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BY HAND DELIVERY

July 29, 2019

City of Fontana
Planning Division
8353 Sierra Avenue
Fontana, CA 92335

RE: Appeal of the July 17, 2019 Decision of the Fontana Planning Commission regarding the Banana Avenue Warehouse Project (Master Case No. 18-095; Design Review No. 18-027)

Dear Honorable Members of the Fontana Planning Commission and Honorable Members of the Fontana City Council:

I am writing on behalf of the **Supporters' Alliance for Environmental Responsibility** and its members living in and around the City of Fontana ("SAFER") to appeal the July 17, 2019 decisions of the Fontana Planning Commission: (1) to adopt the Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SWIP FEIR) (SCH No. 2009091089) and direct staff to file a Notice of Determination and (2) to approve Design Review No. 18-027.

Project Description

The Banana Avenue Warehouse Project is a proposed development of a 133,606-square foot (sf) industrial warehousing/distribution facility on 6.21 adjusted acres within the existing SWIP Specific Plan located at 10740 Banana Avenue in the Slover West Industrial District.

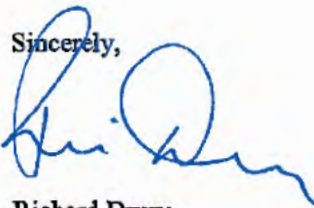
Reason for Appeal

Please see the attached July 12, 2019 comment letter submitted to the Fontana Planning Commission by Richard Drury of Lozeau Drury LLP on behalf of SAFER. The Planning Commission improperly approved the Addendum for the Banana Warehouse Project for the following reasons:

1. The SWIP EIR did not analyze this Project. It conducted only very broad program level analysis and did not analyze Project-level impacts.

ATTACHMENT NO. 1

2. The 2009 SWIP EIR included many mitigation measures that were never implemented, including traffic mitigation measures. Since the City has failed to implement the mitigation measures required by the SWIP EIR, it may not now rely on that document.
3. The Project will have significant environmental impacts that were not analyzed in the SWIP EIR.
4. There are many mitigation measures that are now feasible that were not feasible or did not exist in 2009. A new EIR is required to analyze these measures.
5. There are numerous changed circumstances that have occurred since 2009 that require renewed environmental review.

Sincerely,


Richard Drury
Attorney for SAFER