

## Chapter 2. Response to Comments on the Public Review MND

This chapter of the Final Mitigated Negative Declaration (MND) contains responses to the comments that the City of San Bernardino (Lead Agency) received on the Public Review MND (SCH No. 2022040166) (Chapter 1) for the Industrial Parkway Project during the public review period, which began April 9, 2022 and closed April 28, 2022. This document has been prepared in accordance with California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) (Cal. Code Regs., tit. 14, § 15000 et seq.) and represents the independent judgment of the Lead Agency. This document, together with the Public Review MND, the Revisions to the Public Review MND, and the Mitigation Monitoring and Reporting Program comprise the Final MND. The following public comments were submitted to the City of San Bernardino during the public review period:

1. Sean Carlson, Received April 28, 2022 (31 pages).
2. Mitchell M. Tsai, Received May 3, 2022 (1 page)

The public comments and responses to comments are included in the public record and are available to the Lead Agency decision-makers for their review and consideration prior to making their decision whether to approve the proposed Project. Pursuant to State CEQA Guidelines Section 15074(b) *Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration*, none of the comments provide substantial evidence that the Project will have significant environmental effects which would require preparation of an Environmental Impact Report. Further, none of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Industrial Parkway Project MND for further public review under State CEQA Guidelines Section 15073.5 *Recirculation of a Negative Declaration Prior to Adoption*. None of this new material indicates that the Project will result in a significant new environmental impact not previously disclosed in the Industrial Parkway Project MND. Additionally, none of this information indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in State CEQA Guidelines Section 15073.5.

This Response to Comments includes revisions to the Public Review Draft MND based upon: (1) clarifications required to prepare a response to a specific comment; and/or (2) typographical errors. These revisions do not alter any impact significance conclusions as disclosed in the MND. Changes made to the MND are identified here in ~~strikeout~~ text to indicate deletions and in **underlined** text to signify additions.

Although State CEQA Guidelines Section 15088 does not require a Lead Agency to prepare written responses to comments received, the City of San Bernardino has elected to prepare the following written responses with the intent of providing a comprehensive and meaningful evaluation of the proposed Project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

**Letter 1: Sean Carlson, Received April 28, 2022 (31 pages)**



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

Office of the General Manager

April 28, 2022

Via Electronic Mail

Harald Luna, Senior Planner  
290 North D Street  
San Bernardino, CA 92401

Dear Harald Luna:

Notice of Intent to Adopt a  
Mitigated Negative Declaration for the Industrial Parkway Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for the Industrial Parkway Project (Project). The City of San Bernardino is acting as the Lead Agency under the California Environmental Quality Act (CEQA). The Project proposes to demolish an existing 34,000 square foot (SF) industrial building and construct a truck terminal building with approximately 46,160 SF of warehouse space, a 3,000 SF ground floor office, and a 3,000 SF mezzanine. The project also proposes to construct trailer and passenger vehicle parking, and establish 44,669 SF of landscaping. This letter contains Metropolitan’s response to the public notice as a potentially affected public agency.

1.1

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California. Metropolitan’s mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Our review of the notice indicates that Metropolitan owns and operates the Rialto Pipeline and appurtenant facilities within the Project’s proximity. The aforementioned pipeline and appurtenant facilities deliver untreated water from the Colorado River to Metropolitan reservoirs and water treatment plants. Metropolitan is concerned with potential impacts to the pipeline and appurtenant facilities that may result from the construction and implementation of the proposed Project. The enclosed map shows Metropolitan facilities in relation to the proposed project. It will be necessary for the City to consider these facilities in its project planning.

1.2

Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Harald Luna, Senior Planner  
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Metropolitan’s facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan’s pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to Metropolitan’s Substructures Team. Approval of the project should be contingent on Metropolitan’s approval of design plans for portions of the proposed project that could impact its facilities.

1.2

Detailed prints of drawings of Metropolitan’s pipelines and rights-of-way may be obtained by calling Metropolitan’s Substructures Information Line at (213) 217-7663 or via email at EngineeringSubstructures@mwdh2o.com. To assist the applicant in preparing plans that are compatible with Metropolitan’s facilities and easements, attached are the “Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan’s Facilities and Rights-of-Way.” Please note that all submitted designs or plans must clearly identify Metropolitan’s facilities and rights-of-way.

Additionally, Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

1.3

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or jditmar@mwdh2o.com.

1.4

Very truly yours,

  
Digitally signed by Sean Carlson  
DN: cn=Sean Carlson, o=ou,  
email=scarlson@mwdh2o.com, c=US  
Date: 2022.04.28 16:58:09 -07'00'

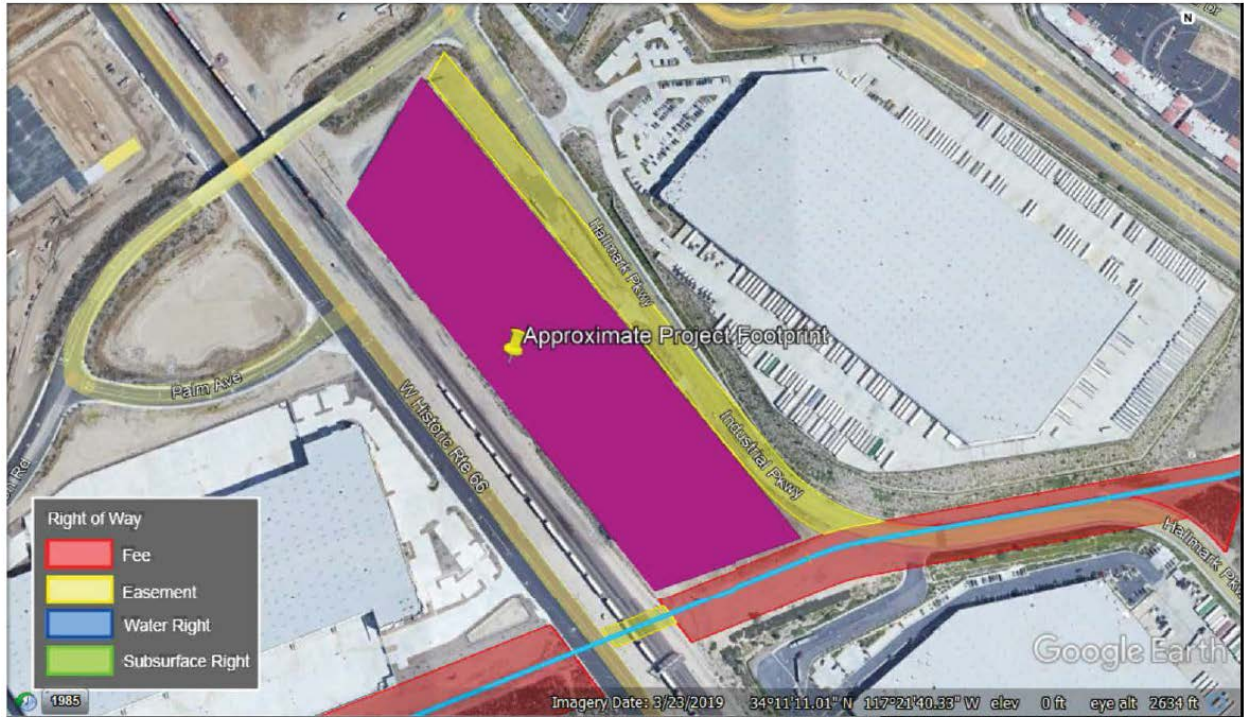
Sean Carlson  
Team Manager, Environmental Planning Section

JD:rdl  
Sharepoint/San Bernardino City/Industrial Parkway Project

Enclosures:

- (1) Map
- (2) Planning Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan’s Facilities and Rights-of-Way

**Enclosure 1: Map**



**Enclosures and full comment letter contents are provided as Appendix M for this Final MND.**

**RESPONSE TO COMMENT LETTER 1: Sean Carlson, Received April 28, 2022**

**Response to Comment 1.1:** This comment introduces the comment letter, and that the commenter is writing on behalf of Metropolitan Water District of Southern California (Metropolitan). This comment provides background on the Project and introduces the comment letter. The comment does not question the content or conclusions of the Industrial Parkway Project MND. No further response is warranted.

**Response to Comment 1.2:** This comment states that Metropolitan owns and operates the Rialto Pipeline and appurtenant facilities. The commenter expresses concern regarding potential project impacts on the pipeline and appurtenant facilities. A map is provided that shows Metropolitan's facilities in relation to the Project site, which delineates Metropolitan's fee, easement, water right, and subsurface right areas. The comment states that Metropolitan requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential right-of-way and access conflicts, Metropolitan is requiring that all design plans in proximity to these facilities be submitted for Metropolitan Substructures Team's review and written approval prior to project approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities.

The title report for the Project does not show an easement for pipeline and appurtenant facilities (see Title Report, provided in Appendix M). However, the Project Applicant will work with Metropolitan and project designs will be submitted to Metropolitan Substructures Team for review. The City will include a condition of approval that requires Metropolitan Substructures Team's review and written approval prior to issuance of a grading plan. The applicant will coordinate with Metropolitan to delineate easements within the Project site and to ensure the Rialto Pipeline and appurtenant facilities are not impacted as a result of Project construction and/or operation.

The comment does not question the content or conclusions of the Industrial Parkway Project MND. No further response is warranted.

**Response to Comment 1.3:** This comment states that Metropolitan encourages inclusion of water conservation measures, such as water conservation, reclaimed water use, and groundwater recharge programs, into the Project. Metropolitan supports mitigation measures such as using water efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed Project.

Proposed Project landscaping includes predominately plants classified as low water need, with several moderate water need plants. The Project will be equipped with a low flow irrigation system consisting of evapotranspiration weather based smart controller, slow flow rotors, bubbler an/or drip systems used throughout. The irrigation water efficiency will meet or surpass the current stated mandated Assembly Bill (AB) 1881 Water Ordinance. Additionally, the proposed Project would install an onsite storm drain system that would convey runoff to a pre-treatment unit then to an underground infiltration/detention system that would capture, filter, and infiltrate runoff. In addition, the Project includes 43,139 SF of landscaping that would infiltrate stormwater onsite. Infiltration will support groundwater recharge on the Project site.

As discussed in Section 5.19, Utilities and Service Systems of the MND, impacts to water supply and water utilities are less than significant without the need for mitigation. Metropolitan recommendations (Enclosure 2 of the letter provided in Appendix M) will be forwarded to the Project Applicant and City decisionmakers for their consideration. In addition, as discussed in Response to Comment 2.2, the Project will be conditioned to obtain Metropolitan Substructures Team's review.

**Response to Comment 1.4:** This comment concludes the comment letter and provides contact information for further questions. The comment does not question the content or conclusions of the Industrial Parkway Project MND. No further response is warranted.



**Letter 2: Mitchell M. Tsai, Received May 3, 2022 (1 page)**

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**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

**VIA E-MAIL**

May 3, 2022

Harald Luna  
Senior Planner  
City of San Bernardino  
201 North E Street, Building A  
San Bernardino, CA 92407  
Em: luna\_ha@sbcity.org

**RE: Industrial Parkway Project – (SCH #: 2022040166)**

Dear Harald Luna

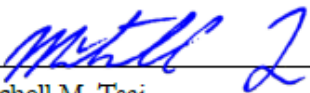
On behalf of the Southwest Regional Council of Carpenters (“Southwest Carpenters” or “SWRCC”), my Office is submitting these comments on the City of San Bernardino’s (“City”) Notice of Intent to Adopt a Mitigated Negative Declaration for the Industrial Parkway Project (SCH #: 2022040166 (“Project”).

2.1

The Southwest Carpenters would like to express their support for this Project and withdraw their prior April 28, 2022 comment letter. After received clarification and further information about this Project, SWRCC believes that this Project will benefit the environment and the local economy by utilizing a local skilled and trained workforce and will be built utilizing protocols that will protect worker health and safety.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,

  
\_\_\_\_\_  
Mitchell M. Tsai  
Attorneys for Southwest Regional  
Council of Carpenters

**RESPONSE TO COMMENT LETTER 2: Mitchell M. Tsai, Received May 3, 2022 (1 page)**

**Response to Comment 2.1:** This comment expresses support for the project and requests to withdraw a previous letter submitted on April 28, 2022. The commenter states that the project would benefit the environment and local economy. The comment does not question the content or conclusions of the Industrial Parkway Project MND. No further response is warranted.