



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-6384
Facsimile: (916) 327-2319
E-Mail: Jessica.Wall@doj.ca.gov

November 24, 2020

Nicole D. Moore
Acting Current Planning Manager
City of Stockton
345 N. El Dorado Street
Stockton, CA 95202

RE: Notice of Preparation for the South Stockton Commerce Center Project
(SCH # 2020090561)

Dear Ms. Moore:

Thank you for the opportunity to provide comments on the City of Stockton's Notice of Preparation (NOP) for the South Stockton Commerce Center (Project). The NOP and Initial Study detail that the Project will create an expansive industrial zone, with six million square feet of approved industrial land uses. The City seeks comments regarding environmental concerns from the implementation of the proposed Project. Given the Project's setting near a community of color that already suffers some of the worst pollution in the State, we submit these comments for the City's consideration as it prepares the draft environmental impact report (EIR).¹

I. THE PROJECT SITE IS LOCATED IN ONE OF THE MOST POLLUTED AREAS OF THE STATE.

The Project will create a Tentative Map that allows for construction of up to 6,091,551 square feet of industrial uses—equivalent to more than 105 football fields—on approximately 437 acres of vacant and agricultural land. Thousands of parking spaces will be created for the thousands of diesel trucks and passenger vehicles that will travel to and from these buildings once constructed. A Site Plan is not currently proposed for the Project, so more specific information on the extent of the development and its impacts is unavailable at this time.

The surrounding area already deals with one of the highest pollution burdens in California and the Project will further exacerbate this pollution without adequate mitigation.

¹ The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (*See* Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600–12; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14–15.)

Northeast of the Project site is the San Joaquin County Regional Sports Complex, which includes a four-field softball complex, four soccer fields, concession stands, and picnic areas.² To the west of the Project site is the unincorporated community of French Camp, which includes rural homes, an elementary school,³ San Joaquin General Hospital, and several places of worship. According to the 2018 American Community Survey, French Camp has a population of 3,857, of which 60% identify as Latinx.⁴

This community already is exposed to significant pollution in the surrounding area, including highways, railroad tracks, an airport, and agriculture. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and vulnerability, the Project's census tract ranks worse than 100 percent of the rest of the state for pollution burden.⁵ This census tract is in the 82nd percentile for particulate matter pollution and in the top ten percent for exposure to pesticides, solid wastes, impaired water, drinking water, and groundwater threats.

The San Joaquin Valley region fails to meet federal and state attainment standards for ozone and PM_{2.5}.⁶ The larger Stockton region is home to many disadvantaged census tracts and includes a community recently designated by the California Air Resources Board (CARB) for its Community Air Protection Program under Assembly Bill 617.⁷ The AB 617 community is approximately 2.5 miles from the Project and this broader community will experience the negative impacts of air pollution caused by this large industrial development. If adequate mitigation is not implemented, the Project will contribute to the significant air pollution burdens that local communities already bear.

² Regional Sports Complex, San Joaquin Valley Parks, *available at* <http://www.sjparcs.com/parks/regional-sports-complex.aspx> (last visited November 9, 2020).

³ French Camp School teaches kindergarten through eighth grade and has 612 students, of whom 92% are students of color. National Center for Educational Statistics, *available at* https://nces.ed.gov/ccd/schoolsearch/school_detail.asp (last visited November 9, 2020).

⁴ 2018 American Community Survey, *available at* <https://data.census.gov/cedsci/table?q=french%20camp,%20california&tid=ACSDP5Y2018.DP05&hidePreview=false> (last visited November 9, 2020).

⁵ CalEPA, *CalEnviroScreen 3.0*, <https://oehha.ca.gov/calenviroscreen> (last visited November 9, 2020).

⁶ San Joaquin Valley Air Pollution Control District, *Ambient Air Quality Standards & Valley Attainment Status*, <https://valleyair.org/aqinfo/attainment.htm> (last visited November 9, 2020).

⁷ California Air Resources Board, Community Air Protection Program, 2019 Community Recommendations Staff Report, November 2019, *available at* https://ww2.arb.ca.gov/sites/default/files/2019-12/2019_community_recommendations_staff_report_november_8_acc_3.pdf (last visited November 9, 2020). *See also* San Joaquin Valley Air Pollution Control District Website, <http://community.valleyair.org/selected-communities/stockton/> (last visited November 9, 2020).

II. THE CITY MUST COMPREHENSIVELY EVALUATE THE PROJECT'S ENVIRONMENTAL IMPACTS, INCLUDING CUMULATIVE IMPACTS.

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project's significant environmental effects.⁸ An EIR serves as an "informational document" that informs the public and decisionmakers of the significant environmental effects of a project and ways in which those effects can be minimized.⁹ CEQA requires an EIR to include "enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"¹⁰ In the context of air quality analysis, an EIR must "make[] a reasonable effort to substantively connect a project's air quality impacts to likely health consequences."¹¹

Industrial developments of this size typically involve significant air quality impacts from diesel trucks and passenger vehicles. Where the development includes refrigerated uses, these air quality impacts are even greater. Cold storage warehouses require diesel trucks with transport refrigeration units (TRUs), which emit significantly higher levels of toxic diesel particulate matter (PM), nitrogen oxides (NOx), and greenhouse gas emissions than trucks without TRUs. In an area where air pollution burden already high, the increase in air pollutant emissions caused by construction and facility operations will be substantial.

The City's EIR should analyze the full environmental impacts of the Project, which will add a considerable number of diesel truck trips, and their attendant air pollution, to this already overburdened area. That includes the Project's impact on the sensitive receptors, including the nearby sports park and unincorporated community. The area is a non-attainment area for ozone and particulate matter and Project operations will increase emissions of those pollutants.

The City also must sufficiently relate pollutant data to specific adverse human health effects in the Project's EIR. In *Friant Ranch*, the California Supreme Court found a project's air quality impact analysis to be inadequate under CEQA because its "general description of symptoms that are associated with exposure" "fail[ed] to indicate the concentrations at which such pollutants would trigger the identified symptoms" and did not provide the public with an "idea of the health consequences that result when more pollutants are added to a nonattainment basin."¹² The Project's EIR can avoid this problem by detailing the existing conditions and projecting the impact that additional pollution will have on the community.

⁸ Pub. Resources Code, §§ 21000–21002.1.

⁹ CEQA Guidelines, § 15121, subd. (a).

¹⁰ *Sierra Club v. County of Fresno [Friant Ranch]* (2018) 6 Cal.5th 502, 516.

¹¹ *Ibid.* at p. 510.

¹² *Ibid.* at p. 519.

For instance, studies have shown that increases in near-roadway air pollution are associated with reduced lung function in non-asthmatic children.¹³ Exposure may be particularly harmful during the first year of life, resulting in decreased lung function into adolescence.¹⁴ Increased NO_x emissions are also associated with an increased risk of developing asthma.¹⁵ Human health is not the only potential impact from Project-generated air emissions. Chronic exposure to air pollution may negatively influence children's cognitive processing and memory.¹⁶ Since the Project is expected to increase truck traffic near the county's sports complex, the EIR should be particularly careful to account for the Project's cumulative impacts on children.

III. THE CITY SHOULD CONSIDER ALL FEASIBLE MEASURES TO MITIGATE SIGNIFICANT PROJECT IMPACTS

CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project.¹⁷ The lead agency is expected to develop mitigation in an open public process,¹⁸ and mitigation measures must be fully enforceable and nondeferrable.¹⁹ To the extent the EIR determines the Project will have significant environmental impacts—especially any affecting sensitive receptors—the City should consider robust mitigation measures to avoid or limit those impacts.

For example, possible air quality mitigation measures²⁰ could include:

¹³ Urman, et al., *Associations of Children's Lung Function with Ambient Air Pollution: Joint Effects of Regional and Near-Roadway Pollutants* (2014) 69 *Thorax* 540, 546; Chen, et al., *Chronic Effects of Air Pollution On Respiratory Health in Southern California Children: Findings from The Southern California Children's Health Study* (2015) 7 *Journal of Thoracic Disease* 46, 49.

¹⁴ Schultz, et al., *Early-Life Exposure to Traffic-Related Air Pollution and Lung Function in Adolescence* (2016) 193 *American Journal of Respiratory and Critical Care Medicine* 171, 174–75; Usemann, et al., *Exposure to Moderate Air Pollution and Associations with Lung Function at School-Age: A Birth Cohort Study* (2019) 126 *Environment International* 682, 688.

¹⁵ Gauderman, et. al., *Childhood Asthma And Exposure To Traffic And Nitrogen Dioxide* (2005) 16 *Epidemiology* 737, 742; Nishimura, et al., *Early-Life Air Pollution and Asthma Risk in Minority Children. The GALA II and SAGE II Studies* (2013) 188 *American Journal of Respiratory and Critical Care Medicine* 309, 312.

¹⁶ Grineski, et al., *Hazardous Air Pollutants Are Associated With Worse Performance In Reading, Math, And Science Among US Primary Schoolchildren* (2019) *Environmental Research* 108925.

¹⁷ Pub. Resources Code, § 21100, subd. (b)(3).

¹⁸ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

¹⁹ CEQA Guidelines, § 15126.4

²⁰ For more in-depth information about potential air quality mitigation measures near high volume roadways, see CARB's Technical Advisory on the topic and, more generally, the CARB

- Establishing and enforcing truck routes that avoid sensitive receptors;
- Limiting operation and construction days and times;
- Requiring the use of zero-emission or all-electric, plug-in capable TRUs for warehouses with cold storage capability;
- Establishing fleet requirements for warehouse tenants and carriers serving tenants, such as requiring the exclusive use of zero-emission delivery trucks and vans and requiring any Class 8 trucks entering the site use zero-emissions technology or meet CARB's lowest optional NO_x emissions standard;
- Requiring installation of indoor air filtration and climate control at the warehouse to reduce-impacts on workers;
- Requiring electric vehicle charging infrastructure for both cars and trucks necessary to support zero-emission vehicles and equipment on site;
- Requiring all trucks and trailers entering the site be in compliance with all current air quality regulations;
- Requiring and enforcing no idling policies;
- Requiring the use of electric-powered yard equipment onsite;
- Requiring that all construction equipment meet Tier 4 emission standards;
- Constructing new or improved transit stops, sidewalks, bicycle lanes, crosswalks, and traffic control or traffic safety measures, such as speed bumps or speed limits;
- Improving vegetation and tree canopy in and around the Project site;
- Requiring methods to reduce employee vehicle traffic, such as van shuttles, transit and carpool incentives, and bicycle parking and facilities for employees;
- Requiring installation of solar panels with backup energy storage on each building roof area with a capacity that matches the maximum allowed for distributed solar connections to the grid;
- Adhering to California green building standards; and
- Constructing the warehouse to meet Leadership in Energy and Environmental Design standards.

Mitigation measures like these have been adopted by similar projects throughout California. The Attorney General's Office would be happy to provide any assistance it can as the City considers how best to mitigate the Project's environmental impacts.

IV. CONCLUSION

This Project's EIR affords the City the opportunity to serve its constituents by transparently evaluating, disclosing, and mitigating the environmental impacts of this proposed Project. When implemented well, CEQA builds public trust and promotes sustainable development that will serve the local community for years to come. The Project will result in a large expansion of industrial uses in southern Stockton, along with those uses' environmental impacts. In drafting the EIR, we urge the City to evaluate the Project's impacts

Handbook, which offers more mitigation ideas. Both are available at <https://www.arb.ca.gov/ch/landuse.htm>. The mitigation measures included here are focused on air quality; however, additional mitigation measures may be necessary for traffic, noise, or other significant impacts.


November 24, 2020

Page 6

comprehensively, particularly those affecting the many nearby sensitive receptors. CEQA requires full disclosure and mitigation of significant environmental impacts prior to project approval.

Please do not hesitate to contact me if you have any questions or would like to discuss these issues further.

Sincerely,

A handwritten signature in cursive script that reads "Jess Wall".

JESSICA WALL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Appendix:



A satellite image of the Project site (in red) with icons depicting the elementary school and park in the surrounding area.