the view of the public at the project site with records of compliance maintained by the City for public review.

Response A5-90

The comment suggests that surveys have been deferred. This is incorrect. As described in the response to Comment A5-59, numerous surveys of the site have been conducted by Rocks Biological Consulting as a part of the Draft EIR (Draft EIR Appendix D), which included documentation of sensitive lizard species (coastal whiptail). Surveys conducted are in conformance with standard lead and regulatory agency protocols required for CEQA review. Survey protocols specific to lizards that are species of concern have not been established by the local or regulatory agencies, nor are they required as these species are not considered rare as defined by CEQA and recent caselaw. Nonetheless, the detection of coastal whiptail during biological surveys is indicative of site surveys being thorough and technically defensible. Although not detected, two other special-status lizards (coast horned lizard and Southern California legless lizard) are considered to have a potential to occur on site, and potential project impacts are analyzed in **Section 4.3: Biological Resources** on pages 4.3-21 and 4.3-22. Accordingly, MM BIO-6B is proposed to reduce potential impacts to these species to a less than significant level.

Response A5-91

The commenter makes several assumptions to draw the conclusion that moving lizards out of harm's way is cruel and unethical. First, this comment assumes that nearest available suitable habitat is already occupied by the special-status lizard species that may be relocated. Secondly, it assumes that the occupied habitat is at its carrying capacity. The commenter predicts that social chaos would occur if lizards are moved into habitat already occupied by the same species. Lizards are mobile and dispersal (the movement of animals from one area to another, often from their birth site to their breeding site) is a natural and frequent process. Thus, relocation from the site would mimic natural dispersal movements. In addition, not all lizards are territorial. This measure relates to coastal whiptail, coast horned lizard, and Southern California legless lizards. Southern California legless lizard is not territorial and can live in high densities. Whiptails and coast horned lizards are also non-territorial and often have overlapping home ranges with other individuals of the same species. Relocation of individuals out of harm's way is a standard avoidance practice that is acceptable mitigation for reptile species considered California Species of Special Concern. This mitigation measure is consistent with standard industry practice and adequately reduces potential impacts during construction to a less than significant level. The relocation activities would also be coordinated with the relevant regulatory agency (CDFW) as required by the mitigation measure. As discussed above, there is no biological basis for the argument that the avoidance measure is cruel and unethical.

Response A5-92

The commenter suggest that funding to a wildlife rehabilitation center be provided. The commenters suggestion is noted. Compensatory mitigation for project impacts will be provided per MM BIO-1 and MM

BIO-4B. See Response A5-75 and A5-76 regarding the potential for vehicle collisions. Biological resource mitigation measures will minimize the potential for wildlife injury as a result of the Project.

Response A5-93

The commenter suggests that California native plant landscaping be provided. Landscaping with native plants is generally preferable to non-native landscaping from a strictly biological perspective; however, it is not necessary to avoid or reduce significant impacts. As prescribed in BIO MM-2i, avoiding the use of invasive plants in landscaping would be required to reduce the potential for indirect impacts to natural habitats, plants, and animals in the region from weed infestations. Landscape planning must take into account local regulations and standards and also what is feasible in an urban environment based on irrigation limitations and requirements for fire hazard/brush management. The development of the project site is infill adjacent to already existing development and maintenance of native plant resources for a buffer native species is not necessary, as adjacent lands are urbanized. The comment also cites the need for host plants for endangered and threatened insects, including monarch butterfly; however, these species do not occur or have very low potential to occur within the immediate project vicinity, as documented in **Section 4.3: Biological Resources** on page 4.3-9. The only endangered or threatened insect identified by biological surveys focused on detection of sensitive insects was Crotch's bumble bee, which does not have a specific host plant and will readily nectar on non-native, and even invasive, plant species if the length of the flower's corolla is suitable. It is acknowledged that landscaping with native plants can lead to less water and maintenance requirements in some cases; however, this is not consistent for all native species. In many cases, successful landscaping with natives can result in increased maintenance requirements and often must be performed by native restoration experts. The City has oversight of landscaping design and will approve plans aligned with their policies related to allowable species, fire management, and water requirements.

Response A5-94

This comment includes the literature citation for the biological resources commenter from Shawn Smallwood, PhD. The citation pages of the comment letter are provided in full in **Attachment A**. This comment does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR.

Comment Letter A6: Californians Allied for a Responsible Economy (CARE CA)

CARECA

October 20, 2025

Honorable Mayor and City Council
City of Rialto
150 South Palm Avenue
Rialto, CA 92376

Letter of Support for the Proposed Locust Gateway Development Project

Dear Mayor Joe Baca, Mayor Pro Tem Ed Scott, and Council members Andy Carrizales, Karla Perez, and Edward Montoya Jr.,

I am writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to express our strong support for the proposed Locust Gateway Development project ("Project"). The Project addresses environmental sustainability while providing important economic development for the city.

CARE CA recognizes that the applicant is approaching the Project in an environmentally sensitive manner, which aligns with our mission to encourage sustainable development and ensure a safe working environment for all. Environmentally friendly projects support a livable climate in Southern California where everyone can thrive by making the region more desirable for new businesses, new visitors, and new residents.

In addition, the Project will create numerous high-quality jobs by using a trained and professionalized local work force during construction, which aligns with our support for working families in the region and the City. Furthermore, we understand that operation of the Project will create substantial economic benefits for the City and region through increased property values, enhanced tax revenue, and the direct and indirect benefits of redeveloping a primarily vacant site. This type of economic development and investment has a beneficial effect on the residents and communities in the region.

Therefore, on behalf of its members and affiliates, CARE CA strongly supports the Project. We ask that the City approve the Project at its earliest convenience. We look forward to the Project being built so it can deliver jobs to the region and reoccurring economic benefits to the City.

A6-1

Sincerely,

Jeff Modrzejewski
Executive Director

Response A6-1

This comment acknowledges support for the Project by Allied for a Responsible Economy (CARE CA). The letter of support does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR. No further response is required.

Comment Letter A7: Center for Community Action and Environmental Justice (CCAEJ)

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
"Bringing People Together to Improve Our Social and Natural Environment"

October 20, 2025

City of Rialto
Attn: Daniel Casey, Principal Planner
150 S. Palm Avenue
Rialto, CA 92376
Submitted via email to dcasey@rialtoca.gov.

Re: Locust Gateway Development Project Draft Environmental Impact Report (SCH #2024061274)

Dear Daniel Casey,

This letter is being written on behalf of the Center for Community Action and Environmental Justice (CCAEJ) to respond to the Draft Environmental Impact Report (DEIR) for the proposed Locust Gateway Development Project that would be built there in the city. After reviewing the documents, there are a few concerns with the Project and making sure that it does not overburden the community. A7-1

The biggest concern is for the routing of trucks from the Project. While the site is already part of the Airport Specific Plan and zoned industrial, we would like to ensure that truck traffic accessing the site is only able to do so via the correct routes and is **not** able to go through communities to reach the Project. While it is good to see that there are several references to Locust being the truck route that would serve the Project, it is important to ensure that trucks are dissuaded from using other routing such as Ayala north of Casmalia and Bohnert to access the Project. This is crucial to ensuring that truck traffic is not introduced into more residential areas of the city as a result of the Project. A7-2

Thank you for your time and consideration of this matter. If there are any future concerns, please do not hesitate to reach out for clarification. A7-3

Sincerely,

Marven E. Norman
Environmental Policy Analyst

CCAEJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, CCAEJ's founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow Acid Pits' being declared one of the first Superfund sites in the nation. *CCAEJ* prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.

Mailing Address
PO Box 33124
Jurupa Valley, CA 92519
www.ccaej.org

Response A7-1

This comment is an introduction to the comments provided by the Center for Community Action and Environmental Justice (CCAEJ) and does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR.

Response A7-2

The City acknowledges CCAEJ's comment pertaining to the Project using truck routes to access the site so as to not introduce truck traffic to residential communities. The City concurs with the commenter's concern for truck traffic and would condition the Project to use designated truck routes, thereby ensuring Project truck traffic would not go through residential communities. This comment does not raise a substantive issue on the content of the Draft EIR, no further response is required.

Response A7-3

This comment is a concluding comment that does not raise any specific issues or questions on the environmental analysis provided in the Draft EIR.

Late Comment Letter A8: Advocates for the Environment

October 29, 2025

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

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

Via U.S. Mail and email to dcasey@rialtoca.gov

Re: Comments on Draft Environmental Impact Report for Locust Gateway Development Project, SCH No. 2024061274

Dear Mr. Casey:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the Locust Gateway Development Project (**Project**). The Project Site is located at the southwest corner of Locust Avenue and Lowell Street in the City of Rialto (**City**). The Project proposes to develop the 40-acre Project Site by constructing a 664,859 square feet warehouse, inclusive of 7,713 square feet of ancillary office space, 365 vehicle parking stalls, 398 trailer parking stalls, and a fence-secured dock area with 82 dock doors. We have reviewed the DEIR prepared in September 2025 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**). A8-1

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero. A8-2

Environmental groups have achieved incredible outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch

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(now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D, pp. 24-26.)

A8-2

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would help protect the City and the Applicant from CEQA GHG litigation.

CEQA GHG Significance Analysis

The calculated project-related emissions amount to 10,172 metric tons of carbon dioxide equivalent (**MTCO2e**) per year (DEIR, p. 4.7-19). The City adopted a significance threshold based on Appendix G of the CEQA Guidelines: GHG emissions would be significant if the Project would (1) "Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment." (**Threshold GHG Emissions-1**); or (2) "Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (**Threshold GHG Emissions-2**). (DEIR, pp. 4.7-16 – 4.7-17.) Based on this, the City concluded that the Project would have significant and unavoidable GHG emissions under Threshold GHG Emissions-1 and a less than significant impact under Threshold GHG Emissions-2. To reduce this identified significant GHG impact, the GHG Analysis offered Air Quality Mitigation Measures (**MM-AQ**) 2–5, and GHG Mitigation Measures (**MM-GHG**) 1–4. (DEIR, p. 4.7-17.)

A8-3

Infeasibility Finding Lacks Substantial Evidence

The City's conclusion that the Project would not be able to achieve any mitigation beyond which was identified in the proposed mitigation measures is not supported with substantial evidence. The DEIR should have proposed more mitigation measures to be applied to the

A8-4

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maximum-feasible extent in order to justify the conclusion that the Project's GHG impact would be unavoidable due to lack of feasibility of further mitigation. While the proposed mitigation measures are a good start, the City did not demonstrate that these actions would represent the maximum feasible mitigation to support a finding that the Project's impact would be significant and unavoidable.

CEQA requires that the lead agency identifies specific reasons for the infeasibility of further mitigation when concluding that a significant and unavoidable impact will occur. There are other readily available mitigation measures, and some of the individual proposed mitigation measures could be modified to provide further mitigation.

Around 93 percent of the Project's GHG impact originates from mobile sources, which the mitigation measures were not focused on reducing. (DEIR, p. 4.7-25.) Truck emissions alone make up 79% of the Project's mobile emissions.[1] The City claims that mobile emissions are not controllable, and therefore not feasible to mitigate, stating: "neither the Project Applicant nor the City has control over these [mobile] standards." (DEIR p. 4.7-18.)

A8-4

Still, the City has the ability to directly and indirectly control the emissions associated with this Project by imposing feasible mitigation measures to reduce emissions from trucks serving the Project. For instance, the City could mandate that the applicant's lease agreements include clauses limiting the use of heavy-duty diesel trucks, or that tenants' vehicle fleets use non-diesel fuels such as gasoline, ethanol, or biofuels. Additionally, the City could require the applicant to ensure that future tenants use hybrid or zero-emission commercial vehicles when these become reasonably available and to maintain a charging system for the vehicle fleet powered by solar panels on the Project site, proportional to the number of dock doors. After implementation of measures to the extent feasible, the City could also require the purchase of carbon offsets to reduce emissions from the Project, including offsetting mobile emissions. This kind of mitigation is both feasible and necessary to achieve the Project's fair share of emissions reductions. Thus, the conclusion that further mitigation is infeasible was not supported by substantial evidence.

The City Should Have Found a Significant Impact Under Threshold GHG Emissions-2

The DEIR analyzed consistency with the 2022 CARB Scoping Plan, the City of Rialto Climate Adaptation Plan (**CAP**), and the 2024–2050 Regional Transportation Plan/Sustainable Communities Strategy (**Connect SoCal RTP/SCS**). Due to inadequate analysis, the DEIR overlooks the Project's conflict with the 2022 Scoping Plan, while failing to acknowledge and analyze all applicable GHG reduction plans.

A8-5

[1] $(\frac{8{,}029\ MTCO2e}{10{,}172\ MTCO2e}) \times 100 = 78.93\%\ (DEIR, p.\ 4.7-19)$

The 2022 CARB Scoping Plan places particular emphasis on decarbonizing industrial facilities by "displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions." (2022 CARB Scoping Plan, p. 208.) Based on the analysis provided in the EIR, the Project does not appear to meet this objective. It's continued reliance on diesel fuel in construction equipment, heavy-duty trucks, and emergency backup generators creates a conflict with the Scoping Plan. (See DEIR, p. 4.2-14, 4.5-15.)

A8-5

The DEIR Should Have Analyzed All Applicable Plans

The City chose, as its second GHG threshold, whether the Project would "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (DEIR, p. 4.7-17.) This language requires that the EIR analyze the Project's consistency with *all* other applicable plans, not just the plans that the City prefers to analyze.

The 2017 Scoping Plan was developed to help California comply with SB 32, which mandates a 40% reduction in GHG emissions below 1990 levels by 2030 (Health & Safety Code § 38566). The EIR does not explain how the Project aligns with these objectives or the 2050 goal of reducing emissions by 80% below 1990 levels. Moreover, the 2017 Scoping Plan sets statewide per capita GHG emissions targets of 6 MTCO2e by 2030 and 2 MTCO2e by 2050 (CARB Scoping Plan, p. 99). With the Project's per-service population GHG emissions of 16.8 MTCO2e/capita the Project significantly overshoots the 2050 target.[2]

A8-6

The Project significantly overshoots the 2050 target with GHG emissions of 18 MTCO2e per service population. Given that the 2050 target must be achieved within the Project's operational lifespan, it is evident that the Project will remain inconsistent with the 2017 Scoping Plan's long-term goals. Therefore, the Project's GHG impact is significant under the second threshold because it directly conflicts with established plans for reducing GHG emissions.

Consequently, the City did not demonstrate that the Project would be consistent with applicable plans, and there is evidence that the Project would have a significant GHG impact under the second threshold because it is inconsistent with applicable plans for the reduction of GHGs.

[2] $10{,}172\ MTCO2e \div 558\ employees = 18.22\ MTCO2e/service\ population$

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The Project's GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, the City's determination that the Project would have a significant cumulative GHG impact requires mitigation of the full extent of the Project's GHG emissions. The DEIR claims that no other mitigation measures are feasible, beyond the identified mitigation measures. But that conclusion is incorrect, and not supported by substantial evidence. A8-7

The amount of GHG emissions that comprises the Project's fair share is clear. The reasonable lifespan of this Project is approximately 30 years as indicated by the amortization of construction emissions. (DEIR, p. 4.7-18.) Therefore, the Project would likely contribute over 305,160 MTCO2e during its entire lifespan.[3] This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before purchasing carbon offsets. A8-8

In addition to implementing zero-emission vehicle fleets to the extent feasible, several on-site mitigation measures are feasible, including exclusive use of electric-powered equipment in construction, installing solar water heaters, and installing automatic light switches, among many other mitigation strategies that can be incorporated in the Project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (**LEED**), that extends further beyond CALGreen requirements.

The DEIR does not consider the use of electric or hybrid construction equipment as a feasible mitigation measure. This Project will rely on diesel-powered construction equipment, which contributes substantially to GHG emissions. (DEIR, p. 4.2-16.) Incorporating electric vehicle (**EV**) or hybrid construction equipment would reduce both short-term construction emissions and long-term operational emissions. A8-9

The DEIR states the Project will comply with CALGreen § 5.106.5.3 mandatory requirements for EV charging infrastructure in nonresidential developments. (DEIR, p. 4.2-34.) The project plans to have 365 vehicle parking stalls, 398 trailer parking stalls, and 82 dock doors. (DEIR, p. 1-1.) Under CALGreen, only 18 vehicle parking stalls would be required to have EV chargers.[4] The DEIR does not consider installing EV charging infrastructure at the Project's 82 dock doors, which could support medium- and heavy-duty electric trucks and reduce transportation-related GHG emissions. It is feasible to exceed CALGreen's minimum requirements by equipping some dock doors with chargers and exceeding the minimum

[3] 10,172 MTCO2e per year × 30 years = 305,160 MTCO2e
[4] 365 *stalls* × 0.20 = 73 *EV capable spaces*; 73 *EV capable spaces* × 0.25 = *approx.* 18 *EVSE spaces*

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requirements for EV chargers. Overall, there are more options available to mitigate emissions to the full extent of the Project emissions, including available measures which are outlined in the California Attorney General's CEQA best practices recommendations for warehouse projects.[5]

A8-9

Carbon Offsets are Feasible as Mitigation Measures

After requiring operational emissions reductions to the maximum feasible extent, the City could also require the Applicant to purchase offsets for the Project's remaining GHG emissions. The City did not provide any evidence for why offsets would be infeasible. Overall, there are more options available to mitigate emissions to the full extent of Project emissions, and the City failed to acknowledge or implement many mitigation measures that are feasible and could help reduce the Project's GHG impact to the fair share extent.

A8-10

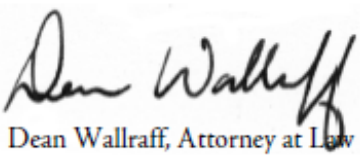
Offsets are acceptable mitigation measures under CEQA (Guidelines § 15126.4 (c)(3).) Many offset projects are currently operating, including projects that are relevant to the Project's operations such as the Truck Stop Electrification project in California (Project ID ACR133), among others.[6] Such offset programs are just examples of which the City could consider as feasible carbon offsets to reduce the Project's GHG impact.

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The City should have mitigated the significant cumulative GHG impact to the fair share extent. Further, the Project would not be consistent with the applicable plans, policies, and regulations for reducing GHGs and should have found a significant GHG impact under the second threshold. Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

A8-11

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

[5] See State of California Department of Justice, Rob Bonta Attorney General, "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act," Updated September 2022, pp. 7–10, available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf. Last accessed October 20, 2025.

[6] American Carbon Registry (ACR), list of offset projects, available at https://acr2.apx.com/myModule/rpt/myrpt.asp?r=111 (Accessed September 12, 2025.)

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Response A8-1

This an introductory comment stating that the Advocates for the Environment reviewed the Draft EIR for the Project. The comment makes a general statement about concerns regarding the sufficiency of the Draft EIR's analysis of greenhouse gas (GHG) emissions impacts under CEQA. The comment has been noted for the record and no changes to the Draft EIR have been made or are required as a result of this comment.

Response A8-2

The commenter suggests that the City should use a net-zero GHG significance threshold. The comment also makes unsubstantiated statements that it is more affordable to construct new buildings to be net-zero now than to retrofit an old building in the future to meet the same standard. The Project does not propose the retrofit of an existing building, and will be constructed to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application; thereby ensuring efficiency and reducing the likelihood that costly retrofits will be required in the future (see MM GHG-2).

The commenter also references California's policy to achieve net-zero GHG emissions no later than 2045 (presumably AB 1279). It should be noted that the State has not adopted a net-zero GHG threshold (or any GHG threshold) for individual development projects. The State's policy to achieve net-zero GHG emissions by 2045 requires the California Air Resources Board (CARB) to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable carbon dioxide (CO_2) removal solutions and carbon capture, utilization, and storage (CCUS) technologies. As discussed in Draft EIR pages 4.7-24 through 4.7-25, the Project would not conflict with the CARB Scoping Plan following compliance with all applicable regulations. The Project will install solar photovoltaic (PV) panels or other source of renewable energy generation on the site, or will otherwise acquire energy from the local utility that has been generated by renewable sources, such that either option will provide 100 percent of the expected building electrical load. The building will be designed to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application. (See MM GHG-1 and GHG-2). Mitigation Measure AQ-4 will require preparation of a Transportation Demand Management (TDM) program, detailing strategies that would reduce the use of single occupant vehicles by employees, and Mitigation Measure AQ-5 requires non-diesel cargo handling equipment.

The commenter states that two of the largest mixed-use developments in the history of California have moved forward as net-zero communities after losing CEQA lawsuits. However, these projects represent large new mixed-use communities, which differ from the Project in terms of size, scale and GHG emissions sources (i.e., heavy trucks vs. passenger vehicles). The 2022 CARB Scoping Plan notes that a number of key State actions should be accounted for in local target-setting, including zero-emission light-duty vehicles (relevant to transportation electrification); smart growth/VMT reduction (relevant to vehicle miles traveled reduction); and new and existing residential and commercial buildings (relevant to building decarbonization).

The 2022 CARB Scoping Plan does not recommend a net-zero GHG threshold for individual development projects, noting that such thresholds may make it more difficult to achieve statewide goals by prohibiting or complicating projects that are needed to support the State's climate goals, like infill development or solar arrays. The Scoping Plan also cautions against using net-zero targets and specifically notes that jurisdictions considering a net-zero target should carefully consider the implications it may have on

emissions in neighboring communities and beyond. Appendix D page 18 of the Scoping Plan states the following:

> Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes, which may be particularly problematic for residential development in climate-smart, infill areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology (e.g., municipal wastewater treatment plants, landfills, energy generation facilities).

Local governments have the discretion to adopt targets that apply to their jurisdictions as long as those targets are supported by substantial evidence. The Draft EIR uses a GHG threshold developed by the SCAQMD, which is based on substantial evidence as explained in the Draft EIR **Section 4.7: Greenhouse Gas Emissions** on page 4.7-17. Based on these thresholds, which are supported by substantial evidence, impacts would be significant and unavoidable impact for Threshold GHG-1 and a less than significant impact for Threshold GHG-2.

The Project is a speculative warehouse and is not comparable to the large mixed-use projects identified by the commenter in terms of size/scale and GHG emissions sources. As noted by the commenter, the State has regulations in place to reduce GHG emissions. The Project will comply with all requirements as required by law. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects; therefore, no further response is warranted.

Response A8-3

This comment summarizes the Draft EIR GHG findings of a significant and unavoidable impact for Threshold GHG-1 and a less than significant impact for Threshold GHG-2. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

Response A8-4

The commenter claims that the City's conclusion that no additional feasible mitigation measures are available to further reduce the Project's GHG emissions beyond those proposed in the Draft EIR is unsupported by substantial evidence. The commenter further recommends that the City adopt additional measures targeting truck and tenant operations to reduce mobile source emissions. Suggested actions include requiring lease provisions that limit heavy-duty diesel truck use, mandating low- or zero-emission fleets, installing solar-powered charging stations proportional to dock doors, or purchasing carbon offsets. Refer to Response A5-49.

The Project will install solar photovoltaic (PV) panels or other source of renewable energy generation on the site, or will otherwise acquire energy from the local utility that has been generated by renewable sources, such that either option will provide 100 percent of the expected building electrical load. The building will be designed to meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application. (See MM GHG-1 and GHG-2). Mitigation Measure AQ-4 will require preparation of a Transportation Demand Management (TDM) program, detailing strategies that would reduce the use of

single occupant vehicles by employees, and Mitigation Measure AQ-5 requires non-diesel cargo handling equipment. However, the commenter provides no evidence demonstrating that the suggested additional measures are feasible for the City to monitor or for the Project Applicant to implement. This is particularly true with respect to zero-emission heavy-duty truck technology, which is not yet widely or commercially available. No substantial evidence has been provided showing how such technology could realistically be used by Project tenants or that the local electricity provider, Southern California Edison, has sufficient capacity to meet the energy demands of an all-electric heavy-duty truck fleet for a facility of this size.

The commenter asserts that the conclusion that the Project's GHG emissions would be significant and unavoidable is not supported by substantial evidence because the Draft EIR does not identify infeasible mitigation measures. However, CEQA does not require an EIR to identify or specify potential mitigation measures and reject them as infeasible (*San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 15). A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided (Pub. Res. Code §§ 21002.1(a), 21081(a)(1)). To implement this statutory purpose, an EIR must identify and describe feasible mitigation measures for each of the project's significant environmental effects (Pub. Res. Code §§ 21061, 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a)). When it approves a project, the City must adopt any feasible mitigation measures identified in the EIR that would mitigate or avoid the project's significant environmental impacts (Pub. Res. Code §§ 21002.1(b); 21081(a)(1); CEQA Guidelines §§ 15022, 15091(a)(1)). However, CEQA does not require analysis of every imaginable mitigation measure (*Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 Cal.App.4th 911, 935; *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519). An EIR should focus on mitigation measures that are feasible, practical, and effective (*Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 365; *Concerned Citizens of S. Cent. L.A. v Los Angeles Unified Sch. Dist.* (1994) 24 Cal.App.4th 826, 841). Here, the Draft EIR affirmatively incorporated all feasible mitigation measures, and the City is not required to speculate about the measures the commenter believes should be considered or implemented in the Draft EIR.

The commenter also recommended the purchase of carbon offsets to reduce Project GHG emissions but did not identify a specific offset program for the City to consider. Mandating carbon offsets as mitigation does not satisfy CEQA standards, which require mitigation measures to be "real, additional, quantifiable, permanent, verifiable, and enforceable" (*Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892). To qualify as adequate mitigation, offsets must come from a CARB-approved registry. However, access to such registries is limited, the availability of sufficient credits is uncertain, and there is no guarantee that the reductions achieved would be additional to existing regulatory requirements or permanent over time. Consequently, reliance on carbon offsets cannot ensure enforceable or effective mitigation under CEQA.

Accordingly, the City finds that the Project incorporates all feasible and enforceable mitigation measures currently available to reduce GHG emissions to the maximum extent practicable. Therefore, no revisions to the EIR or its conclusions are required.

Response A8-5

The commenter asserts that the proposed Project is inconsistent with the 2022 CARB Scoping Plan and would conflict with its objective to decarbonize industrial facilities by displacing fossil fuel use with electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels. Contrary to these assertions, the proposed Project would not conflict with any applicable GHG

reduction plans, including CARB's 2022 Scoping Plan, the City of Rialto Climate Adaptation Plan (CAP), and SCAG's RTP/SCS.

As addressed in **Section 4.7: Greenhouse Gas Emissions** of the Draft EIR, the 2022 CARB Scoping Plan establishes a framework to achieve carbon neutrality by 2045 through zero-emission transportation, decarbonized electricity, and industrial efficiency improvements. The Project supports these statewide goals through MM AQ-2, which prohibits natural gas infrastructure and requires all-electric building systems, thereby eliminating combustion-related building emissions and supporting industrial decarbonization consistent with the Scoping Plan.

While the commenter cites the use of diesel fuel in construction equipment, heavy-duty trucks, and emergency backup generators, such activities are temporary or regulated under existing State programs. The City cannot impose restrictions on regional mobile source emissions or fleet composition, which are subject to CARB's regulatory authority. These emissions will continue to decline due to implementation of State measures such as the Advanced Clean Trucks Regulation,[3] Executive Order N-79-20, and the Mobile Source Strategy, all of which promote transition to zero-emission technologies.

Accordingly, the Project would not conflict with or impede implementation of the 2022 CARB Scoping Plan or other applicable GHG reduction plans. The Draft EIR's analysis remains adequate, and no revisions are required.

Response A8-6

The commenter claims that the Draft EIR did not analyze other applicable plans, specifically the 2017 CARB Scoping Plan.

The comment mentions the 2017 Scoping Plan's goal of 6 $MTCO_2e$ per capita by 2030 and 2 $MTCO_2e$ per capita by 2050. However, the 2022 CARB Scoping Plan updated and replaced the 2017 Scoping Plan, and as such the 2017 Scoping Plan no longer is in effect. CEQA does not require an evaluation of consistency with plans that no longer are in effect. The 2022 Scoping Plan does not include a per capita target. Statewide per capita emissions are used as a metric to evaluate statewide emissions. The comment incorrectly applies the 2017 Scoping Plan's 6 $MTCO_2e$ and 2 $MTCO_2e$ statewide metrics to the proposed Project as thresholds. A project level per capita emissions threshold has not been established by CARB. Furthermore, the Statewide GHG per capita goal is also an inappropriate comparison because it based service population on California residents and employees. There are many factors contributing to the Project's total GHG emissions that are unrelated to the on-site employee population only.

For example, the Project's emissions are primarily from trucks used to move goods that would be used by a much broader population. Therefore, it would be erroneous to compare a state-level target to an individual development project. Since it is unknown the precise number of people that would be served by the goods managed by the proposed Project annually, it would be erroneous to calculate the emissions

[3] The California Air Resources Board (CARB) has issued a notice of public hearing to consider proposed amendments to the Advanced Clean Fleets (ACF) and Low Carbon Fuel Standard (LCFS) regulations under Titles 13 and 17 of the California Code of Regulations. The proposed CARB amendments would repeal portions of the Advanced Clean Fleets (ACF) regulation that apply to private and federal fleets, following CARB's withdrawal of its federal waiver request. This change clarifies that these fleets are no longer required to comply with ACF zero-emission vehicle mandates. However, state and local government fleets would remain subject to the ACF requirements for a phased transition to zero-emission vehicles.

per capita (service population) without factoring in the number of end users. Therefore, the commenter's calculation and reasoning above is based on inaccurate assumptions.

Executive Order B-55-18 does not establish any regulations, policies, or any other type of mandate for private development projects to reduce GHG emissions. Instead, Executive Order B-55-18 directs State agencies to establish an implementation program (i.e., regulations and policies) that will allow the State to achieve carbon neutrality by 2045. The Executive Order B-55-18 reduction targets were codified by AB 1279, the California Climate Crisis Act in September 2022. The 2022 CARB Scoping Plan lays out a path to achieve the AB 1279 targets for carbon neutrality.

As addressed in Draft EIR Table 4.10-1, the proposed Project would comply with the 2022 California Green Building Standards (CALGreen) Code and would be designed to include measures that reduce GHG emissions, including providing bicycle parking, electric vehicle charging, water-conserving plumbing fixtures and fittings, water-efficient landscaping, construction waste management, and recycling requirements. The Project would also implement CALGreen Tier 2 performance standards pursuant to MM GHG-2, which exceed the minimum mandatory CALGreen requirements and would further reduce the Project's GHG emissions. In addition, CALGreen is designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. As identified stated in Draft EIR Tables 4.7-4 and 4.10-1 and **Section 4.5: Energy** and **Section 4.7: Greenhouse Gas Emissions**, the proposed Project would comply with the CALGreen Code regarding energy conservation and green building standards.

The Draft EIR adequately addresses compliance with CARB's 2022 Scoping Plan, the City of Rialto Climate Adaptation Plan (CAP), and SCAG's RTP/SCS. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the Draft EIR. The Draft EIR's analysis is adequate, and no revisions are required.

Response A8-7

The commenter opines that there is other feasible measures to mitigate greenhouse gas emission impacts. Refer to Response A8-4.

Response A8-8

The commenter asserts that the Project's total GHG emissions over a 30-year lifespan should be calculated as a starting point for considering additional mitigation or carbon offsets. The commenter's suggestion to evaluate the Project's GHG emissions over a 30-year operational lifespan is inconsistent with SCAQMD's recommended CEQA methodology. SCAQMD thresholds are based on annual GHG emissions, not total emissions over a project's speculative lifespan. The 30-year period referenced in the Draft EIR is used to amortize construction emissions for comparison to annual thresholds, consistent with the published SCAQMD methodology available at the time of Draft EIR publication.[4] Therefore, calculating or evaluating a Project's arbitrary lifetime GHG emissions would be inconsistent with SCAQMD guidance and unnecessary under CEQA. Refer to Response A8-4 regarding carbon offsets.

[4] South Coast Air Quality Management District (SCAQMD), *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, https://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf, accessed November 6, 2025.

Response A8-9

The commenter opines that there is other feasible measures to mitigate greenhouse gas emission impacts. Refer to Response A8-4 and Response A5-49.

Response A8-10

The commenter opines that the City did not identify why carbon offsets are not feasible. Refer to Response A8-4.

Response A8-11

The comment suggests the Draft EIR should be revised to include all feasible GHG mitigation measures and claims the Project would not be consistent with all applicable plans, policies, and regulations for reducing GHG emissions. Refer to Response A8-4 and Response A5-49 regarding all feasible GHG mitigation measures. No revisions to the EIR are required.

3.0 ERRATA TO THE EIR

3.1 INTRODUCTION TO THE ERRATA

The Draft EIR for the Locust Gateway Development Project, is hereby incorporated by reference as part of the Final EIR. Changes to the EIR are further detailed below.

The changes to the EIR do not affect the overall conclusions of the environmental document, and instead represent changes to the EIR to provide clarification, amplification and/or insignificant modifications, as needed as a result of public comments on the Draft EIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant Draft EIR recirculation pursuant to CEQA Guidelines Section 15088.5.

None of the changes or information provided in the comments reflect a new significant environmental impact, a substantial increase in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. In addition, the changes do not reflect a fundamentally flawed or conclusory EIR.

Changes to the EIR are listed by Section, page, paragraph, etc. to best guide the reader to the revision. Changes are identified as follows:

- Deletions are indicated by ~~strikeout text~~.
- Additions are indicated by <u>underlined text.</u>

3.2 CHANGES TO THE EIR

The following additions/revisions to Mitigation Measures (MM) AQ-3, BIO-1, BIO-3B, BIO-4B, BIO-4C, and CUL-5 will be added to Table 1-1: Summary of Impacts and Mitigation Program, in **Section 1.0: Executive Summary** of the EIR.

Page 1-8, MM AQ-3 has been revised in Table 1-1: Summary of Impacts and Mitigation Program as follows:

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	**Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations**	**Level of Significance after Mitigation**
Section 4.2: Air Quality			
Impact 4.2-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant Impact	**MM AQ-3: Electric Landscape Equipment**. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's ~~Codes~~ Covenants, Conditions and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all handheld landscaping equipment used on site shall be 100 percent electrically powered. The logistics warehouse and parking lots shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Less than Significant Impact with Mitigation

Section 1.0: Executive Summary, MM BIO-1, MM BIO-3B, MM BIO-4B, and MM BIO-4C has been revised in Table 1-1: Summary of Impacts and Mitigation Program as follows:

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Level of Significance after Mitigation**
Section 4.3: Biological Resources			
Impact 4.3-1: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?	Potentially Significant Impact	**MM BIO-1: Rare Plant Mitigation Plan**. Parry's spineflower (CRPR 1B.1) is present on site and impacts are unavoidable; therefore, compensatory mitigation shall be provided to offset impacts. A rare plant mitigation plan shall be prepared and implemented by the applicant or its designee prior to the onset of grading activities. The plan will demonstrate the feasibility of conserving, enhancing, or restoring Parry's spineflower habitat in areas to be managed as natural open space without conflicting with other resource management objectives. Habitat conservation,	Less than Significant Impact with Mitigation

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Level of Significance after Mitigation**
		enhancement, or restoration will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). If the rare plant mitigation plan proposes conservation of an extant population, the plan shall include at a minimum: (a) the location of the conserved habitat and an analysis of its suitability as compensatory mitigation; (b) an assessment of the extant Parry's spineflower populations at the proposed conservation site; (c) a long-term management plan which includes objectives, management practices, monitoring protocols, adaptive management strategies, and reporting requirements; and (d) details regarding the establishment of a non-wasting endowment to perpetually fund management of the conserved land, or such other funding mechanism acceptable to CDFW. If the rare plant mitigation plan proposes enhancement or restoration, the plan shall include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques details for top soil storage, as applicable; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the plan's goals. **MM BIO-3B: Burrowing Owl Plan or CESA ITP ~~Preconstruction Surveys.~~** If burrowing owls, active burrows, or signs thereof are confirmed during any survey or biological monitoring, project activities with the potential to impact burrowing owls shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing ~~project activities~~ on-site grading with the potential to impact burrowing	

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Level of Significance after Mitigation**
		owl. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities with the potential to impact burrowing owls shall not occur within 500 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If project activities, including occupied burrow exclusion and closure, could result in take of burrowing owl, the applicant shall coordinate with CDFW for appropriate CESA authorization (i.e., ITP under CFGC section 2081) prior to commencement of ~~project activities~~ on-site grading with the potential to impact burrowing owl. The ITP shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition. The conditions of the permit or measures outlined in the plan shall be adhered to by the applicant and any required compensatory mitigation of habitat would be provided. **MM BIO-4B: Crotch's Bumble Bee CESA ITP.** Suitable Crotch's bumble bee habitat and Crotch's bumble bee presence has been confirmed on the site; therefore, a CESA ITP shall be applied for and obtained prior to the commencement of ~~project activities~~ on-site grading with the potential to impact Crotch's bumble bee. The ITP shall include, at a minimum, a description of project activities and equipment, proposed avoidance/buffers, identification of	

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Level of Significance after Mitigation**
		temporary and permanent impacts, monitoring requirements, relocation and/or translocation protocols, and compensatory mitigation measures. Compensatory mitigation will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). ITP compensatory mitigation shall be satisfied by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition. **MM BIO-4C: Crotch's Bumble Bee Biological Monitor.** A qualified biological monitor shall conduct full-time monitoring during removal of suitable nectar plants that is scheduled to occur during the queen flight period (February through March), colony active period (~~March~~ April through ~~September~~ August), and/or gyne flight period (September through October). The monitor shall have authority to temporarily halt or redirect activities as needed to avoid unauthorized impacts.	

Section 1.0: Executive Summary, MM CUL-5 has been revised in Table 1-1: Summary of Impacts and Mitigation Program as follows:

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	**Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations**	**Level of Significance after Mitigation**
Section 4.4: Cultural Resources			
Impact 4.4-1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	Potentially Significant Impact	**MM CUL-5: Inadvertent Discovery of Cultural Resources.** In the event that cultural resources are discovered during Project implementation, all earthwork and ground-disturbing activities shall halt within a buffer of the discovery established by the Project Archaeologist and the Project Archaeologist shall assess the nature and significance of the find. The Project Archaeologist shall coordinate with the City and identify whether the resource is potentially significant and if it requires further evaluation. Work	Less than Significant Impact with Mitigation

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	**Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations**	**Level of Significance after Mitigation**
		on the other portions of the project site outside of the buffered area may continue during this assessment period. If the cultural resources are Native American in origin, the Consulting Tribes must be immediately contacted and consulted regarding potential significance and treatment of the resource. Specifically, the Consulting Tribes shall be contacted, as detailed within Tribal Cultural Resources (TCR) Mitigation Measure 3, regarding any pre-contact finds and shall be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. For any potential significant cultural resources, the Project Archaeologist shall make recommendations to the City to avoid or mitigate impacts to the resource. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribes for review and comment, as detailed within TCR-1. The Project Archaeologist shall monitor the remainder of the project and implement the Monitoring and Treatment Plan accordingly. Preservation in place (i.e. avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery to excavate the resource along with subsequent laboratory processing and analysis. Disposition of significant Native American archaeological materials, such as reburial or curation by a qualified repository within San Bernardino County, shall be agreed upon by the City and Consulting Tribes. Any significant non-Native American archaeological material shall be curated at a public, non-profit institution with a research interest in the materials within San Bernardino County, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area	

Table 1-1: Summary of Impacts and Mitigation Program			
Thresholds	**Level of Significance Before Mitigation**	**Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations**	**Level of Significance after Mitigation**
		for educational purposes. All identified cultural resources shall be recorded on appropriate California Department of Parks and Recreation (CA DPR 523) series forms and evaluated for significance. All findings shall be included within a Monitoring Report drafted by the Project Archaeologist and submitted to the City and Consulting Tribes for review. Final copies of the Monitoring Report shall be submitted to the City, Consulting Tribes, and South Central Coastal Information Center (SCCIC).	

Section 4.2: Air Quality

Page 4.2-35, MM AQ-3 has been revised and is incorporated into the Final EIR as follows:

MM AQ-3 **Electric Landscape Equipment**. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's ~~Codes~~ Covenants, Conditions and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all handheld landscaping equipment used on site shall be 100 percent electrically powered. The logistics warehouse and parking lots shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable. This mitigation measure applies only to tenant improvements and not the building shell approvals.

Section 4.3: Biological Resources

Page 4.3-25 through 4.3-28, MM BIO-1, MM BIO-3B, MM BIO-4B, and MM BIO-4C have been revised and are incorporated into the Final EIR as follows:

MM BIO-1 **Rare Plant Mitigation Plan.** Parry's spineflower (CRPR 1B.1) is present on site and impacts are unavoidable; therefore, compensatory mitigation shall be provided to offset impacts. A rare plant mitigation plan shall be prepared and implemented by the applicant or its designee prior to the onset of grading activities. The plan will demonstrate the feasibility of conserving, enhancing, or restoring Parry's spineflower habitat in areas to be managed as natural open space without conflicting with other resource management objectives. Habitat conservation, enhancement, or restoration will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted).

If the rare plant mitigation plan proposes conservation of an extant population, the plan shall include at a minimum: (a) the location of the conserved habitat and an analysis of its suitability as compensatory mitigation; (b) an assessment of the extant Parry's spineflower populations at the proposed conservation site; (c) a long-term management plan which includes objectives, management practices, monitoring protocols, adaptive management strategies, and reporting requirements; and (d) details regarding the establishment of a non-wasting endowment to perpetually fund management of the conserved land, or such other funding mechanism acceptable to CDFW.

If the rare plant mitigation plan proposes enhancement or restoration, the plan shall include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques details for top soil storage, as applicable; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the plan's goals.

MM BIO-3B **Burrowing Owl Plan or CESA ITP ~~Preconstruction Surveys~~.** If burrowing owls, active burrows, or signs thereof are confirmed during any survey or biological monitoring, project activities with the potential to impact burrowing owl shall be immediately halted.

The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing on-site grading ~~project activities~~ with the potential to impact burrowing owl. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities with the potential to impact burrowing owl shall not occur within 500 feet of an active burrow until CDFW approves the Burrowing Owl Plan.

If project activities, including occupied burrow exclusion and closure, could result in take of burrowing owl, the applicant shall coordinate with CDFW for appropriate CESA authorization (i.e., ITP under CFGC section 2081) prior to commencement of on-site grading ~~project activities~~ with the potential to impact burrowing owl. The ITP shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.

The conditions of the permit or measures outlined in the plan shall be adhered to by the applicant and any required compensatory mitigation of habitat would be provided.

MM BIO-4B **Crotch's Bumble Bee CESA ITP.** Suitable Crotch's bumble bee habitat and Crotch's bumble bee presence has been confirmed on the site; therefore, a CESA ITP shall be applied for and obtained prior to the commencement of on-site grading ~~project activities~~ with the potential to impact Crotch's bumble bee. The ITP shall include, at a minimum, a description of project activities and equipment, proposed avoidance/buffers, identification of temporary and permanent impacts, monitoring requirements, relocation and/or translocation protocols, and compensatory mitigation measures. Compensatory mitigation will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). ITP compensatory mitigation shall be satisfied by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.

MM BIO-4C **Crotch's Bumble Bee Biological Monitor.** A qualified biological monitor shall conduct full-time monitoring during removal of suitable nectar plants that is scheduled to occur during the queen flight period (February through March), colony active period (~~March~~ April through ~~September~~ August), and/or gyne flight period (September through October). The monitor shall have authority to temporarily halt or redirect activities as needed to avoid unauthorized impacts.

Section 4.4: Cultural Resources

Page 4.4-11 through 4.4-12, MM CUL-5 has been revised and is incorporated into the Final EIR as follows:

MM CUL-5 **Inadvertent Discovery of Cultural Resources.** In the event that cultural resources are discovered during Project implementation, all earthwork and ground-disturbing activities shall halt within a buffer of the discovery established by the Project Archaeologist and the Project Archaeologist shall assess the nature and significance of the find. The Project Archaeologist shall coordinate with the City and identify whether the resource is potentially significant and if it requires further evaluation. Work on the other portions of the project site outside of the buffered area may continue during this assessment period. If the cultural resources are Native American in origin, the Consulting Tribes must be immediately contacted and consulted regarding potential significance and treatment of the resource. Specifically, the Consulting Tribes shall be contacted, as detailed within Tribal Cultural Resources (TCR) Mitigation Measure 3, regarding any pre-contact finds and shall be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. For any potential significant cultural resources, the Project Archaeologist shall make recommendations to the City to avoid or mitigate impacts to the resource. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribes for review and comment, as detailed within TCR-1. The Project Archaeologist shall monitor the remainder of the project and implement the Monitoring and Treatment Plan accordingly. Preservation in place (i.e. avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery to excavate the resource along with subsequent laboratory processing and analysis.

Disposition of significant Native American archaeological materials, such as reburial or curation by a qualified repository within San Bernardino County, shall be agreed upon by the City and Consulting Tribes. Any significant non-Native American archaeological material shall be curated at a public, non-profit institution with a research interest in the materials within San Bernardino County, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. All identified cultural resources shall be recorded on appropriate California Department of Parks and Recreation (CA DPR 523) series forms and evaluated for significance. All findings shall be included within a Monitoring Report drafted by the Project Archaeologist and submitted to the City and Consulting Tribes for review. Final copies of the Monitoring Report shall be submitted to the City, Consulting Tribes, and South Central Coastal Information Center (SCCIC).

Section 4.7: Greenhouse Gas Emissions

Page 4.7-26, last sentence of the second paragraph of Section 4.7.7 has been revised and is incorporated into the Final EIR as follows:

> As such, the Project would cumulatively contribute to a significant and unavoidable GHG impact.

Section 4.8: Hazards and Hazardous Materials

Page 4.8-21, last sentence of first paragraph has been revised and is incorporated into the Final EIR as follows:

> Therefore, although the project site is located within the RFF Superfund site, based on the Phase II ESA findings and compliance with MM HAZ-2 through MM HAZ-4, ~~Project~~ implementation of the Project would not create a significant hazard to the public or the environment and impacts would be reduced to a less than significant level.

Appendix C Health Risk Assessment

Page 20, the first paragraph has been revised and is incorporated into the Final EIR as follows:

> To estimate the cancer risk, the dose is multiplied by the cancer potency factor, the ASF, the exposure duration divided by averaging time, and the frequency of time spent at home (for residents only):
>
> $$Risk_{inh\text{-}res} = (Dose_{air} * CPF * ASF * (ED/AT) * FAH)$$
>
> $Risk_{inh\text{-}res}$ = residential inhalation cancer risk (potential chances per million)
> $Dose_{air}$ = daily dose through inhalation (mg/kg-day)
> CPF = inhalation cancer potency factor ($mg/kg\text{-}day^{-1}$)
> ASF = age sensitivity factor for a specified age group (unitless)
> ED = exposure duration (years)
> AT = averaging time of lifetime cancer risk (years)
> FAH = fraction of time spent at home (unitless)

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor the Mitigation Program outlined in the Locust Gateway Development Project Final Environmental Impact Report (EIR), State Clearinghouse No. 2024061274. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code. Specifically, Section 21081.6 states:

(a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Rialto is the Lead Agency for the Project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

4.2 ORGANIZATION

The Mitigation Program identified in the EIR outlines the standard conditions of approval and mitigation measures for which implementation of the Project would be consistent with.

The MMRP defines the following for each Mitigation Program element:

- **Definition.** The Mitigation Program element contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of Project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.
- **Monitoring/Reporting Method.** The actions required to ensure the measure is implemented are noted.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the party responsible for implementing the mitigation, and the City of Rialto or designated representative would be responsible for monitoring the performance and implementation of the mitigation measure. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Rialto. The completed MMRP and supplemental documents will be kept on file at the City of Rialto Community Development Department.

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
Air Quality					
Laws, Ordinances, and Regulations (LORs) are existing requirements that are based on local, State, or federal regulations or laws that are frequently required independently of CEQA review. **LOR AQ-1.** Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following: ▪ Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized. ▪ All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized. ▪ All material transported off site will be either sufficiently watered or securely covered to prevent excessive amounts of dust. ▪ The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times. ▪ Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.	Prior to the issuance of grading permits	On-site inspections	City of Rialto Public Works Department, Engineering Services		
LOR AQ-2. Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.	Ongoing during construction	On-site inspections	City of Rialto Public Works Department, Engineering Services		
LOR AQ-3. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping according to the City's Water Efficient Landscape requirements (Chapter 12.50 of the City's Municipal Code).	Prior to Issuance of Occupancy Permit	Documentation of Low Water Use Landscaping	City of Rialto Community Development Department, Planning Division		
LOR AQ-4. In accordance with California Title 24 Standards, buildings will be designed to have 15 percent of the roof area "solar ready" that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.	Condition of issuance of Building Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
LOR AQ-5. The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to: ▪ Design buildings to be water efficient. Install water-efficient fixtures in accordance with Section 5.303 of the California Green Building Standards Code Part 11. ▪ Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11. ▪ Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 of the California Green Building Standards Code Part 11. ▪ To facilitate future installation of electric vehicle supply equipment (EVSE), nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
MM AQ-1: Low VOC Paints. The Project shall use "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD's Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10 g/L of VOC. Prior to issuance of a building permit, the City shall confirm that plans include the following specifications: ▪ All architectural coatings will be super-compliant low VOC paints. ▪ Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. ▪ Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. ▪ For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). ▪ Use compliant low-VOC cleaning solvents to clean paint application equipment.	Prior to issuance of a Building Permit	Confirm compliance during on-site inspections	City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
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▪ Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. ▪ Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable. ▪ Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.					
MM AQ-2: Require All-Electric Development. Prior to the issuance of building permits, the Building Department shall confirm that building plans require the Project to use all-electric appliances, and end uses instead of natural gas. The Project shall not include natural gas utility lines or connections. The purpose of this mitigation measure is to reduce air quality emissions from natural gas.	Prior to the issuance of Building Permits	Approval of Plans and Specifications	City of Rialto Community Development Department, Building and Safety Division		
MM AQ-3: Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Covenants, Conditions and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all handheld landscaping equipment used on site shall be 100 percent electrically powered. The logistics warehouse and parking lots shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Prior to the issuance of Occupancy Permits	Approval of Plans and Specifications	City of Rialto Community Development Department, Planning Division		
MM AQ-4: Transportation Demand Management: Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. The TDM shall include measures such as, but not limited to the following: ▪ Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options.	Prior to the issuance of tenant occupancy permits.	Approval of Plans and Specifications	Tenant/Facility Operator		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
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▪ Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site. ▪ Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided. ▪ Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements. ▪ Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day. ▪ Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service. ▪ Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users. ▪ Provide meal options on site or shuttles between the facility and nearby meal destinations. ▪ Each building shall provide preferred parking for electric, low-emitting and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces. ▪ This mitigation measure applies only to tenant occupancy and not the building shell approvals.					
MM AQ-5: Non-Diesel Cargo Handling Equipment. The warehouse building shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Division shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission or alternatively fueled (i.e., powered by electricity or non-diesel fuels). The building manager or their designee shall be responsible for enforcing these requirements. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Prior to the issuance of tenant occupancy permits.	Approval of Plans and Specifications	City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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Biological Resources					
MM BIO-1: Rare Plant Mitigation Plan. Parry's spineflower (CRPR 1B.1) is present on site and impacts are unavoidable; therefore, compensatory mitigation shall be provided to offset impacts. A rare plant mitigation plan shall be prepared and implemented by the applicant or its designee prior to the onset of grading activities. The plan will demonstrate the feasibility of conserving, enhancing, or restoring Parry's spineflower habitat in areas to be managed as natural open space without conflicting with other resource management objectives. Habitat conservation, enhancement, or restoration will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). If the rare plant mitigation plan proposes conservation of an extant population, the plan shall include at a minimum: (a) the location of the conserved habitat and an analysis of its suitability as compensatory mitigation; (b) an assessment of the extant Parry's spineflower populations at the proposed conservation site; (c) a long-term management plan which includes objectives, management practices, monitoring protocols, adaptive management strategies, and reporting requirements; and (d) details regarding the establishment of a non-wasting endowment to perpetually fund management of the conserved land, or such other funding mechanism acceptable to CDFW. If the rare plant mitigation plan proposes enhancement or restoration, the plan shall include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques details for top soil storage, as applicable; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the plan's goals.	Prior to the onset of grading activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist.	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-2: Best Management Practices. To avoid impacts to special-status resources and inadvertent disturbance, the following monitoring requirements and Best Management Practices (BMPs) shall be implemented:	Prior to initial ground disturbing activities. Ongoing during grading and construction	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and	Qualified Biologist		

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a. Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to the project site or the right-of-way accessing the site. b. The Applicant, or its contractors, shall screen, cover, or elevate at least one foot above ground, all construction pipe, culverts, or similar structures with a diameter of three inches or greater that are stored on site overnight. These pipes, culverts, and similar structures shall be inspected by the Project biologist for wildlife before such material is moved, buried, or capped. c. Construction activities shall occur during daytime hours to the greatest extent feasible. If construction must occur at nighttime, lights shall be oriented in such a way that they direct light downward and toward the active construction, ensuring that no direct light is emitted towards adjacent lands, and shields or deflectors shall be installed on lights to reduce light spill. Nighttime concrete pouring shall be performed in accordance with the City of Rialto Municipal Code. d. A biologist shall flush special-status species (i.e., avian or other mobile species), with the exception of burrowing owls, from suitable habitat areas within the Project development footprint to the maximum extent practicable immediately (e.g., within 24 hours) prior to initial vegetation removal activities. The biologist shall flush wildlife by walking through habitats to be imminently removed and towards adjacent open space. e. At the end of each workday during construction, the applicant, or its contractors, shall cover all excavated, steep-sided holes or trenches more than eight inches deep and that have sidewalls steeper than 1:1 (45 degree) slope with plywood or similar materials, or provide a minimum of one escape ramp per 100 feet of trenching (with slopes no greater than 3:1) constructed of earth fill or wooden planks. The applicant, or its contractors shall thoroughly inspect holes and trenches for trapped animals each workday. f. Contractors shall not permit pets on the construction site. g. If trash and debris need to be stored overnight during maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof shall be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Alternatively, standard trash		compliance report by Qualified Biologist.	City of Rialto Community Development Department, Planning Division		

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receptacles may be used during the day but must be removed or emptied each night. h. To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground-disturbance activities, and all construction activities, including equipment staging and maintenance, shall be conducted within the marked disturbance limits. The work limit delineation shall be maintained throughout Project construction. i. The Applicant, or its contractors, shall avoid the use of invasive plant species in the associated landscaping. j. Prior to initial ground disturbing activities, a Worker Environmental Awareness Program (WEAP) shall be prepared, which will include a training presentation and key fact sheet. The training will instruct construction crews to be aware of and recognize sensitive biological resources that may be encountered within, or adjacent to, the project site. The training will provide workers with instructions to follow in the event a sensitive species is observed or suspected to be on site. Biologists shall provide WEAP training materials, including but not limited to the key fact sheet, to construction personnel before their commencement of work on the Project. Additionally, all construction staff shall attend the WEAP training presentation prior to beginning work on site. Upon completion of the WEAP training, each member of the construction crew shall sign a form stating that they attended the training, understood the information presented, and agreed to comply with the requirements set out in the WEAP training. Biologists shall provide updates relevant to the training to construction personnel during the safety ("tailgate") meetings, as needed.					
MM BIO-3A: Burrowing Owl Preconstruction Surveys. No less than 14 days prior to the onset of construction activities, a qualified biologist shall survey the construction limits of the project site and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. A second survey shall be conducted within 24 hours prior to the onset of construction activities. Time lapses between Project activities greater than one week (7 days) would trigger subsequent 24-hour take avoidance surveys to confirm burrowing owl absence. The surveys shall be conducted in accordance with	Preconstruction survey conducted no less than 14 days prior to the onset of construction activities Second survey conducted within 24 hours prior to the onset of construction activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist.	Qualified Biologist City of Rialto Community Development Department, Planning Division		

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the most current CDFW survey methods. If burrowing owls are not observed during clearance surveys or biological monitoring, no additional conditions are required to avoid impacts to burrowing owls. The Project Applicant shall submit at least one burrowing owl pre-construction survey report to the satisfaction of the City to document compliance with this mitigation measure. For the purposes of this measure, 'qualified biologist' is a biologist who meets the requirements set forth in the BUOW Guidelines (CDFW 2012).					
MM BIO-3B: Burrowing Owl Plan or CESA ITP. If burrowing owls, active burrows, or signs thereof are confirmed during any survey or biological monitoring, Project activities with the potential to impact burrowing owls shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing on-site grading with the potential to impact burrowing owl. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities with the potential to impact burrowing owls shall not occur within 500 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If Project activities, including occupied burrow exclusion and closure, could result in take of burrowing owl, the applicant shall coordinate with CDFW for appropriate CESA authorization (i.e., ITP under CFGC section 2081) prior to commencement of on-site grading with the potential to impact burrowing owl. The ITP shall describe, at a minimum, Project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition. The conditions of the permit or measures outlined in the plan shall be adhered to by the applicant and any required compensatory mitigation of habitat would be provided.	If burrowing owls are detected during preconstruction surveys	Preparation of Burrowing Owl Plan, if burrowing owls are detected	City of Rialto Community Development Department, Planning Division California Department of Fish and Wildlife (CDFW) Qualified Biologist		

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MM BIO-4A: Crotch's Bumble Bee Surveys. At a minimum, two pre-construction nesting surveys shall be conducted prior to Project implementation. Surveys shall occur within 1) one week; and 2) within 24-hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October). Surveys shall follow the guidelines provided in the CDFW's *Survey Considerations for CESA Candidate Bumble Bee Species* (2024b) and shall occur within the project site and areas adjacent to the project site where suitable habitat exists. The surveyors shall be qualified biologists familiar with Crotch's bumble bee identification and life history.	Two pre-construction nesting surveys shall be conducted prior to Project implementation. 1) one week; and 2) within 24-hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October)	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-4B: Crotch's Bumble Bee CESA ITP. Suitable Crotch's bumble bee habitat and Crotch's bumble bee presence has been confirmed on the site; therefore, a CESA ITP shall be applied for and obtained prior to the commencement of on-site grading with the potential to impact Crotch's bumble bee. The ITP shall include, at a minimum, a description of Project activities and equipment, proposed avoidance/buffers, identification of temporary and permanent impacts, monitoring requirements, relocation and/or translocation protocols, and compensatory mitigation measures. Compensatory mitigation will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). ITP compensatory mitigation shall be satisfied by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.	CESA ITP shall be applied for and obtained prior to the commencement of on-site grading.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	City of Rialto Community Development Department, Planning Division California Department of Fish and Wildlife (CDFW) Qualified Biologist		
MM BIO-4C: Crotch's Bumble Bee Biological Monitor. A qualified biological monitor shall conduct full-time monitoring during removal of suitable nectar plants that is scheduled to occur during the queen flight period (February through March), colony active period (April through August), and/or gyne flight period (September through October). The monitor shall have authority to temporarily halt or redirect activities as needed to avoid unauthorized impacts.	Ongoing during removal of suitable nectar plants if conducted February through March, April through August, and/or September through October.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-5A: Nesting Bird Surveys. To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February 15 through August 31), if feasible.	Prior to vegetation clearing and ground-disturbing activities Nesting bird survey within three (3) days prior to any disturbance of the site.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and	Qualified Biologist City of Rialto Community Development Department, Planning Division		

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Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three (3) days prior to any disturbance of the site, including but not limited to vegetation clearing, disking, demolition activities, staging, or grading.		compliance report by Qualified Biologist			
MM BIO-5B: Nesting Bird Surveys. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed. Buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist to avoid take of nesting birds. If nesting birds are not documented during the pre-construction survey, adherence to additional measures may not be necessary to avoid impacts to nesting birds.	Pre-construction nesting bird survey. Biological monitoring ongoing during construction.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-6A: Special-Status Preconstruction Lizard Surveys. Within 30 days prior to the commencement of any on-site Project activities, a qualified biologist shall conduct pre-construction surveys in suitable special-status lizard habitat throughout the project site. Project-related activities that would result in ground disturbance include any construction, vegetation removal, equipment and vehicle access, parking, and staging. The qualified biologist shall have familiarity with special-status lizard species as recognized by CDFW. A minimum of one daytime survey during suitable weather for lizard activity shall be conducted by walking linear transects spaced to provide 100 percent coverage of suitable habitat. The location of any observed special-status lizards shall be documented. If feasible, the locations of any special-status lizards shall be avoided. Avoidance measures shall be monitored by the qualified biologist.	Preconstruction surveys within 30 days prior to the commencement of any on-site Project activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-6B: Special-Status Preconstruction Lizard Surveys. If pre-construction surveys are positive for coastal whiptail, coast horned lizard, or Southern California legless lizard and avoidance is not feasible, CDFW shall be notified in writing. In addition, relocation of all observed special-status lizard individuals shall be attempted and, if feasible, lizards would be relocated to the nearest available suitable habitat on conserved land in consultation with CDFW.	During pre-construction surveys.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	City of Rialto Community Development Department, Planning Division California Department of Fish and Wildlife (CDFW)		

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			Qualified Biologist		
Cultural Resources					
MM CUL-1 Retention of Archaeologist. Prior to issuance of any permit for ground-disturbing activities, the Project Applicant shall provide evidence to the City of Rialto (City) that a qualified professional archaeologist meeting Secretary of the Interior professional qualifications (Project Archaeologist) has been retained.	Prior to issuance of any permit for ground-disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist.	Project Archeologist City of Rialto Community Development Department, Planning Division		
MM CUL-2: Cultural Resource Management Plan. Prior to any ground-disturbing activities the Project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The CRMP shall be written in consultation with the Consulting Tribes and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.	Prior to issuance of any permit for ground-disturbing activities.	Approval of Cultural Resources Management Plan	Project Archeologist City of Rialto Community Development Department, Planning Division Consulting Tribes		
MM CUL-3: Cultural Resources Sensitivity Training. A Cultural Resources Training shall be provided to all construction managers and construction personnel prior to commencing any ground disturbance work within the project area. The training shall be prepared and conducted or overseen by the Project Archaeologist. The training content shall include, but is not limited to, information about any known cultural resources in Project area and vicinity and the process for inadvertent discovery. The training may be discontinued when ground disturbance is completed. Construction personnel shall not be permitted to operate equipment within the construction area unless they have attended the training. The Qualified Archeologist or designated Archaeological Monitor and Monitoring Tribes' designated representatives shall attend the pre-grade meeting with the grading contractors to conduct the initial training and explain and coordinate the requirements of the Cultural Resource Management Plan.	Prior to commencing any ground disturbance work.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist	Construction Managers and Construction Personnel, Project Archaeologist or designated Archaeological Monitor City of Rialto Community Development Department, Planning Division Monitoring Tribes		
MM CUL-4: Archaeological Monitoring. The Project Archaeologist shall monitor or supervise archaeological monitors (Monitors) for initial ground disturbing activities. After initial grading, should no cultural resources be present and/or subsurface soils indicate a low likelihood for significant intact resources, the Project Archaeologist shall	Archeological monitoring during initial ground disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and	Project Archaeologist City of Rialto Community Development Department, Planning Division		

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have the ability to recommend archaeological monitoring be decreased or eliminated after initial ground-disturbing activities are complete, which shall be approved in writing by the City. Any such recommendation shall be specific to archaeological monitoring and not impact the implementation of Mitigation Measures TCR-1 and/or TCR-2.		compliance report by Qualified Archaeologist			
MM CUL-5: Inadvertent Discovery of Cultural Resources. In the event that cultural resources are discovered during Project implementation, all earthwork and ground-disturbing activities shall halt within a buffer of the discovery established by the Project Archaeologist and the Project Archaeologist shall assess the nature and significance of the find. The Project Archaeologist shall coordinate with the City and identify whether the resource is potentially significant and if it requires further evaluation. Work on the other portions of the project site outside of the buffered area may continue during this assessment period. If the cultural resources are Native American in origin, the Consulting Tribes must be immediately contacted and consulted regarding potential significance and treatment of the resource. Specifically, the Consulting Tribes shall be contacted, as detailed within Tribal Cultural Resources (TCR) Mitigation Measure 3, regarding any pre-contact finds and shall be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. For any potential significant cultural resources, the Project Archaeologist shall make recommendations to the City to avoid or mitigate impacts to the resource. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribes for review and comment, as detailed within TCR-1. The Project Archaeologist shall monitor the remainder of the Project and implement the Monitoring and Treatment Plan accordingly. Preservation in place (i.e. avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery to excavate the resource along with subsequent laboratory processing and analysis. Disposition of significant Native American archaeological materials, such as reburial or curation by a qualified repository within San Bernardino County, shall be agreed upon	During Project implementation	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist	Project Archaeologist Consulting Tribes City of Rialto Community Development Department, Planning Division South Central Coastal Information Center (SCCIC)		

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				Date	**Initials**
by the City and Consulting Tribes. Any significant non-Native American archaeological material shall be curated at a public, non-profit institution with a research interest in the materials within San Bernardino County, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. All identified cultural resources shall be recorded on appropriate California Department of Parks and Recreation (CA DPR 523) series forms and evaluated for significance. All findings shall be included within a Monitoring Report drafted by the Project Archaeologist and submitted to the City and Consulting Tribes for review. Final copies of the Monitoring Report shall be submitted to the City, Consulting Tribes, and South Central Coastal Information Center (SCCIC).					
SC CUL-1. If human remains are encountered during the undertaking, California State Health and Safety Code Section 7050.5 states that excavation shall stop and no further disturbance shall occur within 100 feet of the discovery until the County Coroner has made a determination of origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery within 48 hours of notification. If the NAHC is unable to identify an MLD, the MLD fails to make a recommendation, or the landowner or his/her authorized representative rejects the recommendation, the human remains and associated items will be interred on the property with appropriate dignity in a location that will not be subject to future disturbance.	During excavation (if applicable)	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist	City of Rialto Community Development Department, Planning Division County Coroner Native American Heritage Commission (NAHC) Most Likely Descendant (MLD)		
Geology and Soils					
SC GEO-1. The Applicant shall submit to the City of Rialto Community Development Department and Public Works Department for review and approval, a site-specific design-level geotechnical investigation prepared for the project site by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements and:	Prior to the issuance of the first grading permit for ground-disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Geologist	Project Applicant City of Rialto Community Development Department		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
a) Include an analysis of the expected ground motions at the site from known active faults using accepted methodologies; b) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults; and c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements. Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigation in the site-specific investigations. The structural engineer shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the structural design plans and shall ensure that all structural plans for the Project meet current Building Code requirements. The City's registered geotechnical engineer or third-party registered engineer retained to review the geotechnical reports shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical requirements contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure and all other relevant construction permits. The City shall review all Project plans for grading, foundations, structural, infrastructure and all other relevant construction permits to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.			City of Rialto Public Works Department City of Rialto's registered geotechnical engineer or third-party registered engineer		
MM GEO-1: Paleontological Monitoring. Prior to the issuance of any grading permits, or any permit authorizing ground disturbance, the Project Applicant shall, to the satisfaction of the City of Rialto Community Development Director, demonstrate that a qualified paleontologist has been retained to respond on an as-needed basis to address unanticipated paleontological discoveries. A paleontologist is defined as an individual with an M.S./M.A. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, and who is knowledgeable in the geology and paleontology of the area.	Prior to the issuance of any grading permits for ground-disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Paleontologist	Project Applicant City of Rialto Community Development Director Qualified Paleontologist		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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In the event that fossils or fossil-bearing deposits are inadvertently unearthed during excavation and grading activities, all earth disturbing activities within a 100-foot radius of the area of discovery shall be temporarily halted or diverted. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, City staff and the Project Applicant determine that avoidance is not feasible, the paleontologist shall prepare an excavation plan for reducing the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project Applicant shall implement the approval plan.					
Greenhouse Gas Emissions					
LOR GHG-1. Limit idling time for commercial vehicles to no more than five minutes per Title 13 of the California Code of Regulations, Section 2485.	Ongoing during construction	On-site inspections	City of Rialto Public Works Department, Engineering Services		
LOR GHG-2. In accordance with California Title 24 Standards, buildings will be designed to have 15 percent of the roof area "solar ready" that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.	Condition of issuance of Building Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
LOR GHG-3. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping, according to the City's Water Efficient Landscape requirements (Chapter 12.50 of the City's Municipal Code).	Prior to Issuance of Occupancy Permit	Documentation of Low Water Use Landscaping	City of Rialto Community Development Department, Planning Division		
LOR GHG-4. Design buildings to be water efficient. Install water-efficient fixtures in accordance with Section 5.303 of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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LOR GHG-5. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11.	Ongoing during demolition and construction	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
LOR GHG-6. Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
LOR GHG-7. To facilitate future installation of electric vehicle supply equipment (EVSE), construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
MM GHG-1: On-Site Renewable Electricity Generation. Prior to the issuance of the final Certificate of Occupancy for the building tenant, documentation shall be provided to the City demonstrating that the Project has either: 1) installed solar photovoltaic (PV) panels or other source of renewable energy generation on the site, or 2) otherwise acquired energy from the local utility that has been generated by renewable sources, such that either option will provide 100 percent of the expected building load which is anticipated to be approximately 1.42 kilowatt hours per year [kWh/year] per square foot). Alternatively, the Project may achieve 100 percent of the building's expected energy load through a combination of on-site renewable energy generation and renewable energy purchase. The final PV generation facility size requires approval by Southern California Edison (SCE). Should SCE limit the facility size, the amounts above shall be limited to the amount of SCE's approval. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Prior to the issuance of the final Certificate of Occupancy for the building tenant.		Project Applicant City of Rialto Community Development Department, Building and Safety Division Southern California Edison (SCE)		
MM GHG-2: CALGreen Tier 2. Prior to the issuance of a building permit, the Project Applicant or successor in interest shall provide documentation to the City of Rialto Community Development Department, Building and Safety Division demonstrating that the Project is designed to meet or exceed 2022 CALGreen Tier 2 standards in effect at the time of building permit application.	Prior to the issuance of a building permit.	Field inspection signoff	Project Applicant City of Rialto Community Development Department, Building and Safety Division		
MM GHG-3: Solid Waste Diversion. Prior to issuance of tenant occupancy permits, the Project operator shall designate a solid waste management coordinator and	Prior to issuance of tenant occupancy permits	Field inspection signoff	Project Applicant		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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implement a waste management plan to recycle and/or salvage nonhazardous debris to achieve a minimum 75 percent diversion from landfills. The City of Rialto Community Development Department, Planning Division shall confirm that sales or lease agreements includes contractual language that obligates tenants, operators, or future owners to comply with the solid waste management plan. This mitigation measure applies only to tenant permits and not the building shell approvals.			City of Rialto Community Development Department, Planning Division		
MM GHG-4: Water Use Efficiency and Conservation Plan. The Project Applicant or designee shall implement a Water Use Efficiency and Conservation Plan that includes the following minimum requirements: **Indoor Conservation Features and Operations:** ▪ Install low-flow Fixtures: Install low-flow toilets at 1.28 gallons per flush, faucets at 1.2 gallons per minute, showerheads at 1.8 gallons per minute, kitchen faucets at 1.8 gallons per minute. In common areas, install faucets at 0.5 gallon per minute and urinals at max of 0.25 gallon per minute/flush. (These fixtures use less water while maintaining efficient performance.) ▪ Install dual-flush toilets: These toilets offer two flush options: one for liquid waste less than 1 gallons per minute and another for solid waste at 1.28 gallons per minute. (This allows the appropriate use of water for flushing needs.) ▪ Use water-efficient appliances: The Project Applicant or designee shall install energy-efficient and water-saving appliances with the ENERGY STAR label only. ▪ Good housekeeping and regular maintenance: The Project Applicant or designee shall regularly check and maintain plumbing fixtures, irrigation systems, and appliances to ensure they are functioning efficiently and not wasting water. **Outdoor Conservation Features and Operations:** ▪ Install only "Smart Irrigation Systems" for community landscaping: The Project Applicant or designee shall use smart sprinkler systems that adjust watering schedules based on weather conditions, soil moisture, and plant needs to avoid over or wasteful watering. The Project Applicant or designee shall also incorporate seasonal specific controls to ensure watering occurs during the most efficient times of day.	Condition of issuance of Building Permit Confirmation prior to Certificate of Occupancy	On-site inspection	Project Applicant City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
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▪ Adjustable Water Pressure Regulator: The Project Applicant or designee shall install pressure regulators to maintain optimal water pressure, preventing overuse and leaks. ▪ Drought-tolerant landscaping: The Project Applicant or designee shall include native and drought-tolerant vegetation that requires less water to thrive and is known to survive in the City of Rialto. The Project Applicant or designee shall replace drought-tolerant landscaping if it dies through enforceable Project CC&Rs and/or tenant lease agreements.					
Hazards and Hazardous Materials					
MM HAZ-1: Asbestos Survey and Lead-Based Paint Survey. Prior to approval of a demolition permit by the City of Rialto, an asbestos survey and a lead-based paint survey shall be conducted pursuant to applicable local, State, and federal laws. All asbestos-containing building materials shall be removed prior to structure demolition. Abatement or paint stabilization techniques shall be applied prior to demolition. Such measures shall include removal and stabilization of loose, flaking or peeling paint. Measures shall be taken to ensure that paint chips are not generated in the demolition process. All work shall be performed by an abatement contractor who is certified by the California OSHA Division of Occupational Safety and Health (Cal/OSHA) with properly trained and registered workers. All abatement techniques shall be in accordance with Cal/OSHA and U.S. Environmental Protection Agency (U.S. EPA) protocol and also in conformance with South Coast Air Quality Management District (SCAQMD) rules. All removed asbestos-containing building materials and lead-based paint shall be properly disposed of at a landfill certified to accept said materials, and waste shall be transported under the waste manifest by a certified waste transportation company. Once all of these materials have been removed, structure demolition may commence.	Prior to approval of a demolition permit.	Field inspection signoff	City of Rialto Community Development Department, Building and Safety Division Abatement Contractor		
MM HAZ-2: Munitions Monitor. Prior to issuance of grading permits, the Applicant shall submit proof to the City of Rialto Director of Community Development of the retainment of a munitions expert. A munitions expert must be an individual that is qualified to perform appropriate tasks per Department of Defense Explosives Safety	Prior to the issuance of the first grading permit Daily monitoring during grading activities	Field inspection signoff	Project Applicant City of Rialto Director of Community Development		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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Board Technical Paper-18 (DESB TP-18) standards. The munitions expert shall be onsite to monitor grading activities for unexploded ordinances (UXOs) and discarded military munitions (DMMs) and provide daily safety briefings before the start of construction. If UXOs are encountered during this process, the munitions expert shall have the authority to halt all or a portion of construction activities and contact the City of Rialto Police department at (909) 820-2550 to report and determine proper UXO handling and disposal. The munitions expert shall have the authority to halt all or a portion of construction activities at their discretion until such time that an encountered UXO is deemed properly disposed of.			Munitions Expert		
MM HAZ-3: Soil Management Plan. Prior to the issuance of a grading permit, the Applicant shall submit a Soil Management Plan (or equivalent document) to be implemented for construction of the Proposed Project. The objective of the Soil Management Plan is to provide guidance for the proper handling, onsite management, and disposal of impacted soil that might be encountered during construction activities. The plan would include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as appropriate remediation standards that are protective of the planned use. Appropriately trained professionals would be on site during preparation, grading, and related earthwork activities to monitor soil conditions encountered. The Soil Management Plan would provide guidelines for the following: ▪ Identifying impacted soil ▪ Assessing impacted soil ▪ Soil excavation ▪ Impacted soil storage ▪ Verification sampling ▪ Impacted soil characterization and disposal The plan shall outline how Project construction crews would identify, handle, and dispose of potentially contaminated soil; identify the qualifications of the appropriately trained professionals that would monitor soil conditions and conduct soil sampling during construction; coordinate laboratory testing; and oversee disposal. The Soil Management Plan shall also include requirements for documenting and reporting incidents of encountered contaminants, such as documenting locations of occurrence,	Prior to the issuance of a grading permit. Soil Management Plan shall be submitted to the city and CUPA 45 days prior to the start of construction for review and approval.	Field inspection signoff	Project Applicant City of Rialto Community Development Department, Building and Safety Division CUPA		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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sampling results, and reporting actions taken to dispose of contaminated materials. In the event that potentially contaminated soils were encountered within the footprint of construction, soils would be tested and stockpiled. The appropriate Certified Unified Program Agency (CUPA) would determine whether further assessment is warranted. The Soil Management Plan shall be submitted to the city and CUPA 45 days prior to the start of construction for review and approval.					
MM-HAZ 4: Contaminated Soil Treatment. If previously unidentified soil contamination is observed by sight or odor or indicated by testing by a qualified professional using a portable volatile organic compound analyzer during excavation and grading activities, excavation and grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented, as contained in the South Coast Air Quality Management District's Rule 1166, to make the area suitable for grading activities to resume. In the event contamination is found, the Applicant shall notify the San Bernardino County Fire Department and the South Coast Air Quality Management District, as applicable. The contaminated soil shall be evaluated and excavated/disposed of, treated in-situ (in-place), or otherwise managed and disposed of in accordance with all applicable federal, State, and local laws and regulations.	During excavation and grading activities.	Field inspection signoff	Project Applicant San Bernardino County Fire Department South Coast Air Quality Management District City of Rialto Community Development Department, Building and Safety Division		
Hydrology and Water Quality					
SC HYD-1. The Applicant or his/her designees shall obtain a General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). The Applicant or his/her designees shall provide a copy of this permit to the City Public Works Department prior to the issuance of the first grading permit.	Prior to the issuance of the first grading permit	Verify permit	Project Applicant City of Rialto Public Works Department		
SC HYD-2. Prior to issuance of the first grading permit, the Applicant shall submit to the City Engineer for approval, a Storm Water Quality Management Plan (SWQMP) specifically identifying Best Management Practices (BMPs) that will be incorporated into the Project to control stormwater and non-stormwater pollutants during and after construction. To ensure compliance, a legal and fiduciary enforcement mechanism in the form of a Storm Water Quality Management Plan Agreement shall be executed with the City of Rialto. This agreement shall additionally be recorded in the office of the County Recorder for the County of San Bernardino. The SWQMP shall	Prior to the issuance of the first grading permit	Verify plans	Project Applicant City of Rialto Engineer County Recorder for the County of San Bernardino		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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specify BMPs specific to the project site, which shall be integrated into the stormwater conveyance plan. The plan shall identify specific strategies, including the following. ▪ Site design features, including maximizing open space, preservation of natural drainages, and minimization of impervious surfaces. ▪ Source control features, including leveraging public outreach and education, use of appropriate landscaping, and covering trash storage areas. ▪ Treatment controls, including the use of underground chambers.					
SC HYD-3. An Erosion Control Plan shall be prepared, and included with the Project's grading plan, and implemented for the Project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. The Erosion Control Plan shall include the following measures at a minimum: ▪ Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California; and ▪ An inspection and maintenance program shall be included to ensure that any erosion which does occur either on-site or off-site as a result of this Project will be corrected through a remediation or restoration program within a specified timeframe.	Prior to issuance of the first grading permit.	Verify plans	City of Rialto Community Development Department, Building and Safety Division		
Noise					
MM NOI-1: Noise Shielding and Muffling. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology, which achieve a noise reduction of 10 dBA or greater. All equipment shall be properly maintained, and the Applicant or Owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.	Ongoing during any earthwork or construction activities	Verify incorporation of applicable noise measures. Field inspection sign-offs. Submittal of compliance report from qualified noise consultant.	Project Applicant or Owner City of Rialto Community Development Department, Building and Safety Division		
SC PS-1. Prior to the issuance of the first grading permit and/or action that would permit site disturbance, the Applicant shall provide evidence to the City of Rialto Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the	Prior to the issuance of the first grading permit and/or action that would permit site disturbance.	Verify Required Public Safety Information on Development Plans	Project Applicant City of Rialto Police Department		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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Police Department and the Public Works Department, to be instituted during the grading and construction phase of the Project.			City of Rialto Public Works Department		
SC PS-2. Prior to issuance of building permits, the City of Rialto Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans. The Applicant shall prepare a list of Project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.	Prior to issuance of building permits	Verify Required Public Safety Information on Development Plans	Project Applicant City of Rialto Police Department		
Transportation					
SC TRAN-1. Prior to issuance of any grading or building permit, the Applicant shall submit for City of Rialto Community Development Director and Traffic Engineer review and approval a Construction Management Plan for the Project. The Plan shall identify construction phasing and address traffic control for any temporary street closures, detours, or other disruptions to traffic circulation and public transit routes. The Plan shall identify the routes that construction vehicles shall use to access the site, the hours of construction traffic, traffic controls and detours, construction materials and vehicle staging areas, and temporary parking arrangements for the construction workers.	Prior to issuance of any Grading or Building Permit	Approved Construction Management Plan	Project Applicant City of Rialto Community Development Director City of Rialto's Traffic Engineer		
Tribal Cultural Resources					
MM TCR-1: Native American Monitoring for Gabrieleño Band of Mission Indians – Kizh Nation. The Project Applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of the first permit that would result in a "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement	Monitor shall be retained prior to the commencement of any ground-disturbing activity. Monitor shall complete daily monitoring logs.	Submittal of executed monitoring agreement to the City of Rialto	Project Applicant City of Rialto Community Development Department, Planning Division Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
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removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be submitted to the City of Rialto prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The agreement would also address the consideration of rotating monitoring with the Morongo Band of Mission Indians. The monitor shall complete monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered Tribal Cultural Resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/City of Rialto upon written request to the Tribe. On-site tribal monitoring shall conclude upon one of the following (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant or City of Rialto that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant or City of Rialto that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.					
MM TCR-2: Native American Monitoring for Morongo Band of Mission Indians. Prior to the issuance of the first permit that would result in a "ground-disturbing activity," the Applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians for the Project. The agreement would also address the consideration of rotating monitoring with the Gabrieleño Band of Mission Indians – Kizh Nation. The Tribal Monitor shall be on-site during all (or as deemed necessary)	Prior to the issuance of the first permit that would result in a ground-disturbing activity	Field Inspection signoff by Qualified Monitor	Project Applicant City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
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ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The Tribal Monitor can establish a buffer around the discovery.			Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians		
MM TCR-3: Inadvertent Discovery of a Tribal Cultural Resource. The Consulting Tribes shall be contacted and informed of any pre-contact cultural resources discovered during Project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment (pursuant to Mitigation Measure [MM] CUL-5). Should the find be deemed significant, as defined by CEQA, the find shall be addressed to the protocols outlined in the Cultural Resources Management Plan from MM CUL-2. Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant and the City of Rialto for dissemination to the Consulting Tribes.	Ongoing during grading	Field Inspection signoff by Qualified Monitor Consultation with Tribes, as necessary	Consulting Tribes Qualified Archaeologist City of Rialto Community Development Department, Planning Division		