FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

SOUTH STOCKTON COMMERCE CENTER

(SCH: 2020090561)

APRIL 10, 2023

Prepared for:

City of Stockton
345 N. El Dorado Street
Stockton, CA 95202

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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INTRODUCTION

The City of Stockton, as the lead agency, determined that the proposed project, South Stockton Commercial Center Project (SSCC) is a "project" within the definition of CEQA. CEQA requires the preparation of an environmental impact report (EIR) prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "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 Section 15378[a]).

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project-level EIR is described in State CEQA Guidelines § 15161 as: "The most common type of EIR (which) 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 project-level analysis considers the broad environmental effects of the proposed Project.

PROJECT DESCRIPTION

The following provides a brief summary and overview of the Project. Chapter 2.0 of this EIR includes a detailed description of the Project, including maps and graphics. The reader is referred to Chapter 2.0 for a more complete and thorough description of the components of the Project.

The proposed Project site is comprised of 422.22 acres located in the southern portion of the City of Stockton, south of and adjacent to the Stockton Airport. The Project site is located west of the 99 Frontage Road and State Route (SR) 99 and east of Airport Way. The Union Pacific Railroad (UPRR) extends south from Airport Way bisecting the western portion of the site. French Camp Slough extends southeast from Airport Way across the southwestern portion of the site. It continues east under the UPRR and then south across the southwestern portion of the site, before continuing south off-site.

The SSCC Project proposes a Tentative Map for the 422.22-acre site to create 13 development lots, two basin lots, two open space lots, one sewer pump station lot, and off-site sewer improvements. Of the 13 development lots, 12 will be for development of a mix of industrial uses and one will be for development of commercial uses. Although a Site Plan is not currently proposed for site plan review, for planning purposes a conceptual site plan was prepared to establish a target Floor Area Ratio (FAR) that was used to generate the maximum square footage of building area for the Tentative Map and for purposes of environmental review. As described in Chapter 2.0, Project Description, the Project would result in a maximum of 6,091,551 square feet of industrial type land uses, 140,350 square feet of commercial land uses, 54 acres of open space, 41 acres of public facilities, and 18 acres of right-of-way circulation improvements.

Although the proposed SSCC Project is consistent with the site's existing General Plan and Zoning designations, due to limitations caused by the floodway along French Camp Slough and the location of drive entrances for surrounding developments, the alignment of the future Commerce Drive requires a General Plan Amendment and Rezone of the two areas between Airport Way and the Union Pacific Railroad right-of-way. These areas are currently designated Commercial and Industrial and are zoned CG (Commercial, General) and IL (Industrial, Light), respectively. The current boundaries of the designations will be modified to be consistent with the future Commerce Drive right-of-way center line. The area to the north of the Commerce Drive right-of-way centerline will be designated Commercial and zoned CG and the area to the south of the Commerce Drive right-of-way centerline will be designated Industrial and zoned IL.

The principal objective of the proposed Project is to implement and achieve the goals and objectives of the General Plan through the approval and subsequent implementation of the SSCC Project. The development of approximately 422-acres of land will include industrial uses, commercial uses, open space, public facilities, and public roadway right-of-way land uses and meet the objectives of the General Plan.

ALTERNATIVES TO THE PROJECT

The CEQA Guidelines require an EIR to describe a reasonable range of alternatives to the Project or to the location of the Project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed Project. Three alternatives to the proposed Project were developed based on input from City staff and the technical analysis performed to identify the environmental effects of the proposed Project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Project.

- **No Project (No Build) Alternative**: Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- **Reduced Project Alternative:** Under this alternative, the proposed Project would be developed with the same types of commercial, industrial, open space, and public facility uses as described in the Project Description, but the commercial and industrial square footage would decrease by 25 percent, the amount of open space would decrease by 25 percent, and the amount of developed land would decrease by 25 percent.
- **Agriculture Protection Alternative:** Under this alternative, the proposed Project would be developed in such a way to protect some of the on-site Important Farmland by reducing the overall footprint of the developed areas to a greater extent than the Reduced Project Alternative.

Alternatives are described in detail in Chapter 5 of the Draft EIR. Table ES-1 provides a comparison of the alternatives using a qualitative matrix that compares each alternative relative to the other Project alternatives.

TABLE ES-1: COMPARISON SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

ENVIRONMENTAL ISSUE	*NO PROJECT (NO BUILD) ALTERNATIVE*	*REDUCED PROJECT ALTERNATIVE*	*AGRICULTURE PROTECTION ALTERNATIVE*
Aesthetics and Visual Resources	Less (Best)	Slightly Less (3rd Best)	Less (2nd Best)
Agricultural Resources	Less (Best)	Slightly Less (3rd Best)	Less (2nd Best)
Air Quality	Less (Best)	Less (2nd Best)	Equal (3rd Best)
Biological Resources	Less (Best)	Slightly Less (3rd Best)	Less (2nd Best)
Cultural and Tribal Resources	Less (Best)	Slightly Less (3rd Best)	Less (2nd Best)
Geology and Soils	Less (Best)	Slightly Less (2nd Best)	Equal (3rd Best)
Greenhouse Gases, Climate Change and Energy	Less (Best)	Less (2nd Best)	Equal (3rd Best)
Hazards and Hazardous Materials	Less (Best)	Equal (2nd Best)	Equal (3rd Best)
Hydrology and Water Quality	Less (Best)	Slightly Less (3rd Best)	Less (2nd Best)
Land Use and Population	Greater (3rd Best)	Equal (Best)	Equal (2nd Best)
Noise	Less (Best)	Slightly Less (2nd Best)	Equal (3rd Best)
Public Services	Less (Best)	Equal (2nd Best)	Equal (3rd Best)
Transportation and Circulation	Less (Best)	Less (2nd Best)	Equal (3rd Best)
Utilities	Less (Best)	Less (2nd Best)	Equal (3rd Best)

GREATER = GREATER IMPACT THAN THAT OF THE PROPOSED PROJECT

LESS = LESS IMPACT THAN THAT OF THE PROPOSED PROJECT

EQUAL = NO SUBSTANTIAL CHANGE IN IMPACT FROM THAT OF THE PROPOSED PROJECT

A comparative analysis of the Project and each of the Project alternatives is provided in Table ES-1. As shown in the table, the No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Reduced Project Alternative and Agriculture Protection Alternative both rank higher than the proposed Project. The Reduced Project Alternative would have equal impacts in three areas, slightly less impacts in seven areas, and less impacts in four areas. The Agriculture Protection Alternative would have equal impacts in nine areas and less impacts in five areas. Therefore, the Reduced Project Alternative would be the next environmentally superior alternative. It is noted that neither the Agriculture Protection Alternative nor the Reduced Project Alternative fully meet all of the Project objectives that is to develop 422-acres of land for industrial uses, commercial uses, open space, public facilities, and public roadway right-of-way.

COMMENTS RECEIVED

This Draft EIR addresses environmental impacts associated with the proposed Project that are known to the City of Stockton, were raised during the NOP process, or raised during preparation of the Draft EIR. This Draft EIR discusses potentially significant impacts associated with aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and population, noise, public services, transportation and circulation, and utilities.

The City of Stockton received written comment letters on the NOP for the proposed Project. Copies of those letters are provided in Appendix A of the Draft EIR. The commenting agency/citizen is provided below. The City also held a public scoping meeting via Webex on October 26, 2020. No written or verbal comments were provided at that scoping meeting.

- California Air Resources Board;
- California Department of Conservation, Division of Geology and Mines;
- California Department of Conservation, Division of Land Resource Protection;
- California Department of Justice;
- California Department of Transportation;
- California Water Board. Central Valley Regional Water Quality Control Board;
- Center for Biological Diversity;
- Delta-Sierra Group;
- Marvin Norman;
- Native American Heritage Commission; and
- San Joaquin Valley Air Pollution Control District.

There were six (6) comment letters on the Draft EIR that were submitted to the City of Stockton (City) during the 60-day public review period. Additionally, a seventh (7th) letter was received after the 60-day public review period. All seven (7) are addressed in this Final EIR.

- Blum Collins & Ho, LLP
- California Air Resources Board
- California Attorney General's Office
- Central Valley Regional Water Quality Control Board
- San Joaquin County Environmental Health Department
- San Joaquin Valley Air Pollution Control District
- Sierra Club, Delta-Sierra Group

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the South Stockton Commerce Center (Project), were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.*

Sections 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and revisions.

2.2 LIST OF COMMENTERS

Table 2.0-1 lists the comments on the Draft EIR that were submitted to the City of Stockton (City) during the 60-day public review period for the Draft EIR. Additionally, Letter G from the Sierra Club's Delta-Sierra Group, was received after the 60-day public review period. This comment letter is also included in Table 2.0-1. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, etc.).

TABLE 2.0-1 LIST OF COMMENTERS ON DRAFT EIR

RESPONSE LETTER	*INDIVIDUAL OR SIGNATORY*	*AFFILIATION*	*DATE*
A	Gary Ho	Blum Collins & Ho, LLP	11-29-21
B	Richard Boyd	California Air Resources Board	11-19-21
C	Scott Lichtig	California Attorney General's Office	11-23-21
D	Nicholas White	Central Valley Regional Water Quality Control Board	11-29-21
E	Jeffrey Wong	San Joaquin County Environmental Health Department	10-28-21
F	Mark Montelongo	San Joaquin Valley Air Pollution Control District	12-14-21
G	Mary Elizabeth	Sierra Club, Delta-Sierra Group	12-31-21

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant

environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the Draft EIR.

RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is lettered or numbered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

MASTER RESPONSE TO COMMENTS

The master response presented in this chapter addresses comments related to topics that are common to several comment letters. The intent of a master response is to provide a comprehensive response to a topic in a coordinated, organized manner in one location that clarifies and elaborates on the analysis in the Draft EIR. The following master response is included in this chapter:

Master Response 1 Project Description: Some comments argue that the EIR does not accurately or adequately describe the project, meaning the whole of the action, which has a potential for resulting in direct physical change in the environment. Some comments present information regarding the proposed zoning change, and indicates that it is only addressed via a footnote. Some comments suggest that "The project has been piecemealed into at least two (2) separate actions - a necessary rezoning and the development proposal of the proposed project.

Draft EIR Section 2.0 Project Description, very clearly indicates that the SSCC Project proposes a Tentative Map for the 422.22-acre site to create 13 (13) development lots, two (2) basin lots, two (2) open space lots, one (1) sewer pump station lot, and off-site sewer improvements. Of the thirteen (13) development lots, twelve (12) will be for development of a mix of industrial uses and one (1) will be for development of commercial uses. This section of the Draft EIR also indicates that a Site Plan is not currently proposed for the city's site plan review process, but for planning purposes a conceptual site plan was prepared to establish a target Floor Area Ratio (FAR) that was used to generate the maximum square footage of building area for the Tentative Map and for purposes of environmental review. As described further in Section 2.0, Project Description, the Project would result in a maximum of 6,091,551 square feet of

industrial type land uses, 140,350 square feet of commercial land uses, 54 acres of open space, 41 acres of public facilities, and 18 acres of right-of-way circulation improvements.

The Draft EIR Section 2.0 also indicates that the proposed SSCC Project is consistent with the site's existing General Plan and Zoning designations, and that due to limitations caused by the floodway along French Camp Slough and the location of drive entrances for surrounding developments, the alignment of the future Commerce Drive requires a General Plan Amendment and Rezone of the two areas between Airport Way and the Union Pacific Railroad right-of-way. These areas are currently designated Commercial and Industrial and are zoned CG (Commercial, General) and IL (Industrial, Light), respectively. The current boundaries of the designations will be modified to be consistent with the future Commerce Drive right-of-way center line. The area to the north of the Commerce Drive right-of-way centerline will be designated Commercial and zoned CG and the area to the south of the Commerce Drive right-of-way centerline will be designated Industrial and zoned IL.

The City of Stockton Ordinance No. 2019-07-16-1501-02 was adopted July 16, 2019, and was effective August 15, 2019. The Ordinance rezoned APN 177-050-09 to IL (Industrial-Limited) and CG (Commercial), consistent with the Industrial and Commercial General Plan Land Use Designations. The Project site is located on all or a portion of five (5) assessor parcels for which the Assessor's Parcel Number (APN) for each is listed in Table 2.0-1, and displayed on Figure 2.0-3 of the Draft EIR. The Ordinance did not rezone the entire Project site; the Ordinance rezoned 54.2 acres of the 422.22-acre site. The Project site includes that parcel, but also includes additional parcels that collectively define the whole project that was analyzed in the EIR.

Master Response 2 Methodologies/Forecasting/Future Approvals: It is well settled that the level of detail in each analytical section of an EIR generally depends on the degree of specificity involved in the proposed activity reviewed in the EIR. Caselaw and the CEQA Guidelines confirm that some degree of "forecasting" in evaluating a project's environmental impacts is appropriate, and the EIR can and should make reasonable forecasts. At the same time, the EIR must avoid speculation, and "crystal ball" inquiry is to be avoided. (14 Cal Code Regs Section 15144; *Residents Ad Hoc Stadium Comm. v. Board of Trustees (1979) 89 CA 3d 274, 286).* The DEIR has been prepared with these principles in mind. To that end, it should be noted that the proposed Project as defined in the Project Description is a tentative map to create legal parcels consistent with the Subdivision Map Act. The EIR recognizes, however, that precise information as to the exact type of industrial warehousing is not available, and will be driven by market demand. The same is true with respect to the commercial component of the Project. Moreover, the Project Description clearly defines both the remaining entitlements (i.e., Site Plan Review, Commission Use Permit, Design Review) necessary to permit construction, and the process by which the remaining entitlements will be reviewed under CEQA and the Municipal Code. In summary, CEQA specifically prohibits speculation in analysis, so we cannot speculate on a final site plan. However, employing the concept of reasonable "forecasting", the analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts.

This use of forecasting a maximum projected buildout scenario is a standard way to present a project's description under CEQA and often results in a project having fewer impacts than anticipated in the DEIR when the final development is less intense than the assumed maximum buildout. (See, e.g., South of Market Community Action Network v. City and County of San Francisco (2019) 33 Cal.App.5th 321, 334 [including the "maximum possible scope of the project...enhanced, rather than obscured, the information available to the public"]; Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227 Cal.App.4th 1036, 1052-55 [upholding the project description in a DEIR for a project consisting of flexible design standards governing a variety of possible ultimate land uses; "the DEIR made an extensive effort to provide meaningful information about the project, while providing for flexibility needed to respond to changing conditions and unforeseen events that could possibly impact the Project's final design"]; see also CEQA Guidelines, § 15124, subd. (c) [a project description need only include a "general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities"]; Dry Creek Citizens Coalition v. County of Tulare (1999) 70 Cal.App.4th 20, 26-36 [upholding a generalized project description against an attack arguing that it was insufficiently specific].)

The future development could include a range of development density based on the allowable minimum/maximum development for the proposed General Plan land use designations and zoning. In some areas, like air quality and transportation, analysis is based a defined set of land use assumptions. The traffic assumptions input into the modeling utilize ITE codes as follows:

- ITE Land Use Code 110 – General Light Industrial: 7%
- ITE Land Use Code 130 – Industrial Park: 15%
- ITE Land Use Code 150 – Warehousing: 15%
- ITE Land Use Code 151 – Mini-Warehouse: 3%
- ITE Land Use Code 154 – High-Cube Transload & Short-Term Storage Warehouse: 15%
- ITE Land Use Code 155 – High-Cube Fulfillment Center Warehouse: 15%
- ITE Land Use Code 156 – High-Cube Parcel Hub Warehouse: 15%
- ITE Land Use Code 157 – High-Cube Cold Storage Warehouse: 15%

It should be noted that the air quality model (CalEEMod) does not provide the same degree of granularity in land use options, as compared with what is available for transportation modeling. For example, the various type of unrefrigerated warehouse land uses, including 'Warehousing', 'Mini-Warehouse', 'High-Cube Transload & Short-Term Storage Warehouse', 'High-Cube Fulfillment Center Warehouse', and 'High-Cube Parcel Hub Warehouse', were grouped together as 'Unrefrigerated Warehouse – No Rail' within the CalEEMod model, since the more granular land uses are not available to be selected within the CalEEMod model. It should also be noted that 'General Light Industrial' is no longer available for use as a land use subtype for this Project, since the 'General Light Industrial' land use is no longer applicable in the CalEEMod model for land uses greater than 50,000 square feet, within the latest version of CalEEMod (v.2040.4.0). As such, 'General Heavy Industry' was selected as the best proxy for the 'General Light Industrial' land use.

The resulting analysis is considered conservative because the modeling upon which analysis is based assumes the development will be no higher than what is presented, and in some cases may be an

overstatement of actual impacts. The air emissions modeled and analyzed are anticipated to be at or below what is reasonably anticipated to occur.

Lastly, while some comments ask for additional studies and/or different methodologies or assumptions, it is noted that a lead agency is not required to accept a regulatory agency's recommendation that further studies be undertaken (Gray v. County of Madera (2008) 167 CA4th 1125). Additionally, "A project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information" Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 C3d 376, 415. The fact that further investigation might be helpful does not make it necessary."

Master Response 3 Development Agreement: Some comments suggest that the currently proposed project was already in the pipeline at the time of Ordinance No. 2019-07-16-1501-02, and that a new Development Agreement and Master Development Plan (MDP) are not required because with the approval of the Zoning Map Amendment, *the modified project* will be consistent with the 2040 General Plan Land Use Map. The commenter further states that the Development Agreement is not included as an attachment, and that a site plan, floor plan, grading plan, and elevations would be included. The commenter concludes by stating that the EIR must be revised to comply with CEQA § 15165.

First, it is noted that the Ordinance No. 2019-07-16-1501-02 was adopted July 16, 2019. The proposed Project began with the submission of an application to the City of Stockton on January 10, 2020. Secondly, it is noted that the proposed Project does not include a Development Agreement. However, a Development Agreement itself does not cause an environmental impact, rather, a Development Agreement is a reflection of Project entitlements described in a Project Description, along with mitigation requirements imposed on a project through the EIR process, and additional conditions, standards and requirements specifically developed for a project. From an applicant's standpoint, a primary purpose of a Development Agreement is to "vest" the project entitlements and to limit or eliminate the possibility that subsequent ordinances, policies or enactments of the City render the project economically feasible. From a City's standpoint, a Development Agreement can be useful and desirable to clearly define the timing, financial and legal responsibility for local and regional infrastructure and other mitigation requirements. A Development Agreement is not required to be fully-negotiated early in the process and included in a Draft EIR, and it would be wholly inappropriate to assume that one should or could be fully defined at the Draft EIR stage of the process given that the contents of a Development Agreement are intended to be a reflection of the mitigation, conditions, standards, and requirements developed through the whole CEQA process. The CEQA public review process should be fulfilled before one could reasonably prepare the Development Agreement. For the reasons discussed above, it is common practice to not include a Development Agreement as an attachment to a project during CEQA review.

Master Response 4 Air Quality/Indirect Source Review – Rule 9510: The San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 9510, as it relates to industrial uses, is specifically designed to function as a method for analyzing and mitigating business operational characteristics once those specific uses are known, including specific design measures that are incorporated into the design as onsite mitigation measures. Once the onsite mitigation measures are known, the emissions offset can be calculated. Once the emission offset is calculated, the discrepancy between the emission offset and the emissions can be calculated to determine if there is a remaining exceedance of the threshold. That discrepancy is then used to determine the additional offsite mitigation needs of that particular business, which can then be used

to calculate fees that are ultimately needed for the SJVAPCD to implement offsite mitigation on behalf of the project.

The offsite mitigation is specified by the SJVAPCD at the time it can be reasonably calculated, which is typically at Building Permit phase of the project. Because there is not an end user, site plan review, architectural plan, etc., it is not possible to reasonably calculate the emissions or onsite mitigation of the end user/site/building, making it impossible to calculate the offsite mitigation needs. Additionally, it would be inappropriate to assume that a business would have no ability to incorporate design measures that would reduce emissions, just as it would be inappropriate, and potentially cause the project to be infeasible, if it were assumed that a building or business could be designed to reduce emissions to any specific threshold level. This would require a level of speculation that is not appropriate at this stage of development. Hence the existence of SJVAPCD Rule 9510's offsite mitigation fees which functionally is intended to fund offsite emission reductions that cannot be achieved onsite.

The assumptions that have been made in the modeling effort are reasonable assumptions to analyze the probable effects of the proposed Project based on development allowances under the General Plan and Zoning Ordinance. Future approval process requires an analysis of the site plan once an end user is known. When that time arrives, Rule 9510 will be ripe for implementation.

It is anticipated that the best design measures, including the State of California Department of Justice's "Warehouse Projects: Best Practices and Mitigation Measures" would be considered for incorporation into site and/or building design as determined appropriate and feasible by the SJVAPCD and Engineer/Architect at the time of site design. It is noted that the City of Stockton has recently met with the Attorney General's Office, as well as the Sierra Club, to develop additional measures that are intended to reduce air quality impacts related to industrial projects. These new measures are intended to be used as a framework for other industrial projects to reduce air quality impacts. This framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. See Section 3.0: Revisions of this FEIR for further detail on these new measures. Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

BLUM COLLINS & HO, LLP
ATTORNEYS AT LAW
AON CENTER
707 WILSHIRE BLVD., SUITE 4880
LOS ANGELES, CALIFORNIA 90017
(213) 572-0400

November 29, 2021

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

VIA EMAIL TO:
Nicole.Moore@stocktonca.gov

SUBJECT: Comments on South Stockton Commerce Center EIR (SCH NO. 2020090561)

Dear Ms. Moore,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed South Stockton Commerce Center. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance (GSEJA). Also, GSEJA 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. A-1

1.0 Summary

The project proposes a Tentative Map for the 422.22-acre site to create 13 development lots, two basin lots, two open space lots, one sewer pump station lot, and off-site sewer improvements. Of the 13 development lots, 12 will be for development of industrial uses and one will be for development of commercial uses. Based on a maximum FAR of 0.47, a maximum of 6,091,551 square feet of industrial type land uses could be developed throughout the site. Based on a FAR of 0.30, a maximum of 140,350 square feet of commercial land uses could be developed. Neither a conceptual or finalized site plan are provided for public review in the EIR. The project requires approval of a General Plan Amendment and Zoning Map Amendment to shift the boundaries of two areas currently designated Commercial (CG) and Industrial (IL) to be consistent with the future Commerce Drive right-of-way center line to enable vehicular truck/trailer access to the IL site. A-2

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2.0 Project Description

Project Piecemealing
The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). Figures 2.06 and 2.0-9 depict the western portion of the project site (west of the railroad- south of Airport Way) to change the existing residential zoning classification (RH) to an industrial classification (IL). The EIR only addresses this via a footnote that states, "The Stockton Zoning Map (last revised June 29, 2020) identifies the zoning for APN 177-050-09 as CG (Commercial), RM (Residential Medium-Density), and RH (Residential High-Density). However, City of Stockton Ordinance No. 2019-07-16-1501-02 (adopted July 16, 2019, effective August 15, 2019) rezoned APN 177-050-09 to IL (Industrial-Limited) and CG (Commercial), consistent with the Industrial and Commercial General Plan Land Use Designations. These zoning actions will be reflected in the next revision of the Stockton Zoning Map." Adoption of Ordinance No. 2019-07-16-1501-02 to rezone APN 177-050-09 to IL and CG was a necessary precedent for the proposed project and to reflect "the applicant's current development interests for the area[1]." The project has been piecemealed into at least two separate actions - a necessary rezoning and the development proposal of the proposed project. Additionally, it is clear that the currently proposed project was already in the pipeline at the time of Ordinance No. 2019-07-16-1501-02 as the staff report also states that "A new Development Agreement and MDP are not required because with the approval of the Zoning Map Amendment, *the modified project* will be consistent with the 2040 General Plan Land Use Map."

A-3

CEQA § 15165 - Multiple and Phased Projects requires that:
"Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect."

[1] Stockton City Council File No. 19-5275 regarding Ordinance No. 2019-07-16-1501-02 and related actions https://stockton.legistar.com/LegislationDetail.aspx?ID=4059625&GUID=5250366C-C65C-43EC-93E3-006431546EDC

Piecemealing the necessary rezoning action for the project site misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action. A revised EIR must be prepared pursuant to Section 15168 which accurately represents the whole of the action without piecemealing the project into separate projects to present unduly low environmental impacts.

The EIR notes the following regarding a Development Agreement for the proposed project:

"The proposed project includes a request for approval of a Development Agreement (DA) governing the relationship between the City of Stockton and the SSCC Applicant, or its successors. A primary purpose of the DA may be to regulate development density and intensity over an extended period of time; however, the DA would not increase the maximum density or development intensity. The DA will also be used to establish other agreements between the City/Applicant (or its successors) related to the project. Such other agreements may include, but are not limited to, commitments to project entitlements and development standards as well as any other administrative and/or financial relationships that may be defined during the review of the initial application or subsequent applications related to developing the project."

The development agreement is not included as an attachment for public review in compliance with CEQA's requirements for meaningful disclosure. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the development agreement contributes directly to analysis of the problem at hand. The EIR must be revised to include the development agreement for review, analysis, and comment by the public and decision makers. This is especially vital as the EIR states the primary purpose of the DA is to regulate development density and intensity of the project.

A-3
cont'd

It is notable that the EIR states that "although a final and definitive Site Plan is not currently proposed, for planning purposes a conceptual site plan was prepared to establish a target Floor Area Ratio (FAR) that was used to generate the maximum square footage of building area for the Tentative Map and for purposes of environmental review." The basic components of a Planning Application include a site plan, floor plan, grading plan, and elevations. It is illogical to prepare a Project EIR (as stated in EIR Section 1.2) without final versions of these items. The EIR lacks basic project information and is inadequate as an informational document. Additionally, none of these items (including the conceptual site plan the EIR states was prepared) are included as part of the EIR for public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the site plan, floor plan, grading plan, and elevations contribute directly to analysis of the problem at hand. The EIR must be revised to include all application items for review, analysis, and comment by the public and decision makers.

Additionally, it can be concluded that a final and definitive site plan was prepared for the project as a General Plan Amendment and Rezone of the two areas between Airport Way and the Union Pacific Railroad right-of-way is proposed. These areas are currently designated Commercial and Industrial and are zoned CG (Commercial, General) and IL (Industrial, Light), respectively. The current boundaries of the designations will be modified to be consistent with the future Commerce Drive right-of-way center line to enable vehicular truck/trailer access to the IL site. Circulation needs are dependent upon building and site layout, which are determined as part of a final and definitive site plan. The project would not be knowledgeable enough to propose these changes if a final and definitive site plan had not already been prepared.

A-3 cont'd

3.3 Air Quality, 3.7 Greenhouse Gases, Climate Change, and Energy

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts generated by the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6077003803) ranks worse than 99% of the rest of the state overall. The surrounding community, including sensitive receptors such as the single family and multi-family residences to the east, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 51st percentile for ozone burden and the 57th percentile for PM 2.5 burden, which is typically attributed to heavy truck activity in the area.

A-4

Further, the project's census tract is a diverse community including 58% Hispanic, 11% African-American, and 9% Asian residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of linguistic isolation, meaning 49% of households speak little to no English. The community has a high rate of low educational attainment, meaning 89% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community is especially vulnerable as it ranks in the 84th percentile for incidence of asthma and 89th percentile for incidence of cardiovascular disease, which can be attributed to high levels of pollution.

Additionally, the project's census tract is identified as a SB 535 Disadvantaged Community, which is not discussed or presented for analysis in the EIR.

3.4 Biological Resources

The EIR states regarding impact 3.4-1 that "Field surveys and habitat evaluations for the entire Project site were performed on May 4, and November 9, 2020. (De Novo Planning Group, 2020). No special-status invertebrates were observed within the Project site during field surveys and none are expected to be affected by the proposed Project based on the lack of appropriate habitat." A finding of no impact is also concluded for impacts 3.4-2 through 3.4-10.

A-5

However, the EIR does not include any meaningful evidence, such as a Biological Resources Assessment, to support these conclusions. The information provided in Figures 3.4-1 to 3.4-3 is based on general internet-based research and do not provide project-specific information regarding impacts to Biological Resources. The EIR must be revised to support the claims that there are no impacts to Biological Resources by providing meaningful, supporting evidence such as a project-specific Biological Resources Assessment. If a Biological Resources Assessment was prepared and not attached for public review, this is a violation of CEQA § 15150 (f) as the report contributes directly to the analysis of the problem at hand.

3.8 Hazards and Hazardous Materials

The proposed project site is within Traffic Pattern Zone 7a of the Stockton Airport's Safety Zones, as identified in the Airport's ALUCP. Lands within Traffic Pattern Zone 7a cannot be developed with non-residential intensities greater than 450 persons per acre and must have open land over 10 percent of the site. The EIR concludes that "given that the Project's proposed land uses are compatible with the safety requirements of the ALUCP, and that the Project and future development would be subject to existing Stockton Municipal Code Chapter 16.28 requirements as well as proposed General Plan requirements about development within the AIA, the impact would be less than significant."

A-6

However, the EIR has not provided any meaningful evidence or analysis to support the claim that the impacts are less than significant. SJCOG's Project Review Guidelines for the Airport Land Use Commission[2] (ALUC) list that state law mandates ALUC review for "adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (Public Utilities Code Section 21676(b))." ALUC review is required by state law for the proposed project as it requires a General Plan Amendment to proceed. Delaying ALUC review to follow the CEQA process is implementation of the project prior to CEQA review. Additionally, the ALUC also requires project review for buildings 100 feet or taller, which may also be applicable

[2] SJCOG Project Review Guidelines for the Airport Land Use Commission
https://www.sjcog.org/DocumentCenter/View/5041/2019-ALUC-Project-Review-Guidelines?bidId=

to the project since the EIR has not included elevations for public review. The EIR notes the open land and persons per acre requirements of the ALUC, but does not provide any meaningful evidence or supporting information to demonstrate that the project complies with this requirement. The EIR must be revised to include a complete review by the ALUC for consistency with the Stockton Airport Land Use Compatibility Plan requirements.

A-6 cont'd

3.9 Land Use and Population

The EIR concludes that project would "generate additional employment opportunities. The additional employees may come from Stockton or surrounding communities. The Project would not directly introduce new residents to the City as no housing is proposed as part of the Project. It is noted, however, that *some portion* of the proposed Project employees would become Stockton residents." This is uncertain language and does not provide any meaningful evidence that the project will have less than significant impacts. The EIR must be revised and recirculated to include a quantified analysis of the employees generated during project construction and operations.

Further, the EIR is erroneous and misleading to the public and decision makers by providing inaccurate data regarding SJCOG projections. The EIR states that SJCOG projects the City will add 48,270 new dwelling units, 153,530 new residents, and 41,030 new jobs between 2015 and 2040. SJCOG's Population, Household, and Employment Projections[3] actually project the City will add 41,030 dwelling units, 122,708 residents, and 39,754 jobs between 2015 and 2040. The EIR must be revised and recirculated to include the accurate information.

A-7

The EIR concludes that the project "is expected to require approximately 2,964 full-time and part-time employees. It is *anticipated* that the employment growth would be met both by existing residents and through the attraction of new residents." However, the EIR does not provide a methodology for this calculation. The EIR must be revised to include the methodology for determining the number of employees generated by the project with meaningful evidence to support the use of the methodology. Utilizing the 2,964 jobs noted in the EIR in order to provide any method of calculation, the project represents 7.5% of Stockton's employment growth and 2.4% of the population growth from 2015 - 2040. A single project accounting for 7.5% of the employment growth and 2.4% of the population growth within Stockton over 25 years represents a significant amount of growth. The EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2015 and projects "in the pipeline" to determine if the project will exceed SJCOG's employment and/or population growth forecast. Additionally, the revised EIR must also provide demographic and geographic information on the

[3] SJCOG's 2018 RTP/SCS Appendix R- Population, Household, and Employment Projections https://www.sjcog.org/DocumentCenter/View/3722/Final-2018-RTPSCS-Technical-Appendix-R---Population-Household-and-Employment-Projections?bidId=

location of qualified workers to fill these positions in order to provide an accurate environmental analysis. The revised EIR must also include this information and analysis regarding project generated construction jobs.

A-7 cont'd

It must also be noted that the EIR is internally inconsistent as this section utilizes 2,964 employees for analysis while Appendix F - Transportation Impact Assessment notes that the project operations will generate 3,200 employees.

Table 3.10-2 General Plan Policy Consistency does not provide a consistency analysis for all applicable General Plan goals, policies, and programs. The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis with all General Plan policies, including the following:

POLICY LU-5.2 Protect natural resource areas, fish and wildlife habitat, scenic areas, open space areas, agricultural lands, parks, and other cultural/historic resources from encroachment or destruction by incompatible development.

Action LU-5.2A Continue to coordinate with the San Joaquin Council of Governments and comply with the terms of the MultiSpecies Habitat Conservation and Open Space Plan to protect critical habitat areas that support endangered, threatened, and special-status species.

A-8

Action LU-5.2B For projects on or within 100 feet of sites that have the potential to contain special-status species or critical or sensitive habitats, including wetlands, require preparation of a baseline assessment by a qualified biologist following appropriate protocols, such as wetland delineation protocol defined by the US Army Corps of Engineers. If such sensitive species or habitats are found to be present, development shall avoid impacting the resource, and if avoidance is not feasible, impacts shall be minimized through project design or compensation identified in consultation with a qualified biologist.

Action LU-5.2C Require new development to implement best practices to protect biological resources, including incidental take minimization measures and other federal and State requirements and recommendations that are consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

Action TR-4.1A Strive for Level of Service (LOS) D or better for both daily roadway segment and peak hour intersection operations, except when doing so would conflict with other land use, environmental, or economic development priorities.

GOAL SAF-4: CLEAN AIR Improve local air quality.

POLICY SAF-4.1 Reduce air impacts from mobile and stationary sources of air pollution.

POLICY CH-2.3 Focus on reducing the unique and compounded environmental impacts and risks in disadvantaged communities.

Additionally, the EIR finds the project is consistent with Policy TR-3.2: Require new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible. This is erroneous and misleading to the public and decision makers as the project results in significant and unavoidable VMT and greenhouse gas emissions impacts. Further, regarding Action TR-4.1A, the EIR concludes the project will result in significant and unavoidable LOS impacts, which directly conflicts with this General Plan Action. The EIR must be revised to include these inconsistencies and make a finding of significance.

A-8 cont'd

The EIR does not provide any consistency analysis with the Policies and Supportive Strategies of SJCOG's 2018 RTP/SCS[4]. Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter/attachments, and the EIR's determination that the project will have significant and unavoidable cumulatively considerable impacts to Agricultural Resources, Air Quality and Greenhouse Gas Emissions/Climate Change/Energy, and significant and unavoidable impacts to Transportation (VMT and LOS), the proposed project is directly inconsistent with the following Policies and Supportive Strategies of SJCOG's RTP/SCS:

Policy: Enhance the Environment for Existing and Future Generations and Conserve Energy

Strategy #1: Encourage efficient development patterns that maintain agricultural viability and natural resources

Strategy #3: Improve air quality by reducing transportation-related emissions

Policy: Maximize mobility and accessibility

Strategy #4: Improve regional transportation system efficiency

Policy: Preserve the efficiency of the existing transportation system

The EIR must be revised to include a finding of significance due to inconsistency with the 2018 RTP/SCS document.

A-9

3.13 Transportation and Circulation

The EIR concludes, "Implementation of the Proposed Project would not result in a geometric design feature that is inconsistent with applicable design standards for the City of Stockton. The project would not result in a significant change to the vehicle mix or speed of traffic that is not compatible with the design of existing or planned facility design. Therefore, the impact would be

A-10

[4] SJCOG 2018 RTP/SCS https://www.sjcog.org/DocumentCenter/View/4156/Final-Compiled-RTPSCS-2018

Less-Than-Significant." The EIR also reaches a less than significant impact conclusion regarding access for emergency response vehicles. However, the EIR does not provide any meaningful evidence, such as a site plan, to support this conclusion. The EIR is not able to logically conclude that the project will not result in a geometric design feature inconsistent with design standards that creates a hazard, change the vehicle mix/speed of traffic, or impede emergency vehicle access without providing a site plan and circulation layout. The EIR must be revised to include these items for public review and analysis in order to be an adequate informational document.

A-10 cont'd

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated 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.

A-11

Sincerely,

Gary Ho
Blum Collins & Ho, LLP

Attachments:
1. SWAPE Comment Letter

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

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

November 12, 2021

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

Subject: Comments on the South Stockton Commerce Center Project (SCH No. 2020090561)

Dear Mr. Ho,

We have reviewed the October 2021 Draft Environmental Impact Report ("DEIR") for the South Stockton Commerce Center Project ("Project") located in the City of Stockton ("City"). The Project proposes to develop 6,091,551-SF of industrial space, 140,350-SF of commercial space, 54 acres of open space, 41 acres of public facilities, and 18 acres of right-of-way circulation improvements on the 422.22-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 are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment. A-12

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 3.3-27).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's A-13

[1] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the CalEEMod Outputs as Appendix B.1 to the Air Quality, Greenhouse Gas, and Energy Appendices ("AQ & GHG Report"), we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. Thus, an updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

A-13 cont'd

Failure to Model All Proposed Land Use Types

According to the DEIR:

> "For purposes of the environmental analysis, a range of industrial uses is assumed. These uses include General Light Industrial, Industrial Park, Warehousing, Mini-Warehouse, High-Cube Transload And Short-Term Storage Warehouse, High-cube Fulfillment Center Warehouse, High-Cube Parcel Hub Warehouse, And High-Cube Cold Storage Warehouse" (p. 2.0-5, Table 2.0-2).

As demonstrated above, the Project proposes to include several different industrial and warehouse land uses types. However, review of the CalEEMod output files demonstrates that the "South Stockton Commerce Center" model fails to differentiate between the above-mentioned land use types and rather includes all 6,091,551-SF as "General Light Industry" (see excerpt below) (Appendix B.1, pp. 651, 754, 848).

A-14

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Light Industry	6,091.55	1000sqft	298.00	6,091,551.00	0
Other Asphalt Surfaces	18.20	Acre	18.20	792,792.00	0
Regional Shopping Center	140.35	1000sqft	11.00	140,350.00	0
Other Non-Asphalt Surfaces	41.00	Acre	41.00	1,785,960.00	0
City Park	54.00	Acre	54.00	2,352,240.00	0

As you can see from the excerpt above, the model fails to distinguish between the various industrial land use types. This inconsistency presents an issue, as CalEEMod includes 63 different land use types that are each assigned a distinctive set of energy usage emission factors.[2] Furthermore, each land use type includes a specific trip rate that CalEEMod uses to calculate mobile-source emissions.[3] Thus, by failing to include all proposed land use types, the model may underestimate the Project's construction-related and operational emissions and should not be relied upon to determine Project significance.

[2] "CalEEMod User's Guide, Appendix D." CAPCOA, September 2016, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/05_appendix-d2016-3-1.pdf?sfvrsn=2.
[3] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/upgrades/2016.3/01_user-39-s-guide2016-3-1.pdf?sfvrsn=2, p. 14.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "South Stockton Commerce Center" model includes several changes to the default individual construction phase lengths (see excerpt below) (Appendix B.1, pp. 652, 755, 849).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	300.00	240.00
tblConstructionPhase	NumDays	775.00	620.00
tblConstructionPhase	NumDays	7,750.00	3,685.00
tblConstructionPhase	NumDays	550.00	440.00
tblConstructionPhase	NumDays	550.00	3,685.00

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix B.1, pp. 662, 762, 856):

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Site Preparation	Site Preparation	8/1/2021	7/1/2022	5	240
2	Grading	Grading	7/2/2023	11/14/2025	5	620
3	Building Construction	Building Construction	11/15/2025	12/30/2039	5	3685
4	Paving	Paving	11/15/2025	7/23/2027	5	440
5	Architectural Coating	Architectural Coating	11/15/2025	12/30/2039	5	3685

A-15

As you can see in the excerpt above, the site preparation phase was decreased by 20%, from the default value of 300 to 240 days; the grading phase was decreased by 20%, from the default value of 775 to 620 days; the building construction phase was decreased by 52%, from the default value of 7,750 to 3,685 days; the paving phase was decreased by 20%, from the default value of 550 to 440 days; and the architectural coating phase was increased by 570%, from the default value of 550 to 3,685 days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[4] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is: "Construction schedule based on project size and details" (Appendix B.1, pp. 652, 755, 849). Furthermore, regarding the Project's anticipated construction schedule, the DEIR states:

> "The proposed Project is assumed to commence construction in 2021 and finish in late 2039" (p. 3.7-31).

However, these justifications remain insufficient. While the DEIR indicates the total construction duration, the DEIR fails to mention or justify the individual construction phase lengths. This is incorrect, as according to the CalEEMod User's Guide:

[4] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

> "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." [5]

Here, as the DEIR only justifies a total construction duration of approximately 18 years, the DEIR fails to provide substantial evidence to support the revised individual construction phase lengths. As such, we cannot verify the changes.

These unsubstantiated changes present an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[6]

> ***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.
>
> ***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.
>
> ***Paving*** involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

A-15 cont'd

As such, by disproportionately altering the individual construction phase lengths without proper justification, the model may underestimate the peak daily emissions associated with some phases of construction, here specifically the architectural coating phase. Thus, the model should not be relied upon to determine Project significance.

Unsubstantiated Reduction to Acres of Grading Value

Review of the CalEEMod output files demonstrates that the "South Stockton Commerce Center" model includes a manual reduction to the default acres of grading value (see excerpt below) (Appendix B.1, pp. 654, 757, 851).

Table Name	Column Name	Default Value	New Value
tblGrading	AcresOfGrading	1,550.00	328.00

A-16

As you can see in the excerpt above, the acres of grading value was decreased from the default value of 1,550- to 328-acres. As previously mentioned, the CalEEMod User's Guide requires any changes to

[5] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 12.
[6] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 31.

model defaults be justified.[7] According to the "User Entered Comments & Non-Default Data" table, the justification provided for this reduction is: "328 acres assumed to be graded" (Appendix B.1, pp. 652, 755, 849). However, this change remains unsupported for two reasons.

First, the model cannot simply assume that only 328 acres would be graded. 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."[8]

Here, as the DEIR and associated documents fail to provide substantial evidence to support the revised acres of grading value, we cannot verify the reduction.

Second, according to the CalEEMod User's Guide:

> "[T]he dimensions (e.g., length and width) of the grading site have no impact on the calculation, only the total area to be graded. In order to properly grade a piece of land multiple passes with equipment may be required. The acres is based on the equipment list and days in grading or site preparation phase according to the anticipated maximum number of acres a given piece of equipment can pass over in an 8-hour workday."[9]

As demonstrated above, the acres of grading value is based on construction equipment and the length of the grading or site preparation phase. Thus, as the dimensions of the Project site have no impact on acres of grading, we cannot verify the revised value.

This unsubstantiated reduction presents an issue, as CalEEMod uses the acres of grading value to estimate the dust emissions associated with grading.[10] Thus, by including an unsubstantiated reduction to the default acres of grading value, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

A-16 cont'd

Failure to Implement All Feasible Mitigation to Reduce Emissions

As discussed above, the DEIR's air quality analysis relies upon an incorrect and unsubstantiated air model to determine the significance of the Project's criteria air pollutant emissions. However, despite the DEIR's reliance upon a flawed air model, the Project's construction-related and operational criteria air pollutant emissions estimates indicate a significant air quality impact. Specifically, the DEIR concludes

A-17

[7] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9
[8] CalEEMod Model 2013.2.2 User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.
[9] "Appendix A Calculation Details for CalEEMod." *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 9.
[10] "Appendix A Calculation Details for CalEEMod." *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 9.

5

that the Project's construction-related NO_X emissions, as well as operational NO_X, ROG, and PM_{10} emissions, would exceed the applicable SJVAPCD thresholds (see excerpts below) (p. 3.3-35, 3.3-31).

TABLE 3.3-7: CONSTRUCTION PROJECT GENERATED EMISSIONS (TONS PER YEAR) - MITIGATED

POLLUTANT	CO	NOX	ROG	SOX	PM_{10}	$PM_{2.5}$
THRESHOLD	100	10	10	27	15	15
MAXIMUM ANNUAL EMISSIONS	20.3	22.3	5.8	0.1	7.1	2.0
EXCEEDS THRESHOLD?	N	Y	N	N	N	N

SOURCES: CALEEMOD (V.2016.3.2)

TABLE 3.3-6: OPERATIONAL PROJECT GENERATED EMISSIONS (TONS PER YEAR)

POLLUTANT	CO	NOX	ROG	SOX	PM_{10}	$PM_{2.5}$
THRESHOLD	100	10	10	27	15	15
EMISSIONS	39.4	114.7	33.0	0.5	24.6	7.0
EXCEEDS THRESHOLD?	N	Y	Y	N	Y	N

SOURCES: CALEEMOD (V.2016.3.2)

A-17 cont'd

As a result, the DEIR concludes that the Project's construction-related and operational criteria air pollutant emissions would be significant-and-unavoidable (p. 3.3-34, 3.3-35). However, while we agree that the Project's criteria air pollutant emissions would result in a significant air quality impact, the DEIR's conclusion that these impacts are "significant and unavoidable" is incorrect. According to CEQA Guidelines § 15096(g)(2):

> "When an 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."

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Here, while the DEIR includes Mitigation Measures ("MM(s)") 3.3-1 through 3.3-5, the DEIR fails to implement all feasible mitigation (p. 3.3-34 – 3.3-36). Therefore, the DEIR's conclusion that the Project's air quality impacts are significant-and-unavoidable is unsubstantiated. To reduce the Project's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." Thus, the Project should not be approved until an updated EIR is prepared, including updated, accurate air modeling, as well as incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR estimates that the maximum incremental cancer risk posed to nearby, existing sensitive receptors as a result of Project operation associated truck idling, truck on-site mobile, and TRU diesel

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particulate matter ("DPM") emissions would be 1.09 in one million, which would not exceed the SJVAPCD significance threshold of 20 in one million (see excerpt below) (p. 3.3-40, Table 3.3-9).

TABLE 3.3-9: SUMMARY OF MAXIMUM HEALTH RISKS

RISK METRIC	*MAXIMUM RISK*	*SIGNIFICANCE THRESHOLD*	*IS THRESHOLD EXCEEDED?*
Residential Cancer Risk (70-year exposure)	1.09	20 per million	No
Workplace Cancer Risk (40-year exposure)	0.14	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)[4]	<0.01	Hazard Index ≥1	No

SOURCES: AERMOD (LAKES ENVIRONMENTAL SOFTWARE, 2022); AND HARP-2 AIR DISPERSION AND RISK TOOL.

However, the DEIR fails to discuss the health risk impacts associated with Project construction. The DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, by failing to prepare a quantified construction HRA, the Project is inconsistent with CEQA's requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. This is incorrect, as construction of the proposed Project will produce emissions of DPM through the exhaust stacks of construction equipment over a potential construction period of approximately 18 years (p. 3.7-31). However, the DEIR fails to discuss the potential TACs associated with Project construction or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project's construction-related TAC emissions to the potential health risks posed to nearby receptors, the AQ & GHG Report is inconsistent with CEQA's requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

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Second, the State of California Department of Justice recommends the preparation of a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines.[11] OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015, as referenced by the AQ & GHG Report (Appendix A, p. 2).[12] The OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident ("MEIR").[13] Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we

[11] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, *available at*: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf, p. 6.
[12] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/hotspots2015.html
[13] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6, 8-15

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recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. This recommendation reflects the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project operation be included in an updated EIR for the Project.

Third, while the DEIR includes an HRA evaluating the health risk impacts to nearby, existing receptors as a result of Project operation, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. According to OEHHA guidance, as referenced by the AQ & GHG Report, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location" (Appendix A, p. 2).[14] However, the DEIR's HRA fails to sum each age bin to evaluate the total cancer risk over the course of the Project's total construction and operation. This is incorrect and thus, an updated analysis should quantify the entirety of the Project's construction and operational health risks and then sum them to compare to the SJVACPD threshold of 20 in one million, as referenced by the DEIR (p. 3.3-40). A-18 cont'd

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 72,615.9 metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (p. 3.7-32, Table 3.7-2).

TABLE 3.7-2: OPERATIONAL GHG EMISSIONS AT BUILDOUT (MITIGATED METRIC TONS/YEAR)

	BIO- CO_2	*NON-BIO- CO_2*	*TOTAL CO_2*	*CH4*	*N2O*	*CO2E*
Area	0	0.1	0.1	<1	0	0.1
Energy	0	21,602.5	21,602.5	0.8	0.3	21,699.6
Mobile	0	42,748.6	42,748.6	1.8	0	42,794.6
Waste	1,564.2	0	1,564.2	92.4	0	3,875.1
Water	450.2	2,305.8	2.756.0	46.3	1.1	4,246.4
Total	**2,014.4**	**66,657.0**	**68,671.4**	**141.4**	**1.4**	**72,615.9**

SOURCES: CALEEMOD (V.2016.3.2)

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Furthermore, based on a service population of 2,964 people, the DEIR estimates a service population efficiency value of 24.5 metric tons of carbon dioxide equivalents per service population per year ("MT CO_2e/SP/year"), which exceeds the 2040 threshold of 4.84 MT CO_2e/SP/year. As a result, the DEIR concludes that the Project would result in a significant-and-unavoidable greenhouse gas ("GHG") impact after the implementation of mitigation measure ("MM") 3.7-1 (p. 3.7-33). 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 insufficient for two reasons:

(1) The DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model; and

[14] "Guidance Manual for preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 8-4

(2) The DEIR fails to implement all feasible mitigation.

1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 72,615.9 MT CO_2e/year (p. 3.7-32, Table 3.7-2). However, the DEIR's quantitative GHG analysis is unsubstantiated. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the AQ & GHG Report as Appendix B to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR. As a result, the model underestimates the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment

2) Failure to Implement All Feasible Mitigation to Reduce GHG Emissions

As discussed above, the DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model to determine the significance of the Project's GHG emissions. However, despite the DEIR's flawed air model, the DEIR concludes that the proposed Project's GHG emissions would be significant-and-unavoidable (p. 3.7-33). However, while we agree that the Project would result in a significant GHG impact, the DEIR's conclusion that this impact is "significant and unavoidable" is incorrect. As previously stated, according to CEQA Guidelines § 15096(g)(2): A-19 cont'd

> "When an 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."

As you can see, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. Here, while the DEIR implements MM 3.7-1, which requires the applicant to demonstrate prior to the approval of new development phases that the Project does not exceed SJVAPCD greenhouse thresholds for Project operations, the DEIR fails to implement all feasible mitigation. Therefore, the DEIR's conclusion that Project's GHG emissions would be significant-and-unavoidable is unsubstantiated. To reduce the Project's GHG impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." Thus, the Project should not be approved until an updated EIR is prepared, including updated, accurate air modeling, as well as incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR's analysis demonstrates that the Project would result in significant air quality and GHG impacts that should be mitigated further. In an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be A-20

found in the Department of Justice Warehouse Project Best Practices document.[15] Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.

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[15] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice.

- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- 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 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.

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- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants 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.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. Furthermore, we recommend the Project consider the mandatory and voluntary GHG emissions reduction measures in the City's CAP, specifically the measures relating to building energy, land-use and transportation, waste generation, water consumption, wastewater treatment, urban forestry, and off-road vehicles.[16] An updated EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality, health risk, and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

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Disclaimer

SWAPE has received limited discovery 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 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.

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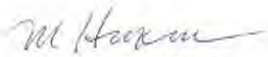
Sincerely,



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

Paul E. Rosenfeld, Ph.D.

[16] "City of Stockton Climate Action Plan." City of Stockton, August 2014, *available at:* https://www.stocktonca.gov/files/Climate_Action_Plan_August_2014.pdf, p. 3-18 – 3-38.

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

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Attachment A

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

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.
- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:
- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:
- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:
- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

Attachment B

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

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program, 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld.** (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A, Hesse, R., Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts. Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants.*. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America.* Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington. Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems. Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff*, vs. Marathon Petroleum, LP, *Defendant*.
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168 , Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant.*
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jacanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants.*
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

Response to Letter A: Gary Ho, Blum Collins & Ho, LLP

Response A-1: The commenter requests to be added to the public interest list regarding this Project.

This comment is noted. The commenter has been added to the City's public interest list for this Project. No further response is necessary.

Response A-2: The commenter summarizes the proposed Project.

This comment is noted. This comment serves as an introduction to the comment letter, providing a summary of the project. No further response is necessary.

Response A-3: The commenter provides comments indicating that the EIR does not accurately or adequately describe the project, meaning the whole of the action, which has a potential for resulting in direct physical change in the environment. The commenter presents information regarding the proposed zoning change and indicates that it is only addressed via a footnote. The commenter discusses the City's adoption of Ordinance 2019-07-16-1501-02. The commenter states that "The project has been piecemealed into at least two separate actions - a necessary rezoning and the development proposal of the proposed project. The commenter says that it is clear that the currently proposed project was already in the pipeline at the time of Ordinance No. 2019-07-16-1501-02 as the staff report also states that 'A new Development Agreement and MDP are not required because with the approval of the Zoning Map Amendment, *the modified project* will be consistent with the 2040 General Plan Land Use Map.'" The commenter further states that the Development Agreement is not included as an attachment, and that a site plan, floor plan, grading plan, and elevations would be included. The commenter concludes by stating that the EIR must be revised to comply with CEQA § 15165.

This comment is addressed under Master Response 1, 2, and 3 (Reference Section 2.3 of this Chapter).

Response A-4: The commentor refers to the attachments from SWAPE for a complete technical commentary and analysis. The commentor then states that the EIR does not include analysis for relevant environmental justice issues. The commentor states that this is particularly important, since the surrounding community is highly burdened by pollution. The commentor states that, according to CalEnviroScreen 4.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6077003803) ranks worse than 99% of the rest of the state overall. The commentor provides additional statistics for the community's exposure to air pollution, and states that, since the community has a high rate of linguistic isolation and low educational attainment, the community is highly vulnerable. The commentor also states that the project's census tract is identified as a SB 535 Disadvantaged Community.

This comment is noted. The Draft EIR has evaluated each of the Project's environmental impacts against the relevant thresholds (such as via an air toxic health risk assessment to determine the total cancer and non-cancer air toxic health risks and the nearby sensitive

receptors) and checked consistency with the applicable plans (such as the General Plan). Moreover, the EIR has incorporated mitigation measures where applicable and feasible, made appropriate significance determinations, and evaluated cumulative impacts and Project alternatives. However, CEQA does not use the terms "fair treatment" or "environmental justice". Rather, CEQA centers on whether a project may have a significant effect on the physical environment, regardless of socioeconomic conditions, including income levels of the residents. For instance, air quality impacts are measured against a threshold established for the region, which is not weighted or modified up or down based on a socioeconomic condition. The threshold itself is a metric by which an analyst can make a determination of the physical environmental impact caused by a project. The thresholds are established by the Air District, whose responsibility is to maintain and/or improve ambient air quality conditions to state and federal levels for all people.

Nevertheless, CEQA does require a lead agency to consider whether a project's effects, while individually limited, are "cumulatively considerable" and therefore significant when combined with other projects. As provided in Chapter 4.0: Other CEQA of the Draft EIR, cumulative impacts are considered and analyzed in full. For example, as provided in Chapter 4.0: Other CEQA of the Draft EIR, the proposed Project was identified as having a cumulatively considerable and significant and unavoidable cumulative air quality impact. This is especially common for development projects that occur in areas that have non-attainment designations, including San Joaquin County.

Separately, the City of Stockton considered alternative locations early in the public scoping process. The City's key considerations in identifying an alternative location were as follows:

- Is there an alternative location where significant effects of the Project would be avoided or substantially lessened?
- Is there a site available within the City's Sphere of Influence with the appropriate size and characteristics such that it would meet the basic Project objectives?

The City's consideration of alternative locations for the Project included a review of previous land use planning and environmental documents in Stockton including the General Plan. The search included a review of lands in the south part of Stockton that are located within the Sphere of Influence and is otherwise suitable for development. It was found that much of the undeveloped land located to the west of the Project site is located within a 100-, 200-, or 500-year flood plain. The areas within the 200-year flood plain are severely constrained and are not developable until the City of Stockton is able to design, fund, and construct a solution to protect this area from the 200-year flood event. The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives and avoid or substantially lessen one or more significant effects of the Project. The City has determined that alternative locations outside the Sphere of Influence would not be feasible because an expansion of the Sphere of Influence would

induce unplanned growth and cause impacts greater than development on the Project site. For these reasons, the City of Stockton determined that there are no feasible alternative locations.

In addition, as discussed in Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 (Goleta II), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR. The EIR "is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy." (Goleta II, supra, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. "Informed and enlightened regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning." (Goleta II, supra, 52 Cal.3d at pp. 572-573.) The proposed Project is generally consistent with the types of uses considered in the Stockton General Plan and associated EIR. Further, the proposed Project is consistent with the site's existing General Plan designations, but due to limitations caused by the floodway along French Camp Slough and the location of drive entrances for surrounding developments, the alignment of the future Commerce Drive requires a General Plan Amendment for the two (2) areas between Airport Way and the Union Pacific Railroad right-of-way. These areas are currently designated Commercial and Industrial. The current boundaries of the designations will be modified to be consistent with the future Commerce Drive right-of-way center line. The area to the north of the Commerce Drive right-of-way centerline will be designated Commercial and the area to the south of the Commerce Drive right-of-way centerline will be designated Industrial. Thus, in addition to the reasons discussed above, an off-site alternative need not be further discussed in the EIR.

It was determined that there are no feasible alternatives to the proposed Project (as identified in Section 5:0: Alternatives of the Draft EIR) that would meet all Project objectives, even after considering alternative project designs. Furthermore, there are no additional feasible mitigation measures that would reduce those impacts, beyond those presented in the Mitigation Monitoring and Reporting Program that were determined to be "significant and unavoidable" (it should also be noted that relevant mitigation measures within the DEIR have been updated in this FEIR based on the recommendations of this, and other, comment letters, as applicable. In addition, as part of the enforcement process, "[i]n order to ensure that the mitigation measures and project revisions identified in the EIR…are implemented," the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) A Mitigation Monitoring and Reporting Program has been prepared for the Project, as is included in Chapter 4 of this Final EIR.

Under CEQA, a local government is charged with the important task of "determining whether and how a project should be approved," and must exercise its own best

judgment to "balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (Id. at § 15093.) When the agency does so, however, it must be clear and transparent about the decision.

To satisfy CEQA's public information and informed decision-making purposes, in making a Statement of Overriding Considerations, the agency should clearly state not only the "specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" that, in its view, warrant approval of the project, but also the project's "unavoidable adverse environmental effects[.]" (Id. at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the Statement of Overriding Considerations. Therefore, the Statement of Overriding Considerations prepared for the proposed Project will incorporate language that plainly identifies that some of the environmental burdens of the project will be felt particularly by the neighboring communities.

Overall, CEQA's purpose is neither "fair treatment" nor "environmental justice" in the sense of socioeconomic conditions. Rather, CEQA centers on whether a project may have a significant effect on the physical environment. The Draft EIR has been developed consistent with the requirements of CEQA. Nevertheless, the Draft EIR does include analysis of issues that are related to environmental justice, where applicable (such as through the development of an air toxic Health Risk Assessment to determine the total cancer and non-cancer air toxic health risks and the nearby sensitive receptors, and under cumulative impacts).

Response A-5: The commenter summarizes the Biological Resources methodology and results. The commenter states that the EIR does not include meaningful evidence, such as a Biological Resources Assessment, to support these conclusions. The commenter states that "If a Biological Resources Assessment was prepared and not attached for public review, this is a violation of CEQA § 15150 (f) as the report contributes directly to the analysis of the problem at hand."

The Biological Resources section of the Draft EIR is, by its content, the functional equivalent of a Biological Resources Assessment. In-lieu of preparing a stand-alone separate document, the contents of the Biological Resources Assessment are embodied in the Biological Resources Section of the Draft EIR. This includes an environmental setting, including a literature review, data base searches, and documentation of field surveys. The chapter also includes a regulatory setting, which outlines the applicable laws and regulations that apply to the proposed project. Lastly, the chapter includes a full impact analysis and mitigation measures for special status species, habitat, jurisdictional aquatic resources, and relevant plan and policy consistency analysis. Field surveys and

habitat evaluations for the entire Project site were performed by Steve McMurtry, Principal Biologist on May 4, and November 9, 2020. Additional field surveys were performed by qualified biologists from Madrone in 2021, focusing on the aquatic resources only. The site conditions are well documented in the Biological Resources chapter.

Response A-6: The commenter states the Project site is within Traffic Pattern Zone 7a of the Stockton Airport's Safety Zones. The commenter states that the EIR has not provided any meaningful evidence or analysis to support the claim that the impacts are less than significant. The commenter also states that delaying ALUC review of the Project to follow the CEQA process is implementation of the Project prior to CEQA review. The commenter concludes that the EIR must be revised to include a complete review by the ALUC for consistency with the Stockton Airport Land Use Compatibility Plan requirements.

As noted on page 3.8-12 of Section 3.8, Hazards and Hazardous Materials, of the Draft EIR, the Project site is located within the airport influence area for the Stockton Metropolitan Airport identified in the Airport Land Use Compatibility Plan (ALUCP). The northeastern corners of the Project site are within CNEL 60 noise exposure contours and the eastern portion of the Project site is within the SEL Contour. Additionally, the whole Project site is located within Traffic Pattern Zone 7a of the Airport's Safety Zones, as identified in the Airport's ALUCP.

Additionally, as noted on pages 3.8-21 and 3.8-22 of Section 3.8, lands within Traffic Pattern Zone 7a cannot be developed with non-residential intensities greater than 450 persons per acre and must have open land over 10 percent of the site. Additionally, uses within Traffic Pattern Zone 7a cannot be hazardous to flight, include waterways that create a bird hazard, and outdoor stadiums are prohibited. Airspace review is required for development greater than 100 feet tall on lands within Zone 7a.

According to the Stockton Metropolitan Airport's ALUCP, the industrial and commercial land uses are consistent with the Traffic Pattern Zone 7a of the Airport's Safety Zones. Additionally, new developments are required to comply with Chapter 16.28 of the Stockton Municipal Code, Overlay Zoning District Land Use and Development Standards, which requires that uses be consistent with the Stockton Municipal Airport ALUCP and that heights be limited in various zones to ensure safety. Further, the General Plan includes Action TR-1.3a, which directs the City to ensure that all future development is consistent with the ALUCP, except in cases where the City Council concludes that project would protect public health, safety, and welfare by minimizing the public's exposure to excessive noise and safety hazards. Further, as noted in Section 3.8, the Project would be subject to Chapter 16.28 of the City Code.

ALUC regulations require buildings to be designed in Traffic Pattern Zone 7a of the Airport's Safety Zones to be less these 100 feet. This is an existing requirement, which must be applied to any building design in that area. The proposed entitlements do not in any way usurp these ALUC regulations, rather all future building on the industrial lots

created by the project is subject to all existing rules, regulations, and ordinances of the City of Stockton and Responsible Agencies such as the ALUC.

Any future industrial or commercial building within the Project site can reasonably be assumed to not house more than 450 people per acre on the site. Nevertheless, when a site plan review or architectural review is brought forward for review, the City and ALUC will review the plan for consistency with the existing regulations for development in the Airport's Safety Zones.

This comment is addressed under Master Response 1 and 2 (Reference Section 2.3 of this Chapter).

Response A-7: The commenter states the following:

> The EIR concludes that project would "generate additional employment opportunities. The additional employees may come from Stockton or surrounding communities. The Project would not directly introduce new residents to the City as no housing is proposed as part of the Project. It is noted, however, that some portion of the proposed Project employees would become Stockton residents." This is uncertain language and does not provide any meaningful evidence that the project will have less than significant impacts. The EIR must be revised and recirculated to include a quantified analysis of the employees generated during project construction and operations.
>
> Further, the commenter states that "the EIR is erroneous and misleading to the public and decision makers by providing inaccurate data regarding SJCOG projections. The EIR states that SJCOG projects the City will add 48,270 new dwelling units, 153,530 new residents, and 41,030 new jobs between 2015 and 2040. SJCOG's Population, Household, and Employment Projections actually project the City will add 41,030 dwelling units, 122,708 residents, and 39,754 jobs between 2015 and 2040. The EIR must be revised and recirculated to include the accurate information."

The commenter referenced an error in the SJCOG forecasts provided in the Land Use Chapter. These numbers were obtained from the Stockton General Plan EIR, and carried over into the Draft EIR for the proposed Project. The error is on page 4.12-6 of the Stockton General Plan EIR, and was transcribed verbatim on pages 3.10--23 through 3.10-24 of the Draft EIR for the proposed project. After reviewing the SJCOG forecasts for growth and employment during the 2015-2040 planning horizon, revisions to the Draft EIR text were deemed necessary. The revisions reflect corrections to the text, but they do not substantively change the analysis or conclusions provided in the EIR. The revisions are provided in Section 3.0 of this Final EIR.

The commenter states the following:

> The EIR concludes that the project "is expected to require approximately 2,964 full-time and part-time employees. It is anticipated that the employment growth would be met both by existing residents and through the attraction of new residents." However, the EIR does not provide a methodology for this calculation. The EIR must be revised to include the methodology for determining the number of employees generated by the project

> with meaningful evidence to support the use of the methodology. Utilizing the 2,964 jobs noted in the EIR in order to provide any method of calculation, the project represents 7.5% of Stockton's employment growth and 2.4% of the population growth from 2015 - 2040. A single project accounting for 7.5% of the employment growth and 2.4% of the population growth within Stockton over 25 years represents a significant amount of growth. The EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2015 and projects "in the pipeline" to determine if the project will exceed SJCOG's employment and/or population growth forecast. Additionally, the revised EIR must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis. The revised EIR must also include this information and analysis regarding project generated construction jobs.
>
> It must also be noted that the EIR is internally inconsistent as this section utilizes 2,964 employees for analysis while Appendix F - Transportation Impact Assessment notes that the project operations will generate 3,200 employees.

The commenter referenced an inconsistency in the employment forecasts provided in the Land Use Chapter relative to those provided in the Traffic Chapter. Based on this comment revisions were necessary. The revisions reflect corrections to the text, but they do not substantively change the analysis or conclusions provided in the EIR. The traffic analysis utilized this forecast for all quantitative modeling. The air emissions and noise analysis both utilized the outputs from the traffic report, which were based on these numbers. Other quantitative analysis relied on factors that are directly tied to acreage or square foot of development. The updated text in this case is an informative correction and does not warrant additional edits to the EIR beyond those provided in Section 3.0 of this Final EIR.

Response A-8: The commenter states the following:

> Table 3.10-2 General Plan Policy Consistency does not provide a consistency analysis for all applicable General Plan goals, policies, and programs. The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis with all General Plan policies, including the following:
>
> POLICY LU-5.2 Protect natural resource areas, fish and wildlife habitat, scenic areas, open space areas, agricultural lands, parks, and other cultural/historic resources from encroachment or destruction by incompatible development.
>
> Action LU-5.2A Continue to coordinate with the San Joaquin Council of Governments and comply with the terms of the San Joaquin Multi-Species Conservation Plan ("SJMSCP") to protect critical habitat areas that support endangered, threatened, and special-status species.
>
> Action LU-5.2B For projects on or within 100 feet of sites that have the potential to contain special status species or critical or sensitive habitats, including wetlands, require preparation of a baseline assessment by a qualified biologist following appropriate protocols, such as wetland delineation protocol defined by the US Army Corps of

> Engineers. If such sensitive species or habitats are found to be present, development shall avoid impacting the resource, and if avoidance is not feasible, impacts shall be minimized through project design or compensation identified in consultation with a qualified biologist.
>
> Action LU-5.2C Require new development to implement best practices to protect biological resources, including incidental take minimization measures and other federal and State requirements and recommendations that are consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
>
> Action TR-4.1A Strive for Level of Service (LOS) D or better for both daily roadway segment and peak hour intersection operations, except when doing so would conflict with other land use, environmental, or economic development priorities.

The commenter is mistaken that the Draft EIR does not address Policy LU-5.2. The commenter is directed to page 3.10-9 of the Draft EIR for a consistency analysis for this policy. It is noted that the other items are "Actions," which are effectively implementation steps. The table in question was not intended to analyze every action, rather, it is a policy consistency analysis, meaning it is focused on policies. Nevertheless, it is noted that the project, inclusive of all mitigation measures, is consistent with these actions. For instance, Action LU-5.2A requires coordination with SJCOG for compliance with the Multi Species Habitat Conservation and Open Space Plan. This is thoroughly addressed in the Biological Section of the EIR, which indicates that the project is required to comply with this action. Action LU-5.2-A, -B, and -C are also thoroughly addressed in the Biological Resources Section of the EIR. Lastly, Action TR-4.1A is addressed in the Transportation Section of the EIR.

The commenter also presents the following comments:

> GOAL SAF-4: CLEAN AIR Improve local air quality.
>
> POLICY SAF-4.1 Reduce air impacts from mobile and stationary sources of air pollution.
>
> POLICY CH-2.3 Focus on reducing the unique and compounded environmental impacts and risks in disadvantaged communities.
>
> Additionally, the EIR finds the project is consistent with Policy TR-3.2: Require new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible. This is erroneous and misleading to the public and decision makers as the project results in significant and unavoidable VMT and greenhouse gas emissions impacts. Further, regarding Action TR-4.1A, the EIR concludes the project will result in significant and unavoidable LOS impacts, which directly conflicts with this General Plan Action. The EIR must be revised to include these inconsistencies and make a finding of significance.

The commenter referenced several policies that were not part of the consistency analysis in Table 3.10-2 of the Land Use Chapter. Based on these comments we have updated

Table 3.10-2 with additional policy consistency analysis. It is noted that the other items are "Goals" or "Actions". The table in question was not intended to analyze every goal or action, rather, it is a policy consistency analysis, meaning it is focused on policies. Functionally, the policies are presented as a step that leads to consistency with the goal, and the Action is an implementation step of the policy. Nevertheless, it is noted that the project, inclusive of all mitigation measures, is consistent with policies.

Response A-9: The commenter states the following:

> The EIR does not provide any consistency analysis with the Policies and Supportive Strategies of SJCOG's 2018 RTP/SCS4. Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter/attachments, and the EIR's determination that the project will have significant and unavoidable cumulatively considerable impacts to Agricultural Resources, Air Quality and Greenhouse Gas Emissions/Climate Change/Energy, and significant and unavoidable impacts to Transportation (VMT and LOS), the proposed project is directly inconsistent with the following Policies and Supportive Strategies of SJCOG's RTP/SCS:
>
> Policy: Enhance the Environment for Existing and Future Generations and Conserve Energy
>
> Strategy #1: Encourage efficient development patterns that maintain agricultural viability and natural resources
>
> Strategy #3: Improve air quality by reducing transportation-related emissions
>
> Policy: Maximize mobility and accessibility
>
> Strategy #4: Improve regional transportation system efficiency
>
> Policy: Preserve the efficiency of the existing transportation system
>
> The EIR must be revised to include a finding of significance due to inconsistency with the 2018 RTP/SCS document.

The SJCOG SCS/RTP is an integrated long-range transportation and land-use/housing plan for San Joaquin County which is updated every four (4) years. The SCS/RTP responds to State mandates (AB 32 and SB 375) that require California's 18 metropolitan areas – including San Joaquin County – to adopt an SCS that will coordinate land use planning with transportation investments in order to reduce GHG emissions from motor vehicles. The policies in the SCS/RTP for meeting State requirements affect land use and transportation throughout Stockton. The Stockton General Plan EIR included an analysis of the General Plan relative to the SCS/RTP (Section 4.10, Land Use and Planning). It was found that implementation and adoption of the proposed General Plan goals, policies, and actions would ensure consistency with the SCS/RTP by encouraging multi-modal transportation opportunities, among other requirements. The City found that implementation of the proposed General Plan would not conflict with the SCS/RTP and the impact would be less than significant.

Although the proposed SSCC Project is consistent with the site's existing General Plan and Zoning designations, due to the location of drive entrances for surrounding developments and the alignment of the future Commerce Drive, a General Plan Amendment and Rezone of the two areas between Airport Way and the Union Pacific Railroad right-of-way is required. As seen on Figures 2.0-5 and 2.0-6, these areas are currently designated Commercial and Industrial in the Envision Stockton 2040 General Plan and are zoned CG and IL, respectively. The current boundaries of the designations will be modified (i.e., redrawn) to be consistent with the future Commerce Drive right-of-way center line. The area to the north of the Commerce Drive right-of-way centerline will be designated Commercial and zoned CG and the area to the south of the Commerce Drive right-of-way centerline will be designated Industrial and zoned IL. Figure 2.0-8 and Figure 2.0-9 show the proposed boundary modifications to the General Plan land use designations and Zoning districts for these two areas. These changes to do not change the intended land uses patterns for this region of the City, and is largely consistent with what is anticipated under the General Plan and SCS/RTP. The EIR for the proposed Project tiers off of the General Plan EIR, and is consistent with the anticipated impacts disclosed in the General Plan EIR for development within the City. This includes impacts associated with the conversion of agricultural land, air quality emissions associated with transportation, and transportation system efficiency concerns. The impacts documented in the General Plan EIR have been considered, and the City Council has adopted Statement of Overriding Considerations and certified the EIR for the General Plan. The impacts associated with the proposed project associated with agricultural resources, air quality, and transportation are fully disclosed programmatically in the General Plan EIR and more specifically in the project-level EIR for the proposed Project. It is anticipated that there will be a subsequent level of environmental review once a project comes forward for site plan and architectural review on individual lots. The project as proposed is consistent with the SCS/RTP. SJCOG is the agency Responsible for preparing and administering the SCS/RTP, and in their comments they did not suggest that there was any inconsistency that needed to be addressed.

Response A-10: The commentor states that proposed Project identified a 'less than significant' impact for the potential for the Project to result in a geometric design feature that is inconsistent with applicable design standards, as well as for the potential for the Project regarding access for emergency vehicles. The commentor states that the EIR does not provide any meaningful evidence, such as a site plan, to support such a conclusion. The commentor asks that the EIR is revised to include such items for public review and analysis in order to be an adequate informational document.

The proposed Project is a tentative map, which does include a circulation design that would serve buildout of the individual lots. While there are no individual site plans or architectural review for the individual lots, certain assumptions were made for the development in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances

under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts. The assumptions were then used by a Traffic Engineer (Fehr and Peers) to analyze the geometric design, among other transportation related topics. Fehr and Peers found that the Project does not propose any new roadways or transportation facilities that would be inconsistent with applicable design standards for the City of Stockton. The Project proposes an increased land use density, which would result in increased travel activity, including vehicle (cars and trucks), bicycle, pedestrian, and potentially transit trips. In order to provide access to and from the Project site, the signalized Airport Way/Commerce Drive intersection will be designed to serve all travel modes and Surface Transportation Assistance Act (STAA) vehicles. These Project-generated trips would be served by existing and planned facilities that are constructed to applicable design standards to serve these travel modes. Therefore, the proposed Project would not result in a change to the vehicle mix or speed of traffic that is not compatible with the design of existing or planned roadways and transportation facilities. This impact would be less than significant.

This comment is addressed under Master Response 1 and 2 (Reference Section 2.3 of this Chapter).

Response A-11: The commenter closes their letter indicating that they believe the EIR is flawed and an amended EIR should be prepared. The commenter also requests to be added to the public interest list for the Project.

This comment is noted. The Responses A-1 through A-9 address the commenters concerns regarding the Draft EIR and proposed Project, including their concern that the EIR is flawed and an amended EIR should be prepared. In responses A-1 through A-9 we provided clarity and explanation for the concern raised, and in some cases, we revised the Draft EIR text by way of an Errata to the Draft EIR, which is included as Final EIR Chapter 3, Revisions. The Errata changes are intended to correct, amplify, or improve the information provided, but none of the edits result in changes to the conclusions.

The City has noted that the commenter has been added to the public interest list for the Project. No further response is warranted.

Response A-12: This comment serves as an introduction to the comment letter and summarizes the commenter's concerns in the body of the comment letter. The commentor states: "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 are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment."

These introductory statements are noted. Please see Reponses A-13 through A-20 for detailed responses to these concerns. No further response to this comment is warranted.

Response A-13: The commentor states the following:

> **Air Quality**
>
> **Unsubstantiated Input Parameters Used to Estimate Project Emissions**
>
> The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 3.3-27).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.
>
> When reviewing the Project's CalEEMod output files, provided in the CalEEMod Outputs as Appendix B.1 to the Air Quality, Greenhouse Gas, and Energy Appendices ("AQ & GHG Report"), we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. Thus, an updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

This comment is noted. Based on this comment, the CalEEMod model was revised. The modeling uses defaults where more specific details are not available, as recommended by CalEEMod. Where more specific information is available, the defaults are overridden with the specific information. The updated emissions outputs do not change the impact conclusions. It is noted that there are a variety of additional mitigation measures, and/or revisions to mitigation measures that have also been made based on recommendations provided by Responsible Agencies. Those are provided in Section 3.0 of this Final EIR.

Response A-14: The commentor states that the modeling failed to model all proposed land use types and to differentiate between various possible industrial land uses. Specifically, the commentor points to that "General Light Industry" was modeled within CalEEMod, rather than all possible light industrial land uses. The commentor also states that, by failing to include all proposed land use types, the model may underestimate the project's emissions and should not be relied upon to determine Project significance.

This comment is addressed under Master Response 1 and 2 (Reference Section 2.3 of this Chapter).

Based on this comment, the CalEEMod modeling has been revised, to apportion Project land uses to be consistent with the land uses assumed within the Transportation Impact Assessment prepared by Fehr & Peers. The Transportation Impact Assessment assumed the following land uses:

- ITE Land Use Code 110 – General Light Industrial: 7%
- ITE Land Use Code 130 – Industrial Park: 15%
- ITE Land Use Code 150 – Warehousing: 15%
- ITE Land Use Code 151 – Mini-Warehouse: 3%
- ITE Land Use Code 154 – High-Cube Transload & Short-Term Storage Warehouse: 15%
- ITE Land Use Code 155 – High-Cube Fulfillment Center Warehouse: 15%
- ITE Land Use Code 156 – High-Cube Parcel Hub Warehouse: 15%
- ITE Land Use Code 157 – High-Cube Cold Storage Warehouse: 15%

Based on these land uses, the CalEEMod model was revised such that the Project land uses modeled within the Transportation Impact Assessment, as shown below, were correlated on a best-fit basis with the land use subtypes available for selection within the CalEEMod model for each land use.

- General Heavy Industry: 7%
- Industrial Park: 15%
- Unrefrigerated Warehouse – No Rail: 63%
- Refrigerated Warehouse – No Rail: 15%

It should be noted that the CalEEMod model does not provide the same degree of granularity in land use options, as compared with what is available for transportation modeling, as prepared by Fehr & Peers utilizing an ITE rate. For example, the various type of unrefrigerated warehouse land uses, including 'Warehousing', 'Mini-Warehouse', 'High-Cube Transload & Short-Term Storage Warehouse', 'High-Cube Fulfillment Center Warehouse', and 'High-Cube Parcel Hub Warehouse', were grouped together as 'Unrefrigerated Warehouse – No Rail' within the CalEEMod model, since the more granular land uses are not available to be selected within the CalEEMod model. It should also be noted that 'General Light Industrial' is no longer available for use as a land use subtype for this Project, since the 'General Light Industrial' land use is no longer applicable in the CalEEMod model for land uses greater than 50,000 square feet, within the latest version of CalEEMod (v.2040.4.0). As such, 'General Heavy Industry' was selected as the best proxy for the 'General Light Industrial' land use. This land use category is a more intensive use relative to air quality impacts for "light industrial" land uses.

Separately, it should further be noted that the exact industrial land uses are not known at this stage of entitlement. In the absence of this information, the DEIR's CalEEMod analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance.

These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts.

Response A-15: The commentor states that the CalEEMod modeling includes unsubstantiated changes to individual construction phase lengths (from the CalEEMod default construction phase lengths). The commentor states that the CalEEMod User's Guide requires any changes to the model defaults be justified. The commentor states that the justification provided within the model (i.e., "The proposed Project is assumed to commence construction in 2021 and finish in late 2039") is insufficient. The commentor states that this presents an issue, since disproportionately altering individual construction phase lengths without proper justification means that the model may underestimate the peak daily emissions associated with phases of construction, including the architectural coating phase.

As noted by the commentor, each of the construction phase lengths were shortened compared to the CalEEMod default construction phase lengths, based on an anticipated build out date of 2039 (as noted in the EIR), with the exception of the 'architectural coatings' phase. Shortened construction phase lengths increase the construction-related emissions, relative to the CalEEMod defaults, since SJVAPCD criteria pollutant emission thresholds for construction activities are denominated in "tons/year." More specifically, shortened construction phase lengths serve to compress construction activities, compared with the CalEEMod defaults, thereby increasing the "tons/year" of emissions associated with such construction phases. With regard to the 'architectural coatings' phase, it is true that this construction phase was modeled as lengthened, compared to the CalEEMod default. Therefore, based on this comment, to err on the side of a conservative estimate for 'architectural coatings' emissions (i.e., to avoid the potential for inaccurately spreading this phase's emissions out over an over-extended timeframe), the 'architectural coatings' phase has been re-modeled to reflect the CalEEMod default phase length. The construction phases have been updated in the CalEEMod model as follows:

- Site Preparation: 08/01/2021 – 07/01/2022
- Grading: 07/02/2022 – 11/14/2024
- Building Construction: 11/15/2024 – 12/30/2038
- Paving: 11/15/2025 – 07/23/2027
- Architectural Coatings: 11/15/2037 – 12/23/2039

See Section 3.0: Revisions of this FEIR for further detail to the refined modeling results. These refinements to the CalEEMod modeling for the 'architectural coatings' phase, in conjunction to other modeling refinements that were made in response to other public comments on the Draft EIR. The updated emissions outputs do not change the impact conclusions. It is noted that there are a variety of additional mitigation measures, and/or revisions to mitigation measures that have also been made based on recommendations provided by Responsible Agencies. Those are provided in Section 3.0 of this Final EIR.

Response A-16: The commentor states that the "South Stockton Commerce Center" model includes a manual reduction to the default acres of grading value. The commentor states that any change to model defaults must be justified. The commentor states that this is an unsubstantiated reduction, and therefore, the model may underestimate the Project's construction-related emissions.

Based on this comment, we have revised the CalEEMod modeling to reflect the default grading value, in accordance with this comment. That is, the default value for grading acres has been reverted to the CalEEMod default, consistent with the request in this comment by the commentor. Specifically, the default total acres graded were reverted to the default CalEEMod values of 360 acres during the site preparation phase, and 1,857 acres during the grading phase. The default value assumes that the site is graded multiple times in lifts. The updated model outputs are provided as an updated Appendix B, which includes Air Quality, Greenhouse Gas, and Energy Appendices. The updated emissions outputs do not change the impact conclusions. It is noted that there are a variety of additional mitigation measures, and/or revisions to mitigation measures that have also been made based on recommendations provided by Responsible Agencies. Those are provided in Section 3.0 of this Final EIR.

Response A-17: The commentor states that the DEIR's air quality analysis fails to include all feasible mitigation to reduce emissions. The commentor states that, while the commentor agrees that the Project's criteria pollutant emissions would result in a significant and unavoidable air quality impact, the commentor states that additional mitigation is required to be implemented. The commentor provides additional recommended mitigation measures that should be included.

Based on this comment, the Air Quality section of the EIR has been revised to enhance mitigation measures with certain suggested mitigation provided in the State of California Department of Justice's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" document. It is noted that the City of Stockton has recently met with the Attorney General's Office, as well as the Sierra Club, to develop additional measures that are intended to reduce air quality impacts related to industrial projects. These new measures are intended to be used as a framework for other industrial projects to reduce air quality impacts. This framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. Certain suggested measures have been modified from the DOJ document, and the City's framework of new measures, to conform with the proposed Project and to provide flexibility when coordinating with the SJVAPCD. See Section 3.0: Revisions of this FEIR for further detail on these new measures. Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

Response A-18: The commentor states the following:

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR estimates that the maximum incremental cancer risk posed to nearby, existing sensitive receptors as a result of Project operation associated truck idling, truck on-site mobile, and TRU diesel particulate matter ("DPM") emissions would be 1.09 in one million, which would not exceed the SJVAPCD significance threshold of 20 in one million (see excerpt below) (p. 3.3-40, Table 3.3-9).

{Table3.3-9 from comment excluded here but shown in the letter above.}

However, the DEIR fails to discuss the health risk impacts associated with Project construction. The DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than significant impact conclusion, is incorrect for three reasons.

First, by failing to prepare a quantified construction HRA, the Project is inconsistent with CEQA's requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. This is incorrect, as construction of the proposed Project will produce emissions of DPM through the exhaust stacks of construction equipment over a potential construction period of approximately 18 years (p. 3.7-31). However, the DEIR fails to discuss the potential TACs associated with Project construction or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project's construction-related TAC emissions to the potential health risks posed to nearby receptors, the AQ & GHG Report is inconsistent with CEQA's requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

Second, the State of California Department of Justice recommends the preparation of a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments in February 2015, as referenced by the AQ & GHG Report (Appendix A, p. 2). The OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident ("MEIR") Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. This recommendation reflects the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project operation be included in an updated EIR for the Project.

Third, while the DEIR includes an HRA evaluating the health risk impacts to nearby, existing receptors as a result of Project operation, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. According to OEHHA guidance, as referenced by the AQ & GHG Report, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location" (Appendix A, p. 2). However, the

> DEIR's HRA fails to sum each age bin to evaluate the total cancer risk over the course of the Project's total construction and operation. This is incorrect and thus, an updated analysis should quantify the entirety of the Project's construction and operational health risks and then sum them to compare to the SJVACPD threshold of 20 in one million, as referenced by the DEIR (p. 3.3-40).

This comment is noted. The operational health risks of the Project were evaluated over a 70-year period for residential receptors, and over a 40-year period for worker receptors, as described in the Draft EIR and the HRA, exceeding the 30-year analysis period recommendation as provided by the commentor in this comment. The 70- and 40-year analysis periods (for sensitive receptors and workers, respectively) are the SJVAPCD's current recommended analysis periods for operational TACs. Moreover, these analysis periods exceed the 30-year analysis period recommended by the commentor, which thereby provides a more conservative analysis of operational TACs than as recommended by the commentor within this comment. That is, the analysis periods evaluated for operational TACs on both sensitive residential receptors and on workers is more inclusive than the shorter, 30-year analysis period as recommended by the commentor in this comment, since it evaluates the impact of operational TACs for a longer duration. Therefore, no change to the duration of the analysis periods as utilized for the Project HRA is warranted.

With regard to the assertion that the City did not evaluate the Project's potential cancer risks or other analysis in the HRA for impacts during Project construction, we have reviewed the referenced OEHHA Guidance Manual to determine applicability of modeling potential Project construction health risks from diesel particulate matter (DPM), which is the only TAC of concern for the proposed Project. The SJVAPCD points to the OEHHA Guidance Manual[1] as the guidebook for developing air toxics health risk assessments (HRAs). Given the OEHHA's Guidance, the determination of whether it is warranted to model potential construction air toxic within an HRA is dependent on whether or not early life exposure adjustments apply to DPM emissions resulting from construction activity. The following discussion outlines the substantial evidence to support why early life exposure adjustments are not applicable to construction DPM and therefore a health risk assessment that models construction DPM is not required for this project.

To date, the SJVAPCD, as a commenting agency, has not conducted public workshops nor developed policy relating to the application of early-life exposure adjustments utilizing the OEHHA Guidance Manual for projects prepared by other public/lead agencies subject to CEQA. As a result, it is recommended that health risk assessments rely upon U.S. EPA documentation when evaluating the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) wherein adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." A mutagen is a physical or chemical agent that changes genetic material, such as DNA, increasing the frequency of

[1] http://oehha.ca.gov/air/hot_spots/hotspots2015.html

mutations to produce carcinogenic effects. The use of adjustment factors is recommended to account for the susceptibility of producing adverse health effects during early life stages from exposure to these mutagenic compounds.

In 2006, U.S. EPA published a memorandum which provides guidance regarding the preparation of health risk assessments should carcinogenic compounds elicit a mutagenic mode of action (USEPA, 2006)[2]. As presented in the technical memorandum, numerous compounds were identified as having a mutagenic mode of action. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise < 1% of the exhaust particulate mass. To date, the U.S. Environmental Protection Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action (USEPA, 2018).[3]

Additionally, the California Department of Toxic Substances Control (DTSC) which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved has adopted the U.S. EPA's policy in the application of early-life exposure adjustments. As such, incorporation of early-life exposure adjustments for exposures to DPM emissions in the quantification of carcinogenic risk for construction of the proposed are not applicable because DPM does not have a mutagenic mode of action.

Given that the Project does not emit any pollutants that elicits a primary mutagenic mode of action, the use of early life exposure adjustments for DPM is not applicable, and following the OEHHA guidelines, the need to model construction DPM is not necessary. Overall, the revised Health Risk Assessment (HRA), which includes revisions based on comments received on the Draft EIR, demonstrates the following maximum health risks associated with toxic air contaminants (TACs), as also provided in Chapter 3.0: Revisions of this FEIR:

TABLE 3.3-9: SUMMARY OF MAXIMUM HEALTH RISKS

RISK METRIC	*MAXIMUM RISK*	*SIGNIFICANCE THRESHOLD*	*IS THRESHOLD EXCEEDED?*
Residential Cancer Risk (70-year exposure)	15.0	20 per million	No

[2] United States Environmental Protection Agency, 2006. Memorandum – Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance - Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments that include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action.

[3] United States Environmental Protection Agency, National Center for Environmental Assessment, 2018. Integrated Risk Information System (IRIS). Diesel Engine Exhaust.

Workplace Cancer Risk (40-year exposure)	6.1	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)	<0.01	Hazard Index ≥1	No

SOURCES: AERMOD (LAKES ENVIRONMENTAL SOFTWARE, 2021); AND HARP-2 AIR DISPERSION AND RISK TOOL.

No further response to this comment is warranted.

Response A-19: The commentor states the following:

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 72,615.9 metric tons of carbon dioxide equivalents per year ("MT CO2e/year") (p. 3.7-32, Table 3.7-2). Furthermore, based on a service population of 2,964 people, the DEIR estimates a service population efficiency value of 24.5 metric tons of carbon dioxide equivalents per service population per year ("MT CO2e/SP/year"), which exceeds the 2040 threshold of 4.84 MT CO2e/SP/year. As a result, the DEIR concludes that the Project would result in a significant-and-unavoidable greenhouse gas ("GHG") impact after the implementation of mitigation measure ("MM") 3.7-1 (p. 3.7-33). 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 insufficient for two reasons:

(1) The DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model; and

(2) The DEIR fails to implement all feasible mitigation.

1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 72,615.9 MT CO2e/year (p. 3.7-32, Table 3.7-2). However, the DEIR's quantitative GHG analysis is unsubstantiated. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the AQ & GHG Report as Appendix B to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR. As a result, the model underestimates the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment

2) Failure to Implement All Feasible Mitigation to Reduce GHG Emissions

As discussed above, the DEIR's GHG analysis relies upon an incorrect and unsubstantiated air model to determine the significance of the Project's GHG emissions. However, despite

> the DEIR's flawed air model, the DEIR concludes that the proposed Project's GHG emissions would be significant-and unavoidable (p. 3.7-33). However, while we agree that the Project would result in a significant GHG impact, the DEIR's conclusion that this impact is "significant and unavoidable" is incorrect. As previously stated, according to CEQA Guidelines § 15096(g)(2):
>
> "When an 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."
>
> As you can see, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. Here, while the DEIR implements MM 3.7-1, which requires the applicant to demonstrate prior to the approval of new development phases that the Project does not exceed SJVAPCD greenhouse thresholds for Project operations, the DEIR fails to implement all feasible mitigation. Therefore, the DEIR's conclusion that Project's GHG emissions would be significant-and unavoidable is unsubstantiated. To reduce the Project's GHG impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." Thus, the Project should not be approved until an updated EIR is prepared, including updated, accurate air modeling, as well as incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Based on this comment, the CalEEMod model was revised, however the updated emissions outputs do not change the impact conclusions. It is noted that the City of Stockton has recently met with the Attorney General's Office, as well as the Sierra Club, to develop additional measures that are intended to reduce air quality impacts related to industrial projects. These new measures are intended to be used as a framework for other industrial projects to reduce air quality impacts. This framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. Certain suggested measures have been modified from the DOJ document, and the City's framework of new measures, to conform with the proposed Project and to provide flexibility when coordinating with the SJVAPCD. See Section 3.0: Revisions of this FEIR for further detail on these new measures. Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

No further response to this comment is warranted.

Response A-20: The commentor lists the specific additional potentially feasible mitigation measures available to reduce emissions, as stated under Comment A-18, and requests that the EIR be updated to incorporate these measures, to the maximum extent possible.

Based on this comment, the EIR has been updated to incorporate these measures (see Section 3.0: Revisions of the FEIR for further detail). Also see the response to Comment A-18. No further response is warranted.

Response A-21: The commentor provides a disclaimer to their letter. No response to this comment is warranted.

November 19, 2021

Nicole Moore
Senior Planner
City of Stockton Community Development Department
345 N. El Dorado
Stockton, California 95202
nicole.moore@stocktonca.gov

Dear Nicole Moore:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the South Stockton Commerce Center Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020090561. The Project is proposed within the City of Stockton (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes. The Project proposes the development of up to 6,091,551 square feet of industrial type land uses and 140,350 square feet of commercial land uses on approximately 422 acres of land. Once in operation, the Project is expected to generate approximately 22,633 daily vehicle trips, including 5,552 daily heavy-duty truck trips, along local roadways.

CARB submitted a comment letter, which is attached to this letter, on the Notice of Preparation (NOP) for the DEIR released in September 2020. CARB comments dated November 17, 2020, highlighted the need for preparing a health risk assessment (HRA) for the Project and encouraged the City and applicant to implement all existing and emerging zero emission technologies to minimize exposure to diesel particulate matter (diesel PM) and nitrogen oxides (NOx) emissions for all neighboring communities, and to minimize the greenhouse gases that contribute to climate change. Due to the Project's proximity to residences already disproportionately burdened by multiple sources of pollution, CARB's comments on the NOP expressed concerns with the potential cumulative health risks associated with the construction and operation of the Project. CARB reviewed the DEIR and has the following concerns: B-1

The City Uses Inappropriate Trip Lengths When Modeling the Project's Air Quality Impacts from Mobile Sources

The Project's operational mobile source air pollutant emissions may have been underestimated in the DEIR by using vehicle trip lengths unsupported by substantial evidence. The Project's operational air pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod). Based on CARB's review of the CalEEMod outputs found in Appendix B.1 (CalEEMod Ouputs) of the DEIR, the City relied on CalEEMod vehicle trip length defaults to estimate the Project's mobile source air pollutant emissions. After applying these defaults, 59 percent of the Project's total vehicle trips would have a B-2

travel distance of 9.5 miles and 41 percent of the Project's total vehicle trips would have a travel distance 7.3 miles.

The DEIR does not specify the distance workers and truck drivers would need to travel to operate the proposed industrial development. The Project is located within a short distance from the Port of Stockton and other industrial warehouses, which the Project could serve. However, the heavy-duty trucks transporting goods to the proposed industrial uses could travel greater distances, such as Port of Oakland or Port of Point San Pablo. Unless the City restricts the Project's truck trip distances to those specified in the Project's air quality analysis, the City must remodel the Project's air quality impacts assuming a truck trip distance supported by substantial evidence. B-2 cont'd

The DEIR Did Not Account for Air Pollutant Emissions from Heavy Duty Trucks During On-Site Grading

The DEIR did not account for mobile source air pollutant emissions from heavy-duty trucks during the Project's construction grading phase. The Project's description does not specify if the Project would require the export or import of soil to level the side. Also, based on CARB's review of the CalEEMod outputs, found in Appendix B.1 (CalEEMod Outputs) of the DEIR, the City assumed that no heavy-duty truck trips would be required to import or export soil during the on-site grading. However, some of the mitigation measures presented in the DEIR seems to suggest that heavy-duty trucks would be required Project's construction grading phase. For example, Mitigation Measures 3.3-4 requires all heavy-duty trucks leaving the Project site during construction phase to be fully covered, which suggests heavy-duty trucks will be required to either import or export soil from the Project site. If soil must be imported or exported to grade the Project site, the truck trips needed to accomplish that must be accounted for. B-3

The City must remodel the Project's construction air pollutant emissions using accurate heavy duty truck trip estimates. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near construction haul routes could be exposed to diesel exhaust emissions that were not evaluated in the DEIR. The FEIR should clearly state the total number of heavy-duty truck trips expected during Project construction so the public can fully understand the potential environmental effects of the Project on their communities.

The DEIR Does Not Analyze Potential Air Quality Impacts from the Project's Transport Refrigeration Units

Although the HRA prepared for the Project evaluated cancer risks from the operation of onsite and off-site TRUs, the City and applicant did not model and report air pollutant emissions from TRUs in the DEIR. The air pollutant emission estimates, found in Table 3.3-6 (Operational Project Generated Emissions) of the DEIR, were modeled using CalEEMod. Although CalEEMod can estimate air pollutant emissions from area, energy, and mobile sources, the current version of CalEEMod does not account for air pollutant emissions from B-4

TRUs. Since a portion of the Project will be used for cold storage, CARB urges the City and applicant to model and report the Project's air pollution emissions from TRUs using CARB's latest emission factors. As indicated above, the City and applicant should assume that a conservative percentage of the Project's truck fleet is equipped with TRUs, as well as a conservative idling duration for each TRU. B-4 cont'd

The Health Risk Assessment Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The HRA prepared for the Project and presented in Appendix B.3 (Health Risk Assessment) of the DEIR, concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 1.09 chances per million during Project operation. Since the Project's cancer risks are below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) significance threshold of 20 chances per million, the DEIR concluded that the Project would result in a less than significant impact on public health. CARB has reviewed the Project's HRA and is concerned that the Project's cancer risk impacts may have been underestimated for the reasons detailed below.

The cancer risk impacts presented in the HRA should have been based on PM10 idling emissions factors obtained from the latest version of CARB's Emission Factors model (EMFAC). As shown in Table 2 (Emission Source Assumptions) of the HRA, the City used a 0.0035 grams per hour PM10 idling emission factor to calculate the cancer risk impacts while trucks are idling within the Project site. This PM10 idling emission factor was based on idling test data found in the EMFAC2014 Technical Documentation Guidebook. Since the public release of EMFAC2014 in May 2015, CARB has made many updates to the EMFAC model and has released two updated versions: EMFAC2017, released in May 2018, and EMFAC2021, released in January 2021. Some of the updates to the EMFAC model included updates to the heavy-duty truck activity and emission rates, and implementation of CARB's latest regulations. EMFAC2014 underestimated diesel PM emission rates from diesel heavy-duty trucks due to limited in-use test data for engine model year 2010 and newer, thus the Project's mobile source diesel PM emissions are likely underestimated in the DEIR. CARB urges the City and applicant to model and report the Project's air pollution emissions from mobile sources using emission factors found in CARB's latest EMFAC2021. Emission factors can be easily obtained by running the EMFAC2021 Web Database: *https://arb.ca.gov/emfac/emissions-inventory*. B-5

The HRA assumed all TRUs visiting the Project site would not idle longer than 15 minutes. Data obtained by CARB staff indicates that TRUs can operate for as long as two hours per visit, which is well above the 15-minute duration assumed in the HRA. Unless the applicant and City restrict TRU idling durations to less than 15 minutes, the Project's HRA should be revised to assume a TRU idling duration legitimized by substantial evidence.

The HRA prepared for the warehouse/logistics center cold storage scenario assumed 15 percent of the Project's total daily heavy-duty truck traffic would consist of trucks equipped

with TRUs. It is unclear in the HRA how this estimate was derived. Due to the large size of the proposed warehouse development, CARB is concerned that the number of TRUs visiting the Project site may be underestimated in the HRA. CARB urges the City and applicant to provide substantial evidence to support this assumption.

The HRA assumed the TRUs accessing the Project site would have an average power rating of 34 hp. TRUs with a power rating of less than 25 hp have a higher PM emission rate (0.3 g/bhp-hr) than those greater than 25 hp (0.02 g/bhp-hr). Unless the applicant and City prohibit TRUs with a power rating of less than 25 hp from accessing the Project site, the Project's HRA should be revised. The revised HRA should assume a conservative percentage of the TRUs entering the Project site have a power rating of less than 25 hp, legitimized by substantial evidence.

The HRA did not evaluate cancer risk impacts from trucks and trucks with TRUs traveling along local roadways. According to the Project's description, a roadway named Commerce Drive will be constructed through the Project site. This roadway will connect the Project site to Airport Way and State Route 99. There are residences located adjacent to Airport Way that will be expose to diesel PM emissions from trucks and trucks with TRUs traveling to and from the Project site that has the potential to result in a potentially significant cancer risk impact. To fully understand the Project's impact on public health, the revised HRA should evaluate potential cancer risks along local roadways serving the Project site. B-5 cont'd

Although the HRA did model cancer risk impacts at residences located south and southwest of the Project site, the HRA did not model cancer risk impacts at residences located west of the Project site, across form Airport Way. To fully understand the Project's public health impacts, the HRA should evaluate cancer risks at all residences near the Project.

The City did not evaluate the Project's potential cancer risks impacts in the HRA or provide any other quantitative or qualitative analysis to evaluate the Project's potential impact on public health during its construction. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance, recommends assessing cancer risks for construction projects lasting longer than two months.[1] According to the Chapter 3.3 (Air quality) of the DEIR, the construction of the project would begin in 2021 and last for nearly two decades (i.e., 2040), which is beyond the construction duration that would require a project to prepare a construction HRA. To fully understand the Projects potential impacts on public health, the HRA should be revised to evaluate the Project's construction cancer risk impacts.

Since the Project is expected to be built out over a period lasting two decades, it is likely that portions of the Project could be build out and operational while other portions of the Project site is still being constructed. If this overlap is anticipated to occur, residences near the Project would be exposed to diesel PM emissions from onsite construction equipment and

1 Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

heavy-duty trucks serving the proposed industrial development that were not accounted for in the Project's HRA. To account for this potential overlap, the City must evaluate the combined cancer risk impacts from the combined construction and operation of the Project. If no overlap is expected to occur, the FEIR must include a project design measure that prohibits the operation of any industrial uses until the Project is completely built out in the year 2040.

Lastly, the HRA modeled the Project's cancer risk impacts using mobile emission factors obtained from EMFAC2017 assuming a 2040 operational year. The mobile PM10 emission factors in EMFAC will be lower in future years due fleet turnover and the development of cleaner vehicles with lower emissions over time. If a large portion of the proposed industrial development is anticipated to be operational sooner than 2040, such as 2025 or 2030, the mobile emission factors used to model the Project's cancer risk impacts could be underestimated. To conservatively estimate the Project's impact on public health, the cancer risks presented in the revised HRA should be based on mobile emission factors that take into account for early operational years. B-5 cont'

The City Must Include Additional Mitigation Measures to Minimize the Project's Significant and Unavoidable Impact on Air Quality

Chapter 3.3 (Air Quality) of the DEIR concludes that nitrogen oxides (NOx) emitted during Project construction and volatile organic compounds (VOC) and NOx emitted during Project operation would exceed the SJVAPCD's significance thresholds. To reduce the Project's impact on air quality, the DEIR included five mitigation measures (MM 3.3-1 through MM 3.3-5). These mitigation measures include requiring the applicant to comply with SJVAPCD's Rule 9510 to mitigate the Project's operational air pollutant emissions, and Rules 8011 through 8081 to mitigate the Project's construction fugitive dust emissions. These measures also require the Project applicant to implement dust control practices identified in the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) to further reduce emissions of fugitive dust emitted during the construction of the Project. After complying with all SJVAPCD's Rules, the City concluded in the DEIR that the Project's impact on air quality would remain significant and unavoidable. B-6

Although complying with local air district rules would reduce the Project's air pollutant and fugitive dust emissions, these rules should not be exclusively relied on to mitigate the Project's impact on air quality. In the DEIR, the City states that the Project would comply with SJVAPCD Rule 9510. This rule requires the applicant to reduce the Project's operational NOx and PM10 emissions by 33.3 and 50 percent, respectively. This rule also requires the applicant to reduce the Project's construction NOx and PM10 emissions by 20 and 45 percent, respectively. To achieve these reductions, the applicant will need to pay into an off-site mitigation fund managed by the SJVAPCD for any emission reductions required by the rule that are not achieved through on-site emission reductions. The City must explain in the DEIR how the rule will achieve the desired emission reductions after all feasible mitigation measures are implemented. The City must list all the Project design features and mitigation

measures that would reduce the Project's operational air pollutant emissions and the amount of money the applicant will pay into SJVAPCD's off-site mitigation fund.

Under CEQA, Projects that will have a significant and unavoidable impact on the environment must implement all feasible mitigation measures to reduce those impacts (see California Public Resources Code§ 21081; 14 CCR§ 15126.2(b)). Based on CARBs review of the DEIR, the City has failed to meet this requirement under CEQA. To meet the minimum requirements of CEQA and protect public health, the City must include meaningful and project-specific mitigation measures in the FEIR to reduce the Project's air pollutant emissions. Appendix A of this letter contains a list of feasible measures that can be applied to the Project to minimize air pollution. The mitigation measures in the FEIR must be fully enforceable and imposed by the City. B-6 cont'd

Conclusion

CARB is concerned about the potential public health impacts should the City approve the Project and how those impacts were evaluated in the DEIR. The Project's air quality impact analysis and conclusions are based on heavy-duty truck trip distances and mixes that were not supported by substantial evidence. The DEIR did not account for air pollutant emissions from haul truck trips during onsite grading or trucks with TRUs during Project operation. The cancer risk impacts presented in the Project's HRA were based on unsubstantiated evidence. Lastly, the City did not include meaningful and project-specific mitigation measures in the DEIR to reduce the Project's significant and unavoidable impact on air quality.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. B-7

CARB appreciates the opportunity to comment on the DEIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

Sincerely,

Robert Krieger, Branch Chief, Risk Reduction Branch

Attachment

cc: See next page.

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Dillon Delvo, Executive Director, Little Manila Rising
dillon@littlemanila.org

Matt Holmes, Environmental Justice Director, Little Manila Rising
matt@littlemanila.org

Patia Siong, Supervising Air Quality Specialist, San Joaquin Valley Air Pollution Control District
patia.siong@valleyair.org

Diana Walker, Air Quality Specialist, San Joaquin Valley Air Pollution Control District
diana.walker@valleyair.org

Jonathan Pruitt, Environmental Justice Program Coordinator, Catholic Charities of the Diocese of Stockton
jpruitt@ccstockton.org

Mariah Looney, Campaign Coordinator, Restore the Delta
mariah@restorethedelta.org

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

Attachment A

9

CALIFORNIA AIR RESOURCES BOARD

Gavin Newsom, Governor
Jared Blumenfeld, CalEPA Secretary
Mary D. Nichols, Chair

November 17, 2020

Nicole Moore
Acting Planning Manager
City of Stockton
345 North El Dorado Street
Stockton, California 95202
Submitted via email: nicole.moore@stocktonca.gov

Dear Nicole Moore:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the South Stockton Commerce Center Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020090561. The Project proposes the development of a maximum of 140,350 square feet of commercial uses and 6,091,551 square feet of industrial uses on a 437.45-acre site. The proposed Project is within the City of Stockton (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, like the one proposed in the Project, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.[1] CARB has reviewed the NOP and is concerned about the air pollution and health risk impacts that would result should the City approve the Project.

I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby communities to elevated levels of air pollution. Residences are located south and west of the Project site, with the closest residences situated approximately 930 feet from the Project's western boundary. In addition to residences, the Venture Academy Family of Schools is located within 2 miles of the Project. The communities near the Project are exposed to existing toxic diesel particulate matter (diesel PM) emissions from aircraft operations at the Stockton Metropolitan Airport and vehicular traffic along Interstate 5 (I-5) and State Route 99 (SR-99). Due to the Project's proximity to residences and a school already burdened by multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

[1] With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2017, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

arb.ca.gov 1001 I Street • P.O. Box 2815 • Sacramento, California 95812 (800) 242-4450

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact nearby communities, which are already disproportionally impacted by air pollution from aircraft operations at the Stockton Metropolitan Airport and vehicular traffic along I-5 and SR-99.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 5 percent for Pollution Burden[2] and is considered a disadvantaged community; therefore, CARB urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

II. The DEIR Should Quantify and Discuss the Potential Cancer Risks from On-site Transport Refrigeration Units

Since the NOP states the proposed industrial uses could be used for cold storage, it is likely that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).[3] TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel exhaust emissions that would result in a significant cancer risk.

CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as include potential cancer risks from on-site TRUs in the Project's health risk assessment (HRA). The HRA prepared for the Project should account for all potential health risks from Project-related diesel PM emission sources such as backup

[2] Pollution Burden represents the potential exposure to pollutants and the adverse environmental conditions caused by pollution.
[3] TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

generators, TRUs, and heavy-duty truck traffic, and include all the air pollutant reduction measures listed in Attachment A of this comment letter.

In addition to the health risks associated with operational emissions, health risks associated with construction emissions should also be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments)[4] recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance. The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

III. Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionally impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and oxides of nitrogen (NO_X) emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

[4] Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, via email at stanley.armstrong@arb.ca.gov.

Sincerely,

Richard Boyd
Assistant Division Chief
Transportation and Toxics Division

Attachment

cc: See next page.

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Dillon Delvo
Executive Director
Little Manila Rising
ddelvo@littlemanila.org

Patia Siong
Supervising Air Quality Specialist
San Joaquin Valley Air Pollution Control District
patia.siong@valleyair.org

Jonathan Pruitt
Environmental Justice Program Coordinator
Catholic Charities of the Diocese of Stockton
jpruitt@ccstockton.org

Mariah Looney
Campaign Coordinator
Restore the Delta
mariah@restorethedelta.org

Morgan Capilla
NEPA Reviewer
U.S. Environmental Protection Agency
Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong
Air Pollution Specialist
Exposure Reduction Section
Transportation and Toxics Division
stanley.armstrong@arb.ca.gov

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.

2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.

3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved equal or exceed that of a Tier 4 engine.

4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.

5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.[1]

[1] In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NO_x emission standard is available at: https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm.

Attachment - 1

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.

2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.[2]

3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.

4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.

5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the project site be zero-emission.

6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.

7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

[2] CARB's technology assessment for transport refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

Attachment - 2

8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,[3] Periodic Smoke Inspection Program (PSIP),[4] and the Statewide Truck and Bus Regulation.[5]

9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while on site.

10. Include contractual language in tenant lease agreements that limits on-site TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted, and the health impacts fully mitigated.

11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

12. Including language in tenant lease agreements, requiring the installing of vegetative walls[6] or other effective barriers that separate loading docks and people living or working nearby.

[3] In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: https://www.arb.ca.gov/cc/hdghg/hdghg.htm.

[4] The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: https://www.arb.ca.gov/enf/hdvip/hdvip.htm.

[5] The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model-year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.

[6] Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: https://ww2.arb.ca.gov/sites/default/files/classic//research/apr/past/13-306.pdf.

Attachment - 3

Response to Letter B: California Air Resources Board

Response B-1: This comment serves as an introduction to the comment letter and summarizes Project description as well as the commenter's concerns in the body of the comment letter.

The City is in receipt of the commenter's NOP comment letter, which was included in the Appendix to the Draft EIR. Please see Reponses B-2 through B-7 for detailed responses to these concerns.

Response B-2: The commentor states:

> ***"The City Uses Inappropriate Trip Lengths When Modeling the Project's Air Quality Impacts from Mobile Sources***
>
> *The Project's operational mobile source air pollutant emissions may have been underestimated in the DEIR by using vehicle trip lengths unsupported by substantial evidence. The Project's operational air pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod). Based on CARB's review of the CalEEMod outputs found in Appendix B.1 (CalEEMod Ouputs) of the DEIR, the City relied on CalEEMod vehicle trip length defaults to estimate the Project's mobile source air pollutant emissions. After applying these defaults, 59 percent of the Project's total vehicle trips would have a travel distance of 9.5 miles and 41 percent of the Project's total vehicle trips would have a travel distance 7.3 miles.*
>
> *The DEIR does not specify the distance workers and truck drivers would need to travel to operate the proposed industrial development. The Project is located within a short distance from the Port of Stockton and other industrial warehouses, which the Project could serve. However, the heavy-duty trucks transporting goods to the proposed industrial uses could travel greater distances, such as Port of Oakland or Port of Point San Pablo. Unless the City restricts the Project's truck trip distances to those specified in the Project's air quality analysis, the City must remodel the Project's air quality impacts assuming a truck trip distance supported by substantial evidence."*

This comment is noted. Based on this comment, the CalEEMod model was revised to account for trip length assumptions that are higher than the default assumptions used in the original model run. Specifically, the CalEEMod model was revised to reflect a daily VMT of 777,176 VMT associated with proposed Project. This VMT estimate is validated based on trip length assumptions and VMT calculations provided by the professional traffic engineering firm Fehr & Peers. This VMT calculation includes Project trips of all relevant distances, and accounts for all of the various trip types and lengths that the Project is anticipated to generate, consistent with the traffic modeling by Fehr & Peers. Although the Traffic Impact Assessment does not identify overall Project average trip lengths per se, this revision to the CalEEMod model, made to account for the VMT

modeled for the Project by Fehr & Peers, takes into account trip lengths by its very nature (since VMT = total trips multiplied by average trip length), and therefore fully captures the various trips and their trip lengths that are anticipated to be generated by the proposed Project. The updated emissions results from the revised CalEEMod model were incorporated throughout the revised FEIR Section 3.3: Air Quality. See Section 3.0: Revisions of this FEIR for further detail. No further response to this comment is warranted.

Response B-3: The commentor states:

> *"**The DEIR Did Not Account for Air Pollutant Emissions from Heavy Duty Trucks During On-Site Grading***
>
> *The DEIR did not account for mobile source air pollutant emissions from heavy-duty trucks during the Project's construction grading phase. The Project's description does not specify if the Project would require the export or import of soil to level the side. Also, based on CARB's review of the CalEEMod outputs, found in Appendix B.1 (CalEEMod Outputs) of the DEIR, the City assumed that no heavy-duty truck trips would be required to import or export soil during the on-site grading. However, some of the mitigation measures presented in the DEIR seems to suggest that heavy-duty trucks would be required Project's construction grading phase. For example, Mitigation Measures 3.3-4 requires all heavy-duty trucks leaving the Project site during construction phase to be fully covered, which suggests heavy-duty trucks will be required to either import or export soil from the Project site. If soil must be imported or exported to grade the Project site, the truck trips needed to accomplish that must be accounted for.*
>
> *The City must remodel the Project's construction air pollutant emissions using accurate heavy duty truck trip estimates. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near construction haul routes could be exposed to diesel exhaust emissions that were not evaluated in the DEIR. The FEIR should clearly state the total number of heavy-duty truck trips expected during Project construction so the public can fully understand the potential environmental effects of the Project on their communities."*

This comment is noted. The proposed Project is anticipated to have an on-site balanced cut and fill; this was confirmed via follow-up correspondence with the Project applicant. Therefore, no mobile source air pollutant emissions from heavy-duty trucks during the Project's construction grading phase are anticipated. With regard to Mitigation Measure 3.3-4, this measure is designed as a standard construction mitigation measure recommended by the Air District, and therefore, the inclusion of that standard measure is not intended to imply that the proposed Project would require import or export of soil during on-site grading. Rather, it is emphasizing the District's recommendations for construction work best management practices. No specific revision to the CalEEMod model is warranted based on this comment. It is noted that the mitigation numbering and

phrasing changed, and is presented in Section 3.0 Revisions. The construction related mitigation measures for Air Quality are Mitigation Measures 3.3-1 through 3.3-7. No further response to this comment is warranted.

Response B-4: The commentor states:

> *"**The DEIR Does Not Analyze Potential Air Quality Impacts from the Project's Transport Refrigeration Units***
>
> *Although the HRA prepared for the Project evaluated cancer risks from the operation of onsite and off-site TRUs, the City and applicant did not model and report air pollutant emissions from TRUs in the DEIR. The air pollutant emission estimates, found in Table 3.3-6 (Operational Project Generated Emissions) of the DEIR, were modeled using CalEEMod. Although CalEEMod can estimate air pollutant emissions from area, energy, and mobile sources, the current version of CalEEMod does not account for air pollutant emissions from TRUs. Since a portion of the Project will be used for cold storage, CARB urges the City and applicant to model and report the Project's air pollution emissions from TRUs using CARB's latest emission factors. As indicated above, the City and applicant should assume that a conservative percentage of the Project's truck fleet is equipped with TRUs, as well as a conservative idling duration for each TRU."*

This comment is addressed under Master Response 1 and 2 (Reference Section 2.3 of this Chapter). Based on this comment, the EIR has been updated to account for anticipated pollution from TRUs within the criteria pollutant emissions analyses, utilizing a conservative estimate of the Project's truck fleet utilizing TRUs, as well as a conservative idling duration for each TRU. Specifically, Section 3.3: Air Quality of the FEIR has been updated.

See Section 3.0: Revisions of this FEIR for further detail. These changes serve to correct and amplify the analysis, and do not reveal increased significant impacts or new information of substantial importance that would warrant a recirculation. No further response to this comment is warranted.

Response B-5: The commentor states:

> *"**The Health Risk Assessment Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts***
>
> *The HRA prepared for the Project and presented in Appendix B.3 (Health Risk Assessment) of the DEIR, concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 1.09 chances per million during Project operation. Since the Project's cancer risks are below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) significance threshold of 20 chances per million, the DEIR concluded that the Project would result in a*

less than significant impact on public health. CARB has reviewed the Project's HRA and is concerned that the Project's cancer risk impacts may have been underestimated for the reasons detailed below.

The cancer risk impacts presented in the HRA should have been based on PM10 idling emissions factors obtained from the latest version of CARB's Emission Factors model (EMFAC). As shown in Table 2 (Emission Source Assumptions) of the HRA, the City used a 0.0035 grams per hour PM10 idling emission factor to calculate the cancer risk impacts while trucks are idling within the Project site. This PM10 idling emission factor was based on idling test data found in the EMFAC2014 Technical Documentation Guidebook. Since the public release of EMFAC2014 in May 2015, CARB has made many updates to the EMFAC model and has released two updated versions: EMFAC2017, released in May 2018, and EMFAC2021, released in January 2021. Some of the updates to the EMFAC model included updates to the heavy-duty truck activity and emission rates, and implementation of CARB's latest regulations. EMFAC2014 underestimated diesel PM emission rates from diesel heavy-duty trucks due to limited in-use test data for engine model year 2010 and newer, thus the Project's mobile source diesel PM emissions are likely underestimated in the DEIR. CARB urges the City and applicant to model and report the Project's air pollution emissions from mobile sources using emission factors found in CARB's latest EMFAC2021. Emission factors can be easily obtained by running the EMFAC2021 Web Database:

https://arb.ca.gov/emfac/emissions-inventory.

The HRA assumed all TRUs visiting the Project site would not idle longer than 15 minutes. Data obtained by CARB staff indicates that TRUs can operate for as long as two hours per visit, which is well above the 15-minute duration assumed in the HRA. Unless the applicant and City restrict TRU idling durations to less than 15 minutes, the Project's HRA should be revised to assume a TRU idling duration legitimized by substantial evidence.

The HRA prepared for the warehouse/logistics center cold storage scenario assumed 15 percent of the Project's total daily heavy-duty truck traffic would consist of trucks equipped with TRUs. It is unclear in the HRA how this estimate was derived. Due to the large size of the proposed warehouse development, CARB is concerned that the number of TRUs visiting the Project site may be underestimated in the HRA. CARB urges the City and applicant to provide substantial evidence to support this assumption.

The HRA assumed the TRUs accessing the Project site would have an average power rating of 34 hp. TRUs with a power rating of less than 25 hp have a higher PM emission rate (0.3 g/bhp-hr) than those greater than 25 hp (0.02 g/bhp-hr). Unless the applicant and City prohibit TRUs with a power rating of less than 25 hp from accessing the Project site, the Project's HRA should be revised. The revised

HRA should assume a conservative percentage of the TRUs entering the Project site have a power rating of less than 25 hp, legitimized by substantial evidence.

The HRA did not evaluate cancer risk impacts from trucks and trucks with TRUs traveling along local roadways. According to the Project's description, a roadway named Commerce Drive will be constructed through the Project site. This roadway will connect the Project site to Airport Way and State Route 99. There are residences located adjacent to Airport Way that will be expose to diesel PM emissions from trucks and trucks with TRUs traveling to and from the Project site that has the potential to result in a potentially significant cancer risk impact. To fully understand the Project's impact on public health, the revised HRA should evaluate potential cancer risks along local roadways serving the Project site.

Although the HRA did model cancer risk impacts at residences located south and southwest of the Project site, the HRA did not model cancer risk impacts at residences located west of the Project site, across form Airport Way. To fully understand the Project's public health impacts, the HRA should evaluate cancer risks at all residences near the Project.

The City did not evaluate the Project's potential cancer risks impacts in the HRA or provide any other quantitative or qualitative analysis to evaluate the Project's potential impact on public health during its construction. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance, recommends assessing cancer risks for construction projects lasting longer than two months.[1] According to the Chapter 3.3 (Air quality) of the DEIR, the construction of the project would begin in 2021 and last for nearly two decades (i.e., 2040), which is beyond the construction duration that would require a project to prepare a construction HRA. To fully understand the Projects potential impacts on public health, the HRA should be revised to evaluate the Project's construction cancer risk impacts.

Since the Project is expected to be built out over a period lasting two decades, it is likely that portions of the Project could be build out and operational while other portions of the Project site is still being constructed. If this overlap is anticipated to occur, residences near the Project would be exposed to diesel PM emissions from onsite construction equipment and heavy-duty trucks serving the proposed industrial development that were not accounted for in the Project's HRA. To account for this potential overlap, the City must evaluate the combined cancer risk impacts from the combined construction and operation of the Project. If no overlap is expected to occur, the FEIR must include a project design measure that prohibits the operation of any industrial uses until the Project is completely built out in the year 2040.

Lastly, the HRA modeled the Project's cancer risk impacts using mobile emission factors obtained from EMFAC2017 assuming a 2040 operational year. The mobile

PM10 emission factors in EMFAC will be lower in future years due fleet turnover and the development of cleaner vehicles with lower emissions over time. If a large portion of the proposed industrial development is anticipated to be operational sooner than 2040, such as 2025 or 2030, the mobile emission factors used to model the Project's cancer risk impacts could be underestimated. To conservatively estimate the Project's impact on public health, the cancer risks presented in the revised HRA should be based on mobile emission factors that take into account for early operational years."

The HRA modeling has been refined to account for the PM_{10} idling emission factor, as recommended by the first part of this comment. Specifically, the truck idling emission factor has been updated to reflect the CARB EMFAC2021 idling factor for 2022 HHDT diesel trucks for PM10 of 0.25 grams/hr-truck. This is updated from the 0.0035 grams per hour PM10 idling emission factor used in the DEIR, which was based on idling test data found in the EMFAC2014 Technical Documentation Guidebook.

Overall, with this revision to the HRA (along with other revisions, as described through this chapter), the revised HRA results demonstrate that TACs remain below the applicable SJVAPCD thresholds of significance (further detail provided in Section 3.3: Air Quality of this FEIR).

With regard to the potential for TRUs to idle longer than 15 minutes, this is the typical duration of idling for TRUs, according to the San Joaquin Air Pollution Control District (SJVPACD), as provided during a phone correspondence with the SJVAPCD's Leland Villalvazo. Moreover, consistent with the commentor's request, a mitigation measure has been added to Section 3.3: Air Quality within this FEIR to require TRUs to not idle longer than 3 minutes which would reduce idling emissions by over two thirds compared to what was modeled as the normal condition per the SJVAPCD. The mitigation measure is presented is Section 3.0 Revisions.

With regard to the proportion of trucks assumed to utilize cold storage (15 percent of trucks), this estimate was derived based on the national average of trucks that are refrigerated (based on the number of 500,000 trucks in the U.S being refrigerated trucks and approximately 3.2 million trucks in use nationwide, according to the American Trucking Associations). Moreover, this estimate is also consistent with the assumptions made by Fehr & Peers within the Transportation Impact Assessment prepared for the proposed Project, where 15% of Project land uses were assumed to specifically include refrigerated storage; specifically, as 'High-cube Cold Storage Warehouse').

With regard to the average power rating of TRUs assume to be 34 horsepower, while it is true that TRUs with a power rating of less than 25 horsepower (hp) tend to have a higher PM emission rate than those greater than 25 hp, vehicles with TRUs <25 hp are typically only used on straight trucks (sometimes called bobtail trucks) and some trailer TRUs, which are not anticipated to be used for the proposed Project. Moreover, the CARB maintains strict TRU Airborne Toxic Control Measure's (ACTM) Ultra-Low Emission TRU

(ULETRU) in-use performance standards for such TRUs, including requiring that TRUs from year 2008 and later must have complied with ULETRU by December 31, 2015, and for TRUs from after year 2008 must have complied with ULETRU by December 31st of the 7th year after the engine model year. Based on this, and given that the proposed Project is not anticipated to generate truck trips that would have TRUs with a horsepower rating of <25 hp, no changes to the HRA are warranted to assume that some Project-generated TRUs would have a horsepower rating of <25 hp.

Moreover, it should be noted that the proposed Project is a tentative map at this stage of entitlement. The property owner does not know the end users or any operational characteristics of the end users because what is proposed is simply a subdivision of land with some master improvements that would enable industrial building design and site review by an end user. CEQA specifically prohibits speculation in analysis, so we cannot speculate on a final site plan. The analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts.

Furthermore, if individual phases of development would develop in such a way as to differ from the assumptions made in the HRA, an individual phase-specific HRA would be required, utilizing individual phase-specific assumptions and factors. There is limited information at this time about the specific nature of the development of individual phases that would be developed within the Planning Area. Therefore, Section 3.3: Air Quality has been updated to add an additional mitigation measure, requiring additional health risk analysis, should individual phases of development develop in such a way as to differ from the assumptions made in the HRA. The mitigation measure is presented in Section 3.0 Revisions.

With regard to the evaluation of cancer risk impacts from trucks and trucks with TRUs traveling along local roadway, the HRA has been revised to include the evaluation of health risks from trucks and trucks with TRUs traveling along local roadways, up to 0.25 miles from the Project site, consistent with SJVAPCD guidance. Roadways modeled include State Route 99 (SR 99) and Airport Way, which are the roadways that connect to the Project site.

With regard to the residences located west of the Project site, although these residences are located farther away from the Project site than the residences located south and southwest of the Project site, approximately 0.5 miles or farther from the areas of the Project site where DPM emissions are anticipated to occur, the HRA has been revised to fully evaluate the cancer risks west of the Project site, such that the HRA also evaluates risks at these locations. The revised HRA included within this FEIR provides the results of this revised analysis.

With regard to the assertion that the City did not evaluate the Project's potential cancer risks or other analysis in the HRA for impacts during Project construction, we have reviewed the referenced OEHHA Guidance Manual to determine applicability of modeling potential Project construction health risks from diesel particulate matter (DPM), which is the only TAC of concern for the proposed Project. The SJVAPCD points to the OEHHA Guidance Manual[4] as the guidebook for developing air toxics health risk assessments (HRAs). Given the OEHHA's Guidance, the determination of whether it is warranted to model potential construction air toxic within an HRA is dependent on whether or not early life exposure adjustments apply to DPM emissions resulting from construction activity. The following discussion outlines the substantial evidence to support why early life exposure adjustments are not applicable to construction DPM and therefore a health risk assessment that models construction DPM is not required for this project.

To date, the SJVAPCD, as a commenting agency, has not conducted public workshops nor developed policy relating to the application of early-life exposure adjustments utilizing the OEHHA Guidance Manual for projects prepared by other public/lead agencies subject to CEQA. As a result, it is recommended that health risk assessments rely upon U.S. EPA documentation when evaluating the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) wherein adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." A mutagen is a physical or chemical agent that changes genetic material, such as DNA, increasing the frequency of mutations to produce carcinogenic effects. The use of adjustment factors is recommended to account for the susceptibility of producing adverse health effects during early life stages from exposure to these mutagenic compounds.

In 2006, U.S. EPA published a memorandum which provides guidance regarding the preparation of health risk assessments should carcinogenic compounds elicit a mutagenic mode of action (USEPA, 2006)[5]. As presented in the technical memorandum, numerous compounds were identified as having a mutagenic mode of action. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise < 1% of the exhaust particulate mass. To date, the U.S. Environmental Protection Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action (USEPA, 2018).[6]

[4] http://oehha.ca.gov/air/hot_spots/hotspots2015.html

[5] United States Environmental Protection Agency, 2006. Memorandum – Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance - Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments that include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action.

[6] United States Environmental Protection Agency, National Center for Environmental Assessment, 2018. Integrated Risk Information System (IRIS). Diesel Engine Exhaust.

Additionally, the California Department of Toxic Substances Control (DTSC) which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved has adopted the U.S. EPA's policy in the application of early-life exposure adjustments. As such, incorporation of early-life exposure adjustments for exposures to DPM emissions in the quantification of carcinogenic risk for construction of the proposed are not applicable because DPM does not have a mutagenic mode of action.

Given that the Project does not emit any pollutants that elicits a primary mutagenic mode of action, the use of early life exposure adjustments for DPM is not applicable, and following the OEHHA guidelines, the need to model construction DPM is not necessary.

Lastly, regarding the comment about mobile emission factors obtained from EMFAC2017 assuming a 2040 operational year, we have revised the operational year emission factor to more conservatively account for the risks associated with emissions prior to year 2040, utilizing year 2025 operational year emission factors, consistent with this comment. Specifically, we have revised the emission factor to reflect the EMFAC2021 emission factor of 0.00902406 g/mile on-site (note: this is a blended emission factor for speeds of 5, 10, 15, 20, and 25 miles per hour) and 0.00683151 g/mile off-site (25 miles per hour).

Overall, the revised Health Risk Assessment (HRA), which includes all of the revisions identified throughout this chapter (Chapter 2.0: Comments on Draft EIR and Responses), demonstrates the following maximum health risks associated with toxic air contaminants (TACs), as also provided in Chapter 3.0: Revisions of this FEIR:

TABLE 3.3-9: SUMMARY OF MAXIMUM HEALTH RISKS

RISK METRIC	*MAXIMUM RISK*	*SIGNIFICANCE THRESHOLD*	*IS THRESHOLD EXCEEDED?*
Residential Cancer Risk (70-year exposure)	15.0	20 per million	No
Workplace Cancer Risk (40-year exposure)	6.1	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)	<0.01	Hazard Index ≥1	No

SOURCES: AERMOD (LAKES ENVIRONMENTAL SOFTWARE, 2021); AND HARP-2 AIR DISPERSION AND RISK TOOL.

No further response to this comment is warranted.

Response B-6: The commentor states:

"The City Must Include Additional Mitigation Measures to Minimize the Project's Significant and Unavoidable Impact on Air Quality

Chapter 3.3 (Air Quality) of the DEIR concludes that nitrogen oxides (NOx) emitted during Project construction and volatile organic compounds (VOC) and NOx emitted during Project operation would exceed the SJVAPCD's significance thresholds. To reduce the Project's impact on air quality, the DEIR included five mitigation measures (MM 3.3-1 through MM 3.3-5). These mitigation measures include requiring the applicant to comply with SJVAPCD's Rule 9510 to mitigate the Project's operational air pollutant emissions, and Rules 8011 through 8081 to mitigate the Project's construction fugitive dust emissions. These measures also require the Project applicant to implement dust control practices identified in the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) to further reduce emissions of fugitive dust emitted during the construction of the Project. After complying with all SJVAPCD's Rules, the City concluded in the DEIR that the Project's impact on air quality would remain significant and unavoidable.

Although complying with local air district rules would reduce the Project's air pollutant and fugitive dust emissions, these rules should not be exclusively relied on to mitigate the Project's impact on air quality. In the DEIR, the City states that the Project would comply with SJVAPCD Rule 9510. This rule requires the applicant to reduce the Project's operational NOx and PM10 emissions by 33.3 and 50 percent, respectively. This rule also requires the applicant to reduce the Project's construction NOx and PM10 emissions by 20 and 45 percent, respectively. To achieve these reductions, the applicant will need to pay into an off-site mitigation fund managed by the SJVAPCD for any emission reductions required by the rule that are not achieved through on-site emission reductions. The City must explain in the DEIR how the rule will achieve the desired emission reductions after all feasible mitigation measures are implemented. The City must list all the Project design features and mitigation measures that would reduce the Project's operational air pollutant emissions and the amount of money the applicant will pay into SJVAPCD's off-site mitigation fund.

Under CEQA, Projects that will have a significant and unavoidable impact on the environment must implement all feasible mitigation measures to reduce those impacts (see California Public Resources Code§ 21081; 14 CCR§ 15126.2(b)). Based on CARBs review of the DEIR, the City has failed to meet this requirement under CEQA. To meet the minimum requirements of CEQA and protect public health, the City must include meaningful and project-specific mitigation measures in the FEIR to reduce the Project's air pollutant emissions. Appendix A of this letter contains a list of feasible measures that can be applied to the Project to minimize air pollution. The mitigation measures in the FEIR must be fully enforceable and imposed by the City."

This comment is addressed under Master Response 1, 2, and 4 (Reference Section 2.3 of this Chapter).

Response B-7: This comment serves as a conclusion to the comment letter and summarizes the commenter's concerns in the body of the comment letter. The commenter also requests to be added to the list of selected State agencies that will receive the Final EIR. Please see Reponses B-2 through B-7 for detailed responses to these concerns. The City will provide the Final EIR to CARB, as requested. No further response to this comment is warranted.

From: Scott Lichtig <Scott.Lichtig@doj.ca.gov>
Sent: Tuesday, November 23, 2021 8:18 AM
To: Nicole Moore <Nicole.Moore@stocktonca.gov>
Subject: South Stockton Commerce Center Project DEIR

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Ms. Moore-

The Attorney General's Office appreciates the opportunity to review the DEIR for the South Stockton Commerce Center (SCH# 2020090561). Attached for your consideration is the Attorney General's "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." We encourage Stockton to review the enforceable and feasible mitigation measures included in Section V "Air Quality and Greenhouse Gas Emissions Analysis and Mitigation." C-1

Thank you again for the opportunity to review the DEIR and provide Stockton with this guidance. Please feel free to contact me with any questions. C-2

Sincerely,

Scott Lichtig

Deputy Attorney General

Environment Section | Bureau of Environmental Justice

California Attorney General's Office

CA AGO - Warehouse Projects Best Practices and Mitigation Measures to Comply with CEQA.pdf
168K

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE

Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)[1] regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies, and in rare cases the Bureau has filed litigation to enforce CEQA.[2] This document builds upon the Bureau's comment letters, collecting knowledge gained from the Bureau's review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.[3] While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, the overwhelming majority of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.[4] California, with its ports, population centers, and transportation network, has found itself at the center of this trend. For example, in 2014, 40 percent of national container cargo flowed through Southern California, which was home to nearly 1.2 billion square feet of warehouse facilities.[5] In the Inland Empire alone, 150 million square feet of new industrial space was built over the last decade,[6] and 21 of the largest 100 logistics leases signed in 2019 nationwide were in the Inland

[1] https://oag.ca.gov/environment/justice.
[2] https://oag.ca.gov/environment/ceqa/letters; *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).
[3] Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.
[4] As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short or long term basis for later distribution to businesses and/or retail customers.
[5] Industrial Warehousing in the SCAG Region, Task 2. Inventory of Warehousing Facilities (April 2018), http://www.scag.ca.gov/Documents/Task2_FacilityInventory.pdf at 1-1, 2-11.
[6] Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019, https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution.

Empire, comprising 17.5 million square feet.[7] This trend has not slowed, even with the economic downturn caused by COVID-19, as e-commerce has continued to grow.[8] Forecasts predict that the Central Valley is where a new wave of warehouse development will go.[9]

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.[10] Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.[11] The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts.

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[7] CBRE, *Dealmakers: E-Commerce & Logistics Firms Drive Demand for Large Warehouses in 2019* (January 23, 2020), https://www.cbre.us/research-and-reports/US-MarketFlash-Dealmakers-E-Commerce-Logistics-Firms-Drive-Demand-for-Large-Warehouses-in-2019; *see also* CBRE, *E-Commerce and Logistics Companies Expand Share Of Largest US Warehouse Leases, CBRE Analysis Finds* (Feb. 25, 2019), https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases (20 of the largest 100 warehousing leases in 2018 were in the Inland Empire, comprising nearly 20 million square feet).

[8] CBRE, 2021 U.S. Real Estate Market Outlook, Industrial & Logistics, https://www.cbre.us/research-and-reports/2021-US-Real-Estate-Market-Outlook-Industrial-Logistics; Kaleigh Moore, *As Online Sales Grow During COVID-19, Retailers Like Montce Swim Adapt And Find Success*, FORBES (June 24, 2020), *available at* https://www.forbes.com/sites/kaleighmoore/2020/06/24/as-online-sales-grow-during-covid-19-retailers-like-montce-swim-adapt-and-find-success/.

[9] New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), *available* at https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html.

[10] California Air Resources Board, Nitrogen Dioxide & Health, https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health (NOx); California Air Resources Board, Summary: Diesel Particular Matter Health Impacts, https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf (DPM).

[11] Noise Sources and Their Effects, https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically address warehouse development, we encourage governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and guide sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take any number of forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors can help avoid conflicts between warehouse facilities and residential communities.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.[12]

The Bureau is aware of four good neighbor policies in California: Riverside County, the City of Riverside, the City of Moreno Valley, and the Western Riverside Council of Governments.[13] These policies provide minimum standards that all warehouses in the jurisdiction must meet. For example, the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors, and it requires a number of design features to reduce truck impacts on nearby sensitive receptors. The Riverside County policy requires vehicles entering sites during both construction and operation to meet certain California Air Resources Board (CARB) guidelines, and it requires community benefits agreements and supplemental funding contributions toward additional pollution offsets.

The Bureau encourages jurisdictions to adopt their own local ordinances and/or good neighbor policies that combine the most robust policies from those models with measures discussed in the remainder of this document.

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[12] For more information about SB 1000, *see* https://oag.ca.gov/environment/sb1000.

[13] https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf (Riverside County); https://riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf (City of Riverside); http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on (City of Moreno Valley); http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId= (Western Riverside Council of Governments).

3

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.
- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community relations officer to the surrounding community.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local

communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.[14]
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.
- Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers

[14] California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.
- Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.
- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable

bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all

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dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- 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 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 to use carriers that are SmartWay carriers.

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- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if

truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.

- Using full cut-off light shields and/or anti-glare lighting.
- Using cool pavement to reduce heat island effects.
- Installing climate control in the warehouse facility to promote worker well-being.
- Installing air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Response to Letter C: California Attorney General's Office

Response C-1: The comment is an email communication indicated that they have reviewed the DEIR, and that they have attached, for the City's consideration, the Attorney General's Warehouse Projects: Best Management Practices and Mitigation Measures to Comply with the California Environmental Quality Act. The commenter encourages the City to review the enforceable and feasible mitigation measures included in Section V Air Quality and Greenhouse Gas Emissions Analysis and Mitigation.

This comment is noted. The City has been aware of the referenced document since it was published by the Attorney General's Office, and they have emphasized to property owners pursuing Industrial projects to consider these measure as they design their projects. These measures are known by the project applicant and their representatives, there were discussions in the planning process regarding this document. It is anticipated that any end user that proposes to build an industrial building on any of the lots created by the proposed tentative map, would also have knowledge of this document; however, the City will continue to provide this document to applicants for industrial projects, and will continue to review site plan details to ensure that projects built in the City are designed with enforceable and feasible measures as outlined in the document.

It is also noted that the City of Stockton has also recently met with the Attorney General's Office, as well as the Sierra Club, to develop additional measures that are intended to reduce air quality impacts related to industrial projects. The City sees these new measures as a framework for other industrial projects to incorporate into projects to reduce air quality impacts. This framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. Please note, certain suggested measures have been modified from the City's framework of new measures, to conform with the proposed Project and to provide flexibility when coordinating with the SJVAPCD. See Section 3.0: Revisions of this FEIR for further detail on these new measures. Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

Response C-2: This comment serves as a conclusion to the comment letter. No further response to this comment is warranted.

California Water Boards

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for
Environmental Protection

Central Valley Regional Water Quality Control Board

29 November 2021

Nicole Moore
City of Stockton
345 North El Dorado Street
Stockton, CA 95202
Nicole.Moore@stocktonca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SOUTH STOCKTON COMMERCE CENTER PROJECT, SCH#2020090561, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 14 October 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the South Stockton Commerce Center Project, located in San Joaquin County.

D-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

D-2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

D-2 cont'd

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

D-3

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

D-4

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

D-5

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

D-6

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

D-7

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

D-8

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

D-9

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

D-10

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

D-10 cont'd

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

D-11

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Response to Letter D: Central Valley Regional Water Quality Control Board

Response D-1: This comment is noted. This comment serves as an introduction to the letter and does not warrant a response. No further response is necessary.

Response D-2: The comment provides background information regarding the responsibilities of the Central Valley Regional Water Quality Control Board (RWQCB). This information further elaborates on regulatory setting information provided in Section 3.9, Hydrology and Water Quality, of the Draft EIR. The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability are the two guiding documents for water quality and sustainable groundwater management in the Project area. This comment is noted. No further response is necessary.

Response D-3: The comment provides information regarding "Antidegradation Considerations," including the Basin Plan's policy and analysis requirements for National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirement (WDR) permitting. Project impacts to groundwater and surface water quality are addressed in Section 3.9, Hydrology and Water Quality, of the Draft EIR. Impacts were determined to be less than significant or less than significant with mitigation. The Draft EIR adequately analyzes the potential impacts to groundwater and surface water quality.

Response D-4: The comment identifies construction storm water permit requirements for projects that disturb one or more acres of soil or are part of a larger plan that in total disturbs one or more acres of soil. As described on pages 3.9-21 through 3.9-24 of Section 3.9, Hydrology and Water Quality, of the Draft EIR, applicant(s) for future development in accordance with the proposed Specific Plan would be required obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. To do so, the applicant(s) must prepare a Project-specific Stormwater Pollution Prevention Plan (SWPPP), which would incorporate BMPs in order to prevent or reduce to the greatest extent feasible adverse impacts to water quality from erosion and sedimentation. Therefore, the Project would comply with the General Construction Stormwater Permit from the Central Valley RWQCB. The Draft EIR adequately reflects the information provided in the comment.

Response D-5: The comment discusses Best Management Practices and MS4 requirements for storm drainage systems. As described in Section 3.9, Hydrology and Water Quality, of the Draft EIR, the City is classified as a Phase II city by the State Water Resources Control Board. As such, the City, and consequently new development, is required to comply with the State Board's storm water National Pollutant Discharge Elimination System (NPDES) permit for Phase II cities.

Response D-6: The comment discusses Industrial Storm Water General Permit requirements. As described in Section 3.9, Hydrology and Water Quality, storm water discharges from

industrial sites are regulated under NPDES General Permits administered by the RWQCB. The proposed Project is subject to these existing requirements.

Response D-7: The comment indicates that a Section 404 permit from the U.S. Army Corps of Engineers would be required for activities involving a discharge to waters of the U.S. As described in Section 3.4, Biological Resources, the project is subject to Section 404 of the Clean Water Act. It is anticipated that the proposed Project would qualify for a Nationwide Permit. The proposed Project is subject to these existing requirements.

Response D-8: The comment indicates that a Section 401 Water Quality Certification from the State Board would be required for activities that require a Section 404 permit or other federal permits. As described in Section 3.4, Biological Resources, the project is subject to Section 401 of the Clean Water Act. An application for a 401 Water Quality Certification will be submitted at the time a Section 404 permit application is submitted. The proposed Project is subject to these existing requirements.

Response D-9: The comment indicates that if USACE determines that only non-jurisdictional waters of the State are present, the proposed Project may require a Waste Discharge Permit (WDR) to be issued. The comment is noted. As described in Section 3.4, Biological Resources, a formal jurisdictional determination must be made by the USACE relative to the wetlands delineated on the Project site. The Project would be required to comply with existing USACE procedures and regulations consistent with the USACE determination regarding jurisdictional waters, including obtaining any necessary permits.

Response D-10: The comment indicates that if the proposed Project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed Project will require coverage under a NPDES permit. Dewatering is not anticipated to be required as a result of construction of the proposed Project. However, should groundwater be encountered during construction and dewatering become necessary, the applicant would be required to seek the proper NPDES permit for dewatering activities.

Response D-11: The comment identifies the need for coverage under the NPDES permit for discharges of waste that could affect the quality of surface waters of the State. As noted in Section 3.9, Hydrology and Water Quality, the proposed Project will include a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to be submitted to the RWQCB. The proposed Project is subject to these existing requirements.

SAN JOAQUIN COUNTY
Greatness grows here.

Environmental Health Department
Jasjit Kang, REHS, Director
Muniappa Naidu, REHS, Assistant Director
PROGRAM COORDINATORS
Robert McClellon, REHS
Jeff Carruesco, REHS, RDI
Willy Ng, REHS
Melissa Nissim, REHS
Steven Shih, REHS

October 28, 2021

To: City of Stockton
Attention: Nicole Moore, Planning Manager

From: Jeffrey Wong; (209) 468-0335
Lead Senior Registered Environmental Health Specialist

RE: **South Stockton Commerce Center – Draft Environmental Impact Report, SU0014475 (2688)**

The San Joaquin County Environmental Health Department (EHD) recommends the following conditions as a part of developing this project: E-1

1. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4) E-2
2. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6). E-3

1868 E. Hazelton Avenue | Stockton, California 95205 | **T** 209 468-3420 | **F** 209 464-0138 | www.sjcehd.com

Response to Letter E: San Joaquin County Environmental Health Department

Response E-1: This comment serves as an introduction to the comment letter. No further response is necessary.

Response E-2: The commenter states "Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4)"

This comment is noted. There are no septic tanks/systems within the Project site. Nevertheless, it is the City's policy to require any existing septic system to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4). There are existing wells associated with the agricultural operations. All wells will be abandoned/destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4). This is an existing regulation that is in place and there is not a need for a measure requiring this existing requirement.

Response E-3: The commenter states "Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6)."

This comment is noted. The Draft EIR includes a requirement to prepare a final geotechnical evaluation of soils at a design-level, consistent with the requirements of the California Building Code. Implementation of this mitigation measure would ensure that all on-site fill soils are properly compacted and comply with the applicable safety requirements established by the CBC to reduce risks associated with unstable soils and excavations and fills, and that any issues associated with unstable soils are addressed at the design level. This work will be performed at a design level, and it is not known at this time if drilling would be necessary, or if a less sampling method would be appropriate. Nevertheless, it is the City's policy to require any geotechnical drilling to be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6). This is an existing regulation that is in place and there is not a need for a measure requiring this existing requirement.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

December 14, 2021

Nicole Moore
City of Stockton
Community Development Department
345 N El Dorado Street
Stockton, CA 95202

Project: Draft Environmental Impact Report for South Stockton Commerce Center Project

District CEQA Reference No: 20211169

Dear Ms. Moore:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the City of Stockton's (City) Draft Environmental Impact Report (DEIR) for South Stockton Commerce Center. Per the DEIR, the proposed project consists of the construction and operation of 6,091,551 square feet of industrial development, in addition to 140,350 square feet of commercial development on a 422.22 acre-site (Project). The Project is located west of the 99 Frontage Road and State Route 99, and east of Airport Way in Stockton, CA. F-1

The District offers the following comments:

1) Assembly Bill 617

Assembly Bill 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantage communities. The Project lies near one of the impacted communities in the State selected by the California Air Resources Board (CARB) under the Assembly Bill (AB) 617 (2017, Garcia) and has the potential to expose sensitive receptors to increased air pollution within the nearby impacted community. The Stockton CERP was adopted by the District's Governing Board in March 2021 and identifies a wide range of measures designed to reduce air pollution exposure. Therefore, in an effort to reduce air pollution exposure to the impacted disadvantaged community, the District recommends the City incorporate mitigation measures outlined in the Stockton CERP for the Project which can be found at: https://community.valleyair.org/media/2487/final-stockton-cerp-no-appendix-with-cover.pdf. F-2

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

www.valleyair.org www.healthyairliving.com

2) Construction Emissions

The DEIR, specifically Table 3.3-7 (Construction Project Generated Tons per Year – Mitigated) identifies the maximum annual criteria pollutant emissions for a given year within the Project's estimated multi-year construction period. The DEIR specifically Table 3.3-7, should be revised to include the estimated criteria pollutant emissions for each construction year within the Project's estimated multi-year construction period and compare to the District's significance thresholds. This will fully demonstrate to the public the construction-related air quality impacts from the Project.

F-3

Additionally, construction air emissions are short-term emissions generated from construction activities such as mobile heavy-duty diesel off-road equipment. Since the Project's construction-related NOx emissions exceed District significance thresholds, the City should consider incorporating the below measure into the Project.

Recommended Measure: To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

3) Operational Emissions

The DEIR did not characterize an appropriate trip length distance for off-site heavy heavy-duty (HHD) truck travel. Based on the following factors: 1) the Project consists of industrial and commercial development and is expected to generate a high volume of HHD truck trips, and 2) HHD trucks generally travel further distances for distribution, it appears inaccurate to incorporate a default delivery trip length assumption of 7.3 miles as reflected in the California Emissions Estimator Model (CalEEMod) analysis.

F-4

Based on the above, the Project operational emissions may be significantly underestimated. Therefore, the District recommends the DEIR be revised to include a discussion characterizing an appropriate trip length distance for HHD truck travel, and reflect the appropriate distance in the air quality emissions analysis for consistency.

4) Feasibility of implementing a Voluntary Emission Reduction Agreement

The Project's construction-related and operation-related emissions are expected to exceed District significance thresholds, resulting in a significant impact on air quality. Therefore, the DEIR should include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

F-5

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors. F-5 cont'd

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the DEIR is compliant with CEQA, the District recommends the DEIR include an assessment of the feasibility of implementing a VERA.

5) Truck Routing

Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Based on the information provided, the Project consists of industrial and commercial development that is expected to generate a high volume of HHD truck trips (e.g. warehouses with deliveries).

The District recommends the City evaluate HHD truck routing within the scope of the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g. Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall VMT, and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, and air quality. F-6

6) Cleanest Available Heavy Duty Trucks

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District's 2018 PM2.5 Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NOx/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of HHD fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NOx established by CARB. F-7

The Project will include industrial use development and is expected to generate a high volume of HHD truck trips per day (e.g. warehouses with deliveries). Therefore, the District recommends that the following measures be considered by the City for inclusion into the Project to reduce Project-related operational emissions:

- *Recommended Measure*: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NOx) technologies.

7) Reduce Idling of Heavy Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g. limiting vehicle idling to specific time limits). The Project consists of industrial and commercial development that is expected to generate a high volume of HHD truck trips per day. The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, the City should consider deploying strategies to ensure compliance of the anti-idling regulation, especially near sensitive receptors, and discuss the importance of limiting the amount of idling within/near the Project site. F-8

- *Recommended Measure*: Fleets limit vehicle idling pursuant to 13 CCR § 2485 and 13 CCR § 2480.

8) Electric On-Site Off-Road and On-Road Equipment

Since the Project consists of industrial and commercial development, the Project may have the potential to result in increased use of off-road equipment (i.e. forklifts) and/or on-road equipment (i.e. mobile yard trucks with the ability to move materials). The District recommends the following measure be considered by the City to incorporate electric or zero emission equipment used on-site for this Project. F-9

- *Recommended Measure*: All on-site service equipment (forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

F-9 cont'd

9) Health Risk Assessment

The District has reviewed the Project's Health Risk Assessment (HRA) and offers the following comments:

- The point source parameters included in the AERMOD model were the same for HHD truck transport refrigeration units (TRUs) and for HHD truck idling. The HRA should be revised to ensure TRU point source parameters reflect the Project's specific TRU dimensions and parameters. Please reference the District's Modeling Guidance for example TRU source parameters, which can be found at: https://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm#modeling_guidance

- The AERMOD model used the non-default regulatory terrain option, "flat." The HRA should be revised to ensure the default terrain option in AERMOD, "elevated," is used to estimate the potential risk of the Project's operational emissions on nearby sensitive receptors.

F-10

- The AERMOD model excluded potential sensitive receptors south of the Project (e.g. residential units). The HRA should be revised to ensure all sensitive receptors near the Project are identified and included in the AERMOD model.

- Per Appendix B.3 (Analysis of Public Health Risks), the HRA assumed TRUs would operate 15 minutes per hour. However, TRUs are expected to operate for a longer duration. The HRA should include a discussion justifying the 15 minute per hour duration for TRUs. The HRA also identified that 15% of the total HHD trucks would have TRUs. The HRA should include the methodology used to determine the percentage of trucks with TRUs for the Project.

- Per Appendix B.3 (Analysis of Public Health Risks), the HRA utilized the average emission rate for summer and winter months assuming all HHD diesel trucks traveling to-and-from the Project site would be a 2009 or newer vehicle model. The HRA should include a discussion confirming and justifying the model years of all on-site HHD trucks associated with the Project.

- Per Appendix B.3 (Analysis of Public Health Risks), HHD truck off-site mobile emissions were not evaluated in the HRA for the Project. Therefore, the HRA should include mobile emissions associated with HHD trucks trips traveling 0.25 miles outside of the Project area, per the District Modeling Guidance.

- Per Appendix 1 (Emission Calculations), the HRA included emission rates (g/mile) associated with speed bins 10 and 30 miles per hour to calculate on-site HHD truck travel using the EMFAC2017 database. However, the District the HRA should be revised to include the average emission rate for the speeds 5, 10, 15, 20, and 25 miles per hour to calculate the operational on-site HHD truck travel emissions, per the District Modeling Guidance.

- Per Appendix 1 (Emission Calculations), the HRA included emission rates for operational mobile emissions assuming operation would begin in 2040. However, operation may occur before full-buildout is complete for the Project. Therefore, the District recommends that the HRA be revised to ensure operational emissions are assessed at the first year of operational use.

F-10 cont'd

- If the Project is expected to buildout in phases, the HRA should reflect the subsequent phase buildout for construction and operational emissions. Additionally, after each subsequent phase, newly added receptors to the area should be included in the AERMOD model.

- Since construction is expected to occur over a 20-year period, diesel particulate matter (DPM) exhaust emissions are expected to cause long-term and short-term health impacts for nearby sensitive receptors. Therefore, the HRA should be revised to ensure cancer risk, as well as chronic and acute hazard index scores, are evaluated for nearby sensitive receptors for construction related DPM exhaust mobile emissions.

- The HARP2 model for the HRA excluded homegrown produce as a pathway for toxic emissions. The HRA should be revised to include homegrown produce as a pathway in the HARP2 model, per District policy APR 1906 (Framework for Performing Health Risk Assessments), which can be found at: https://www.valleyair.org/policies_per/Policies/APR-1906.pdf.

- The HARP2 model for the HRA applied "fraction of time" at residences for the inhalation pathway exposure. The HRA should be revised to ensure the applied "fraction of time" at residences is not selected in the HARP2 model, per District policy APR 1906 (Framework for Performing Health Risk Assessments), which can be found at: https://www.valleyair.org/policies_per/Policies/APR-1906.pdf.

- The HARP2 model used the residential receptor type for the worker cancer risk assessment. The HRA should be revised to ensure the worker receptor type is used in the HARP2 model when evaluating the cancer health risk, chronic, and acute hazard index scores for nearby worker receptors. Additionally, the HRA should be revised to include a worker adjustment factor in the HARP2 model that reflects the Project operating schedule. For example, if the Project operates 7 days a week, 8 hours a day, and 52 weeks a year, the worker adjustment factor of 4.2 should be applied in the HARP2 model.

F-10 cont'd

Based on the above comments, the District recommends the HRA be revised to ensure the analysis adequately assesses the Project's potential health impacts to nearby sensitive receptors.

10) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emission increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. Since the Project's emissions exceed 100 pounds per day, an AAQA should be performed for the Project.

F-11

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: www.valleyair.org/ceqa.

11) Vegetative Barriers and Urban Greening

There are residential units located southeast and west of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g. residential units).

F-12

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker

vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant low maintenance greenery. F-12 cont'd

12)Clean Lawn and Garden Equipment in the Community

Since the Project consists of commercial development, gas-powered commercial lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District's Clean Green Yard Machines (CGYM) program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment. The District suggests the Project consider the feasibility of utilizing electric lawn care equipment. More information on the District CGYM program and funding can be found at: http://www.valleyair.org/grants/cgym.htm and http://valleyair.org/grants/cgym-commercial.htm. F-13

13)On-Site Solar Deployment

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project. F-14

14)Charge Up! Electric Vehicle Chargers

To support further installation of electric vehicle charging equipment and development of such infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of this incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District suggests that the City and Project proponents consider the feasibility of installing electric vehicle chargers for this Project. F-15

Please visit www.valleyair.org/grants/chargeup.htm for more information.

15)District Rules and Regulations

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory F-16

requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. For example, *Regulation II - Permits* encompasses multiple rules associated with the permitting of emission sources such as Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and others. F-16 cont'd

15a) District Rule 9510 - Indirect Source Review

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The DEIR states, specifically Mitigation Measure 3.3-1 "*…each project applicant shall coordinate with the SJVAPCD to ensure compliance with Rule 9510 for both operational and construction emissions. The intent is that each phase of development would demonstrate that in the individual project does not exceed the applicable SJVAPCD criteria pollutant thresholds for each project operations or construction. If the SJVAPCD criteria pollutant emissions for an individual project is exceeded, the project applicant shall develop a reasonably feasible offsite mitigation strategy to reduce long-term air quality impacts to below the applicable SJVPACD thresholds of significance. This may consist of fee payments to the SJVAPCD for their use in funding offsite mitigation strategies.*" F-17

To clarify, the entire Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial space. When subject to the rule, an Air Impact Assessment (AIA) application is required no later than applying for project-level approval from a public agency. In this case, if not already done, please inform the Project proponent to immediately submit one AIA application covering the entire Project to the District to comply with District Rule 9510.

In addition, per section 2.5.2 of District Rule 9510, "*non-residential projects with contiguous or adjacent property under common ownership of a single entity in whole or in part, that is designated and zoned for the same development density and land use, and has the capability to accommodate development projects emitting more than two (2.0) tons per year of operational NOx or PM10 when determining applicability of the rule under Section 2.1,…,are subject to this rule. Single parcels where the individual building pads are to be developed in phases must base emissions on the potential development of all pads when*

determining the applicability of this rule." Additionally section 9.0 of District Rule 9510 provides criteria for notifying the District in a scenario for which a portion of the Project changes ownership.

An AIA application is required and the District recommends that demonstration of submitting the AIA application to the District, before issuance of the first building permit, be made a condition of Project approval. F-17 cont'd

- Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm.
- The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm

15b) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT). F-18

This Project may have certain activities subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits.

Prior to commencing construction on any permit-required equipment or process, a finalized ATC must be issued to the Project proponent by the District. For further information or assistance, the Project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

15c) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work F-19

commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm. F-19 cont'd

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org.

15d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: http://www.valleyair.org/busind/comply/asbestosbultn.htm. F-20

15e) District Regulation VIII (Fugitive PM10 Prohibitions)

The Project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

The application for both the Construction Notification and Dust Control Plan can be found online at: https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx F-21

Information about District Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

15f) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The list of rules above is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's SBA Office at (209) 557-6446. F-22

16)District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent. F-23

If you have any questions or require further information, please contact Diana Walker by e-mail at Diana.Walker@valleyair.org or by phone at (559) 230-5820. F-24

Sincerely,

Brian Clements
Director of Permit Services

Mark Montelongo
Program Manager

Response to Letter F: San Joaquin Valley Air Pollution Control District

Response F-1: This comment provides an introduction to the comment letter, and presents some characteristics of the proposed Project. No further response to this comment is warranted.

Response F-2: The commentor states that the proposed Project has the potential to expose sensitive receptors to increased air pollution within nearby impacted disadvantaged communities. The commentor states that the Stockton Community Emission Reduction Programs (CERPs) identifies a wide range of measures designed to reduce air pollution exposure. The commentor states that the SVJAPCD recommends the City incorporate mitigation measures outlined in the Stockton CERP.

It is anticipated that some of the measures identified in the Stockton CERPs would be considered for incorporation into specific site and/or specific building design as determined appropriate and feasible by the SJVAPCD and Engineer/Architect at the time of specific site and building design. The analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts. This comment is addressed under Master Response 1, 2, and 4 (Reference Section 2.3 of this Chapter).

It is also noted that the mitigation measures for the proposed Project have been updated to amplify and clarify the requirements to mitigate air emissions in accordance with comments provided on the Draft EIR. Additionally, it is noted that the City of Stockton has recently met with the Attorney General's Office, as well as the Sierra Club, to develop additional measures that are intended to reduce air quality impacts related to industrial projects. These new measures are intended to be used as a framework for other industrial projects to reduce air quality impacts. This framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. Certain suggested measures have been modified from the DOJ document, and the City's framework of new measures, to conform with the proposed Project and to provide flexibility when coordinating with the SJVAPCD. See Section 3.0: Revisions of this FEIR for further detail on these new measures. Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

Response F-3: The commenter states:

> *"Construction Emissions*
>
> *The DEIR, specifically Table 3.3-7 (Construction Project Generated Tons per Year – Mitigated) identifies the maximum annual criteria pollutant emissions for a given*

year within the Project's estimated multi-year construction period. The DEIR specifically Table 3.3-7, should be revised to include the estimated criteria pollutant emissions for each construction year within the Project's estimated multi-year construction period and compare to the District's significance thresholds. This will fully demonstrate to the public the construction-related air quality impacts from the Project.

Additionally, construction air emissions are short-term emissions generated from construction activities such as mobile heavy-duty diesel off-road equipment. Since the Project's construction-related NOx emissions exceed District significance thresholds, the City should consider incorporating the below measure into the Project.

Recommended Measure: To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment."

Based on this comment, Table 3.3-7 in Section 3.3: Air Quality of the FEIR has been revised to include the estimated criteria pollutant emissions for each construction year within the Project's estimated multi-year construction period and compared to the District's significance thresholds. Additionally, based on this comment, the Final EIR has been revised to incorporate this recommended measure. See Section 3.0: Revisions, for further detail. No further response to this comment is warranted.

Response F-4: The commenter states:

"Operational Emissions

The DEIR did not characterize an appropriate trip length distance for off-site heavy heavy-duty (HHD) truck travel. Based on the following factors: 1) the Project consists of industrial and commercial development and is expected to generate a high volume of HHD truck trips, and 2) HHD trucks generally travel further distances for distribution, it appears inaccurate to incorporate a default delivery trip length assumption of 7.3 miles as reflected in the California Emissions Estimator Model (CalEEMod) analysis.

Based on the above, the Project operational emissions may be significantly underestimated. Therefore, the District recommends the DEIR be revised to include a discussion characterizing an appropriate trip length distance for HHD truck travel, and reflect the appropriate distance in the air quality emissions analysis for consistency.

This comment is noted. Based on this comment, the CalEEMod model was revised to account for trip length assumptions that are higher than the default assumptions used in the original model run. Specifically, the CalEEMod model was revised to reflect a daily VMT of 777,176 VMT associated with proposed Project. This VMT estimate is validated

based on trip length assumptions and VMT calculations provided by the professional traffic engineering firm Fehr & Peers. This VMT calculation includes Project trips of all relevant distances, and accounts for all of the various trip types and lengths that the Project is anticipated to generate, consistent with the traffic modeling by Fehr & Peers. Although the Traffic Impact Assessment does not identify overall Project average trip lengths per se, this revision to the CalEEMod model, made to account for the VMT modeled for the Project by Fehr & Peers, takes into account trip lengths by its very nature (since VMT = total trips multiplied by average trip length), and therefore fully captures the various trips and their trip lengths that are anticipated to be generated by the proposed Project. The updated emissions results from the revised CalEEMod model were incorporated throughout the revised FEIR Section 3.3: Air Quality. See Section 3.0: Revisions of this FEIR for further detail. No further response to this comment is warranted.

Response F-5: The commenter states:

> *"Feasibility of implementing a Voluntary Emission Reduction Agreement*
>
> *The Project's construction-related and operation-related emissions are expected to exceed District significance thresholds, resulting in a significant impact on air quality. Therefore, the DEIR should include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.*
>
> *A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.*
>
> *In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the DEIR is compliant with CEQA, the District recommends the DEIR include an assessment of the feasibility of implementing a VERA."*

Given that a VERA is a "Voluntary Agreement," the feasibility of entering into such an agreement cannot be measured because the terms of the agreement and the party's willingness to "agree" to such terms is not known. A "voluntary agreement" cannot be mandated through CEQA because it cannot be guaranteed that the terms of the agreement would be agreeable to both parties. Nevertheless, the City recognizes that a VERA is one method that can be used to try to reduce emissions to a net zero level through implementing a variety of programs for onsite and offsite mitigation, or to levels below the SJVAPCD's regulatory requirements/thresholds. The City can educate applicants on the benefits of a VERA, and recommend consulting with the Air District to see if such "voluntary agreement" can be reached. The SJVAPCD has established "thresholds" that are not net zero, but they do encourage VERAs to reduce air emissions. Additionally, the City of Stockton ensures that a VERA discussion occurs during the Indirect Source Review process.

It is noted that Rule 9510 is a regulation that is imposed by the SJVAPCD to collect fees for emissions that exceed the threshold of significance established by the SJVAPCD after all calculated onsite and offsite mitigation, from construction and operation of the building/end user, can be calculated and is applied. The proposed Project is subject to the SJVAPCD Rule 9510 (Indirect Source Review [ISR] rule), which could result in substantial mitigation of emissions beyond what is reflected in the modeling outputs provided in the EIR. The reductions are accomplished by the incorporation of measures into individual projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through Project mitigation commitments. The actual calculations will be accomplished by the SJVAPCD and project applicants through the regulatory permitting process as the Project (i.e., or portions of the Project) are brought forward for approval under Rule 9510. The Project applicant would be required to pay the ISR fee to the SJVAPCD at that time. Ultimately, the SJVAPCD utilizes the fees to fund offsite projects that reduce emissions to at, or below, the thresholds of significance established by the SJVAPCD. The performance-based metric for each individual case, is actual emissions compared to the threshold. This comment is addressed under Master Response 4 (Reference Section 2.3 of this Chapter).

Response F-6: The commenter states:

> *"Truck Routing*
>
> *Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Based on the information provided, the Project consists of industrial and commercial development that is expected to generate a high volume of HHD truck trips (e.g. warehouses with deliveries).*
>
> *The District recommends the City evaluate HHD truck routing within the scope of the Project, with the aim of limiting exposure of residential communities and*

sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g. Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall VMT, and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, and air quality."

The Transportation Impact Assessment provided by Fehr & Peers evaluated Project truck routes to and from the destination; the health risk assessment has assessed the emissions impact that the HHD trucks would have on nearby residential communities and sensitive receptors. In addition, the Transportation Impact Assessment developed by Fehr & Peers modeled truck trip origin and destination, traffic volume based on time of day and day of the week, overall VMT; the CalEEMod modeling provided with Section 3.3: Air Quality evaluated associated exhaust emissions; the Project Health Risk Assessment (HRA) evaluated exhaust emissions associated with toxic air contaminants (TACs). Moreover, the CalEEMod modeling and HRA have been further refined, based on the Draft EIR comment letters, as described within this chapter.

For example, the CalEEMod model was revised to account for the VMT as provided by Fehr & Peers, the traffic consultant. Specifically, the CalEEMod model was revised to reflect the daily VMT of 777,176 VMT associated with proposed Project. This VMT includes Project trips to various ports, and trips of both short, medium, and long distances, and accounts for all of the various trip types and lengths that the Project is anticipated to generate, consistent with the traffic modeling by Fehr & Peers. The CalEEMod model was also revised to more accurately reflect the fleet mix associated with the proposed Project, as provided by Fehr & Peers. The emissions results from the revised CalEEMod model were incorporated into the revised FEIR Section 3.3: Air Quality. See Section 3.0: Revisions of this FEIR for further detail.

This comment is addressed under Master Response 2 (Reference Section 2.3 of this Chapter). As discussed in Master Response 2, it is well settled that the level of detail in each analytical section of an EIR generally depends on the degree of specificity involved in the proposed activity reviewed in the EIR. Caselaw and the CEQA Guidelines confirm that some degree of "forecasting" in evaluating a project's environmental impacts is appropriate, and the EIR can and should make reasonable forecasts. At the same time, the EIR must avoid speculation, and "crystal ball" inquiry is to be avoided. (14 Cal Code Regs Section 15144; *Residents Ad Hoc Stadium Comm. v. Board of Trustees (1979) 89 CA 3d 274, 286). The DEIR has been prepared with these principles in mind.* To that end, it should be noted that the proposed Project as defined in the Project Description is a tentative map to create legal parcels consistent with the Subdivision Map Act. The EIR recognizes, however, that precise information as to the exact type of industrial warehousing is not available, and will be driven by market demand. The same is true with respect to the commercial component of the Project. Moreover, the Project Description clearly defines both the remaining entitlements (i.e., Site Plan, Conditional Use Permit,

Architectural Review) necessary to permit construction, and the process by which the remaining entitlements will be reviewed under CEQA and the Municipal Code. In summary, CEQA specifically prohibits speculation in analysis, so we cannot speculate on a final site plan. However, employing the concept of reasonable "forecasting", the analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts.

Response F-7: The commenter states:

> *"Cleanest Available Heavy Duty Trucks*
>
> *The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District's 2018 PM2.5 Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NOx/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and immediate transition of HHD fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NOx established by CARB.*
>
> *The Project will include industrial use development and is expected to generate a high volume of HHD truck trips per day (e.g. warehouses with deliveries). Therefore, the District recommends that the following measures be considered by the City for inclusion into the Project to reduce Project-related operational emissions:*
>
> - *Recommended Measure: Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero (0.02 g/bhp-hr NOx) technologies."*

This comment is noted. However, as stated by the comment letter, the CARB's Statewide Truck and Bus Regulation already requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NOx/bhp-hr by 2023. In the near term, the market does offer several short haul electric vehicles that can be used for project operations. There is, however, an absence of zero and near-zero technology for every truck type used in industrial operations. It is noted that there are a variety of companies (i.e., Tesla) that have been working on the design and development of a zero and near-zero technology truck for long haul operations, however, there are no long-haul electric vehicles available

in the market today. The City anticipates requiring industrial operations in the City to utilize the zero and near-zero technology that is available in the marketplace for new industrial projects. It is noted that the City of Stockton has recently met with the Attorney General's Office, as well as the Sierra Club, to develop measures that are intended to reduce air quality impacts related to industrial projects. The City sees these new measures as a framework for industrial projects to reduce air quality impacts. This framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. Please note, certain suggested measures have been modified from the City's framework of new measures, to conform with the proposed Project and to provide flexibility when coordinating with the SJVAPCD. See Section 3.0: Revisions of this FEIR for further detail on these new measures. Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

Response F-8: The commenter states:

> *"Reduce Idling of Heavy Duty Trucks*
>
> *The goal of this strategy is to limit the potential for localized PM2.5 and toxic air contaminant impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g. limiting vehicle idling to specific time limits). The Project consists of industrial and commercial development that is expected to generate a high volume of HHD truck trips per day. The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, the City should consider deploying strategies to ensure compliance of the anti-idling regulation, especially near sensitive receptors, and discuss the importance of limiting the amount of idling within/near the Project site.*
>
> - *Recommended Measure: Fleets limit vehicle idling pursuant to 13 CCR § 2485 and 13 CCR § 2480."*

This comment is noted. The statute 13 CCR § 2485 and 13 CCR § 2480 is an existing requirement, and all projects are subject to these existing requirements. Overall, new mitigation measures have been included in Section 3.3: Air Quality of the EIR, and discussed in other responses, which would reduce emissions associated with heavy-duty trucks. See Section 3.0 Revisions of this EIR for further detail. No further response to this comment is warranted.

Response F-9: The commenter states:

> *"Electric On-Site Off-Road and On-Road Equipment*
>
> *Since the Project consists of industrial and commercial development, the Project may have the potential to result in increased use of off-road equipment (i.e. forklifts) and/or on-road equipment (i.e. mobile yard trucks with the ability to*

move materials). The District recommends the following measure be considered by the City to incorporate electric or zero emission equipment used on-site for this Project.

- *Recommended Measure: All on-site service equipment (forklifts, pallet jacks, etc.) utilize zero-emissions technologies."*

This comment is noted. Based on this comment, a new mitigation measure has been included in Section 3.3: Air Quality of the EIR, which would reduce emissions associated with on-site service equipment (forklifts, pallet jacks, etc.). See Section 3.0 Revisions of this EIR for further detail. No further response to this comment is warranted.

Response F-10: The commenter states:

"Health Risk Assessment

The District has reviewed the Project's Health Risk Assessment (HRA) and offers the following comments:

- *The point source parameters included in the AERMOD model were the same for HHD truck transport refrigeration units (TRUs) and for HHD truck idling. The HRA should be revised to ensure TRU point source parameters reflect the Project's specific TRU dimensions and parameters. Please reference the District's Modeling Guidance for example TRU source parameters, which can be found at: https://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring. htm#modeling_guidance*
- *The AERMOD model used the non-default regulatory terrain option, "flat." The HRA should be revised to ensure the default terrain option in AERMOD, "elevated," is used to estimate the potential risk of the Project's operational emissions on nearby sensitive receptors.*
- *The AERMOD model excluded potential sensitive receptors south of the Project (e.g. residential units). The HRA should be revised to ensure all sensitive receptors near the Project are identified and included in the AERMOD model.*
- *Per Appendix B.3 (Analysis of Public Health Risks), the HRA assumed TRUs would operate 15 minutes per hour. However, TRUs are expected to operate for a longer duration. The HRA should include a discussion justifying the 15 minute per hour duration for TRUs. The HRA also identified that 15% of the total HHD trucks would have TRUs. The HRA should include the methodology used to determine the percentage of trucks with TRUs for the Project.*
- *Per Appendix B.3 (Analysis of Public Health Risks), the HRA utilized the average emission rate for summer and winter months assuming all HHD diesel trucks traveling to-and-from the Project site would be a 2009 or*

newer vehicle model. The HRA should include a discussion confirming and justifying the model years of all on-site HHD trucks associated with the Project.

- *Per Appendix B.3 (Analysis of Public Health Risks), HHD truck off-site mobile emissions were not evaluated in the HRA for the Project. Therefore, the HRA should include mobile emissions associated with HHD trucks trips traveling 0.25 miles outside of the Project area, per the District Modeling Guidance.*
- *Per Appendix 1 (Emission Calculations), the HRA included emission rates (g/mile) associated with speed bins 10 and 30 miles per hour to calculate on-site HHD truck travel using the EMFAC2017 database. However, the District the HRA should be revised to include the average emission rate for the speeds 5, 10, 15, 20, and 25 miles per hour to calculate the operational on-site HHD truck travel emissions, per the District Modeling Guidance.*
- *Per Appendix 1 (Emission Calculations), the HRA included emission rates for operational mobile emissions assuming operation would begin in 2040. However, operation may occur before full-buildout is complete for the Project. Therefore, the District recommends that the HRA be revised to ensure operational emissions are assessed at the first year of operational use.*
- *If the Project is expected to buildout in phases, the HRA should reflect the subsequent phase buildout for construction and operational emissions. Additionally, after each subsequent phase, newly added receptors to the area should be included in the AERMOD model.*
- *Since construction is expected to occur over a 20-year period, diesel particulate matter (DPM) exhaust emissions are expected to cause long-term and short-term health impacts for nearby sensitive receptors. Therefore, the HRA should be revised to ensure cancer risk, as well as chronic and acute hazard index scores, are evaluated for nearby sensitive receptors for construction related DPM exhaust mobile emissions.*
- *The HARP2 model for the HRA excluded homegrown produce as a pathway for toxic emissions. The HRA should be revised to include homegrown produce as a pathway in the HARP2 model, per District policy APR 1906 (Framework for Performing Health Risk Assessments), which can be found at: https://www.valleyair.org/policies_per/Policies/APR-1906.pdf.*
- *The HARP2 model for the HRA applied "fraction of time" at residences for the inhalation pathway exposure. The HRA should be revised to ensure the applied "fraction of time" at residences is not selected in the HARP2 model, per District policy APR 1906 (Framework for Performing Health Risk Assessments), which can be found at: https://www.valleyair.org/policies_per/Policies/APR-1906.pdf.*

- *The HARP2 model used the residential receptor type for the worker cancer risk assessment. The HRA should be revised to ensure the worker receptor type is used in the HARP2 model when evaluating the cancer health risk, chronic, and acute hazard index scores for nearby worker receptors. Additionally, the HRA should be revised to include a worker adjustment factor in the HARP2 model that reflects the Project operating schedule. For example, if the Project operates 7 days a week, 8 hours a day, and 52 weeks a year, the worker adjustment factor of 4.2 should be applied in the HARP2 model.*

Based on the above comments, the District recommends the HRA be revised to ensure the analysis adequately assesses the Project's potential health impacts to nearby sensitive receptors."

This comment is noted. Based on this comment, the HRA has been revised to reflect the commentor's concerns. Specifically, the HRA has been updates as follows:

- We revised the HRA model to separate the TRU point sources from the truck idling point sources, and TRU-specific parameters were utilizing for the TRU point sources, consistent with the modeling parameters recommended by the SJVAPCD's district modeling guidance,[7] consistent with this comment.
- The AERMOD model has been revised to utilize the "elevated" AERMOD terrain option, rather than the "flat" AERMOD terrain option.
- The HRA has been revised to include all potential sensitive receptors, including those to the south of the Project site.
- The HRA has been revised to include a discussion justifying why the TRUs would operate no more than 15 minutes per hour, and mitigation has been added to Section 3.3: Air Quality of the FEIR to ensure this occurs, and why the HRA also identified that 15% of the total HHD trucks would have TRUs (this is consistent with the fact that the national average of trucks that are refrigerated (based on the number of 500,000 trucks in the U.S being refrigerated trucks and approximately 3.2 million trucks in use nationwide, according to the American Trucking Associations). Moreover, this estimate is also consistent with the assumptions made by Fehr & Peers within the Transportation Impact Assessment prepared for the proposed Project, where 15% of Project land uses were assumed to specifically include refrigerated storage; specifically, as 'High-cube Cold Storage Warehouse').
- The HRA has been revised to utilize updated HHD idling emission factors, and provides justification for their use (specifically, use of the CARB

[7] (See page 74, http://www.valleyair.org/busind/pto/tox_resources/Modeling%20Guidance.pdf).

EMFAC2021 idling factor for 2022 HHDT diesel trucks for PM10 of 0.25 grams/hr-truck).

- The HRA has been updated to include mobile emissions associated with the heavy-duty truck trips traveling a minimum of 0.25 miles out of the proposed Project's Planning Area, per the District Modeling Guidance (specifically, along Airport Way, northbound and southbound, since Airport way is the only anticipated truck ingress/egress point to and from the Project site).
- The HRA has been revised to include the average emission rate for mobile emissions of the average of the speeds 5, 10, 15, 20, and 25 miles per hour, to more accurately calculate the operational on-site HHD truck travel emissions, per the District Modeling Guidance.
- The HRA has been revised to utilize emission rates for operational vehicles for year 2025, to more conservatively account for operational emissions prior to full Project buildout.
- The HRA has been revised to include homegrown produce as a pathway in the HARP2 model, per District policy APR 1906.
- The HRA has been revised to ensure the applied "fraction of time" at residences is not selected in the HARP2 model, per District policy APR 1906
- The HRA has been revised to ensure that worker receptor type is used in the HARP2 model when evaluating the cancer health risk, chronic, and acute hazard index scores for nearby worker receptors [note to self – need to add worker receptors within the Project site modeling area, so I need to add a grid).

With regard to construction-related TAC emissions, we have reviewed the referenced OEHHA Guidance Manual to determine applicability of modeling potential Project construction health risks from diesel particulate matter (DPM), which is the only TAC of concern for the proposed Project. The SCAQMD points to the OEHHA Guidance Manual[8] as the guidebook for developing air toxics health risk assessments (HRAs).

The HRA modeling has been refined to account for the PM_{10} idling emission factor, as recommended by the first part of this comment. Specifically, the truck idling emission factor has been updated to reflect the CARB EMFAC2021 idling factor for 2022 HHDT diesel trucks for PM10 of 0.25 grams/hr-truck. This is updated from the 0.0035 grams per hour PM10 idling emission factor used in the DEIR, which was based on idling test data found in the EMFAC2014 Technical Documentation Guidebook.

Overall, with this revision to the HRA (along with other revisions, as described through this chapter), the revised HRA results demonstrate that TACs remain below the applicable

[8] http://oehha.ca.gov/air/hot_spots/hotspots2015.html

SJVAPCD thresholds of significance (further detail provided in Section 3.3: Air Quality of this FEIR).

With regard to the potential for TRUs to idle longer than 15 minutes, this is the typical duration of idling for TRUs, according to the San Joaquin Air Pollution Control District (SJVPACD), as provided during a phone correspondence with the SJVAPCD's Leland Villalvazo. Moreover, consistent with the commentor's request, a mitigation measure has been added to Section 3.3: Air Quality within this FEIR to require TRUs to not idle longer than 3 minutes. The mitigation measure is presented in Section 3.0 Revisions

With regard to the proportion of trucks assumed to utilize cold storage (15 percent of trucks), this estimate was derived based on the national average of trucks that are refrigerated (based on the number of 500,000 trucks in the U.S being refrigerated trucks and approximately 3.2 million trucks in use nationwide, according to the American Trucking Associations). Moreover, this estimate is also consistent with the assumptions made by Fehr & Peers within the Transportation Impact Assessment prepared for the proposed Project, where 15% of Project land uses were assumed to specifically include refrigerated storage; specifically, as 'High-cube Cold Storage Warehouse').

With regard to the average power rating of TRUs assume to be 34 horsepower, while it is true that TRUs with a power rating of less than 25 horsepower (hp) tend to have a higher PM emission rate than those greater than 25 hp, vehicles with TRUs <25 hp are typically only used on straight trucks (sometimes called bobtail trucks) and some trailer TRUs, which are not anticipated to be used for the proposed Project. Moreover, the CARB maintains strict TRU Airborne Toxic Control Measure's (ACTM) Ultra-Low Emission TRU (ULETRU) in-use performance standards for such TRUs, including requiring that TRUs from year 2008 and later must have complied with ULETRU by December 31, 2015, and for TRUs from after year 2008 must have complied with ULETRU by December 31st of the 7th year after the engine model year. Based on this, and given that the proposed Project is not anticipated to generate truck trips that would have TRUs with a horsepower rating of <25 hp, no changes to the HRA are warranted to assume that some Project-generated TRUs would have a horsepower rating of <25 hp.

Moreover, it should be noted that the proposed Project is a tentative map at this stage of entitlement. The property owner does not know the end users or any operational characteristics of the end users because what is proposed is simply a subdivision of land with some master improvements that would enable industrial building design and site review by the City of Stockton. CEQA specifically prohibits speculation in analysis, so we cannot speculate on a final site plan. The analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts. This comment is addressed under Master Response 1 and 2 (Reference Section 2.3 of this Chapter).

Furthermore, if individual phases of development would develop in such a way as to differ from the assumptions made in the HRA, an individual phase-specific HRA would be required, utilizing individual phase-specific assumptions and factors. There is limited information at this time about the specific nature of the development of individual phases that would be developed within the Planning Area. Therefore, Section 3.3: Air Quality has been updated to add an additional mitigation measure, requiring additional health risk analysis, should individual phases of development develop in such a way as to differ from the assumptions made in the HRA. The revisions are shown in Section 3.0 Revisions.

With regard to the evaluation of cancer risk impacts from trucks and trucks with TRUs traveling along local roadway, the HRA has been revised to include the evaluation of health risks from trucks and trucks with TRUs traveling along local roadways, up to 0.25 miles from the Project site, consistent with SJVAPCD guidance. Roadways modeled include State Route 99 (SR 99) and Airport Way, which are the roadways that connect to the Project site.

With regard to the residences located west of the Project site, although these residences are located farther away from the Project site than the residences located south and southwest of the Project site, approximately 0.5 miles or farther from the areas of the Project site where DPM emissions are anticipated to occur, the HRA has been revised to fully evaluate the cancer risks west of the Project site, such that the HRA also evaluates risks at these locations. The revised HRA included within this FEIR provides the results of this revised analysis.

With regard to the assertion that the City did not evaluate the Project's potential cancer risks or other analysis in the HRA for impacts during Project construction, we have reviewed the referenced OEHHA Guidance Manual to determine applicability of modeling potential Project construction health risks from diesel particulate matter (DPM), which is the only TAC of concern for the proposed Project. The SJVAPCD points to the OEHHA Guidance Manual[9] as the guidebook for developing air toxics health risk assessments (HRAs). Given the OEHHA's Guidance, the determination of whether it is warranted to model potential construction air toxic within an HRA is dependent on whether or not early life exposure adjustments apply to DPM emissions resulting from construction activity. The following discussion outlines the substantial evidence to support why early life exposure adjustments are not applicable to construction DPM and therefore a health risk assessment that models construction DPM is not required for this project.

To date, the SJVAPCD, as a commenting agency, has not conducted public workshops nor developed policy relating to the application of early-life exposure adjustments utilizing the OEHHA Guidance Manual for projects prepared by other public/lead agencies subject to CEQA. As a result, it is recommended that health risk assessments rely upon U.S. EPA documentation when evaluating the use of early life exposure adjustment factors

[9] http://oehha.ca.gov/air/hot_spots/hotspots2015.html

(Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) wherein adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." A mutagen is a physical or chemical agent that changes genetic material, such as DNA, increasing the frequency of mutations to produce carcinogenic effects. The use of adjustment factors is recommended to account for the susceptibility of producing adverse health effects during early life stages from exposure to these mutagenic compounds.

In 2006, U.S. EPA published a memorandum which provides guidance regarding the preparation of health risk assessments should carcinogenic compounds elicit a mutagenic mode of action (USEPA, 2006)[10]. As presented in the technical memorandum, numerous compounds were identified as having a mutagenic mode of action. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise < 1% of the exhaust particulate mass. To date, the U.S. Environmental Protection Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action (USEPA, 2018).[11]

Additionally, the California Department of Toxic Substances Control (DTSC) which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved has adopted the U.S. EPA's policy in the application of early-life exposure adjustments. As such, incorporation of early-life exposure adjustments for exposures to DPM emissions in the quantification of carcinogenic risk for construction of the proposed are not applicable because DPM does not have a mutagenic mode of action.

Given that the Project does not emit any pollutants that elicits a primary mutagenic mode of action, the use of early life exposure adjustments for DPM is not applicable, and following the OEHHA guidelines, the need to model construction DPM is not necessary.

Lastly, regarding the comment about mobile emission factors obtained from EMFAC2017 assuming a 2040 operational year, we have revised the operational year emission factor to more conservatively account for the risks associated with emissions prior to year 2040, utilizing year 2025 operational year emission factors, consistent with this comment. Specifically, we have revised the emission factor to reflect the EMFAC2021 emission

[10] United States Environmental Protection Agency, 2006. Memorandum – Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance - Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments that include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action.

[11] United States Environmental Protection Agency, National Center for Environmental Assessment, 2018. Integrated Risk Information System (IRIS). Diesel Engine Exhaust.

factor of 0.00902406 g/mile on-site (note: this is a blended emission factor for speeds of 5, 10, 15, 20, and 25 miles per hour) and 0.00683151 g/mile off-site (25 miles per hour).

Overall, the revised Health Risk Assessment (HRA), which includes all of the revisions identified throughout this chapter (Chapter 2.0: Comments on Draft EIR and Responses), demonstrates the following maximum health risks associated with toxic air contaminants (TACs), as also provided in Chapter 3.0: Revisions of this FEIR:

TABLE 3.3-9: SUMMARY OF MAXIMUM HEALTH RISKS

RISK METRIC	*MAXIMUM RISK*	*SIGNIFICANCE THRESHOLD*	*IS THRESHOLD EXCEEDED?*
Residential Cancer Risk (70-year exposure)	15.0	20 per million	No
Workplace Cancer Risk (40-year exposure)	6.1	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer)	<0.01	Hazard Index ≥1	No

SOURCES: AERMOD (LAKES ENVIRONMENTAL SOFTWARE, 2021); AND HARP-2 AIR DISPERSION AND RISK TOOL.

No further response to this comment is warranted.

Response F-11: The commenter states:

> *"Ambient Air Quality Analysis*
>
> *An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emission increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. Since the Project's emissions exceed 100 pounds per day, an AAQA should be performed for the Project.*
>
> *Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: www.valleyair.org/ceqa."*

This comment is noted. As was stated previously, the proposed Project is a tentative map at this stage of entitlement. An AAQA is not appropriate for a project at point of a tentative map (i.e., this stage of entitlement). The property owner does not know the end users or any operational characteristics of the end users because what is proposed is simply a subdivision of land with some master improvements that would enable industrial building design and site review by the City of Stockton. CEQA specifically prohibits speculation in analysis, so we cannot speculate on a final site plan. The analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and

are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probable environmental impacts.

The assumptions that we have made in the modeling effort are reasonable assumptions to analyze the probable effects of the proposed Project based on development allowances under the General Plan and Zoning Ordinance. Again, a tentative map is not the same thing as a site plan or architectural review, and it is not an authority to construct or a conditional use permit. Instead, a tentative map is limited to an authorization by the City to create or adjust legal parcel lines, and to authorize master infrastructure to be engineered and installed to facilitate the orderly development of the legal lot created. The future approval process requires an analysis of the site plan once an end user is known for any one of the particular parcels. When that time arrives, an AAQA, if applicable, may be ripe for implementation, but not at this time. No further response to this comment is warranted.

Response F-12: The commenter states:

> *"Vegetative Barriers and Urban Greening*
>
> *There are residential units located southeast and west of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g. residential units).*
>
> *While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the update of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant low maintenance greenery."*

This comment is noted. The proposed Project is an industrial project, and is located relatively distant from nearby sensitive receptors. Therefore, the applicability of vegetative barriers and urban greening is less with a project of this kind. Additionally, as shown in Section 3.3: Air Quality of the EIR, the proposed Project would not exceed the TAC significance thresholds as provided by the SJVAPCD, even after the refinements to the HRA, based on the comments provided throughout this FEIR chapter. Nevertheless, new mitigation measures and revisions to existing mitigation measures have been added in Section 3.3: Air Quality of the EIR, as applicable, which would reduce emissions

associated with heavy-duty trucks and other aspects of the proposed Project. See Section 3.0 Revisions of this EIR for further detail. No further response to this comment is warranted.

Response F-13: The commenter states:

> *"Clean Lawn and Garden Equipment in the Community*
>
> *Since the Project consists of commercial development, gas-powered commercial lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District's Clean Green Yard Machines (CGYM) program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment. The District suggests the Project consider the feasibility of utilizing electric lawn care equipment. More information on the District CGYM program and funding can be found at: http://www.valleyair.org/grants/cgym.htm and http://valleyair.org/grants/cgym-commercial.htm."*

This comment is noted. The proposed Project is an industrial project, and therefore is not anticipated to contain a notable number of lawns and gardens. Therefore, the applicability of this mitigation measure is extremely limited for a project of this kind. Nevertheless, overall, additional mitigation has been added to Section 3.3: Air Quality of the FEIR, based on the comments provided throughout this FEIR chapter. See Section 3.0: Revisions of this FEIR for further detail. No further response to this comment is warranted.

Response F-14: The commenter states:

> *"On-Site Solar Deployment*
>
> *It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project."*

This comment is noted. The proposed Project is already required to implement solar deployment as required by the State of California. Moreover, additional mitigation has been added to Section 3.3: Air Quality of the FEIR, based on the comments provided throughout this FEIR chapter, which requires that owners, operators or tenants include with the building permit application, sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases. Furthermore, mitigation requires that individual phases of development coordinate with the SJVAPCD to ensure compliance with Rule 9510 for both operational

and construction emissions. Therefore, additional mitigation, such as implementation of renewable energy resources and zero-carbon resources, may be implemented at the individual phase level at the time of development (i.e., final maps, improvement plans, site plan review, etc.), to demonstrate that the individual project does not exceed the applicable SJVAPCD criteria pollutant thresholds for project operations or construction. A determination on including such onsite mitigation is based, in part, on the specific characteristics of the end user, and the building(s) that would be constructed on each individual lot. Those characteristics would help determined the need and space for such measures to be deployed onsite. See Section 3.0: Revisions of this FEIR for further detail. This comment is addressed under Master Response 4 (Reference Section 2.3 of this Chapter).

Response F-15: The commenter states:

> *"Charge Up! Electric Vehicle Chargers*
>
> *To support further installation of electric vehicle charging equipment and development of such infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of this incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District suggests that the City and Project proponents consider the feasibility of installing electric vehicle chargers for this Project.*
>
> *Please visit www.valleyair.org/grants/chargeup.htm for more information."*

This comment is noted. Based on this comment, additional mitigation has been added to Section 3.3: Air Quality of the FEIR. See Section 3.0: Revisions of this FEIR for further detail. No further response to this comment is warranted.

Response F-16: The commenter states:

> *"District Rules and Regulations*
>
> *The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. For example, Regulation II - Permits encompasses multiple rules associated with the permitting of emission sources such as Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), and others."*

This comment is noted. The project is subject to the District's existing rules and regulations, many of which are presented in the Regulatory Setting of the Air Quality Chapter. No specific response to this comment is warranted.

Response F-17: The commenter states:

> *"District Rule 9510 - Indirect Source Review*
>
> *The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NOx and PM10 emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.*
>
> *The DEIR states, specifically Mitigation Measure 3.3-1 "…each project applicant shall coordinate with the SJVAPCD to ensure compliance with Rule 9510 for both operational and construction emissions. The intent is that each phase of development would demonstrate that in the individual project does not exceed the applicable SJVAPCD criteria pollutant thresholds for each project operations or construction. If the SJVAPCD criteria pollutant emissions for an individual project is exceeded, the project applicant shall develop a reasonably feasible offsite mitigation strategy to reduce long-term air quality impacts to below the applicable SJVPACD thresholds of significance. This may consist of fee payments to the SJVAPCD for their use in funding offsite mitigation strategies."*
>
> *To clarify, the entire Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial space. When subject to the rule, an Air Impact Assessment (AIA) application is required no later than applying for project-level approval from a public agency. In this case, if not already done, please inform the Project proponent to immediately submit one AIA application covering the entire Project to the District to comply with District Rule 9510.*
>
> *In addition, per section 2.5.2 of District Rule 9510, "non-residential projects with contiguous or adjacent property under common ownership of a single entity in whole or in part, that is designated and zoned for the same development density and land use, and has the capability to accommodate development projects emitting more than two (2.0) tons per year of operational NOx or PM10 when determining applicability of the rule under Section 2.1,…,are subject to this rule. Single parcels where the individual building pads are to be developed in phases must base emissions on the potential development of all pads when determining the applicability of this rule." Additionally section 9.0 of District Rule 9510*

provides criteria for notifying the District in a scenario for which a portion of the Project changes ownership.

An AIA application is required and the District recommends that demonstration of submitting the AIA application to the District, before issuance of the first building permit, be made a condition of Project approval.

- *Information about how to comply with District Rule 9510 can be found online at:* http://www.valleyair.org/ISR/ISRHome.htm.
- *The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm*

This comment is addressed under Master Response 1, 2, and 4 (Reference Section 2.3 of this Chapter).

Response F-18: The commenter states:

"District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may have certain activities subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits.

Prior to commencing construction on any permit-required equipment or process, a finalized ATC must be issued to the Project proponent by the District. For further information or assistance, the Project proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446."

This comment is noted, any building construction on the industrial lots would be subject to Rule 2010 and 2201. No further response to this comment is warranted.

Response F-19: The commenter states:

"District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP)

that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org."

This comment is noted, any building construction on the industrial lots would be subject to Rule 9410. No further response to this comment is warranted.

Response F-20: The commenter states:

"District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: http://www.valleyair.org/busind/comply/asbestosbultn.htm."

This comment is noted. There are no existing buildings that will be renovated, demolished, or removed. No further response to this comment is warranted.

Response F-21: The commenter states:

"District Regulation VIII (Fugitive PM10 Prohibitions)

The Project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.

The application for both the Construction Notification and Dust Control Plan can be found online at: https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at: http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm"

This comment is noted. Mitigation specifically requires consultation with the Air District over this requirement. No further response to this comment is warranted.

Response F-22: The commenter provides a short list of additional rules that the proposed Project has the potential to be subject to, including 4102, 4601, and 4641.

This comment is noted. Mitigation requires consultation with the Air District over Rule 4641. The project is not anticipated to have nuisance odors, which is regulated by 4102; however, the proposed Project is subject to this requirement. Rule 4601 is a low-VOC rule that applies to paints and coatings, and the proposed Project is subject to this requirement.

Response F-23: The commenter provides a concluding statement, stating that the District recommends that a copy of the District's comments be provided to the Project proponent. The Project proponent is in receipt of the District's comments.

Response F-24: This comment provides the commentor's contact information.

No response to this comment is warranted.

SIERRA CLUB
DELTA-SIERRA GROUP
MOTHER LODE CHAPTER

Delta-Sierra Group
Mother Lode Chapter
P.O. Box 9258
Stockton CA 95208

Nicole Moore
City of Stockton
345 N. El Dorado Street
Stockton CA 95202
via email: Nicole.Moore@stocktonca.gov.

12.31.2021

Re: South Stockton Commerce Center Project Draft Environmental Impact Report

The Delta-Sierra Group reviewed the Notice of Preparation/Initial Study (NOP/IS) and submitted comments on 10.27.2020 for the South Stockton Commerce Center Project. As will be explained later in our comments we only came to learn of the availability of Draft Environmental Impact Report (DEIR) on 12.28.2021. The South Stockton Commerce Center Project is for the planned industrial development of 437.45 acres of agricultural lands located off Airport Way immediately north of the confluence with French Camp Slough and the North Fork of Little John's Creek.

SETTING

G-1

PROPOSED PROJECT

The Project includes a Tentative Map for the 437.45-acre site to create 13 development lots, two basin lots, one park lot, one open space lot, and one sewer pump station lot.

TABLE 2.0-2: SSCC LAND USE SUMMARY

LAND USE	ACREAGE (NET)	TOTAL SQUARE FEET PER LAND USE	FLOOR AREA RATIO	MAXIMUM SQUARE FEET
Commercial	11.0	467,834	0.30	140,350
Industrial[1]	298.0	12,960,747	0.47	6,091,551
Open Space	54.0	--	--	--
Public Facilities (Storm Basins, Outfall and Pump Stations)	41.0	--	--	--
Roadway Right of Way	18.2	--	--	--
TOTAL	**422.2**	--	--	**6,231,901**

NOTE: FOR PURPOSES OF THE ENVIRONMENTAL ANALYSIS, A RANGE OF INDUSTRIAL USES IS ASSUMED. THESE USES INCLUDE GENERAL LIGHT INDUSTRIAL, INDUSTRIAL PARK, WAREHOUSING, MINI-WAREHOUSE, HIGH-CUBE TRANSLOAD AND SHORT-TERM STORAGE WAREHOUSE, HIGH-CUBE FULFILLMENT CENTER WAREHOUSE, HIGH-CUBE PARCEL HUB WAREHOUSE, AND HIGH-CUBE COLD STORAGE WAREHOUSE.

G-2

The DEIR does not include a full disclosure of impacts for this speculative and discretionary project. A final and definitive site plan is not currently proposed. Planned mitigation and environmental impact analysis is based on a conceptual site plan which underestimates impacts and fails to address cumulative impacts resulting from the operation of the Project.

All mitigation must be paid for before any permit is issued. This is a speculative project with several owners to be involved in the future. Without a final definitive site plan and the piecemeal analysis of impacts proposed for the 13 individual projects, the public will not have an opportunity to evaluate whether or not the mitigation measures are adequate for the individual projects. CEQA provides a seat at the table whereas the review of individual projects would not likely be at a level that would require public notice and engagement. If the DEIR is not significantly modified to address our comments and those of others and recirculated, the FEIR will include mitigation measures deemed acceptable by the City of Stockton through 2045 and pose an environmental burden on already burdened residents.

Mitigations proposed in the DEIR should not be static but requirements adjusted as conditions change related to future climate, groundwater, flooding, transportation, or air quality that will warrant additional mitigation during Project development of this speculative project.

The City of Stockton must release the mitigation monitoring and reporting results to the public throughout the development process.

COMMUNITY INVOLVEMENT

An email was sent to the City of Stockton contact for the Project, Nicole Moore on 3.19.2021 to follow up on the NOP/IS comments submitted on 10.25.2020[1]. This 3.19.2021 email expressed concerns about notification for the release of a draft environmental impact report and to provide a link for the Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act[2] which included best practices relating to community engagement.

G-3

[1] https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u1444l/NOP_South_Commerence_10272020_F.pdf
[2] https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf

2

A subsequent email to the City of Stockton Project contact, Nicole Moore was sent on 3.19.2021 to follow up on the City of Stockton's 3.19.2021 response to our initial email of 3.19.202. This subsequent email requested clarification regarding the City of Stockton's CEQA process, ASK Stockton noticing, and the City of Stockton's CEQA process to comply with CEQA Guidelines. A suggestion was also made that the city as part of required outreach convene a committee to discuss possible city-specific adopted measures. No response to this email was received.

Yesterday, 12.28.2021, in the process of investigating a proposed housing project identified on a map, we discovered that the DEIR review periods for a similar type of project, Mariposa Industrial Park and for the South Stockton Commerce Center Project had ended. The Mariposa Industrial Park Project was completely unknown to the Delta-Sierra Group because two public notices in the newspaper were missed. We requested in the 10.25.2020 correspondence to the City of Stockton that we be placed on a CEQA notification list, as will be further described below. This 10.25.20 request was ignored.

The City of Stockton's continued reliance on the minimum public notice of CEQA projects or public hearings ignores the reality of residents' ability to engage in community affairs as volunteers. The process of public notice involves publishing a public notice in a newspaper of largest general circulation, notifying the State Clearinghouse at the California Office of Planning and Research, and providing a public notice to the San Joaquin County Recorder-Clerk's Office. The Clerk's Office places a paper copy of the notice on a second-floor wall where their office is located, for public viewing during office hours of 8:00 AM to 5:00 PM.

G-3 cont'd

The purpose of the California Environmental Quality Act (CEQA)[3] is to:

- Prevent or minimize significant, avoidable damage to the environment.
- Disclose potential environmental effects of a proposed discretionary project, through a variety of publicly accessible documents.
- Encourage public participation in the environmental review and decision-making process.
- Ensure transparency in governmental decision-making process.

The CEQA Guidelines that were most recently published included the following statement:

> § 15087. Public Review of Draft EIR[4]
>
> (a) Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing.

In our 10.27.2020 comment letter the Delta-Sierra Group stated the following in writing:

> Please add the Delta-Sierra Group to your CEQA notification list. We became aware of the project through a CEQAnet link from a colleague. Please let us know if there is to be any public meeting regarding this project and when the draft environmental impact report becomes available to review. If you have any questions, you may contact me by email mebeth@outlook.com.

[3] https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx
[4] http://files.resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

The DEIR included the following statements

> "Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the proposed Project. No specific alternatives were recommended by commenting agencies or the general public during the NOP public review process."

We specifically asked for notification of a public meeting and no notification was provided by the City of Stockton. Additionally, the website where the South Stockton Commerce Center Project CEQA documents are found includes no notice of a specific public scoping meeting[5].

The DEIR included the NOP/IS notice which included the following statements:

> "A responsible agency, trustee agency, or other public agency may request a meeting with the City of Stockton or its representatives in accordance with Section 15082(c) of the CEQA Guidelines. A public scoping meeting and neighborhood meeting will be held during the public review period as follows:
>
> 1. Virtual Scoping and Neighborhood Meeting: To obtain the call-in and access information please RFVP with Nicole Moore, Acting Current Planning Manager at Nicole.Moore@stocktonca.gov."

G-4

Our 10.27.2021 letter which was conveyed by email to Nicole.Moore@stocktonca.gov specifically requested to learn of the time for a public meeting. We were never notified of the time and date for this proposed public scoping and neighborhood meeting.

No notification of DEIR availability was provided by the City of Stockton, and we only learned of the DEIR availability on 12.28.2021 and initiated review and developed comments presented below. We hope that these comments will be included and considered when developing a revised DEIR or a Final Environmental Impact Report (FEIR) as the official comment period only ended on 12.14.2021.

DEIR IDENTIFIED IMPACTS AND PROPOSED MITIGATION MEASURES

Aesthetics and Visual Resources Mitigation Measure 3.1-1

The Project proposes approximately 54 acres of open space areas within the site, which will include approximately seven acres of open space in which a portion of it will be for a habitat setback area located east of the UPRR, south of the future Commerce Drive and along French Camp Slough. The remaining 47 acres of open space area is associated with the French Camp Slough drainage area. Additional open space is needed to accommodate flood flows on the North Fork of Little John's Creek.

We are concerned with the newly proposed restriction on wildlife habitat setback area adjacent to the UPRR tracks. The restrictions on wildlife movement which construction of the proposed Project poses could create a situation where a protected wildlife corridor is needed to avoid increased wildlife kills due to rail or truck traffic. Additional habitat setback area is needed.

G-5

This open space is vital for localized wildlife habitat and must be protected from impacts related to the implementation of industrial/commercial future plans. A future lighting plan is to be submitted to the City of Stockton for review and should be made available for public review especially those that are wildlife and habitat experts to determine if the proposed plan will interfere with localized wildlife

[5] http://www.stocktonca.gov/government/departments/communityDevelop/cdSouth.html pdf created

activities. Lighting mitigation of impacts related to wildlife habitat is not the same as lighting mitigation in an urbanized setting. Additional lighting mitigation is necessary.

There is a proposed grade-separated overpass of the UPRR line and a proposed railroad spur line to provide rail access throughout the Project. Designs of overpasses that are aesthetically pleasing can add significantly to the sense of place. Additionally, the proposed new road, Commerce Drive, is proposed to have a 78-foot right-of-way with one 16-foot traffic lane in each direction, and a 16-foot center turn lane. Five-foot landscaped areas would separate the traffic lanes from the 8-foot sidewalks on both the north and south sides of the road. All landscaping must be maintained by the Project proponent so as not to put further burdens on City of Stockton residents to fund on-going maintenance relating to this discretionary project. Onsite vegetation should also be considered to provide shading and reduce the heat island effect associated with the proposed asphalt paving as well as vegetative buffers between the Project and residential areas can help to reduce pollutant dispersal. G-5 cont'd

Agricultural Resources Mitigation Measure 3.2-1

The proposed Project will result in the conversion of farmland including prime farmland and farmland of statewide importance as indicated by the Department of Conservation Land Division in their NOP/IS comments available to the public[6]. The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan specifically addresses loss of habitat not loss of agricultural activities on agricultural lands[7]. There are different fees related to habitat potential with a category for agricultural lands.

All of the existing land is in active agricultural uses and should require both City of Stockton Agricultural Land Mitigation (1:1)[8] and San Joaquin County Habitat Mitigation based on a San Joaquin County Council of Government (SJCOG) biological study to determine mitigation level. The City of Stockton Agricultural Land Mitigation program was not referenced as part of the required mitigation.

Agricultural Land Mitigation Impact Fee - Central Valley Farmland Trust (CVFT): Under Municipal Code section 16-355.270, the City of Stockton has the authority to establish a Public Facilities Fee Program (PFF) on new development. In 2003, City Council approved resolution #2003-04-03-0105, establishing the PFF schedule. In 2007, the City Council agreed (through Council resolution #2007-02-07-0079) to add Agricultural Land Mitigation Fee to its Public Facilities Fee Program. G-6

The City of Stockton Agricultural Land Mitigation Fee is collected for all applicable new development projects that would result from the conversion of important farmland, as defined by California Department of Conservation, into urban uses. All Agricultural Land Mitigation fees collected pursuant to the agreement should be remitted to Central California Farmland Trust. The Central Valley Farmland Trust is the land trust that facilitates the placement of agricultural conservation easements to fulfill farmland mitigation requirements in the Central Valley.

The Central Valley Farmland Trust does not fulfill the habitat mitigation required under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan mitigation does not mitigate for the loss of agricultural production. Both mitigations should be required. The mitigation monitoring and reporting should include a full disclosure of agricultural land mitigation and should be readily available to the public.

[6] https://files.ceqanet.opr.ca.gov/264972-2/attachment/dv3sIblipUFd4VLrSuQGv7_BAFl5DauZjv-ZTT4RRtvMnYAvi9wC9xnbsdw9iaT_aegytYuJ2hSU5GJ0

[7] https://www.sjcog.org/288/Habitat-Frequently-Asked-Questions

[8] https://www.calandtrusts.org/wp-content/uploads/2014/03/Overview-of-Legal-Restains-on-Ag-Land-Mit-Programs.pdf

Agricultural land mitigation only ensures that some other agricultural land cannot be easily developed through a conservation easement. Agricultural land mitigation does not create new agricultural land. Once the land is developed it is unlikely ever to return to food production.

We disagree that the Impact 3.2-2, relating to the conversion of nearby farmland to non-agricultural uses, is less than significant. The conversion of this land to non-agricultural uses will create additional development pressures on the surrounding farmland and should have been evaluated in the DEIR. For example, increased truck traffic will hinder agricultural operations that use the roadways. Monitoring of adjacent farmed land should be conducted throughout the life of the Project and if further agricultural lands are converted then the South Stockton Commerce Center Project proponents, developers, landowners should pay for additional agricultural land mitigation. G-6 cont'd

The conversion of this especially important agricultural land not only will have an effect on local food security, as row crops are food crops, but will significantly affect existing flood buffering, wildlife habitat, and water infiltration. The environmental analysis of the no Project alternative should have characterize the positive attributes which will be lost, if developed as described. Removing agricultural land removes the natural climate change attenuator that soils can serve also affecting the City of Stockton's ability to reduce carbon dioxide levels in the atmosphere through carbon sequestration.

Air Quality Mitigation Measure 3.3-1

The measures proposed relating to the San Joaquin Valley Air Pollution Control District Rule 9510 should have included more than just the offsite mitigation strategies proposed. The stated purposes of Rule 9510[9] include:

- Fulfill the District's emission reduction commitments in the PM10 and Ozone Attainment Plans.
- Achieve emission reductions from the construction and use of development projects through design features and on-site measures.
- Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

No onsite operational measures were included to reduce emissions relating to the Project's proposed operation that is expected to generate a minimum of 22,633 daily vehicle trips, including 5,552 daily heavy-duty truck trips, along local roadways, except for some onsite mitigations of some construction activities. Onsite measures such as requiring on-site equipment, such as forklifts and yard trucks, to be electric, requiring all heavy-duty vehicles entering or operated on the project site to be zero emission beginning in 2030, constructing electric truck charging stations and electric plugs for electric transport refrigeration units are reasonable on-site requirements that should have been proposed in the DEIR. Without these onsite measures, the Project will add to the residents of Stockton already high pollutant burden. G-7

The only mention of zero emission vehicles in the DEIR was that some employees may use electric vehicles. Anti-idling measures were not included nor were any vegetative barriers planned as mentioned previously. Furthermore, the emissions may have been underestimated because it is likely that trip lengths will be greater than 10 miles relating to other nearby logistical centers in the Bay Area or beyond and the proposed rail connections. In our NOP/IS comment letter we identified problems with previous emission modeling performed by the City of Stockton's consultant and specifically

[9] https://www.valleyair.org/rules/currntrules/r9510-a.pdf

requested that best practices put forth by the California Air Resources Board be used for emission modelling:

> Again, evaluating impacts is challenging for a project that is not well defined. Recently, the City of Stockton used CalEEMod fleet mix defaults to estimate a project's mobile source air pollutant emissions and was notified that the mileage used required revisions. When performing air emission analyses and traffic impact studies a reasonable estimate of heavy-duty truck trips commensurate with the proposed project's size and location is necessary. Please be very clear and concise when disclosing the parameters used during emissions and traffic analyses.

The characterization of the Project's operational mobile source air emissions does not include analyses with supporting evidence that assumptions made will be protective of public health and the environment. G-7 cont'd

The City of Stockton did not include a maximum vehicle mile traveled for the Project to cap emissions. The DEIR did not describe how the process between the City of Stockton and the San Joaquin Valley Air Pollution Control District would be transparent while offsite mitigation strategies proposed on a project-by-project basis are reviewed and approved.

The proposed mitigation measures include a piecemeal analysis by considering each phase of development separately. Cumulative impacts occur as each "individual project" is developed. Mitigation of these individual projects will only be implemented if the pollutant threshold for an individual project is exceeded. This piecemeal method of impact analysis neglects cumulative air quality impacts associated with the full development that will occur if the existing DEIR is not significantly updated with further mitigation measures and recirculated for review.

Air Quality Construction Phase

Mitigation Measure 3.3-3, 3.3-4, 3.3-5

These mitigation measures relate primarily to dust and soil erosion/tracking controls and paving but does not address the heavy diesel equipment that will be used onsite and offsite to transport soil related to site flood mitigation grading activities and this heavy diesel equipment will be generating toxic air pollutants. G-8

Air quality impacts are not adequately characterized to disclose potential effects or to prevent or minimize significant, avoidable damage to the environment.

Cultural and Tribal Resources

Mitigation Measure 3.5-1

The mitigation proposes that a qualified archaeologist shall conduct pre-construction worker cultural resource sensitivity training. The Northern Valley Yokuts representative should be present during this training and records maintained for all construction workers in attendance. This training should be offered periodically throughout the construction process as onsite construction workers change. G-9

Mitigation Measure 3.5-2

The mitigation measure states only that a Native American monitor may be required if the archaeologist determines that Native American resources are identified. The Northern Valley Yokuts Tribal representative requested that in accordance with their policies that a tribal monitor should be present for all ground disturbing activities. Having a Native American monitor present when Native American G-10

resources have been identified should not be optional, but should be required, and paid for by the Project proponents. G-10 cont'd

Mitigation Measure 3.5-3

The mitigation measure proposes two separate processes involving the San Joaquin County Coroner. One places the San Joaquin County Coroner as the responsible party to contact the Native American Heritage Commission to identify a descendant. If no descendant is identified, the San Joaquin County Coroner may make a recommendation to the landowner or the person responsible for the excavation work to treat or dispose of the human remains and any associated grave goods without further Native American consultation.

The San Joaquin Coroner should be informed to determine that no further investigation of the cause of death is required. Once the Coroner has determined that there is no need for investigating the cause of death, the Native American monitor or the proper descendant of the deceased individual should propose proper reburial either onsite or an alternative location preferred by the Native American tribal representative in consultation with the Native American Heritage Commission. G-11

The City of Stockton or its authorized representative should not be allowed to reject the wishes of a descendant, or the Native American Heritage Commission measures be allowed to be rejected by the landowner, and those entities make the decision of reburial location on their own. Everyone must work together to come upon a mutually agreeable solution and communication should begin in advance of the construction process and on-going, so the City of Stockton, landowner, or Project proponent is not left with an "urgent" situation that occurs due to the lack of advanced communication and planning.

A Native American monitor, descendant, and an archaeology if recommended by the Native American monitor should oversee reburial in a mutual agreeable location that is not subject to further subsurface disturbance. The Project is located on unceded Northern Valley Yokuts lands.

Geology and Soils Mitigation Measure 3.6-2

The mitigation calls for a qualified paleontologist to evaluate any paleontological resources found during grading and construction activities. However, this mitigation fails to properly conduct pre-construction worker paleontological resource sensitivity training. This training should be required and training documents available for mitigation monitoring. G-12

Greenhouse Gases, Climate Change and Energy Mitigation Measure 3.7-1

The measures proposed to mitigate the greenhouse gases that will be generated are essentially the same as for air quality impacts and treats the Project in a piecemeal way ignoring cumulative impacts. Additionally, by treating the Project as individual projects it is more likely that these individual projects that will not exceed thresholds to require mitigation. Implementation of the Project as discussed in the DEIR will have a significant impact on goals set forth in the City of Stockton Climate Action Plan relating to proposed truck and rail transport associated with the 6 million plus square feet of industrial warehousing.

There were no mitigation measures proposed to reduce energy usage such as energy efficient lighting, use of other energy efficient equipment that are in use in a typical warehousing/commercial/industrial settings, installation of solar photovoltaic systems to equal the Project's energy needs, using electric on-site equipment warehousing equipment such as forklifts and yard trucks, and constructing electric truck charging and plug in stations suitable for heavy duty trucks and refrigeration units to reduce idling exhaust emissions. G-13

8

This is a speculative project that will significantly impact environmental resources. Additional greenhouse gas, climate change and energy mitigations are necessary so that Stockton residents do not bear solely the environmental burdens associated with the proposed Project.

The vehicle miles travelled that the proposed Project(s) would generate was not disclosed. We specifically requested this information in our NOP/IS comment letter.

> By July 1, 2020, public agencies evaluating the impact of development projects are required to use vehicle miles traveled (VMT) to evaluate transportation impacts. This change removes the focus on traffic at intersections and roadways immediately around project sites. Instead, the focus will be on how new development projects may influence the overall amount of automobile use.[10]

G-13 cont'd

Hydrology and Water Quality

The DEIR deemed Impact 3.9-2 as less than significant when in fact the construction of the proposed Project and the paving over of 350 acres has the potential to interfere substantially with groundwater recharge associated with the Project area and current land use such that the Project may impede sustainable groundwater management of the basin. The DEIR identified the Subbasin incorrectly as the Eastern San Joaquin River Groundwater Subbasin when the name of the Subbasin in which the Project is located is the Eastern San Joaquin Groundwater Subbasin. The Subbasin is critically overdrafted and the location of the current agricultural fields presents an opportunity to use flood flows to recharge our overdrafted aquifer and provide downstream flood protection. Lands adjacent to natural waterways are particularly good for cost effective groundwater recharge projects.

Furthermore, the DEIR deemed Impact 3.9-3 relating to drainage pattern changes due to the addition of impervious surfaces as less than significant without calculations estimating runoff under climate change scenarios with infrequent atmospheric river rainfall events causing substantial surface runoff, flooding, or surface runoff of polluted stormwater. Climate changes relating to global warming must be carefully considered especially relating to changes to precipitation patterns. Paved land has much higher runoff coefficients, as compared to the existing agricultural land use which has been shown to attenuate runoff and reduce flood risks.

G-14

In fact, an additional General Plan Amendment and Rezoning of two areas will be necessary for the proposed Project due to limitations caused by the floodway along French Camp Slough. This floodway is a natural floodplain and a nexus facilitating the flow of floodwater from the waterway to adjacent lands lessening the flood risk to downstream residential areas.

Additional open space mitigation is needed to provide more floodway room for the North Fork of Little John's Creek along the southern boundary of the proposed Project.

Mitigation Measure 3.9.2 requires that prior to issuance of grading permits, the applicant and/or future Project proponent must submit a site-specific Project Stormwater Quality Control Plan to specify BMPs the Project will use to comply with State water quality regulations including those related to City of Stockton's Stormwater Management Plan. French Camp Slough joins the San Joaquin River in Stockton. The San Joaquin River is an impaired waterway and subject to regular hazardous algal blooms that are associated with heavy pollutant loading. The DEIR failed to fully disclose how the planned construction and operation of the 13 projects would result in a coordinated site plan to ensure that site runoff does not further impact the quality of water in our streams and rivers.

[10] https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-02-26-transmittal-and-draft-vmt-focused-tisg.pdf

Mitigation Measure 3.9-3 requires that prior to issuance of grading permits, the applicant shall obtain the local National Flood Insurance Program administrating community's approval and a CLOMR-based on fill followed by a Map update request. The DEIR stated that most of the Project site is located within the 100-Year designated FEMA Flood Zone and portions of the Project site adjacent to the French Camp Slough are designated within the Regulatory Floodway. Development within Regulatory Floodways are prohibited. The Project site is reportedly not within a 200-year flood zone. Senate Bill 5 requires all urban and urbanizing areas in the Sacramento and San Joaquin Valleys to achieve 200-year flood protection to approve development. The new law restricts approval of development after 2016 if "adequate progress" towards achieving this standard is not met. Urban and urbanizing areas protected by State-Federal project levees cannot use "adequate progress" as a condition to approve development after 2025. The City of Stockton just this year made a finding of adequate progress. G-14 cont'd

The DEIR stated that according to Stockton Municipal Code Title 16.90, new developments may be permitted in areas "of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban or urbanizing areas…" An analysis by a local engineering firm included in the DEIR as a draft report concluded that flooding of 3 feet or less is expected and they recommended elevation of grade. Whether or not this analysis evaluated an ever-increasing intensity of rainfall resulting from climate change conditions is unknown at this time. Greenhouse gases are responsible for climate change which the proposed Project failed to mitigate.

Transportation and Circulation Mitigation Measure 3.13-1

The proposed Mitigation Measure 3.3-1 includes some possible measures related to the San Joaquin Valley Air Pollution Control District Rule 9410[11] such as "incentives for project employees to utilize alternative transportation options such as buses, bicycles or electric vehicles." Rule 9410 is required whenever an employer exceeds 100 regular employees at a worksite. The treatment in the DEIR of the Project as one entity for analysis of impacts would infer that in the future once any of the individual 13 projects combined reach the threshold of 100 employees, a Trip Reduction Plan will be required.

The San Joaquin Valley Air Pollution Control District is the regulatory agency that is involved in the implementation of transportation demand management (TDM) strategies related to transport to the workplace from home. This transportation effort is small compared to the truck trips related to the operation of the proposed Project and effects on regional roadways. Mitigation should be required for ongoing impacts to city roadways relating to increased heavy duty truck travel which significantly increases roadway maintenance frequency and costs, especially related to the proposed noise reducing pavement. G-15

The same issues related to evaluating impacts for a project that is not well defined has made impossible an environmental analysis of local and regional transportation impacts. A railroad overpass proposed was not included in the mitigation measures.

The DEIR did not adequately describe existing and future transportation conditions relating to the vehicle mile traveled (VMT) associated with a logistical warehouse project of this size with access to rail and two highways. A detailed VMT analysis should have been conducted to determine if the Project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Without the Project there is no need for the construction of an overpass of the UPRR line.

[11] https://www.valleyair.org/Programs/Rule9410TripReduction/

The DEIR did not include a market analysis to investigate the need for up to 6,091,551 square feet of "employment-generating" industrial uses considering recently approved similar projects under development. There is active recruiting for existing warehouse jobs in our area which pay $15-$20/hour ($600 to $800/week) for full time work.

Governor Newson recently issued Executive Order N 82-20 announced on October 7, 2020[12]:

> "The science is clear that, in our existential fight against climate change, we must build on our historic efforts in energy and emissions and focus on our lands as well. California's beautiful natural and working lands are an important tool to help slow and avert catastrophic climate change, and today's executive order provides important new tools to take on this existential threat."

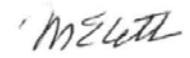
Ultimately, the lead agency will examine each of the environmental issues listed in the checklist… and decide whether the proposed Project has the potential to have a significant impact and what if any mitigation is to be required. If approved, a development agreement that is transferrable will be established without any defined Project. Without a defined Project it is very difficult to determine impacts which will result from this warehousing development. No clear responsible party for proposed mitigation measures was identified in the DEIR. Mitigation measures to be performed have mixed responsibilities: Project proponent vs. landowner vs. the persons responsible for excavation work throughout the DEIR. G-15 cont'd

Land use is within the City of Stockton's regulatory purview and while the City of Stockton is not expected to enforce CARB or SJVAPCD standards. The City of Stockton's choice to approve projects with intense trucking and rail components means that the City of Stockton is adding new emission sources – like an attractive nuisance – which will increase the exposure of our residents to pollution. Mitigation is needed to reduce the impact of the Project and should be paid for by the developer not the residents of Stockton.

This Project is not vital for our recovery and the DEIR failed to provide sufficient details to determine the document's adequacy to describe the environmental costs associated with the Project.

Once again, please add the Delta-Sierra Group to your CEQA notification list. The requirements for public noticing are changing next year and we would welcome a conversation to provide our input. If you have any questions or wish to discuss ways that the City of Stockton could improve public outreach, you may contact me by email at mebeth@outlook.com.

Sincerely,



Mary Elizabeth M.S., R.E.H.S.

Cc:

Sierra Club Mother Lode Chapter
Catholic Charities, Env. Justice Stockton Diocese
Restore the Delta
Central California Asthma Collaborative
Central Valley Air Quality Coalition
Little Manilla Rising
Enviornmental Justice for Water
Northern Valley Yokuts
NAHC
California Air Resources Board
Office of Attorney General – Department of Justice
California Department of Conservation
San Joaquin County Farm Bureau
Center for Biological Diversity

[12] https://www.gov.ca.gov/2020/10/07/governor-newsom-launches-innovative-strategies-to-use-california-land-to-fight-climate-change-conserve-biodiversity-and-boost-climate-resilience/

SIERRA CLUB
DELTA-SIERRA GROUP
MOTHER LODE CHAPTER

Delta-Sierra Group
Mother Lode Chapter
P.O. Box 9258
Stockton CA 95208

Nicole Moore
City of Stockton
345 N. El Dorado Street
Stockton CA 95202
via email: Nicole.Moore@stocktonca.gov.

10.27.2020

Re: South Stockton Commerce Center Project Notice of Preparation and Initial Study

The Delta-Sierra Group has reviewed the Initial Study for the planned industrial development located off Airport Way immediately north of the confluence with French Camp Slough and the North Fork of Little John's Creek. French Camp Slough continues through the southwestern part of the five parcels encompassing 437.45 acres of agricultural lands.

Setting

The five parcels are summarized below to help with understanding the discussion regarding General Plan Zoning Maps vs General Plan designations and a zone change designation. The information was obtained from San Joaquin County Assessors and City of Stockton Interactive Zoning Map[1]. There seems to be some discrepancies between the addresses cited in the Initial Study and City of

[1] https://stocktonca.mapgeo.io/datasets/properties?abuttersDistance=100&latlng=37.973764%2C-121.284422&themes=%22%5B%5C%22zoning%5C%22%5D%22&zoom=12

Stockton records (shown within parentheses). Additionally, there seems to be some discrepancies related to acreage sizes as illustrated below (shown within parentheses).

Parcel Table

APN	Address	Acres	Land value ($) SJC	Current SJC assessed use	City Zone	City General Plan
77-110-040	6110 S. Airport Way	218.29	4,357,515 (221.54 ac)	Irrigated row crop	IL (8210 S. Airport)	Industrial
177-100-030	7070 S. Airport Way	76.03	1,660,790 (80.81)	Irrigated row crop	OS (1865 E French Camp Road	Open Space/ Agricultural
177-110-050	6122 S. Airport Way	3.27	65,305	Irrigated row crop	IL (8222 S AIRPORT WY)	Industrial
201-020-010	9091 S. State Route FR 99	75.07	1,550,424 (73.74 ac)	Irrigated row crop	IL	Industrial
177-050-090	8606 S. Airport Way	64.79	1,289,060	Irrigated row crop	RH (Residential, High Density)	Industrial

The conversion of this especially important agricultural land not only will have an effect on local food security, as row crops are food crops, but will significantly affect existing flood buffering, wildlife habitat, and water infiltration. The environmental analysis of the no project alternative must characterize the positive attributes which will be lost, if developed as described in the Initial Study. Removing agricultural land removes the natural climate change attenuator that soils can serve also affecting the City's ability to reduce carbon dioxide levels in the atmosphere through carbon sequestration.

The Draft Environmental Report must include a market analysis to investigate the need for up to 6,091,551 square feet of "employment-generating" industrial uses considering recently approved similar projects under development. This maximum square footage is based on the Floor Area Ratio (FAR) of 0.47 for industrial uses including general light industrial, industrial park, warehousing, mini-warehouse, high cube transitional and short-term storage warehouse, high-cube fulfillment center warehouse, high-cube parcel hub warehouse and light-cube cold storage warehouse. There is active recruiting for existing warehouse jobs in our area which pay $15-$20/hour ($600 to $800/week) for full time work.

Agricultural Land Mitigation

All of the existing land is in active agricultural uses and should require both City of Stockton Agricultural Land Mitigation (1:1) and San Joaquin County Habitat Mitigation based on SJCOG biological study to determine mitigation level. The City of Stockton Agricultural Land Mitigation program was not referenced as part of the environmental analysis.

"Agricultural land or farmland" for the purposes of Agricultural Land Mitigation Guidelines means important farmland, as defined by the California Department of Conservation's Farmland Monitoring and Mapping Program (FMMP) and as shown on the most recent available FMMP map of San Joaquin County. Important farmland includes prime farmland, farmland of statewide significance, and unique farmland.

Agricultural Land Mitigation Impact Fee - Central Valley Farmland Trust (CVFT): Under Municipal Code section 16-355.270, the City has the authority to establish a Public Facilities Fee Program (PFF) on new development. In 2003, City Council approved resolution #2003-04-03-0105, establishing the PFF schedule. In 2007, the City agreed (through Council resolution #2007-02-07-0079) to add Agricultural Land Mitigation Fee to its Public Facilities Fee Program. The Ag. Mitigation Fee is collected for all applicable new development projects that would result from the conversion of important farmland, as defined by California Department of Conservation, into urban uses. All Ag. Mitigation fees collected pursuant to the agreement should be remitted to Central California Farmland Trust (CVFT).

City of Stockton
Public Facilities Fee Report (PFF)
FY 2018-19

CITY OF STOCKTON

Pass Through Fees Schedule - All Mitigation Fees

NOTES TO THE ANNUAL REPORT: Per California Government Code Section 66001(e), no refund of PFF fees.

Notes: All Mitigation Impact Fees apply to all fee areas and subject to additonal Administrative fee of 3.5%.

Agricultural Land Mitigation Fee Schedule:

		Effective Date 7/1/2017 Amount	Effective Date 7/1/2018 Amount
Non-Residential:	**Unit of Measure**		
Office / High Density	Per Acre of Net Parcel Area	$ 11,902.00	$ 11,902.00
Retail / Medium Density	Per Acre of Net Parcel Area	$ 11,758.00	$ 11,758.00
Warehouse / Low Density	Per Acre of Net Parcel Area	$ 10,494.00	$ 10,494.00
Residential:			
Single Family Units	Per Acre of Net Parcel Area	$ 14,352.00	$ 14,352.00
Multiple Family Units	Per Acre of Net Parcel Area	$ 12,841.00	$ 12,841.00
Guest Room	Per Acre of Net Parcel Area	$ 12,841.00	$ 12,841.00

For additional information or questions regarding to Ag. Land Mitigation Impact Fees, please contact CDD at (209) 937-8561.

Important Farmland Categories according to the State of California Department of Conservation

For environmental review purposes under CEQA, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land constitute 'agricultural land' (Public Resources Code Section 21060.1). The remaining categories are used for reporting changes in land use as required for FMMP's biennial farmland conversion report. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

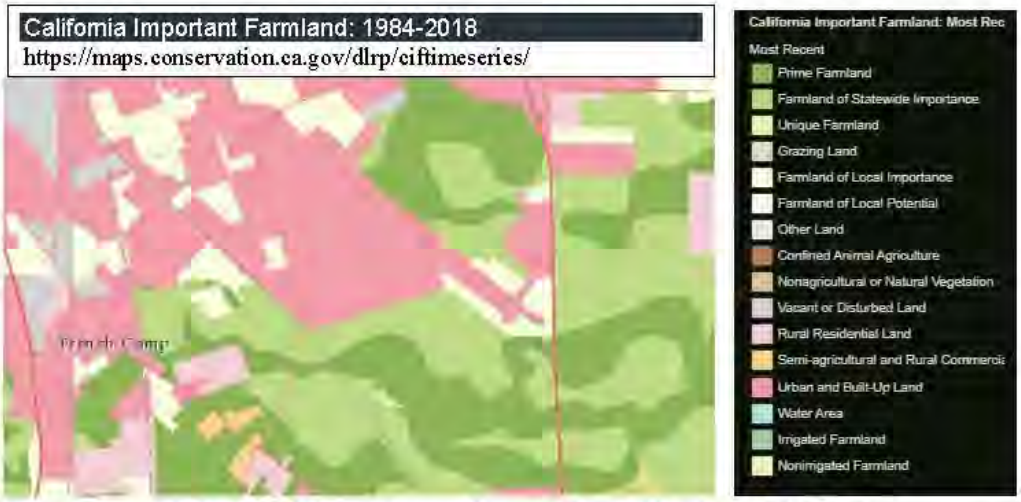
Prime Farmland (P)
Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields.

3

Farmland of Statewide Importance (S)
Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Unique Farmland (U)
Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California.

Farmland of Local Importance (L)
Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. In some counties, Confined Animal Agriculture facilities are part of Farmland of Local Importance (PDF), but they are shown separately.



Climate changes relating to global warming must be carefully considered especially relating to changes to precipitation patterns. Paved land has much higher runoff coefficients, as compared to the existing agricultural land use which has been shown to attenuate runoff and reduce flood risks. The draft EIR must include a full flood hazard analysis to the residential area downstream of the proposed outfall to French Camp Slough.

Governor Newson recently issued Executive Order N 82-20 announced on October 7, 2020[2]:

> "The science is clear that, in our existential fight against climate change, we must build on our historic efforts in energy and emissions and focus on our lands as well. California's beautiful natural and working lands are an important tool to help slow and avert catastrophic climate change, and today's executive order provides important new tools to take on this existential threat."

Agricultural land mitigation only ensures that some other agricultural land cannot be easily developed through a conservation easement. Agricultural land mitigation does not create new

[2] https://www.gov.ca.gov/2020/10/07/governor-newsom-launches-innovative-strategies-to-use-california-land-to-fight-climate-change-conserve-biodiversity-and-boost-climate-resilience/

agricultural land. Once the land is developed it is unlikely ever to return to food production. The costs associated with the loss of food production land must be analyzed in the draft EIR

The conversion of this land to non-agricultural uses will create additional development pressures on the surrounding farmland and this must be evaluated in the draft EIR.

Air Quality

The conversion of irrigated lands to paved industrial uses accessing SR-99, I-5, the Stockton Metropolitan Airport and rail lines is expected to potentially impact air quality in South Stockton. When considering mitigation measures please refer to the CARB Technical Advisory Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways[3].

(Adjust Font size) When assessing the Project's air pollution emissions from mobile sources use the emission factors found in CARB's latest EMFAC2017. These emission factors were updated from 2014 to provide the best available estimates of emission along with other site-specific variables which will be difficult to determine since the project is conceptual. Please include purple monitor data when evaluating local air quality conditions in the vicinity. Please provide descriptions of all zoned uses for the projects including general light industrial, industrial park, warehousing, mini-warehouse, high cube transitional and short-term storage warehouse, high-cube fulfillment center warehouse, high-cube parcel hub warehouse and light-cube cold storage warehouse. Any development agreements that would limit the amount of various zoned uses must be fully disclosed with complete descriptions of associated air emissions scenarios.

Ultimately, "the lead agency will examine each of the environmental issues listed in the checklist... and decide whether the proposed project has the potential to have a significant impact". This statement was found for each of the CEQA checklist type. The City of Stockton recently approved the conversion of agricultural land for a logistic center and made the finding that air quality will be improved.

If approved, a development agreement that is transferrable will be established without any defined project. Without a defined project it is very difficult to determine impacts which may result from development approved based on zoning. On previous similar projects there have been requests that a reasonable trip length for off-site heavy-heavy duty truck travel be used when analyzing emissions. The San Joaquin Valley AD will not be able to attain health based federal air quality standards without reductions in emissions from HHD which is the single largest source of NOX emissions in the San Joaquin Valley. Operational emissions for on-site sources must also be quantified.

EPA Air Quality Status[4]

pollutant	effec_rede	nonattain	class	part	population
1-Hour Ozone (1979)	- -	Yes	Extreme	W	685306
8-Hour Ozone (1997)	- -	Yes	Extreme	W	685306
8-Hour Ozone (2008)	- -	Yes	Extreme	W	685306
8-Hour Ozone (2015)	- -	Yes	Extreme	W	685306
Carbon Monoxide (1971)	6/1/1998		Moderate <= 12.7ppm	P	373545
PM-10 (1987)	12/12/2008		Serious	W	685306
PM-2.5 (1997)	- -	Yes	Serious	W	685306
PM-2.5 (2006)	- -	Yes	Serious	W	685306
PM-2.5 (2012)	- -	Yes	Moderate	W	685306

[3] https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf
[4] https://www3.epa.gov/airquality/greenbook/anayo_ca.html

5

Community air quality can be linked to vehicular emissions

The SJVAPCD 2018 PM 2.5 Plan identifies how reductions can be achieved, through implementation of the CARB Statewide Truck and Bus Regulation. The regulation will apply to all truck fleets operating within California, including any fleets that may be associated with the proposed project. As stated, the regulation will require conformance with the identified CARB near-zero truck NOx emission standard.

Again, evaluating impacts is challenging for a project that is not well defined. Recently, the City of Stockton used CalEEMod fleet mix defaults to estimate a project's mobile source air pollutant emissions and was notified that the mileage used required revisions. When performing air emission analyses and traffic impact studies a reasonable estimate of heavy-duty truck trips commensurate with the proposed project's size and location is necessary. Please be very clear and concise when disclosing the parameters used during emissions and traffic analyses.

Land use is within the City's regulatory purview and while the City is not expected to enforce CARB or SJVAPCD standards the City's choice to approve projects with intense trucking and rail components means that it is adding new sources – like an attractive nuisance – which will increase the exposure of our residents to pollution. Mitigation is needed to reduce the impact of the project and should be paid for by the developer not the residents of Stockton.

Transportation

The same issues with regard to evaluating impacts for a project that is not well defined will confound the environmental analysis particularly if it is difficult to ascertain the estimates used when performing the transportation analyses.

> The EIR will describe existing and future transportation conditions and will analyze any potential conflicts with programs, plans, ordinances or policies addressing the circulation system. Potential impacts associated with site access, and on-site circulation will also be addressed in the EIR. A detailed vehicle mile traveled (VMT) analysis will be conducted to determine if the project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The VMT analysis would be completed consistent with the Office of Planning and Research's (OPR's) Technical Advisory on Evaluating Transportation Impacts in CEQA.

If the City of Stockton uses a full build out for the general plan designations then it is likely that regardless of the VMT analysis which is to be undertaken, the City with find: Impact TRANS-1: Consistency with CEQA Guidelines Section 15064.3(b). Compared with existing land use designations, the project would generate less VMT and would therefore be consistent with CEQA Guidelines which is the language used in a similar logistic industrial center. The existing use of the property is the no project alternative and should be used to determine whether or not the project will have a significant impact. Additionally, please provide at your earliest convenience the VMT analysis which the City must be developing consistent with CEQA guidance:

> By July 1, 2020, public agencies evaluating the impact of development projects are required to use vehicle miles traveled (VMT) to evaluate transportation impacts. This change removes the focus on traffic at intersections and roadways immediately around project sites. Instead,

> the focus will be on how new development projects may influence the overall amount of automobile use.[5]

The NOP did not specify what City of Stockton guidance would be used but it is likely not to be the Standards of the City's Transportation Impact Guidelines used in the analysis of a similar project earlier this year.

Tribal Cultural Resources

Please incorporate a paid tribal representative to be present during land disturbance activities recognizing tribal sovereignty. Two local Tribes include the United Auburn Indian Community and the Northern Valley Yokuts which we are in communication with.

Greenhouse Gas Reduction Requirements

The City of Stockton Climate Action Plan adopted in 2014 included the following statement which is even more true now that our community suffers from the economic and emotional impacts relating to the Covid-19 pandemic:

> The CAP would require substantial effort on the part of the entire Stockton community, including residents and business, schools, the San Joaquin Regional Transit District, other public entities, and the Stockton municipal government at a time when residents, businesses, and public agencies are struggling to pay current bills, keep businesses open, and provide basic services. This plan, if fully implemented, would result in a 20% reduction in per capita GHG emission from 2005 to 2020.
>
> Many of the measures included in the CAP would result in long-term economic, environmental, health and other benefits for the City and its residents and businesses in addition to the expected GHG emission reductions.

Vegetation has been shown to be effective at reducing energy and air pollutant transport. Any vegetation associated with the project or subsequent development must be paid for and maintained by the applicant not the residents of Stockton.

Removing agricultural land removes the natural climate change attenuator that soils can serve and must be accounted when evaluating greenhouse gas emissions.

CEQA is clear that "uniformly applicable development policies or standards" need to be considered in the analysis of environmental effects and their significance and the need for additional mitigation measures. These additional measures are those required by the lead agency to protect public health and the environment that may be harmed as a result of the approval of the project. Relying on state guidance which was developed prior to the project and did not consider the project's impact is not sufficient when parts of our community is unequally burdened by negative environmental impacts. All zip codes are not created equal.

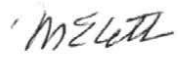
This Project is not vital for our recovery and we hope that the draft environmental impact analysis will be sufficiently detailed so that the residents of Stockton can determine the document's adequacy to describe the environmental costs associated with the project. Cost to Benefits ratio must be clearly described.

Please add the Delta-Sierra Group to your CEQA notification list. We became aware of the project through a CEQAnet link from a colleague. Please let us know if there is to be any public meeting

[5] https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-02-26-transmittal-and-draft-vmt-focused-tisg.pdf

regarding this project and when the draft environmental impact report becomes available to review. If you have any questions you may contact me by email mebeth@outlook.com.

Sincerely,



Mary Elizabeth M.S., R.E.H.S.

Cc: Mother Lode Chapter
Catholic Charities, Environmental Justice Stockton Diocese
Restore the Delta
Central California Asthma Collaborative
Central Valley Air Quality Coalition
Little Manilla Rising
Environmental Justice Coalition for Water

8

Response to Letter G: Sierra Club, Delta-Sierra Group

Response G-1: The commenter provides an introduction, notes that they provided an NOP comment letter, and received the Draft EIR on 12/28/21.

This comment is noted. The Notice of Availability was originally sent out on October 15, 2021 for a 45-day public review period that was anticipated to end on November 29, 2021. Subsequently, the City decided to extend the public review period and sent out a Notice of Extended Comment Period, which extended the comment period to December 14, 2021. The public review was properly noticed in the newspaper and County Clerk's office, State Clearinghouse, and was published on the City's website. The commenter's comment letter has been accepted by the City and is included in the consideration of Project entitlements.

Response G-2: The commenter provides a brief summary of the project, and then suggests that the DEIR does not fully disclose the impacts. The commenter indicates that because a final and definitive site plan is not currently proposed, the project analysis is piecemealed. The comment suggests that the project is speculative, and that individual projects would not be analyzed at the level that would require public notice and engagement. The commenter suggest that mitigations proposed in the DEIR should not be static, but should be adjusted conditions change related to future climate, groundwater, flooding, transportation, or air quality warrant revisions.

This comment is addressed under Master Response 1 and 2 (Reference Section 2.3 of this Chapter).

Response G-3: The commenter states the following:

> *An email was sent to the City of Stockton contact for the Project, Nicole Moore on 3.19.2021 to follow up on the NOP/IS comments submitted on 10.25.2020[1]. This 3.19.2021 email expressed concerns about notification for the release of a draft environmental impact report and to provide a link for the Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act[2] which included best practices relating to community engagement.*
>
> *A subsequent email to the City of Stockton Project contact, Nicole Moore was sent on 3.19.2021 to follow up on the City of Stockton's 3.19.2021 response to our initial email of 3.19.202. This subsequent email requested clarification regarding the City of Stockton's CEQA process, ASK Stockton noticing, and the City of Stockton's CEQA process to comply with CEQA Guidelines. A suggestion was also made that the city as part of required outreach convene a committee to discuss possible city-specific adopted measures. No response to this email was received.*
>
> *Yesterday, 12.28.2021, in the process of investigating a proposed housing project identified on a map, we discovered that the DEIR review periods for a similar type*

of project, Mariposa Industrial Park and for the South Stockton Commerce Center Project had ended. The Mariposa Industrial Park Project was completely unknown to the Delta-Sierra Group because two public notices in the newspaper were missed. We requested in the 10.25.2020 correspondence to the City of Stockton that we be placed on a CEQA notification list, as will be further described below. This 10.25.20 request was ignored.

The City of Stockton's continued reliance on the minimum public notice of CEQA projects or public hearings ignores the reality of residents' ability to engage in community affairs as volunteers. The process of public notice involves publishing a public notice in a newspaper of largest general circulation, notifying the State Clearinghouse at the California Office of Planning and Research, and providing a public notice to the San Joaquin County Recorder-Clerk's Office. The Clerk's Office places a paper copy of the notice on a second-floor wall where their office is located, for public viewing during office hours of 8:00 AM to 5:00 PM.

The purpose of the California Environmental Quality Act (CEQA)3 is to:

- *Prevent or minimize significant, avoidable damage to the environment.*
- *Disclose potential environmental effects of a proposed discretionary project, through a variety of publicly accessible documents.*
- *Encourage public participation in the environmental review and decision-making process.*
- *Ensure transparency in governmental decision-making process.*

The CEQA Guidelines that were most recently published included the following statement:

> *§ 15087. Public Review of Draft EIR4*
>
> *(a) Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing.*

In our 10.27.2020 comment letter the Delta-Sierra Group stated the following in writing:

> *Please add the Delta-Sierra Group to your CEQA notification list. We became aware of the project through a CEQAnet link from a colleague. Please let us know if there is to be any public meeting regarding this project and when the draft environmental impact report becomes available to review. If you have any questions, you may contact me by email mebeth@outlook.com.*

These comments are noted. The City has established policies for community involvement for CEQA projects. The City's policies follow state rules and regulations regarding noticing

meetings, noticing hearings, holding scoping meetings, and holding hearings. The City has followed these rules and regulations. It is not the City's policy to establish new, *ad hoc* committees to discuss possible project--specific measures or actions for individual projects. The City relies on the Planning Commission and City Council for this purpose. The City will continue to utilize this established program for decision making.

The commenter provided various communications to Nicole. This includes an NOP Comment Letter that was included in Appendix A of the Draft EIR. The Notice of Availability was originally sent out on October 15, 2021 for a 45-day public review period that was anticipated to end on November 29, 2021. Subsequently, the City decided to extend the public review period and sent out a Notice of Extended Comment Period, which extended the comment period to December 14, 2021. The public review was properly noticed in the newspaper and County Clerk's office, the State Clearinghouse, and was published on the City's website. It is noted that the City did not send a direct mail to the commenter in error. The error was corrected by accepting comments from the commenter beyond the public review period.

The commenter's statement that no response to their email was received is an inaccurate statement. Nicole Moore responded to the commenter and 12 other people that were cc'd on her original email, on the same date 3/19/21 at 8:15am. It is noted that the commenter sent a follow up email to Nicole Moore the same morning, to which Ms. Moore did not respond.

The commenter's statement that their 10.25.2020 correspondence to the City of Stockton, requesting to be placed on a CEQA notification list, was ignored. This is also an inaccurate statement. Nicole Moore responded to the commenter on 10/27 at 4:02pm.

The commenter's letter is fully addressed in this Final EIR. The City has added the commenter to the City's master list of interested parties for environmental projects.

Response G-4: The commenter states the following:

The DEIR included the following statements

> *"Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the proposed Project. No specific alternatives were recommended by commenting agencies or the general public during the NOP public review process."*

We specifically asked for notification of a public meeting and no notification was provided by the City of Stockton. Additionally, the website where the South Stockton Commerce Center Project CEQA documents are found includes no notice of a specific public scoping meeting5.

The DEIR included the NOP/IS notice which included the following statements:

"A responsible agency, trustee agency, or other public agency may request a meeting with the City of Stockton or its representatives in accordance with Section 15082(c) of the CEQA Guidelines. A public scoping meeting and neighborhood meeting will be held during the public review period as follows:

1. Virtual Scoping and Neighborhood Meeting: To obtain the call-in and access information please RSVP with Nicole Moore, Acting Current Planning Manager at Nicole.Moore@stocktonca.gov."

Our 10.27.2021 letter which was conveyed by email to Nicole.Moore@stocktonca.gov specifically requested to learn of the time for a public meeting. We were never notified of the time and date for this proposed public scoping and neighborhood meeting.

No notification of DEIR availability was provided by the City of Stockton, and we only learned of the DEIR availability on 12.28.2021 and initiated review and developed comments presented below. We hope that these comments will be included and considered when developing a revised DEIR or a Final Environmental Impact Report (FEIR) as the official comment period only ended on 12.14.2021.

These comments are noted. The commenter provided various communications to Nicole Moore. Nicole Moore has an email from the commenter (3/19/21) stating "*I did not find the NOP on the City's CEQA page when I checked this week to find out the status since I had not received any notice of availability for the draft EIR. I received this information earlier from DOJ regarding existing best practices for warehousing*." Nicole Moore responded to the commenter on the same day with a link to the NOP.

The NOP Comment Letter from the commenter was included in Appendix A of the Draft EIR. The Notice of Availability was originally sent out on October 15, 2021 for a 45-day public review period that was anticipated to end on November 29, 2021. Subsequently, the City decided to extend the public review period and sent out a Notice of Extended Comment Period, which extended the comment period to December 14, 2021. The public review was properly noticed in the newspaper and County Clerk's office, the State Clearinghouse, and was published on the City's website. It is noted that the City did not send a direct mail to the commenter in error. The error was corrected by accepting comments from the commenter beyond the public review period. The commenter's letter is fully addressed in this Final EIR. The City has added the commenter to the City's master list of interested parties for environmental projects.

Response G-5: The commenter indicates that they are "concerned with the newly proposed restriction on wildlife habitat setback area adjacent to the UPRR tracks. The restrictions on wildlife movement which construction of the proposed Project poses could create a situation where a protected wildlife corridor is needed to avoid increased wildlife kills due to rail or truck traffic. Additional habitat setback area is needed." The commenter then states:

This open space is vital for localized wildlife habitat and must be protected from impacts related to the implementation of industrial/commercial future plans. A future lighting plan

is to be submitted to the City of Stockton for review and should be made available for public review especially those that are wildlife and habitat experts to determine if the proposed plan will interfere with localized wildlife activities. Lighting mitigation of impacts related to wildlife habitat is not the same as lighting mitigation in an urbanized setting. Additional lighting mitigation is necessary.

There is a proposed grade-separated overpass of the UPRR line and a proposed railroad spur line to provide rail access throughout the Project. Designs of overpasses that are aesthetically pleasing can add significantly to the sense of place. Additionally, the proposed new road, Commerce Drive, is proposed to have a 78-foot right-of-way with one 16-foot traffic lane in each direction, and a 16-foot center turn lane. Five-foot landscaped areas would separate the traffic lanes from the 8-foot sidewalks on both the north and south sides of the road. All landscaping must be maintained by the Project proponent so as not to put further burdens on City of Stockton residents to fund on-going maintenance relating to this discretionary project. Onsite vegetation should also be considered to provide shading and reduce the heat island effect associated with the proposed asphalt paving as well as vegetative buffers between the Project and residential areas can help to reduce pollutant dispersal.

The topic of wildlife corridors is addressed in Section 3.4 Biological Resources. More specifically, Impact 3.4-8 states that the California Natural Diversity Database (CNDDB) record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the Project site. Within the site, French Camp Slough provides movement corridors given its more natural condition. This watercourse provides adequate water, sufficient emergent vegetation, but generally lacks appropriate and adequate undisturbed upland habitat. However, this area is considered to be quality habitat for movement of fish species, especially anadromous fish such as the Chinook salmon and steelhead. There are a variety of birds that utilize this area for movement mostly for foraging the abundance of insects that live within this aquatic environment. Upland species such as mammals would also find refuge along the banks of the aquatic feature give the abundance of cover, food, and water resources. As noted above, the Project includes approximately 54 acres of open space areas in order to avoid French Camp Slough. Although an outfall would be constructed along the Slough, the proposed Project would not develop or otherwise disturb this riparian habitat and any use of this area for wildlife movement is not anticipated to be disrupted because the habitat will remain intact. As shown in Figure 2.0-7 in Chapter 2.0, Project Description, the proposed open space area would buffer the Slough on both sides.

Through compliance with the various regulatory permitting activities (including ITMMs) described above and required by the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), work buffers and construction setbacks will be established for French Camp Slough within the Project area consistent with the boundary identified to be preserved as open space. The contractor will be required to install an orange protective habitat fencing at the boundary to ensure that construction

equipment does not enter the 54 acres of open space during construction. Additionally, the management of water quality through Best Management Practices (BMPs) and National Pollutant Discharge Elimination System (NPDES) permit requirements is intended to ensure that water quality does not degrade to levels that would interfere or impede fish or wildlife. Implementation of these required measures would ensure that this potential impact is reduced to a less than significant level.

It is noted that the remainder of the Project site is not considered to be high quality habitat for wildlife due to the regular disturbance associated with the agricultural activities. The City will require landscaping plans as part of site plan review, however, that is not what is proposed at this time. Detailed lighting plans, landscaping plans, roadway improvement plans, building plans, etc., will be required and reviewed for consistency with City polices and development standards when land use entitlements for specific projects are submitted and reviewed pursuant to CEQA, the Stockton General Plan and Municipal Code.

Response G-6: The commenter provides a discussion regarding Agricultural Resources Mitigation, and suggest that the Stockton Agricultural Land Mitigation program was not referenced.

We refer the commenter to page 3.2-8 of the Draft EIR which provides a City of Stockton General Plan policy requirement as follows:

- LU-5.3C. Maintain the City's agricultural conservation program that requires either dedication of an agricultural conservation easement at a 1:1 ratio or payment of an in-lieu agricultural mitigation fee for the conversion of prime farmland, farmland of statewide importance, or unique farmland, as defined by the State Farmland Monitoring and Mapping Program.

We also refer the commenter to page 3.2-9 of the Draft EIR which the Stockton Agricultural Land Mitigation Program as follows:

Stockton Agricultural Land Mitigation Program

The City of Stockton adopted the Agricultural Land Mitigation Program in 2007. The Program applies to projects that would convert agricultural lands, as defined by the most-recent Important Farmland Maps published by the California Department of Conservation. Projects may provide "agricultural mitigation land" on a 1:1 basis for each acre of land converted, including administrative costs of approximately $1,000 per acre, or pay the established Agricultural Land Mitigation Fee of $12,822 (San Joaquin Council of Governments [SJCOG] San Joaquin County Multi-Species Habitat Conservation and Open Space Plan [SJMSCP] Habitat Fees, 2020) per acre.

The Agricultural Land Mitigation Program provides that agricultural mitigation lands will be dedicated to a qualifying management entity such as the Central Valley Farmland Trust. The fees would be collected by the City, held in a dedicated account, and then expended by the City to acquire agricultural mitigation land or pay for the monitoring and

> administrative costs of the program. The fees may also be transferred to a qualifying entity for the same purpose.

The above policy and program are existing requirements of the City, for which the project is subject. These requirements become conditions of project approval for this, and all projects.

We also note that the commenter disagrees with Impact 3.2-2, relating to the conversion of nearby farmland to non-agricultural uses. However, the proposed SSCC Project is consistent with the site's existing General Plan and Zoning designations, with the exception of the location of drive entrances. Development of the Project site has been contemplated for industrial development under past certified EIRs, including the Tidewater EIR and the General Plan EIR. Development of this site for industrial uses in not a newly contemplated idea, and it does not facilitate development of any adjacent farmland. Any development on adjacent farmland would be required to undergo a review by the City of any contemplated development. This would include an opportunity for the commenter, other individuals, public agencies, and stakeholders to comment on the probable environmental impacts of that project.

Response G-7: The commenter provides comments regarding the application of Rule 9510, suggest that the DEIR does not include onsite operation measures to reduce emissions and only mentions zero emission vehicles in discussion of employee's use of electric vehicles. The commenter also indicates that they provided previous comments about underestimating emissions, and the need for best practices put forth by the CARB be used in the emission modeling. The commenter indicates that the characterization of the Project's operational mobile source air emissions does not include analyses with supporting evidence that assumptions made will be protective of public health and the environment. They also indicate that City did not include a maximum vehicle mile traveled for the Project to cap emissions. The commenter indicates that the DEIR did not describe how the process between the City of Stockton and the San Joaquin Valley Air Pollution Control District would be transparent while offsite mitigation strategies proposed on a project-by-project basis are reviewed and approved. The commenter concludes this comment by suggesting that the mitigation is a piecemeal analysis that considers each phase of development separately.

This comment is addressed under Master Response 1, 2, and 4 (Reference Section 2.3 of this Chapter).

Response G-8: The commenter notes Mitigation Measure 3.3-3, 3.3-4, and 3.3-5 and indicates that these address dust and soil erosion/tracking and paving, but not heavy-duty equipment that will be used onsite and offsite to transport soil related to flood mitigation grading activities.

As discussed previously in another response, and reflected in the modeling, the proposed Project does not include off-site transport of soil and thus does not have any heavy diesel

equipment generating toxic air pollutants from such activities. Page 3.3-34 through 3.3-36 of the Draft EIR addresses construction related emissions. The analysis shows that NOx thresholds would be exceeded and that the proposed Project would comply with pre-existing requisite federal, State, SJVAPCD, and other local regulations and requirements, as well as implement the mitigation measures provided by the SJVAPCD for construction-related PM10 emissions, including those provided in Mitigation Measure 3.3-2 through 3.3-5 from the Draft EIR. It is noted that the Mitigation Measure Numbers have changed for construction related measures (Mitigation Measure 3.3-1 through 3.3-7). The Draft EIR requires the proposed Project to demonstrate that individual projects that are part of the proposed Project demonstrate that the individual projects do not exceed the applicable SJVAPCD criteria pollutant thresholds for construction activities, or, if the SJVAPCD criteria pollutant thresholds for an individual project is exceeded, the project applicant must develop a reasonably feasible offsite mitigation strategy or pay the SJVAPCD to fund offsite mitigation. This process is accomplished through the existing SJVAPCD Rule 9510. However, the Draft EIR notes that even with implementation of all feasible mitigation, it may not be feasible for all individual projects within the Project site to reduce emissions at full Project buildout below the applicable thresholds. Therefore, the Draft EIR concludes that the Project's criteria pollutant emissions would be considered to have a significant and unavoidable impact. As previously discussed, all future site plan approval process requires an analysis of the site plan once an end user is known. When that time arrives, Rule 9510 will be ripe for implementation, and final impact determinations can be made. This comment is addressed under Master Response 4 (Reference Section 2.3 of this Chapter).

Response G-9: The commenter states the following:

> *"***Mitigation Measure 3.5-1**
>
> *The mitigation proposes that a qualified archaeologist shall conduct pre-construction worker cultural resource sensitivity training. The Northern Valley Yokuts representative should be present during this training and records maintained for all construction workers in attendance. This training should be offered periodically throughout the construction process as onsite construction workers change."*

This comment is noted. The City has performed the appropriate Native American consultation and has established mitigation consistent with state law, and in coordination with the appropriate standards. This recommendation has been incorporated into a revised mitigation measure. The revised measure is provided in Section 3.0 Revisions.

Response G-10: The commenter states the following:

> **"Mitigation Measure 3.5-2**

The mitigation measure states only that a Native American monitor may be required if the archaeologist determines that Native American resources are identified. The Northern Valley Yokuts Tribal representative requested that in accordance with their policies that a tribal monitor should be present for all ground disturbing activities. Having a Native American monitor present when Native American resources have been identified should not be optional, but should be required, and paid for by the Project proponents."

This comment is noted. The City has performed the appropriate Native American consultation and has established mitigation consistent with state law, and in coordination with the appropriate standards. This recommendation does not require any changes to the mitigation, but it will be provided to the decision makers for their consideration.

Response G-11: The commenter states the following:

"Mitigation Measure 3.5-3

The mitigation measure proposes two separate processes involving the San Joaquin County Coroner. One places the San Joaquin County Coroner as the responsible party to contact the Native American Heritage Commission to identify a descendant. If no descendant is identified, the San Joaquin County Coroner may make a recommendation to the landowner or the person responsible for the excavation work to treat or dispose of the human remains and any associated grave goods without further Native American consultation.

The San Joaquin Coroner should be informed to determine that no further investigation of the cause of death is required. Once the Coroner has determined that there is no need for investigating the cause of death, the Native American monitor or the proper descendant of the deceased individual should propose proper reburial either onsite or an alternative location preferred by the Native American tribal representative in consultation with the Native American Heritage Commission.

The City of Stockton or its authorized representative should not be allowed to reject the wishes of a descendant, or the Native American Heritage Commission measures be allowed to be rejected by the landowner, and those entities make the decision of reburial location on their own. Everyone must work together to come upon a mutually agreeable solution and communication should begin in advance of the construction process and on-going, so the City of Stockton, landowner, or Project proponent is not left with an "urgent" situation that occurs due to the lack of advanced communication and planning.

A Native American monitor, descendant, and an archaeology if recommended by the Native American monitor should oversee reburial in a mutual agreeable location that is not subject to further subsurface disturbance. The Project is located on unceded Northern Valley Yokuts lands."

This comment is noted. The City has performed the appropriate Native American consultation and has established mitigation consistent with state law, and in coordination with the appropriate standards. This recommendation does not require any changes to the mitigation, but it will be provided to the decision makers for their consideration.

Response G-12: The commenter states the following:

"Geology and Soils Mitigation Measure 3.6-2

The mitigation calls for a qualified paleontologist to evaluate any paleontological resources found during grading and construction activities. However, this mitigation fails to properly conduct pre-construction worker paleontological resource sensitivity training. This training should be required and training documents available for mitigation monitoring."

As noted on page 3.6-8 of the Draft EIR, "Paleontological resources in the San Joaquin Region are most prevalent in geologic formations located along the western margin of the San Joaquin Valley, miles away from the Project site. These formations include the marine sandstone, mudstone, siltstone, and shale of the San Pablo Formation, various undivided conglomerate, sandstone, and siltstone units, and the Moreno Formation. The Moreno Formation, which is present along the western margin of the Great Valley as an elongated and continuous, northwest-trending unit, consists of shale, sandstone, and siltstone that were once deposited in a deep-marine environment. According to the Envision Stockton 2040 General Plan Update EIR, a search of the database of the UC Museum of Paleontology at Berkeley identified over 800 documented fossil localities within San Joaquin County; however, only a handful were identified within the Stockton Planning Area."

While it is unlikely that any ground disturbance would result in a paleontological find, the Draft EIR includes Mitigation Measure 3.6-2 (provided below) to address this situation.

Mitigation Measure 3.6-2: *If any paleontological resources are found during grading and construction activities of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until a qualified paleontologist has evaluated the find.*

Work shall not continue at the discovery site until the paleontologist evaluates the find and makes a determination regarding the significance of the resource and identifies recommendations for conservation of the resource, including preserving in place or relocating on the Project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology.

There is also a requirement for an archaeologist to provide construction worker awareness training. This training does not provide a construction worker with a professional knowledge that allows them to differentiate between paleontological, prehistorical, or historical finds, rather, it provides them with examples of what could be found (i.e., paleontological, prehistorical, or historical examples), and what to do if you find something that is unusual. More specifically, it provides the worker with information on who to contact to ensure that the find is evaluated by an expert so that an appropriate course of action to deal with the find can be determined.

Response G-13: The commenter states the following:

"Greenhouse Gases, Climate Change and Energy Mitigation Measure 3.7-1

The measures proposed to mitigate the greenhouse gases that will be generated are essentially the same as for air quality impacts and treats the Project in a piecemeal way ignoring cumulative impacts. Additionally, by treating the Project as individual projects it is more likely that these individual projects that will not exceed thresholds to require mitigation. Implementation of the Project as discussed in the DEIR will have a significant impact on goals set forth in the City of Stockton Climate Action Plan relating to proposed truck and rail transport associated with the 6 million plus square feet of industrial warehousing.

There were no mitigation measures proposed to reduce energy usage such as energy efficient lighting, use of other energy efficient equipment that are in use in a typical warehousing/commercial/industrial settings, installation of solar photovoltaic systems to equal the Project's energy needs, using electric on-site equipment warehousing equipment such as forklifts and yard trucks, and constructing electric truck charging and plug in stations suitable for heavy duty trucks and refrigeration units to reduce idling exhaust emissions.

This is a speculative project that will significantly impact environmental resources. Additional greenhouse gas, climate change and energy mitigations are necessary so that Stockton residents do not bear solely the environmental burdens associated with the proposed Project.

The vehicle miles travelled that the proposed Project(s) would generate was not disclosed. We specifically requested this information in our NOP/IS comment letter.

By July 1, 2020, public agencies evaluating the impact of development projects are required to use vehicle miles traveled (VMT) to evaluate transportation impacts. This change removes the focus on traffic at intersections and roadways immediately around project sites. Instead, the focus will be on how

new development projects may influence the overall amount of automobile use."

As was stated previously, the proposed Project is a tentative map at this stage of entitlement. There is no site plan review, architectural review, etc. The property owner does not know the end user or any operational characteristics of the end users because what is proposed is simply a subdivision of land with some master improvements that would enable industrial building design and site review by an end user. CEQA specifically prohibits speculation in analysis, so we cannot speculate on a final site plan that is not available for review and analysis. The analysis warranted certain assumptions to be made in an attempt to analyze and disclose the probable impacts that could occur under an industrial buildout of the lots that are created. These assumptions are reflected in the Project Description and throughout the Draft EIR, and are based on allowances under the General Plan and Zoning Ordinance. These are reasonable assumptions, and the impacts disclosed in the Draft EIR are probably environmental impacts. It is noted that the City of Stockton has recently met with the Attorney General's Office, as well as the Sierra Club, to develop additional measures that are intended to reduce air quality impacts and greenhouse gas impacts related to industrial projects. The framework of new measures has been analyzed and incorporated into mitigation measures in this Final EIR. The framework of measures involves performance-based measures that can be incorporated into future site plan designs, as well as building designs and operational characteristics of a future site plan. The measures are enforceable and are presented in Section 3.0 Revisions.

Mitigation Measure 3.3-8 through 3.3-27 include a menu of strategies that would collectively demonstrate that the individual Project proposed on each lot does not exceed the applicable SJVAPCD greenhouse thresholds for Project operations. If the SJVAPCD greenhouse thresholds for an individual Project is exceeded, the Project applicant is required to develop a feasible offsite mitigation strategy to reduce long-term greenhouse gas impacts to below the applicable SJVAPCD thresholds of significance. The performance measure, in this case, is the SJAPCD threshold of significance. The mitigation measure notes that each off-site mitigation strategy shall be developed with, and approved by, the SJVAPCD and the City of Stockton. Each offsite mitigation strategy is subject to the review and approval of SJVAPCD and the City of Stockton on a project-by-project basis, and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. It is noted, that on-site mitigation cannot be calculated at this time give the absence of known end users. Once an end user is identified, a calculation of specific GHG emissions will be ripe for analysis, and once the GHG emissions are calculated, and offsite mitigation strategy can be developed because it will be known how much GHG emissions need to be reduced. The City of Stockton and SJVAPCD is required to verify each offsite mitigation strategy and its associated reductions to ensure that the associated greenhouse gas impacts are reduced to the maximum extent feasible (i.e., to below the applicable SJVAPCD thresholds of significance, at minimum). This verification process would likely include consultation with the SJVAPCD on technical issues, where necessary.

The mitigation provides examples of off-site mitigation strategies, including transportation demand management (TDM) measures and/or financial incentives for Project employees to utilize alternative transportation options such as buses, bicycles, or electric vehicles. This mitigation measure is a performance-based measure, that provides flexibility for the applicant of a future industrial project to utilize the latest available technology that is available at the time the future project is proposed. The time frame could be in the near future, or possibly 20+ years in the future. The City would be remiss to define a specific offsite mitigation requirement at a time when new technology and practices are emerging each year. Instead, the City has provided a performance-based requirement with a defined path for achieving the measure. It is also noted that the mitigation measures for the proposed Project have been updated to amplify and clarify the requirements to mitigate emissions in accordance with comments provided on the Draft EIR. Revisions to mitigation measures are provided in Section 3.0: Revisions of this FEIR.

Response G-14: The commenter provides comments relating to Hydrology and Water Quality, including several pages of information in support of the comment.

The Draft EIR addresses Hydrology and Water Quality in Section 3.9. This chapter addresses groundwater, recharge, flooding, best management practices, and permit requirements. The analysis is thorough, and conclusions are accurate. The project includes civil engineering work that looks at storm drainage and flooding control. Such engineering considers flood zones, increased impervious surfaces, and storm intervals to ultimately design storm drainage facilities that meet federal, state, and local requirements. It is noted that Section 3.9 has been revised to correct references to the "Eastern San Joaquin Groundwater Subbasin."

Response G-15: The commenter provides comments relating to Transportation and Circulation Mitigation Measure 3.13-1, and states the following:

> *"The proposed Mitigation Measure 3.3-1 includes some possible measures related to the San Joaquin Valley Air Pollution Control District Rule 941011 such as "incentives for project employees to utilize alternative transportation options such as buses, bicycles or electric vehicles." Rule 9410 is required whenever an employer exceeds 100 regular employees at a worksite. The treatment in the DEIR of the Project as one entity for analysis of impacts would infer that in the future once any of the individual 13 projects combined reach the threshold of 100 employees, a Trip Reduction Plan will be required.*
>
> *The San Joaquin Valley Air Pollution Control District is the regulatory agency that is involved in the implementation of transportation demand management (TDM) strategies related to transport to the workplace from home. This transportation effort is small compared to the truck trips related to the operation of the proposed Project and effects on regional roadways. Mitigation should be required for ongoing impacts to city roadways relating to increased heavy duty truck travel*

which significantly increases roadway maintenance frequency and costs, especially related to the proposed noise reducing pavement.

The same issues related to evaluating impacts for a project that is not well defined has made impossible an environmental analysis of local and regional transportation impacts. A railroad overpass proposed was not included in the mitigation measures.

The DEIR did not adequately describe existing and future transportation conditions relating to the vehicle mile traveled (VMT) associated with a logistical warehouse project of this size with access to rail and two highways. A detailed VMT analysis should have been conducted to determine if the Project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Without the Project there is no need for the construction of an overpass of the UPRR line."

This comment is addressed under Master Response 1, 2, and 4 (Reference Section 2.3 of this Chapter). Mitigation Measure 3.13-1 requires feasible Transportation Demand Management (TDM) strategies to be incorporated into individual projects. These would decrease the VMT generated by the Project overall, but also individually on a lot-by-lot basis. This measure is a performance-based measure that included specific TDM strategies as presented below:

- Provide public transit service, including improving San Joaquin Rapid Transit District (RTD) transit service connecting workers with existing and future residential developments;
- Implement a fair value commuting program or other pricing of vehicle travel and parking;
- TDM coordinator for large employers;
- Provide carpool and/or vanpool incentive programs;
- Provide on-site lockers and showers for workers who take alternative transportation;
- Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan;
- Incentivize the use of alternative travel modes for travel within the project site through shared use of e-bikes and e-scooters;
- Allow flexible work hours and schedule classes to reduce arrivals/departures during peak hours; and
- Employer coordination to SJCOG's DIBs program for workers.

These TDM measure must be submitted to the City for review, and the effectiveness of the TDM Plan will be evaluated, monitored, and revised, if necessary. In this case, the measure by which the effectiveness is measured is the City's threshold for VMT, and the effectiveness of the TDM Plan can be determined once VMT and specific VMT reduction can be reasonably measured on a lot-by-lot basis after knowing the end user. It is noted, that specific VMT reductions cannot be calculated at this time give the absence of site

plans and operational characteristics of the end user. Once those plans are developed, a calculation of specific VMT and VMT reductions through TDM Planning will be ripe for analysis.

In addition to these measures, Specifically, Mitigation Measure 3.3-1 through 3.3-27 were added to enhance and amplify the effectiveness of the mitigation. These new and revised mitigation measures are presented in Section 3.0 Revisions.

Lastly, the mitigation measures presented in this Final EIR are performance-based measures, that provides flexibility for the applicant of a future industrial project to utilize the latest available technology that is available at the time the future project is proposed. The time frame could be in the near future, or possibly 20+ years in the future. The City would be remiss to limit the project to a specific TDM mitigation requirement at a time when new technology and practices are emerging each year. Instead, the City has provided a performance-based requirement with a defined path for achieving the measures.

Attachment: The commenter attached a commenter letter that they had previously provided to the City in regards to the Notice of Preparation. This comment letter was considered by the City during the preparation of the Draft EIR. Additionally, this comment letter was included in Appendix A of the Draft EIR. A formal response to the attachment is not warranted.

This section includes minor edits and changes to the Draft EIR. These modifications resulted from responses to comments received during the public review period for the Draft EIR, as well as City staff-initiated edits to clarify the details of the project.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

Other minor changes to various sections of the Draft EIR are also shown below. These changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

0.0 EXECUTIVE SUMMARY

The following changes were made to pages ES-8 and ES-9 of the Draft EIR:

1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the Draft EIR.

2.0 PROJECT DESCRIPTION

The following change was made to page 2.0-9 of the Draft EIR:

OTHER GOVERNMENTAL AGENCY APPROVALS

The following agencies are considered "Responsible Agencies" and will need to rely on this EIR to issue permits or approve certain aspects of the proposed Project. A "Responsible Agency" is any public agency, other than the lead agency, which has the responsibility for approving the project where more than one public agency is involved. Other governmental agencies that may require approval include, but are not limited to, the following:

- Union Pacific Railroad and the California Public Utility Commission – Encroachment Permit for the sewer line and Easement for the proposed overpass;
- California Department of Fish and Wildlife – Streambed Alteration Agreement pursuant to Section 1602 of the California Fish and Game Code;
- United States Army Corps. Of Engineers (USACE) – Permitting of federal jurisdictional areas pursuant to Section 404 of the Clean Water Act.
- Central Valley Regional Water Quality Control Board (CVRWQCB) – Storm Water Pollution Prevention Plan (SWPPP) approval pursuant to the Clean Water Act;
- CVRWQCB – Water quality certification pursuant to Section 401 of the Clean Water Act;
- San Joaquin Valley Air Pollution Control District (SJVAPCD) – Construction-related permits;
- San Joaquin Valley Air Pollution Control District (SJVAPCD) – As an industrial development, the Project may be subject to Indirect Source Review (ISR) by the SJVAPCD. The storm drain pump station may require an Authority to Construct and, Permit to Operate;

- Stockton Fire Department – Plan check of the site plan and roadway improvements for adequate emergency vehicle access and fire flow capabilities; Plan check of all building plans for Early Suppression, Fast Response (ESFR) fire sprinkler system;
- Central Valley Flood Protection Board (CVFPB) – Approval of the storm drainage flood channel;
- San Joaquin County Flood Control and Water Conservation District – Approval of the proposed storm basins, outfall and pump stations;
- Sacramento & San Joaquin Drain District (SSJDD) – Approval for construction of an outfall; and
- San Joaquin Council of Governments (SJCOG) – Issuance of incidental take permit under the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP)
- San Joaquin Council of Governments (SJCOG) – Review and approval of Project plans for consistency with the Airport Land Use Compatibility Plan (ALUCP) for the Environs of Stockton Metropolitan Airport.

3.1 AESTHETICS AND VISUAL RESOURCES

The following changes were made to page 3.1-9 to 3.1-10 of the Draft EIR:

MITIGATION MEASURE(S)

Mitigation Measure 3.1-1: ~~*A lighting plan shall be completed for future development of each Project parcel. The lighting plan shall be submitted to the City for review and approval. All proposed outdoor lighting shall meet applicable city standards regulating outdoor lighting in order to minimize any impacts resulting from outdoor lighting on adjacent properties. Lighting and glare guidelines provided in the City of Stockton's Municipal Codes for Design and Development require that all light sources be shielded and directed downwards so as to minimize trespass light and glare to adjacent residences. Additionally, all outdoor lighting sources of 1,000 lumens or greater shall be fully shielded.*~~ *The approved site plan shall conform with the most recent version of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11) adopted by the City of Stockton at the time of site plan approval, including compliance with Section 5.106.8, which establishes mandatory requirements for outdoor lighting systems of nonresidential development that are designed to minimize the effects of light pollution.*

The approved site plan shall comply with the applicable provisions of the Stockton Municipal Code pertaining to lighting, including Sections 16.36.060(B) and 16.32.070, which require exterior lighting to be shielded and directed away from adjoining properties and public rights-of-way. Compliance shall be documented in a photometric (lighting) plan or other documentation acceptable to the City.

New structures, landscaping, and site improvements shall conform with Section 5.02 of the City of Stockton Design Guidelines.

3.2 AGRICULTURAL RESOURCES

The following changes were made to page 3.2-11 of the Draft EIR:

Mitigation Measure 3.2-1: Prior to the conversion of Important Farmland on the Project site, the Project applicant shall participate in the ~~SJMSCP agricultural mitigation fee program by paying the~~

~~established fees on a per-acre basis for the loss of Important Farmland.~~ City's Agricultural Lands Mitigation Program, under which developers of the property shall contribute agricultural mitigation land or shall pay the Agricultural Land Mitigation Fee to the City. Participates in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) that results in agricultural land mitigation may also be considered as the functional equivalent of mitigation for the loss of Important Farmland.

3.3 AIR QUALITY

The following changes were made to page 3.3-27 of the Draft EIR:

California Emission Estimator Model (CalEEMod)™ (v.~~2016.3.2~~2020.4.0), developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with California air districts, was used to estimate emissions for the proposed Project. Project construction was assumed to be completed in 2040 over several phases. This may prove to be a conservative estimate, because criteria pollutant emission rates are reduced over time (due to state and federal mandates) and would be expected to be even lower than reported in this analysis, should Project construction be completed after 2040.

The assumptions for the modeling were selected on a best-fit basis, and are consistent with Table 2.0-2 in Chapter 2.0: Project Description. The land uses modeled include: Commercial – Regional Shopping Center (140,350 square feet); Industrial – General ~~Light~~ Heavy Industry (~~6,091,550~~426,409 square feet); Industrial – Industrial Park (913,733 square feet); Industrial – Unrefrigerated Warehouse-No Rail (3,837,677 square feet); Industrial – Refrigerated Warehouse-No Rail (913,733 square feet); Parking – Other Asphalt Surfaces (18.2 acres); Parking – Other Non-Asphalt Surfaces (41 acres); Recreational -- City Park (54 acres). Vehicle trip rates estimated in the modeling are consistent with the vehicle trips rates included in the modeling developed by Fehr & Peers. The construction phase includes site preparation, grading, building construction, paving, and architectural coating phases. See Appendix B.2 for further detail.

The following changes were made to pages 3.3-30 to 3.3-31 of the Draft EIR:

CalEEMod™ (v.~~2016.3.2~~2020.4.0) was used to model operational emissions of the proposed Project. Table 3.3-6 shows proposed Project emissions as provided by CalEEMod. The SJVAPCD provides a list of applicable air quality emissions thresholds.

TABLE 3.3-6: OPERATIONAL PROJECT GENERATED EMISSIONS (TONS PER YEAR)

POLLUTANT	*CO*	NOX	ROG	SOX	PM_{10}	$PM_{2.5}$
THRESHOLD	100	10	10	27	15	15
EMISSIONS	~~39.4~~183.7	~~114.7~~180.9	~~33.0~~40.2	~~0.5~~1.2	~~24.6~~110.8	~~7.0~~31.2
EXCEEDS THRESHOLD?	~~N~~Y	Y	Y	N	Y	~~Y~~N

SOURCES: CALEEMOD (V.~~2016.3.2~~2020.4.0)

Separately, it should be noted that the current version of CalEEMod does not account for air pollutant emissions from truck refrigeration units (TRUs) during refrigerated truck idling or mobile

activity. Since a portion of the Project is anticipated to be used for cold storage,[1,2] TRUs in refrigerated trucks would generate additional PM_{10} emissions beyond those identified in Table 3.3-6, above. Specifically, based on the proposed Project characteristics, Project TRUs are anticipated to generate approximately 30.2 pounds of PM_{10} per year, equivalent to <0.1 tons of PM_{10} per year, from TRU idling. TRU emissions during mobile truck activities are anticipated to generate emissions up to 80 times this level[3], which is equivalent to an additional approximately 2,415 pounds of PM_{10} per year, or 1.2 tons of PM_{10} per year, beyond what is shown in Table 3.3-6.

The SJVAPCD has established their thresholds of significance by which the Project emissions are compared against to determine the level of significance. The SJVAPCD has established operations related emissions thresholds of significance as follows: 100 tons per year of carbon monoxide (CO, 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), 27 tons per year of sulfur oxides (SO_x), 15 tons per year particulate matter of 10 microns or less in size (PM_{10}), and 15 tons per year particulate matter of 2.5 microns or less in size ($PM_{2.5}$). If the proposed Project's emissions will exceed the SJVAPCD's threshold of significance for operational-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible.

As shown in Table 3.3-6 above, operational emissions would exceed the SJVACPD thresholds of significance for CO, NOx, ROG, ~~and~~ PM_{10} and $PM_{2.5}$~~.~~. Therefore, the proposed Project is required to implement all feasible mitigation to reduce criteria pollutant emissions to below the applicable SJVAPCD thresholds of significance. Therefore, the proposed Project would be required to implement Mitigation Measure 3.3-1. This measure would ensure that individual Projects within the footprint of the proposed Project would reduce emissions to less the applicable SJVAPCD thresholds of significance.

The following changes were made to page 3.3-34 of the Draft EIR:

CONCLUSION

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has established rules and regulations designed to reduce both operational and construction emissions. The intent is that each phase of development would demonstrate that the individual project does not exceed the applicable SJVAPCD) criteria pollutant thresholds for project operations or construction. Additionally, other the State of California Department of Justice's has developed "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" for use by municipalities in the design and development of new industrial projects. Lastly, the City of Stockton recently negotiated a settlement with the Sierra Club and the State of California Department of Justice on an Industrial project that resulted in a collaborative effort to develop enhanced mitigation measures aimed at reducing both operational and construction emissions associated with industrial projects. The enhanced mitigation measures are a comprehensive set of mitigation strategies that would reduce total air emissions. The enhanced mitigation measures have been

[1] Approximately 15% of Project uses (and therefore truck trips) are assumed to be cold storage, consistent with the assumptions made by Fehr & Peers in the Traffic Impact Assessment.

[2] It was assumed that truck TRU idling on-site no more than 15 minutes per truck visit (i.e. during truck loading/unloading), consistent with Mitigation Measure 3.3-2.

[3] Under the assumption that refrigerated trucks operate their TRUs approximately 10 hours per day.

incorporated into the document, replacing the mitigation measures that were originally presented in the Draft EIR.

With implementation of Mitigation Measures 3.3-1 through 3.3-26, the Project's construction and operational emissions would be reduced. Mitigation Measure presented here will apply to each individual project as it moves forward with improvement plans, final maps, building plans, site plan review, etc. The intent is to reduce emissions to below the applicable SJVAPCD thresholds through on- and off-site mitigation measures. ~~Mitigation Measure 3.3-1 requires individual projects to reduce emissions to below the applicable SJVAPCD thresholds through on- and off-site mitigation measures, where applicable.~~ However, even with implementation of all feasible mitigation, it may not be feasible for all individual Projects within the Project site to reduce operational emissions at full Project buildout below the applicable thresholds. Therefore, the Project's criteria pollutant emissions would be considered to have a ***significant and unavoidable*** impact.

The following changes were made to pages 3.3-34 through 3.3-38 of the Draft EIR:

MITIGATION MEASURES

~~***Mitigation Measure 3.3-1:*** *Prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.), each project applicant shall coordinate with the SJVAPCD to ensure compliance with Rule 9510 for both operational and construction emissions. The intent is that each phase of development would demonstrate that the individual project does not exceed the applicable SJVAPCD criteria pollutant thresholds for project operations or construction. If the SJVAPCD criteria pollutant thresholds for an individual project is exceeded, the project applicant shall develop a reasonably feasible offsite mitigation strategy to reduce long-term air quality impacts to below the applicable SJVAPCD thresholds of significance. This may consistent of fee payments to the SJVAPCD for their use in funding offsite mitigation strategies. Each off-site mitigation strategy shall be developed with, and approved by, the SJVAPCD and the City of Stockton. Each offsite mitigation strategy is subject to the review and approval of the Air District and the City of Stockton on a project-by-project basis, and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. The City of Stockton is required to verify each offsite mitigation strategy and its associated reductions to ensure that the associated air quality impacts are reduced to the maximum extent feasible (i.e. to below the applicable SJVAPCD thresholds of significance, at minimum). Examples of off-site mitigation strategies may include (but are not limited to) transportation demand management (TDM) measures and/or financial incentives for project employees to utilize alternative transportation options such as buses, bicycles, or electric vehicles.~~

Construction Measures

Mitigation Measure 3.3-1: *Prior to the issuance of the first building permit, the applicant/developer shall demonstrate compliance with the SJVAPCD Rule 9510 (Indirect Source Review) to reduce growth in both NOx and PM10 emissions, as required by SJVAPCD and City requirements.*

Mitigation Measure 3.3-2: *Construction plans shall require that architectural and industrial maintenance coatings (e.g. paints) applied on the project site shall be consistent with a VOC content of <10 g/L. Developer or tenant is not expected to exercise control over materials painted offsite.*

Mitigation Measure 3.3-3: *SJVAPCD Regulation VIII Compliance: Construction plans and specifications shall include a Dust Control Plan incorporating the applicable requirements of Regulation VIII, which shall be submitted to the SJVAPCD for review and approval prior to beginning construction in accordance with the requirements of Regulation VIII.*

Mitigation Measure 3.3-4: *Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.*

Mitigation Measure 3.3-5: *Construction Meal Destinations: Project construction plans and specifications will require the contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.*

Mitigation Measure 3.3-6: *To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment (recommended by SJVAPCD).*

Operational Measures

Mitigation Measure 3.3-7: *Prior to building occupancy, employers with 100 or more eligible employees shall submit an Employer Trip Reduction Implementation Plan (ETRIP) to the City for review and approval, as required by S JVAPCD Rule 9410. A copy of the ETRIP shall be provided to the SJVAPCD. Employers shall facilitate participation in the implementation of the ETRIP by providing information to is employees explaining methods for participation in the Plan and the purpose, requirements, and applicability of Rule 9410.*

Mitigation Measure 3.3-8: *The project shall comply with SJVAPCD Rule 4101, which prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants.*

Mitigation Measure 3.3-9: *The project shall comply with SJVAPCD Rule 4601, which limits project has agreed to abide by more stringent VOC emissions requirements. emissions of volatile organic compounds from architectural coatings by specifying storage, clean up and labeling requirements. (The project has agreed to abide by more stringent VOC emissions requirements.)*

Mitigation Measure 3.3-10: *Solar Power: Owners, operators or tenants shall include with the building permit application, sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases. Project sponsor shall include analysis of (a) projected power requirements at the start of operations and as base power demand increases corresponding to the implementation of the "clean fleet" requirements, and (b) generating capacity of the solar installation.*

CDD shall verify the size and scope of the solar project based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space. The photovoltaic system shall include a battery storage system to serve the facility in the event of a power outage to the extent required by the 2022 or later California Building Standards Code.

In the event sufficient space is not available on the subject lot to accommodate the needed number of solar panels to produce the operation's base or anticipated power use, the applicant shall

demonstrate how all available space has been maximized (e.g., roof, parking areas, etc.). Areas which provide truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports.

The developer or tenant, or qualified solar provider engaged by the developer or tenant shall timely order all equipment and shall install the system when the City has approved building permits and the necessary equipment has arrived. The developer or tenant shall commence operation of the system when it has received permission to operate from the utility. The photovoltaic system owner shall be responsible for maintaining the system(s) at not less than 80% of the rated power for 20 years. At the end of the 20-year period, the building owner shall install a new photovoltaic system meeting the capacity and operational requirements of this measure, or continue to maintain the existing system, for the life of the project.

Mitigation Measure 3.3-11: *Emission Standards for Heavy-Duty Trucks: The following mitigation measure shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are informed of all on-going operational responsibilities.*

The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available and feasible for the intended application, whichever date is later.

A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/ or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. "Feasible" shall be as defined in CEQA Guidelines Section 15364. The City shall be responsible for the final determination of commercial availability and feasibility, based on all the facts and circumstances at the time the determination is made, and may (but is not required to) consult with the California Air Resources Board before making such final determination. In order for the City to make a determination that such vehicles are commercially unavailable, the operator must submit documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months.

"Domiciled at the project site shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

Mitigation Measure 3.3-12: *Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled at the project site, the following "clean fleet" requirements apply: (i) 33% of the fleet will be zero emission vehicles at start of operations, (ii) 65% of the fleet will be zero emission vehicles by December 31, 2023, (iii) 80% of the fleet will be zero*

emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

"Domiciled at the project site" shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.

Mitigation Measure 3.3-13: *Demonstrate Compliance with Clean Fleet Requirements: The applicant, property owner, tenant, lessee, or other party operating the facility (the "Operator") shall utilize the zero emission vehicles/trucks required to meet the "clean fleet" requirements. Within 30-days of occupancy, the Operator shall demonstrate to the satisfaction of CDD staff, that the applicable clean fleet requirements are being met.*

In the event that vehicles/trucks are not commercially available for the intended application, the "clean fleet requirements" may be adjusted as minimally as possible by the CDD to accommodate the unavailability of commercially available vehicles/trucks.

The City shall quantify the air pollution and GHG emissions resulting from any modification of this condition. Within 12 months of failing to meet a "clean fleet" requirement the property owner/tenant/lessee shall implement a Voluntary Emissions Reduction Agreement (VERA) providing pound for pound mitigation of the criteria pollutant, toxic air contaminants, and GHG emissions quantified by the City through a process that develops, funds, and implements emission reduction projects, with the Air District serving a role of administrator of the emission reduction projects and verifier of the successful mitigation effort. The VERA shall prioritize projects in the South Stockton and surrounding area. Property owner/tenant/lessee shall continue to fund the VERA each year in an amount necessary to achieve pound for pound mitigation of emissions resulting from not meeting the clean fleet requirements until the owner/tenant/lessee fully complies.

The Operator shall implement the proposed measures after CDD review and approval. Any extension of time granted to implement this condition shall be limited to the shortest period of time necessary to allow for 100% electrification under the clean fleet requirements. The CDD staff may seek the recommendation of the California Air Resources Board in determining whether there has been a manufacturing disruption or insufficient vehicles/trucks commercially available for the intended application.

Mitigation Measure 3.3-14: *Condition of Approved Compliance Report: The Operator shall submit a condition of approval compliance report within 30 days of occupying a building and commencing operations. Subsequent reports shall be prepared every 2 years after the initial date of occupancy until Operator has complied with the applicable clean fleet requirements. The report shall outline clean fleet requirements applicable at each report interval and include documentation demonstrating compliance with each requirement. The City shall consider each report at a noticed*

public –hearing and determine whether the Operator has complied with the applicable clean fleet requirements. If the Operator has not met each 100% clean fleet requirement by December 31, 2027~~7~~30, then the Operator shall submit subsequent reports every year until the 100% clean fleet requirement is implemented. The City shall consider each subsequent report at a noticed public hearing and determine whether the Operator has complied with the clean fleet requirements, including any minimal adjustments to the requirements by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks, as described in the previous paragraph. Notice of the above hearings shall be provided to all properties located within 1,000 feet of the project site and through the ASK Stockton list serve.

After the 100% clean fleet requirement has been implemented and confirmed by the CDD, the Operator shall submit to the CDD an on-going compliance report every three years containing all necessary documentation to verify that the Operator is meeting the clean fleet requirements. At the time it confirms that the 100% clean fleet requirement has been implemented, the CDD will establish the due date for the first on-~~-~~going compliance report. Each subsequent on-going compliance report shall be due within 30 days of, but not later than, the three-year anniversary of the preceding due date. The on-going compliance reports and accompanying documentation shall be made available to the public upon request.

Mitigation Measure 3.3-15: *Zero Emission Forklifts, Yard trucks and Yard Equipment: Owners, operators or tenants shall require all forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, to be electrically powered or zero-emission. The owner, operator or tenant shall provide on-site electrical charging facilities to adequately service electric vehicles and equipment.*

Mitigation Measure 3.3-16: *Truck Idling Restrictions: Owners, operators or tenants shall be required to make their best effort to restrict truck idling onsite to a maximum of three minutes, subject to exceptions defined by California Air Resources Board in the document: "Commercial Vehicle Idling Requirements," July 2016. Idling restrictions shall be enforced by highly-visible posting at the site entry, posting at other on-site locations frequented by truck drivers, conspicuous inclusion in employee training and guidance material and owner, operator or tenant direct action as required.*

For qualifying facilities at which cold storage and associated transport refrigeration units (TRUs) are proposed or may be a future use, unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide cold storage, a conduit shall be installed during construction of the building shell from the electrical room to 100% of the loading dock doors that have potential to serve the refrigerated space. If tenant improvement building permits are issued for any such cold storage space, electric plug-in units shall be installed at every dock door servicing the cold storage space to allow TRUs to plug in and truck operators with TRUs shall be required to utilize the electric plug-in units when at loading docks serving such refrigerated space.

Mitigation Measure 3.3-17: *Electric Truck Charging: At all times during project operation, owners, operators or tenants shall be required to provide electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site.*

Mitigation Measure 3.3-18: *Project Operations, Food Service: Owners, operators or tenants shall establish locations for food or catering truck service and cooperate with food service providers to provide consistent food service to operations and their employees.*

Mitigation Measure 3.3-19: *Project Operations, Employee Trip Reduction: Owners, operators or tenants shall provide employees transit route and schedule information on systems serving the project area and coordinate ridesharing amongst employees.*

Mitigation Measure 3.3-20: *Yard Sweeping: Owners, operators or tenants shall provide periodic yard and parking area sweeping to minimize dust generation.*

Mitigation Measure 3.3-21: *Diesel Generators: Owners, operators or tenants shall prohibit the use of diesel generators, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards.*

Mitigation Measure 3.3-22: *Truck Emission Control: Owners, operators or tenants shall ensure that trucks or truck fleets domiciled at the project site be model year 2014 or later, and maintained consistent with current CARB emission control regulations.*

Mitigation Measure 3.3-23: *SmartWay: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses.*

Mitigation Measure 3.3-24: *Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.*

Mitigation Measure 3.3-25: *Project construction shall be subject to all adopted City building codes, including the adopted Green Building Standards Code, version July 2022 or later. Prior to the issuance of building permits, the applicant/developer shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable, such as the Tier 2 advanced energy efficiency requirements as outlined under Section A5.203.1.2.*

Mitigation Measure 3.3-26: *All tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement.*

The following changes were made to pages 3.3-39 through 3.3-41 of the Draft EIR:

Emissions from construction activities represent temporary impacts that are typically short in duration, depending on the size, phasing, and type of project. Air quality impacts can nevertheless be acute during construction periods, resulting in significant localized impacts to air quality. Construction-related activities would result in Project-generated emissions from site preparation, grading, paving, building construction, and architectural coatings. CalEEMod™ (v.~~2016.3.2~~2020.4.0) was used to estimate construction emissions for the proposed Project. Table 3.3-11, below, provides the maximum construction criteria pollutant emissions associated with implementation of the proposed Project.

TABLE 3.3-7: CONSTRUCTION PROJECT GENERATED EMISSIONS (TONS PER YEAR) - MITIGATED

POLLUTANT	CO	NOx	ROG	SOx	PM_{10}	$PM_{2.5}$
THRESHOLD	100	10	10	27	15	15
2021	1.2	2.2	0.2	<0.1	0.7	0.4
2022	3.3	4.7	0.4	<0.1	1.5	0.6
2023	3.7	4.5	0.4	<0.1	1.0	0.4
2024	5.4	5.4	0.6	<0.1	1.7	0.6
2025	17.3	13.2	2.0	<0.1	6.1	1.8
2026	18.2	14.0	2.0	<0.1	6.2	1.8
2027	16.7	13.4	1.8	<0.1	6.2	1.8
2028	15.0	12.6	1.6	<0.1	6.1	1.8
2029	14.6	12.5	1.6	<0.1	6.1	1.8
2030	14.2	11.9	1.5	<0.1	6.1	1.7
2031	13.9	11.8	1.4	<0.1	6.1	1.7
2032	13.6	11.8	1.4	<0.1	6.1	1.7
2033	13.2	11.6	1.3	<0.1	6.0	1.7
2034	13.1	11.6	1.3	<0.1	6.0	1.7
2035	13.0	11.5	1.2	<0.1	6.0	1.7
2036	13.0	11.5	1.2	<0.1	6.0	1.7
2037	13.2	11.5	4.0	<0.1	6.2	1.7
2038	14.7	11.6	22.2	<0.1	6.9	2.0
2039	1.8	0.2	20.5	<0.1	0.9	0.2
MAXIMUM ANNUAL EMISSIONS	**18.2**	**14.0**	**22.2**	**<0.1**	**6.9**	**2.0**
EXCEEDS THRESHOLD?	**N**	**Y**	**Y**	**N**	**N**	**N**

SOURCES: CALEEMOD (V.~~2016.3.2~~2020.4.0)

If the proposed Project's emissions will exceed the SJVAPCD's threshold of significance for construction-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions. As shown in Table 3.3-7, Project annual ROG and NOx construction emissions would exceed the SJVAPCD thresholds of significance. ~~Nevertheless, regardless of emission quantities, t~~The SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Implementation of the Mitigation Measures presented in this EIR ~~3.3-2 through 3.3-5~~ would further reduce proposed Project construction related emissions to the extent possible.

CONCLUSION

The proposed Project would comply with pre-existing requisite federal, State, SJVAPCD, and other local regulations and requirements, as well as implement the mitigation measures ~~provided~~ required by the SJVAPCD for construction-related PM_{10} emissions, including those requirements ~~provided in~~required by Mitigation Measures presented in this EIR ~~3.3-2 through 3.3-5~~. Furthermore, the proposed Project would implement Mitigation Measures ~~3.3-1, which~~that requires the Project to demonstrate that individual projects that are part of the proposed Project demonstrate that the individual projects do not exceed the applicable SJVAPCD criteria pollutant thresholds for

construction activities, or, if the SJVAPCD criteria pollutant thresholds for an individual project is exceeded, the project applicant must develop a reasonably feasible offsite mitigation strategy or pay the SJVAPCD to fund offsite mitigation. However, even with implementation of all feasible mitigation, it may not be feasible for all individual projects within the Project site may to reduce operational emissions at full Project buildout below the applicable thresholds. Therefore, the Project's criteria pollutant emissions would be considered to have a ***significant and unavoidable*** impact.

MITIGATION MEASURE(S)

Implementation Mitigation Measures 3.3-1 through 3.3-26.

~~***Mitigation Measure 3.3-2:*** *Prior to the commencement of construction activities for each phase of the Project, the Project proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer.*~~

~~***Mitigation Measure 3.3-3:*** *During all construction activities, the Project proponent shall implement dust control measures, as required by APCD Rules 8011-8081, to limit Visible Dust Emissions to 20% opacity or less. Dust control measures shall include application of water or chemical dust suppressants to unpaved roads and graded areas, covering or stabilization of transported bulk materials, prevention of carryout or trackout of soil materials to public roads, limiting the area subject to soil disturbance, construction of wind barriers, access restrictions to inactive sites as required by the applicable rules.*~~

~~***Mitigation Measure 3.3-4:*** *During all construction activities, the Project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (2002).*~~

~~*a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.*~~
~~*b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*~~
~~*c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.*~~
~~*d. When materials are transported off site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.*~~
~~*e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.*~~
~~*f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.*~~
~~*g. Limit traffic speeds on unpaved roads to 5 mph; and*~~
~~*h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.*~~

~~***Mitigation Measure 3.3-75****: Asphalt paving shall be applied in accordance with APCD Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.*~~

The following changes were made to page 3.3-42 of the Draft EIR:

Impact 3.3-4: The proposed Project has the potential for public exposure to toxic air contaminants. (Less than Significant with Mitigation)

The following changes were made to page 3.3-45 of the Draft EIR:

TABLE 3.3-9: SUMMARY OF MAXIMUM HEALTH RISKS

RISK METRIC	*MAXIMUM RISK*	*SIGNIFICANCE THRESHOLD*	*IS THRESHOLD EXCEEDED?*
Residential Cancer Risk (70-year exposure)	~~1.09~~15.0	20 per million	No
Workplace Cancer Risk (40-year exposure)	~~0.14~~6.1	20 per million	No
Chronic (non-cancer)	<0.01	Hazard Index ≥1	No
Acute (non-cancer) [1]	<0.01	Hazard Index ≥1	No

SOURCES: AERMOD (LAKES ENVIRONMENTAL SOFTWARE, 2022); AND HARP-2 AIR DISPERSION AND RISK TOOL.

As shown in Table 3.3-9 above, the proposed Project, in and of itself, would not result in a significant increased exposure of receptors to localized concentrations of TACs. Risk of residential cancer risk, workplace cancer risk, and chronic and acute non-cancer risks are below the applicable SJVAPCD thresholds. Nevertheless, in the case that individual phases of development would be developed in such as way as to differ from the assumptions made in the proposed Project HRA, individual phase-specific HRAs would be required, utilizing individual phase-specific assumptions and factors, as described in Mitigation Measure 3.3-27, below. Therefore, with implementation of Mitigation Measure 3.3-27, implementation of the proposed Project would cause a ***less than significant*** impact relative to this topic.

MITIGATION MEASURE(S)

Mitigation Measure 3.3-27: *Prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.), each project applicant shall ensure that individual project characteristics are consistent with the assumptions made within the final proposed Project Health Risk Assessment (HRA). If any of the characteristics of individual phases of Project development are more intensive with regard to the risks associated with the toxic air contaminants assumed within the final proposed Project HRA, individual phase-specific HRAs shall be developed for each individual phase of development where such an inconsistency occurs. The intent is that each phase of development would demonstrate that the individual project does not exceed the applicable SJVAPCD health risk thresholds. If any of the SJVAPCD health risk thresholds for an individual project is exceeded, the project applicant shall develop additional mitigation to ensure that the individual project does not exceed the applicable SJVAPCD health risk thresholds.*

3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the Draft EIR.

The following changes were made to page 3.4-31 of the Draft EIR:

MITIGATION MEASURE(S)

Mitigation Measure 3.4-2*: Prior to the start of construction work in the area where wetlands have been identified, the project developer shall conduct a wetland delineation identifying jurisdictional Waters of the U.S. and wetlands. The delineation shall be verified by the U.S. Army Corps of Engineers (Corps). The delineation shall be used to determine if any project work will encroach upon any jurisdictional water, thereby necessitating an appropriate permit. For any development work that may affect a delineated jurisdictional Water, the project developer shall obtain any necessary permits from the U.S. Army Corps of Engineers prior to the start of development work within these locations. Depending on the Corps permit issued, the project applicant shall also apply for a Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board. If the seasonal wetlands are avoided, or if phased development occurs in areas where no wetlands have been identified, then this mitigation measure does not apply.*

Mitigation Measure 3.4-3*: Prior to the start of construction work in the area where seasonal wetlands have been identified, the project developer shall obtain any necessary Waste Discharge Requirements from the Central Valley Regional Water Quality Control Board. Pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, the filling of seasonal wetlands containing vernal pool invertebrates shall be delayed until the wetlands are dry and SJCOG biologists can collect the surface soils from the wetlands, to store them for future use on off-site seasonal wetland creation on SJCOG preserve lands. If the seasonal wetlands are avoided, then this mitigation measure does not apply.*

The following changes were made to page 3.4-34 of the Draft EIR:

MITIGATION MEASURE(S)

Mitigation Measure 3.4-~~24~~2*: If removal of any oak tree on the project site is required, a certified arborist shall survey the oak trees proposed for removal to determine if they are Heritage Trees as defined in Stockton Municipal Code Chapter 16.130. The arborist report with its findings shall be submitted to the City's Community Development Department. If Heritage Trees are determined to exist on the property, removal of any such tree shall require a permit to be issued by the City in accordance with Stockton Municipal Code Chapter 16.130. The permittee shall comply with all permit conditions, including tree replacement at specified ratios.~~Should the Improvement Plans or Building Plans call for the removal of a Heritage Tree (as defined in the Stockton Municipal Code), the applicant shall comply with the City's Heritage Tree Permit requirements outlined in Chapter 16.130 of the City's Municipal Code.~~*

3.5 CULTURAL AND TRIBAL RESOURCES

The following changes were made to page 3.5-19 of the Draft EIR:

Mitigation Measure 3.5-1: *Prior to any ground-disturbing activities on the Project site, a qualified archaeologist and Native American monitor shall conduct pre-construction worker cultural resources sensitivity training. The training session shall focus on the recognition of the types of historical and cultural, including Native American, resources that could be encountered, procedures to be followed if resources are found, and pertinent laws protecting these resources. Those in attendance shall be recorded, with records maintained on-site. Any new workers that were not part of the initial training shall be required to undergo a new training session.*

3.6 GEOLOGY AND SOILS

No changes were made to Section 3.6 of the Draft EIR.

3.7 GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY

The following changes were made to pages 3.7-29 through 3.7-30 of the Draft EIR:

> In light of the Newhall Ranch decision, an independent efficiency metric was calculated by to assess the Project's consistency with California's adopted GHG reduction targets for 2020 AB 32. It was found, based on this independent calculation, that a per capita threshold of 4.84 MT CO_2e/SP/year in 2020 would be the appropriate threshold for projects in California for the Year 2020. The 4.84 MT CO_2e/SP/year in 2020 threshold is based on emissions for the land use-driven emission sectors in the CARB GHG Inventory. However, since the proposed Project is not anticipated to be built out until approximately year 2040, an efficiency threshold for year 2040 is required. The CARB has indicated that an average statewide GHG reduction of 5.2 percent per year would be necessary to achieve the State's 2050 target[4,5]. Therefore, a GHG efficiency goal in terms of metric tons per service population, similar to the one developed for 2020, were estimated for year 2040, allow evaluation of the project's GHG emissions in the post-2020 landscape. The equivalent goal for 2040 computes to approximately 1.44 MT CO_2e/SP/year. This target was estimated by applying a uniform reduction from the CARB's 1990 emissions inventory and dividing the resultant value by the projected population and employment in these future years.

The following changes were made to pages 3.7-31 through 3.7-39 of the Draft EIR:

> The Project's short-term construction-related and long-term operational GHG emissions were estimated using the California Emission Estimator Model (CalEEMod)™ (v.~~2016.3.2~~2020.4.0). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO_2 equivalent units of measure (i.e., MT CO_2e), based on the global warming potential of the individual pollutants.
>
> SHORT-TERM CONSTRUCTION GHG EMISSIONS
>
> Estimated maximum mitigated GHG emissions associated with construction of the proposed Project are summarized in Table 3.7-1. These emissions include all worker vehicle, vendor vehicle, hauler vehicle, and off-road construction vehicle GHG emissions. For the purposes of this analysis, based on input from the Project applicants, the proposed Project is assumed to commence construction in

[4] California Air Resources Board. 2016. California Climate Strategy. January 29, 2016. Available at: http://docketpublic.energy.ca.gov/PublicDocuments/15-RETI-02/TN210091_20160129T154626_California_Climate_Strategy_CARB_for_RETI_20_Plenary_Meeting_on.pdf

[5] California Air Resources Board. 2015. 2030 Target Scoping Plan Workshop Slides. (October 1, 2015). Available at: http://www.arb.ca.gov/cc/scopingplan/meetings/10_1_15slides/2015slides.pdf

2021 and finish in late 2039. It should be noted that this schedule is an approximation and may change over time. A regularized construction schedule was utilized for modelling purposes for the sake of simplicity.

TABLE 3.7-1: MAXIMUM CONSTRUCTION GHG EMISSIONS (MITIGATED AVERAGE MT CO_2E/YEAR)

YEAR	BIO- CO_2	NON-BIO- CO_2	TOTAL CO_2	CH_4	N_2O	CO_2E
2021	0	190.5	190.5	0.1	<0.1	731.1
2022	0	587.8	587.8	0.2	<0.1	1,750.4
2023	0	725.2	725.2	0.2	<0.1	8,579.9
2024	0	1,715.0	1,715.0	0.2	0.1	8,618.3
2025	0	8,347.0	8,347.0	0.2	0.8	8,301.4
2026	0	8,389.4	8,389.4	0.3	0.7	7,937.6
2027	0	8.079.3	8.079.3	0.2	0.7	7,810.2
2028	0	7,722.9	7,722.9	0.2	0.7	7,690.2
2029	0	7,590.6	7,590.6	0.2	0.7	7,556.9
2030	0	7,85.5	7,85.5	0.1	0.7	7,690.2
2031	0	7,356.0	7,356.0	0.1	0.7	7,556.9
2032	0	7,269.4	7,269.4	0.1	0.7	7,467.6
2033	0	7,113.5	7,113.5	0.1	0.6	7,307.2
2034	0	7,023.7	7,023.7	0.1	0.6	7,214.8
2035	0	6,971.2	6,971.2	0.1	0.6	7,160.8
2036	0	6,997.9	6,997.9	0.1	0.6	7,188.2
2037	0	7,049.9	7,049.9	0.1	0.6	7,240.0
2038	0	7,548.4	7,548.4	0.1	0.6	7,741.5
2039	0	590.0	590.0	<0.1	<0.1	594.1

SOURCES: CALEEMOD (V.~~2016.3.2~~2020.4.0)

As presented in the table, short-term construction emissions of GHGs are estimated at a maximum of approximately ~~10,728~~8,618.3 MT CO_2e per year.

OPERATIONAL GHG EMISSIONS

The operational GHG emissions estimate for the proposed Project includes on-site area, energy, mobile, waste, and water emissions generated by the Project during its operation. Estimated GHG emissions associated with the proposed Project are summarized in Table 3.7-2, below. It should be noted that CalEEMod does not account for the Governor Newsom's Zero-Emission by 2035 Executive Order (N-79-20), which requires that all new cars and passenger trucks sold in California be zero-emission vehicles by 2035. This is anticipated to substantially reduce the operational emissions associated with passenger vehicles (i.e. mobile emissions) over time. Therefore, the operational emissions results provided in Table 3.7-2 are likely an overestimate for mobile emissions, assuming the Executive Order is implemented. As shown in the following table, the annual mitigated GHG emissions associated with the proposed Project would be approximately 72,615.9 MT CO_2e.

TABLE 3.7-2: OPERATIONAL GHG EMISSIONS AT BUILDOUT (MITIGATED METRIC TONS/YEAR)

	BIO- CO_2	NON-BIO- CO_2	TOTAL CO_2	CH4	N2O	CO2E
Area	0	0.1	0.1	<1	0	0.1
Energy	0	~~21,602.5~~7,083.8	7,083.8~~21,602.5~~	0.8	0.1~~3~~	~~21,699.6~~7,143.6
Mobile	0	~~42,748.6~~112,725.3	112,725.3~~42,748.6~~	1.0~~8~~	10.8~~0~~	~~42,794.6~~115,980.4
Waste	~~1,564.2~~1,274.8	0	~~1,564.2~~1,274.8	75.3~~92.4~~	0	~~3,875.1~~3,158.3

Water	450.2	~~2,305.8~~733.3	~~2.756.0~~1,183.6	46.4~~3~~	1.1	~~4,246.4~~2,672.2
Total	**~~2,014.4~~1,725.0**	**~~66,657.0~~120,542.6**	**~~68,671.4~~122,267.6**	**~~141.4~~123.5**	**12.1~~1.4~~**	**~~72,615.9~~128,954.7**

SOURCES: CALEEMOD (V.~~2016.3.2~~2020.4.0)

The significance thresholds for GHG emissions should be related to compliance with AB 32 and SB 32, and the City of Stockton, as lead agency, has chosen to utilize a threshold of significance for GHG emissions as required by the Newhall Ranch decision. This threshold was independently derived by De Novo Planning Group. The rationale for using this threshold is outlined in the previous subsection, entitled "Thresholds of Significance".

According to the Traffic Study prepared for the proposed Project (Fehr & Peers, 2021), and as described in more detail in Section 3.13 of this EIR, the Project would increase automobile VMT by approximately 22,633 net new daily trips, which would generate substantial GHG emissions. The proposed Project would also generate substantial emissions from on-site energy, waste, and water emissions. Warehouse and other industrial uses tend to generate few workers per square foot, in comparison to other types of uses.

The proposed South Stockton Commerce Center Project would add a total of 3,200 new jobs (2,880 industrial, 130 food and 190 retail) to the southern part of the City, calculated using the Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition, consistent with the Traffic Study prepared for the proposed Project (Fehr & Peers, 2021). ~~According to U.S. Energy Information Agency,[6] the ratio of workers for "Warehouse and Storage" land uses is approximately 2,055 square feet per job. With a total Project warehouse square footage of approximately 6,091,551 square feet, the proposed Project is estimated to generate approximately 2,964 warehouse and storage workers during the Project's operational phase.~~ Dividing this number of estimated workers by the total annual operational GHG emissions at Project buildout yields approximately ~~24.50~~43.5~~1~~40.30 MT CO_2e/SP/Year, which far exceeds the 4.84 MT CO_2e/SP/year in ~~2040~~ 2020 and 1.44 MT CO_2e/SP/year in 2040 threshold~~s~~ based on emissions for the land use-driven emission sectors in the CARB GHG Inventory.

CONCLUSION

Short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change. However, the operational GHG emissions associated the proposed Project are above the derived thresholds, which may affect statewide GHG reduction goals. The Project would generate GHG emissions, directly and indirectly, that would exceed the 4.84 MT CO_2e/SP/year in ~~2040~~ 2020 and 1.44 MT CO_2e/SP/year in 2040 threshold~~s~~ based on emissions for the land use-driven emission sectors in the CARB GHG Inventory. The City of Stockton recently negotiated a settlement with the Sierra Club and the State of California Department of Justice on an Industrial project that resulted in a collaborative effort to develop enhanced mitigation measures aimed at reducing both operational and construction emissions associated with industrial projects. The enhanced mitigation measures are a comprehensive set of mitigation strategies that would reduce total air emissions, which includes both criteria pollutants and greenhouse gas emissions. The enhanced mitigation measures have been incorporated into the document, replacing the mitigation measures that were originally presented in the Draft EIR. The mitigation measures are presented in Section 3.3 Air Quality and are listed as Mitigation Measures

~~[6] See here for more detail: https://www.eia.gov/consumption/commercial/data/2012/bc/cfm/b2.php~~

3.3-1 through 3.3-27. These mitigation measures replace all Mitigation Measures previously presented in Section 3.3 Air Quality and Section 3.7 Greenhouse Gases, Climate Change and Energy. ~~Although the implementation of the mitigation measures presented in Section 3.3: Air Quality of this EIR would reduce the overall annual GHG emissions associated with the proposed Project, the proposed Project would be required to implement additional mitigation to ensure emissions are reduced to below the applicable threshold. The proposed Project is required to implement Mitigation Measure 3.7-1 in an effort to reduce GHG emissions to the extent possible.~~ However, even with implementation of all feasible mitigation, it may not be feasible for all individual projects to reduce operational emissions at full Project buildout below the applicable thresholds. Therefore, the proposed Project's criteria pollutant emissions would be considered to have a ***significant and unavoidable*** impact.

MITIGATION MEASURE(S)

Implementation Mitigation Measures 3.3-1 through 3.3-27.

~~***Mitigation Measure 3.7-1:*** *Prior to the approval of individual phases of development (i.e. final maps, site plan review, etc.), each Project applicant shall demonstrate that the individual Project does not exceed the applicable SJVAPCD greenhouse thresholds for Project operations. If the SJVAPCD greenhouse thresholds for an individual Project is exceeded, the Project applicant shall develop a reasonably feasible offsite mitigation strategy to reduce long-term greenhouse gas impacts to below the applicable SJVAPCD thresholds of significance. Each off-site mitigation strategy shall be developed with, and approved by, the SJVAPCD and the City of Stockton. Each offsite mitigation strategy is subject to the review and approval of SJVAPCD and the City of Stockton on a project-by-project basis, and is intended to be in addition to offsets that are obtained through any on-site mitigation measures. The City of Stockton is required to verify each offsite mitigation strategy and its associated reductions to ensure that the associated greenhouse gas impacts are reduced to the maximum extent feasible (i.e. to below the applicable SJVAPCD thresholds of significance, at minimum). Examples of off-site mitigation strategies may include (but are not limited to) transportation demand management (TDM) measures and/or financial incentives for Project employees to utilize alternative transportation options such as buses, bicycles, or electric vehicles.*~~

Impact 3.7-2: Project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources (Less than Significant)

The CEQA Guidelines requires consideration of the potentially significant energy implications of a Project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). According to the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered "wasteful, inefficient, and unnecessary" if it were to violate State and federal energy standards and/or result in significant adverse impacts related to Project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The proposed Project includes a Tentative Map for the 422.2-acre site to create 13 development lots, two (2) basin lots, two(2) open space lots, one (1) sewer pump station lot, and off-site sewer improvements. Of the 13 development lots, 12 will be for development of a mix of industrial uses and one will be for development of commercial uses.

The amount of energy used by the proposed Project during operation would directly correlate with the amount of energy used by Project buildings and outdoor lighting, and the generation of vehicle trips associated with the proposed Project. Other Project energy uses include fuel used by vehicle trips generated during Project construction and operation, fuel used by off-road construction vehicles during construction activities, and fuel used by Project maintenance activities during Project operation. The following discussion provides a detailed calculation of energy usage expected for the proposed Project, as provided by applicable modelling software (i.e. CalEEMod v~~2016.3.2~~2020.4.0 and the CARB ~~EMFAC2017~~EMFAC2021). Additional assumptions and calculations are provided within Appendix B.3 of this EIR.

ELECTRICITY AND NATURAL GAS

Electricity and natural gas used by the proposed Project would be used primarily to generate energy for outdoor parking lot lighting. As shown in the following tables, "Energy" is one of the categories that was modeled for GHG emissions. The total unmitigated and mitigated GHG emissions generated from the "Energy" category is 35,531 MT CO_2e.

ON-ROAD VEHICLES (OPERATION)

The proposed Project would generate vehicle trips during its operational phase. A description of Project operational on-road mobile energy usage is provided below.

According to the Traffic Study prepared for the proposed Project (Fehr & Peers, 2021), and as described in more detail in Section 3.13 of this EIR, the Project would increase automobile VMT by approximately 22,633 net new daily trips. In order to calculate operational on-road vehicle energy usage and emissions, De Novo Planning Group used fleet mix data from the CalEEMod (v~~2016.3.2~~2020.4.0) output for the proposed Project, Year 2040 gasoline and diesel MPG (miles per gallon) factors for individual vehicle classes as provided by ~~EMFAC2017~~EMFAC2021, weighted average MPG factors for gasoline and diesel were derived. Therefore, upon full buildout, the proposed Project would generate operational vehicle trips that would use a total of approximately 434~~399~~ gallons of gasoline and ~~633~~ 508 gallons of diesel per day, or 158,363~~45,694~~ gallons of gasoline and ~~231,137~~185,485 gallons of diesel per year.

ON-ROAD VEHICLES (CONSTRUCTION)

The proposed Project would also generate on-road vehicle trips during Project construction (from construction workers and vendors travelling to and from the Project site). De Novo Planning Group estimated the vehicle fuel consumed during these trips based the assumed construction schedule, vehicle trip lengths and number of workers per construction phase as provided by CalEEMod, and Year 2021 gasoline and diesel MPG factors provided by ~~EMFAC2017~~EMFAC2021 (year 2021 factors were used to represent a conservative analysis, as the energy efficiency of construction activities is anticipated to improve over time). For the sake of simplicity, it was assumed that all construction worker light duty passenger cars and truck trips use gasoline as a fuel source, and all medium and heavy-duty vendor trucks use diesel fuel. Table 3.7-3, below, describes gasoline and diesel fuel

consumed during each construction phase (in aggregate). As shown, the vast majority of on-road mobile vehicle fuel used during the construction of the proposed Project would occur during the building construction phase. There is no feasible mitigation available that would reduce on-road mobile vehicle GHG emissions generated by the Project construction activities (requiring the use of electric construction vehicles was deemed infeasible, given price and availability concerns). See Appendix B.3 of this EIR for a detailed accounting of construction on-road vehicle fuel usage estimates.

TABLE 3.7-3: ON-ROAD MOBILE FUEL GENERATED BY PROJECT CONSTRUCTION ACTIVITIES – BY PHASE

CONSTRUCTION PHASE	# OF DAYS	TOTAL DAILY WORKER TRIPS(A)	TOTAL DAILY VENDOR TRIPS(A)	TOTAL HAULER WORKER TRIPS(A)	TOTAL GALLONS OF GASOLINE FUEL(B)	TOTAL GALLONS OF DIESEL FUEL(B)
Site Preparation	240	18	0	0	1,672	0
Grading	620	20	0	0	4,791~~8~~	0
Paving	3,685	15	0	0	2,554	0
Building Construction	440	4,674	1,830	0	333,240	457,438
Architectural Coatings	3,685	935	0	0	~~66,669~~9,950~~2~~	0
Total	**N/A**	**N/A**	**N/A**	**N/A**	**~~408,926~~352,207**	**457,438**

NOTE: (A) PROVIDED BY CALEEMOD OUTPUT. (B)SEE APPENDIX B.3 OF THIS EIR FOR FURTHER DETAIL

SOURCE: CALEEMOD (V.~~2016.3.2~~2020.4.0); ~~EMFAC2017~~EMFAC2021.

OFF-ROAD VEHICLES (CONSTRUCTION)

Off-road construction vehicles would use diesel fuel during the construction phase of the proposed Project. A non-exhaustive list of off-road constructive vehicles expected to be used during the construction phase of the proposed Project includes: forklifts, generator sets, tractors, excavators, and dozers. Based on the total amount of CO_2 emissions expected to be generated by the proposed Project (as provided by the CalEEMod output), and standard conversion factors (as provided by the U.S. Energy Information Administration), the proposed Project would use a total of approximately 207,442~~678~~ gallons of diesel fuel for off-road construction vehicles. Detailed calculations are provided in Appendix B.3 of this EIR.

3.8 HAZARDS AND HAZARDOUS MATERIALS

The following changes were made to pages 3.8-20 0 of the Draft EIR:

Mitigation Measure 3.8-4: *New business on the project site that may handle quantities of hazardous materials equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at any given time shall submit a Hazardous Materials Business Plan to the Certified Unified Program Agency (CUPA) of San Joaquin County. The Hazardous Materials Business Plan shall include an inventory of hazardous materials and hazardous wastes and an emergency response plan for incidents involving hazardous materials and wastes*

Mitigation Measure 3.8-5: *Proposed business uses that involve the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require s Hazardous Materials Business Plan and the use is within 1,000 feet of a residential zoning district, the project shall comply with Stockton Municipal Code Section 16.36.080, which governs use, handling, storage, and transportation of hazardous materials.*

The following changes were made to pages 3.8-21 through 3.8-22 of the Draft EIR:

Impact 3.8-4: Potential for the Project to result in a safety hazards for people residing or working on the Project site as a result of public airport or public use airport (Less than Significant)

As previously stated, the Project site is adjacent to the Stockton Metropolitan Airport and located within the airport influence area (AIA) identified in the Stockton Metropolitan Airport's Airport Land Use Compatibility Plan (ALUCP).

According to the Stockton Metropolitan Airport ALUCP, the northeastern corners of the Project site are within CNEL 60 noise exposure contours and the eastern portion of the Project site is within the SEL Contour. The locations of CNEL and SEL contours are among the factors used to determine land use compatibility. According to Section 3.3.2.3, Noise Exposure for Other Land Uses, of the ALUCP, the proposed industrial and commercial land uses on-site are compatible with the Project site's CNEL and SEL noise contours.

Additionally, the Project site is within Traffic Pattern Zone 7a of the Airport's Safety Zones, as identified in the Airport's ALUCP. Lands within Traffic Pattern Zone 7a cannot be developed with non-residential intensities greater than 450 persons per acre and must have open land over 10 percent of the site. Additionally, uses within Traffic Pattern Zone 7a cannot be hazardous to flight, include waterways that create a bird hazard, and outdoor stadiums are prohibited. Airspace review is required for development greater than 100 feet tall on lands within Zone 7a. Similarly, new dumps or landfills within Zone 7a are subject to the FAA notification and review and are further subject to restrictions and conditions outlined by the FAA.

According to the Stockton Metropolitan Airport's ALUCP, the industrial and commercial land uses are consistent with the Traffic Pattern Zone 7a of the Airport's Safety Zones. Additionally, new developments are required to comply with Chapter 16.28 of the Stockton Municipal Code, Overlay Zoning District Land Use and Development Standards, which requires that uses be consistent with the Stockton Municipal Airport ALUCP and that heights be limited in various zones to ensure safety. Further, the General Plan includes Action TR-1.3a, which directs the City to ensure that all future development is consistent with the ALUCP, except in cases where the City Council concludes that project would protect public health, safety, and welfare by minimizing the public's exposure to excessive noise and safety hazards.

Although detailed building plans and elevations are not available, the proposed Project would likely result in development less than 100 feet tall. Additionally, employment would not exceed 450 persons per acre; the 422-acre site would be restricted to 189,900 employees by the ALUC, which is substantially greater than what would result from the Project. Further, open land would be provided over 10 percent of the site. The proposed Project plans would be reviewed the SJCOG for consistency with the ALUCP for the Environs of Stockton Metropolitan Airport.

Given that the Project's proposed land uses are compatible with the safety requirements of the ALUCP, and that the Project and future development would be subject to existing Stockton Municipal Code Chapter 16.28 requirements as well as proposed General Plan requirements about development within the AIA, the impact would be ***less than significant***.

MITIGATION MEASURE(S)

***Mitigation Measure 3.8-6**: Prior to final approval of building plans, the project shall be submitted to the San Joaquin Council of Governments (SJCOG), acting in its capacity as the Airport Land Use Commission, for review of the compatibility of the project with Stockton Metropolitan Airport operations and conformance to the guidelines stipulated in the Airport Land Use Compatibility Plan for Stockton Metropolitan Airport.*

3.9 HYDROLOGY AND WATER QUALITY

The were numerous changes made in Section 3.9 of the Draft EIR to respond to a comment from the Sierra Club regarding references to the "East San Joaquin River Subbasin", which has been corrected to reference the "East San Joaquin Groundwater Subbasin." These changes are made as follows.

Page 3.9-4 is revised as follows:

> The northern portion of the basin is within the San Joaquin River Hydrologic Region and consists of nine subbasins. These subbasins are the Cosumnes, Eastern San Joaquin, Tracy, Modesto, Turlock, Merced, Delta-Mendota, Chowchilla, and Madera (DWR, 2003). The majority of the City of Stockton, including the Project site, is located in the Eastern San Joaquin ~~River~~ Groundwater Subbasin; however, a small portion of the west end of the Stockton Planning Area is located above the Tracy Subbasin.

Page 3.9-5 is revised as follows:

> **Groundwater**
>
> As previously stated, the Project site is located above the Eastern San Joaquin ~~River~~ Groundwater Subbasin. The Eastern San Joaquin ~~River~~ Groundwater Subbasin covers approximately 1,105 square miles and extends from the Mokelumne River on the north and northwest; San Joaquin River on the west; Stanislaus River on the south; and consolidated bedrock on the east. The Eastern San Joaquin Groundwater Subbasin is bounded on the south, southwest, and west by the Modesto, Delta-Mendota, and Tracy Subbasins, respectively and on the northwest and north by the Solano, South American, and Cosumnes Subbasins. (DWR 2006, pg. 1).
>
> The Eastern San Joaquin ~~River~~ Groundwater Subbasin is not adjudicated; however, a groundwater management plan and groundwater sustainability plan have been prepared for the subbasin. In 2005, Stockton adopted the Eastern San Joaquin Groundwater Basin Groundwater Management Plan (San Joaquin County Department of Public Works, 2004) prepared by the Northeastern San Joaquin County Groundwater Banking Authority, replacing the 1995 Groundwater Management Plan. Given the subbasins critical state of overdraft, the Eastern San Joaquin Groundwater Authority (ESJGWA) was formed in 2017 and the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan was adopted in November 2019.
>
> According to the Eastern San Joaquin ~~River~~ Groundwater Subbasin Groundwater Sustainability Plan, the origin of geologic formations within the Eastern San Joaquin Groundwater Subbasin varies in geologic time ranging from recent to Pre-Cretaceous bedrock or basement. The Victor formation is the uppermost formation and extends from the ground surface to a maximum depth of about 150

feet. Compared to the underlying formations, the Victor formation is generally more permeable and the groundwater is typically unconfined. The underlying Laguna formation includes discontinuous lenses of unconsolidated to semi-consolidated sands and silts interspersed with lesser amounts of clay and gravel. The Laguna formation is hydraulically connected to the Victor formation and is estimated to be 750 to 1,000 feet thick. Moderate permeability has been reported within the Laguna formation with some highly permeable coarse-grained beds. Most of the municipal and industrial wells in the region penetrate through the Victor formation into the Laguna formation.

According to the 2014 Eastern San Joaquin Integrated Regional Water Management Plan, the subbasin has been historically in a critical condition of overdraft with the historic hydrologic record estimating net groundwater overdraft to be approximately 150,000 to 160,000 acre-feet per year (af/yr). According to the Envision Stockton 2040 General Plan EIR, average groundwater use in the Eastern San Joaquin Groundwater Subbasin is about 809,321 acre-feet per year (afy), of which approximately 95 percent is for agricultural uses and 5 percent for municipal and industrial uses. Historically, groundwater elevations have declined about 40 to 60 feet, averaging approximately 1.7 feet per year.

The San Joaquin County Flood Control and Water Conservation District (District) monitors groundwater levels and groundwater quality throughout San Joaquin County to identify the condition of the Eastern San Joaquin Groundwater Subbasin. According to the Spring 2018 Groundwater Report, of the 135 wells able to be compared, 70 showed decreases in groundwater levels, 58 showed increases in groundwater levels, and 7 showed no change in groundwater elevations. The Eastern San Joaquin Groundwater Subbasin is recharged by water from sources including streams, percolation of rainfall and irrigation water, inflow from other groundwater basins, and intentional recharge at numerous facilities. Intentional recharge is conducted in recharge ponds and on some farm fields with compensation to landowners.

Page 3.9-20 is revised as follows:

In November 2019, the ESJGWA adopted the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (GSP) to address the overdraft condition in the subbasin. The sustainability goal description for the Eastern San Joaquin Groundwater Subbasin is to maintain an economically-viable groundwater resource for the beneficial use of the people of the Eastern San Joaquin Groundwater Subbasin by operating the Subbasin within its sustainable yield or by modification of existing management to address future conditions. This goal will be achieved through the implementation of a mix of supply and demand type projects consistent with the GSP implementation plan.

Page 3.9-30 is revised as follows:

The ESJGWA adopted the Eastern San Joaquin Groundwater Subbasin (ESJGS) Groundwater Sustainability Plan in November 2019. The goal for the ESJGS Groundwater Sustainability Plan is to maintain an economically-viable groundwater resource for the beneficial use of the people of the Eastern San Joaquin Groundwater Subbasin by operating the Subbasin within its sustainable yield or by modification of existing management to address future conditions. The ESJGS Groundwater Sustainability Plan outlines the need to reduce overdraft conditions and has identified 23 projects for potential development that either replace groundwater use (offset) or supplement groundwater supplies (recharge) to meet current and future water demands. According to the plan, the Subbasin will achieve sustainability by implementing water supply projects that either replace groundwater

use or supplement groundwater supplies to attain the current estimated pumping offset and/or recharge need of 78,000 AF/year.

The following changes were made to pages 3.9-23 of the Draft EIR:

Mitigation Measure 3.9-1: *Prior to issuance of a grading permit~~any site disturbance~~, the Project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the Project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Stockton and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.*

Industrial uses on the project shall obtain coverage under the Central Valley RWQCB Industrial General Permit program and implement pollution control measures using the best available technology economically achievable and best conventional pollutant control technology. All facility operators shall prepare, retain on site, and implement a SWPPP implementing applicable Industrial General Permit requirements, including a monitoring program.

Mitigation Measure 3.9-2: *Prior to the issuance of grading permits, the applicant and/or future Project proponent must submit a site-specific Project Stormwater Quality Control Plan to the City of Stockton Department of Municipal Utilities for review and approval. The project must comply with the Stockton Municipal Code Section 15.48.050, which requires construction activities to be designed and conducted to minimize discharge of sediment and all other pollutants and Section 15.48.070, which contains standards for implementation of Best Management Practices. The site-specific Project Stormwater Quality Control Plan must specify BMPs the Project will use and design specifications for selected BMPs to ensure the Project's consistency with State and local water quality regulations.*

3.10 LAND USE AND PLANNING

The following changes were made to Table 3.10-2: General Plan Policy Consistency starting on page 3.10-9 of the Draft EIR. The changes reflect additional policies added to the analysis, as well as some deletions of policies that are from the previous General Plan, and were erroneously included in this policy consistency analysis:

TABLE 3.10-2: GENERAL PLAN POLICY CONSISTENCY

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
LAND USE	
LU-3.1. Ensure that exterior remodels and the siting, scale, and design of new development are compatible with surrounding and adjacent buildings, public spaces, and cultural and historic	**Consistent.** The Project is a new development which is compatible with surrounding and adjacent buildings and public spaces. There are no known cultural or historic resources within the area. The existing development adjacent to the north of the Project site includes mainly industrial warehouses. The proposed industrial and commercial uses

General Plan Policy	*Project Consistency*
resources.	would be constructed in a similar form and scale as the existing warehouses to the north.
LU-4.1. Encourage large-scale development proposals in appropriate locations that include significant numbers of higher-wage jobs and local revenue generation. Such development may utilize the Economic and Education Enterprise land use designation if the proposal meets all of the criteria listed under the definition of the designation.	**Consistent.** The proposed Project is considered large-scale and would provide jobs and local revenue for the city. The Project location is appropriate for commercial and industrial warehouse uses because it is located on land planned for industrial uses by the General Plan. Additionally, the Project area is located near existing industrial warehouses, and can utilize Airport Way, the existing rail line, and State Route (SR) 99 for the transport of goods.
LU-4.2. Attract employment- and tax-generating businesses that support the economic diversity of the city.	**Consistent.** The proposed Project would generate employment- and tax-generating businesses which would support the economic diversity of the city.
LU-5.1. Integrate nature into the city and maintain Stockton's urban forest.	**Consistent.** As discussed in Section 3.4, Biological Resources, the Project site contains numerous orchard trees in the ~~residential~~ eastern portion of the site~~areas~~, and shade trees along French Camp Slough. It may be possible for specific trees to be incorporated into the final design of the development once the more detailed engineering effort begins. For example, the proposed open space areas along French Camp Slough will result in preservation of the shade trees along the Slough. The proposed open space would also integrate nature into the Project site. Nevertheless, any Heritage Trees that cannot remain in the final design must be replaced in accordance with Chapter 16.130 of the Municipal Code if deemed applicable at the time of removal. Mitigation Measure 3.4-~~2~~ 4 would require compliance with the Stockton Municipal Code for removal and replacement of Heritage Oak Trees. If removal of any oak tree on the project site is required, a certified arborist shall survey the oak trees proposed for removal to determine if they are Heritage Trees as defined in Stockton Municipal Code Chapter 16.130. The arborist report with its findings shall be submitted to the City's Community Development Department. If Heritage Trees are determined to exist on the property, removal of any such tree shall require a permit to be issued by the City in accordance with Stockton Municipal Code Chapter 16.130. The permittee shall comply with all permit conditions, including tree replacement at specified ratios.
LU-5.2. Protect natural resource areas, fish and wildlife habitat, scenic areas, open space areas, agricultural lands, parks, and other cultural/historic resources from encroachment or destruction by incompatible development.	**Consistent:** There are no known cultural or historic resources on site which would be encroached on or destroyed by the proposed Project. Nevertheless, Section 3.5, Cultural and Tribal Resources, of this EIR includes mitigation measures to be followed should cultural resources be found on-site during construction. Natural resources areas, habitat, and agricultural lands are found on-site. Specifically, French Camp Slough, foraging and nesting habitat for birds, and row crops and orchards are located on the Project site. As noted previously,

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	French Camp Slough would be maintained as open space as part of the proposed Project. Additionally, Section 3.4, Biological Resources, includes mitigation measures to reduce the potential impacts to special-status birds to a less-than-significant level. Although the Project would involve development of land currently used for agricultural purposes, the majority of the Project site is designated Industrial and Commercial by the General Plan and development of the site with industrial and commercial uses has been anticipated by the General Plan. Further, the Project would be subject to the City and County Right-to-Farm ordinances, which would ensure that the Project does not encroach or destroy agricultural operations in the area.
LU-5.3. Define discrete and clear city edges that preserve agriculture, open space, and scenic views.	**Consistent:** The Project site is located in the southern portion of the City adjacent to SR 99 and the Stockton Airport. The site has been anticipated for development of industrial and other urban uses as part of the City's General Plan. As noted previously, the Project would include creation of 54 acres of open space along and surrounding the Slough in order to avoid disturbance and other urban activities. This scenic open space area would be preserved as part of the Project. However, the remaining agricultural areas on the site would be converted to urban uses as part of the Project. As discussed in Section 3.2, Agricultural Resources, of this EIR, the Envision Stockton 2040 General Plan EIR anticipated development of the Project site as part of the overall evaluation of the buildout of the City. The General Plan EIR determined that impacts associated with the conversion and loss of Important Farmland would be significant and unavoidable. According to the General Plan EIR, although the General Plan includes policies and actions that would reduce and partially offset the conversion of farmland, it designates approximately 16,160 acres of farmlands of concern under CEQA for non-agricultural uses. Because these farmland areas are located near existing urbanized areas, they may not be viable for agricultural operations due to conflicts with nearby urbanized areas. The only way to mitigate this impact would be to prohibit any development on farmland of concern. However, as noted, the General Plan identifies this area for development of industrial and commercial uses while maintaining other areas for agricultural use.
LU-6.2. Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.	**Does Not Conflict.** The proposed Project site is not a vacant, underutilized, or blighted infill area. However, the Project site is designated for industrial land uses in the City's General Plan. Additionally, the Project would not prevent the City from developing and/or redeveloping vacant, underutilized, or blighted infill areas of the City.
LU-6.4. Ensure that land use decisions balance travel origins and destinations in	~~**Inconsistent**~~**Partially consistent.** The Project site is designated for I~~i~~ndustrial, Limited (IL), Commercial, General (CG), and Open

GENERAL PLAN POLICY	PROJECT CONSISTENCY
as close proximity as possible, and reduce vehicle miles traveled (VMT).	Space/Agriculture (OS/A) land uses in the City's General Plan. The employment-generating uses would be located in the southern portion of the City near existing industrial and employment uses. Impacts associated with VMT are discussed in Impact 3.13-1 in Section 3.13. As discussed, implementation of the proposed Project would result in additional vehicle travel generated by the food, retail/commercial, and industrial/warehousing land uses. This would result in the average home-based work VMT per worker of 21.05 miles. This is greater than the Baseline (Existing) of 18.56 miles or Envision Stockton 2040 goal of 15.88 miles, which was determined to be a significant and unavoidable impact. Mitigation Measure 3.13-1 has been incorporated into the project to require travel demand management (TDM) strategies, which have been found effective in previous academic studies. However, the precise effectiveness of specific TDM strategies can be difficult to accurately measure due to a number of external factors such as types of tenants, employee responses to strategies, and changes to technology. Additionally, it is noted that with the current planned growth and development in the City of Stockton, the City's jobs-housing ratio is expected to increase in 2040, and city-wide home-based work VMT per worker is projected to increase. TDM strategies alone cannot eliminate VMT increases caused by land use imbalance in the rest of the City and greater San Joaquin County geographic area. As part of Mitigation Measure 3.13-1, the proposed Project would be required to monitor and evaluate the effectiveness of the Project's TDM Plan and provide the results to the City of Stockton. Based on the results of the evaluation, modifications to the TDM Plan may be required by the City in order to improve effectiveness toward achieving the home-based work VMT per worker target identified in the City's TIAG. While the TDM requirement may prove to be effective, it was concluded in the DEIR that even with the implementation of Mitigation Measure 3.13-1, the impact would remain significant and unavoidable when compared to the City of Stockton's VMT goal of reducing average home-based work VMT per worker from 18.56 miles to 15.66 miles. ~~.~~Therefore, the Project would not definitively reduce VMT to below the City's VMT goal, although it is anticipated that the TDM measures will reduce VMT. The proposed Project is partially ~~and is not~~ consistent with this policy.
LU-6.6. Coordinate land use planning efforts among City departments and with regional agencies.	**Consistent.** The proposed Project is subject to CEQA review. A Notice of Preparation (NOP) to prepare an EIR was published for this Project. State and federal regulatory and resource agencies had the opportunity to provide comments based on this initial notice and will also be notified and provided the opportunity to comment during the public review period for the Draft EIR. The Project proposal and associated Draft EIR were also reviewed by

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	various City departments.
LU-6.7. Enhance public participation in the planning process.	**Consistent.** As noted in Response to Policy LU-6.7, the proposed Project is subject to CEQA review. A NOP to prepare an EIR was published for this Project. Additionally, a public scoping meeting was held via WebEx on October 26, 2020 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. State agencies, federal regulatory and resource agencies, and members of the public had the opportunity to provide comments on environmental issue areas of concern based on the initial NOP and scoping meeting and will also be notified and provided the opportunity to comment during the public review period for the Draft EIR. The Project will also be heard by the Stockton Planning Commission and City Council. Members of the public and regulatory agencies will have various opportunities to participate in the planning process for this Project.
TRANSPORTATION	
TR-1.1. Ensure that roadways safely and efficiently accommodate all modes and users, including private, commercial, and transit vehicles, as well as bicycles and pedestrians and vehicles for disabled travelers.	**Consistent.** As described in Section 3.13, Transportation and Circulation, the Project's transportation and circulation system is designed to accommodate access to and from Airport Way via the signalized Airport Way/Commerce Drive intersection, a grade-separated Commerce Drive/Union Pacific Railroad (UPRR) overcrossing, and pedestrian/bicycle facilities connecting each of the buildings to Commerce Drive. The Project proposes new industrial and commercial development, which would result in increased travel activity, including vehicle (cars and trucks), bicycle, pedestrian, and potentially transit trips. In order to provide access to and from the Project site, the signalized Airport Way/Commerce Drive intersection will be designed to serve all travel modes and Surface Transportation Assistance Act (STAA) vehicles. These Project-generated trips would be served by existing and planned facilities that are constructed to applicable design standards to serve these travel modes.
TR-1.2. Enhance the use and convenience of rail service for both passenger and freight movement.	**Consistent.** The Project proposes to potentially include rail service to up to three large parcels (parcels 2, 3, and 4) within the Project site. A potential railroad spur line would extend east from the UPRR along the Project site's northern edge providing rail access to the parcels.
TR-2.1. Develop safe and interconnected bicycle and pedestrian facilities, including along "complete" streets that target multiple travel modes.	**Consistent.** As described in the Environmental Setting, Section 3.13, Transportation and Circulation, there is currently no existing pedestrian, bicycle, or transit service/facility within the undeveloped Project area. The Envision Stockton 2040 General Plan identifies an interconnected, hierarchical system of sidewalks, on-street bike lanes, and off-street trails for pedestrians and bicyclists that provides access to this area of the City of Stockton. The

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	Project's transportation and circulation system is designed to accommodate access to and from Airport Way via the signalized Airport Way/Commerce Drive intersection, a grade-separated Commerce Drive/UPRR overcrossing, and pedestrian/bicycle facilities connecting each of the buildings to Commerce Drive.
TR-2.2. Connect housing and employment development in areas with good transit access through open and inclusive processes where appropriate.	**Does Not Conflict.** The Project includes employment generating uses in an area of the City currently containing industrial and other employment generating uses. Transit service in the area is provided by San Joaquin Regional Transit District (RTD). There are limited transit services provided to Project site, with the closest routes, Routes 44, 91 and 510, serving Arch-Airport Road with stops approximately three miles from the Project site. Additionally, as required by Mitigation Measure 3.13-1 and 3.13-2 in Section 3.13, the Project would be required to submit a ~~transportation~~ Transportation ~~demand~~ Demand ~~management~~ Management (TDM) Plan to the City, which would include strategies to encourage transit use and incentive the use of alternative travel modes.
TR-2.3. Utilize natural features and routes with lower traffic volumes and speeds to encourage residents to walk and wheel more frequently.	**Consistent.** As described in the Environmental Setting, Section 3.13, Transportation and Circulation, there is currently no existing pedestrian, bicycle, or transit service/facility within the undeveloped Project area. The Envision Stockton 2040 General Plan identifies an interconnected, hierarchical system of sidewalks, on-street bike lanes, and off-street trails for pedestrians and bicyclists that provides access to this area of the City of Stockton. Additionally, the Project would include bicycle and pedestrian facilities on-site. Further, as noted previously, the Project would include creation of 54 acres of open space along and surrounding the Slough in order to avoid disturbance and other urban activities. This scenic open space area would be preserved as part of the Project. As such, the Project has been designed to utilize the natural features on-site.
TR-3.1. Avoid widening existing roadways in an effort to preclude inducement of additional vehicle traffic.	**Consistent.** The Project would not require or result in the widening of any existing roadways in the Project area.
TR-3.2. Require new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible.	**Consistent.** The proposed Project would be subject to the California Building Code, which requires electric vehicle infrastructure and parking spaces. Additionally, as required by Mitigation Measure 3.13-1 in Section 3.13, the Project would be required to submit a TDM Plan to the City, which would include strategies to reduce travel demand and greenhouse gas emissions. Additionally, there are Mitigation Measures in the Air Quality chapter that call for the proposed Project to incorporate electric-ready infrastructure and promote clean fleets. For instance, mitigation measures call for all forklifts, yard trucks, and other equipment used for on-site

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	movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, to be electrically powered or zero-emission and that the owner, operator or tenant will provide on-site electrical charging facilities to adequately service electric vehicles and equipment. There are a variety of other examples of electrification of the vehicles used in the operation of the project.
TR- 4.3. Use the threshold recommended by the California Office of Planning and Research for determining whether VMT impacts associated with land uses are considered significant under State environmental analysis requirements.	**Consistent.** Impacts associated with VMT are discussed in Impact 3.13-1 in Section 3.13. The Project was evaluated against the City's VMT guidelines. According to interim City of Stockton guidelines, a proposed Project's VMT is considered a significant impact if the associated change to the transportation system either: • Causes an increase in Home-Based Work VMT per worker in relation to Existing (Baseline) Conditions. For the City of Stockton, an SB 743 analysis was completed in which the Citywide Average for Daily Home-Based Work VMT per worker was determined to be 18.56 miles; • The goal of the City of Stockton is to reduce the Daily Home-Based Work VMT per worker by 15 percent; thereby requiring any project to have an Average Daily Home-Based Work VMT per worker no greater than 15.78 miles. As discussed, implementation of the proposed Project would result in additional vehicle travel generated by the food, retail/commercial, and industrial/warehousing land uses. This would result in the average home-based work VMT per worker of 21.05 miles. This is greater than the Baseline (Existing) of 18.56 miles or Envision Stockton 2040 goal of 15.88 miles.
	~~PUBLIC FACILITIES & SERVICES~~
~~**PFS-1.1. The City shall give priority to providing services to existing urban areas in order to prevent the deterioration of existing levels of service.**~~	~~**Consistent.** Although level of service is no longer a CEQA topic, Appendix F of this Draft EIR analyzes level of service and traffic congestion associated with the proposed Project.~~
~~**PFS-1.5. The City shall continue to utilize developer fees, the City''s public facilities fees, and other methods (i.e., grant funding and assessment districts) to finance public facility design, construction, operation, and maintenance.**~~	~~**Consistent.** The Project would be subject to Section 16.72.060(C), Park Land Dedications and Fees, and Section 16.72.260, Public Facilities Fee, of the Municipal Code. These impact fees would be used by the City to finance public facility design, construction, operation, and maintenance.~~

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
PFS-1.4. The City shall ensure that proposed developments do not create substantial adverse impacts on existing infrastructure and that the necessary infrastructure will be in place to support the development.	**Consistent.** Impacts on utilities infrastructure (sewer, water, storm drainage, and solid waste) are discussed in Section 3.14, Utilities and Service Systems. Impacts on public services infrastructure (fire stations, police stations, and libraries) are discussed in Section 3.12, Public Services. The proposed Project includes development of the utility infrastructure required to support the development.
PFS-1.8. The City shall review development proposals for their impacts on infrastructure (i.e., sewer, water, fire stations, libraries, streets) and require appropriate mitigation measures if development reduces service levels.	**Consistent.** As noted in response to Policy PFS-1.4, impacts on utilities infrastructure (sewer, water, storm drainage, and solid waste) are discussed in Section 3.14, Utilities and Service Systems. Impacts on public services infrastructure (fire stations, police stations, and libraries) are discussed in Section 3.12, Public Services. In most cases, the Project would not result in reduced service levels. Section 3.14 includes a mitigation measure which requires the Project proponent to secure adequate wastewater treatment capacity/allocation.
PFS-1.9. During the development review process, the City shall not approve new development unless the following conditions are met: • **The applicant can demonstrate that all necessary infrastructure will be installed or adequately financed;** • **Infrastructure improvements are consistent with City infrastructure plans.**	**Consistent.** As noted in response to Policy PFS-1.4, impacts on utilities infrastructure (sewer, water, storm drainage, and solid waste) are discussed in Section 3.14, Utilities and Service Systems. The Project would provide all necessary infrastructure required to serve the Project site. The infrastructure improvements are consistent with City infrastructure plans.
PFS-3.1: The City shall require that all new urban development is served by an adequate collection system to avoid possible contamination of groundwater from onsite wastewater disposal (septic) systems.	**Consistent.** As noted in response to Policy PFS-1.4, impacts on utilities infrastructure (sewer, water, storm drainage, and solid waste) are discussed in Section 3.14, Utilities and Service Systems. The Project would be served by an adequate collection system.
PFS-3.4: The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental upsizing, initial design shall include adequate land area and any other elements not easily expanded in the future.	**Consistent.** As noted in response to Policy PFS-1.4, impacts on utilities infrastructure (sewer, water, storm drainage, and solid waste) are discussed in Section 3.14, Utilities and Service Systems. The proposed infrastructure system is designed according to City utility Master Plans and will meet the capacity needs of the Project.
PFS-3.8: Prior to approval of any tentative subdivision map for a proposed residential project, the City shall formally consult with the wastewater system provider that would	**Consistent.** As noted in response to Policy PFS-1.4, impacts on utilities infrastructure (sewer, water, storm drainage, and solid waste) are discussed in Section 3.14, Utilities and Service Systems. Section 3.14 includes a mitigation measure which requires the Project proponent to

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~~serve the proposed subdivision to make a factual showing or impose conditions in order to ensure an adequate wastewater removal system necessary for the proposed development. Prior to recordation of any final small lot subdivision map, or prior to City approval of any project-specific discretionary approval or entitlement required for nonresidential land uses, the City or the project applicant shall demonstrate, based on substantial evidence, the availability of a long-term, reliable wastewater collection system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of a written verification that existing treatment capacity is or will be available and that needed physical improvements for treating wastewater from the Project site will be in place prior to occupancy.~~	~~secure adequate wastewater treatment capacity/allocation. Treatment capacity would be available to serve the Project prior to occupancy.~~
~~PFS-4.1: The City shall require detention storage with measured release to ensure that the capacity of downstream creeks and sloughs will not be exceeded.~~ ~~To this end:~~ • ~~Outflow to creeks and sloughs shall be monitored and controlled to avoid exceeding downstream channel capacities;~~ • ~~Storage facilities shall be coordinated and managed to prevent problems caused by timing of storage outflows.~~	~~**Consistent.** The Project proposes to construct two storm drain detention basins to provide flood control. The primary basin will be approximately 28 acres located within the northwest corner of the Project site, east of the UPRR right-of-way. The Project proposes to construct a storm drainage flood channel generally along the northern edge of Parcels 3, 4 and 5. The drainage channel will connect to a proposed outfall to the detention basin, generally located within the northeast area of the basin. A storm drain (ranging from 15 to 84 inches) is proposed within the proposed Commerce Drive right-of-way. The secondary basin will be approximately 13 acres, located west of the UPRR right-of-way, between the future Commerce Drive and French Camp Slough. The proposed storm drain in Commerce Drive will connect to the proposed outfall to the detention basin, generally located within the northeast area of the basin. An outfall from the basin to French Camp Slough will also be constructed (exact size and location to be determined). Is its noted that the Project must obtain discharge permits from the authority/authorities that have jurisdiction over French Camp Slough.~~ ~~The Hydrologic and Hydraulic Assessment prepared for the Project included an evaluation of the proposed flood control system for the Project to determine if the proposed flood control system has sufficient~~

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	~~capacity to both hold onsite run-off and prevent offsite impacts from a 100-year flood event. The analysis was conducted under the assumption that the flood control basins would not be drained during the actual flood event. According to the Hydrologic and Hydraulic Assessment, the results of the analysis indicate that there are no offsite impacts and that the 100-year flood can be contained on site with runoff from the 10-year storm event being held in the north flood control basin (KSN, December 2020). Therefore, the Hydrologic and Hydraulic Assessment notes the applicant shall apply for a CLOMR-F based upon the effective FEMA floodplains, as required by Mitigation Measure 3.9-3.~~
~~**PFS-4.3: Best Management Practices. The City shall require, as part of watershed drainage plans, Best Management Practices (BMPs), to reduce pollutants to the maximum extent practicable.**~~ ~~• **As of November 25, 2003, the City shall require that all new development and redevelopment projects to comply with the post-construction Best Management Practices (BMPs) called for in the Stormwater Quality Control Criteria Plan (SWQCCP), as outlined in the City's Phase 1 Stormwater NPDES permit issued by the California Water Quality Control Board, Central Valley Region (Order No. R5-20020-0181). Also the owners, developers, and/or successors-in-interest must establish a maintenance entity acceptable to the City to provide funding for the operation, maintenance, and replacement costs of all post-construction BMPs.**~~ ~~• **The City shall require, as part of its Storm Water NPDES Permit and ordinances, to implement the Grading Plan, Erosion Control Plan, and Pollution Prevention Plan (SWPPP) during construction activities of any improvement plans, new development and**~~	~~**Consistent.** The Project would implement BMPs during construction and operation. Mitigation Measure 3.9-1 in Section 3.9, Hydrology and Water Quality, requires the preparation of a SWPPP, and structural BMPs.~~

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redevelopment projects for reducing pollutants to the maximum extent practicable.	
PFS-4.6: The City shall ensure through the development review process that public facilities and infrastructure are designed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental sizing, the initial design shall include adequate land area and any other elements not easily expanded in the future.	**Consistent.** As noted in response to Policy PFS-1.4, impacts on utilities infrastructure (including storm drainage) are discussed in Section 3.14, Utilities and Service Systems. The proposed infrastructure system is designed to meet the capacity needs of the Project. Future replacement to achieve upsizing would not be required. The site is within the City Urban Service Area and has been included in the City's various utility Master Plans.
PFS-4.8: The City shall incorporate low impact development (LID) alternatives for stormwater quality control into development requirements. LID alternatives will include: (1) conserving natural areas and reducing imperviousness, (2) runoff storage, (3) hydro-modification (to mimic pre-development runoff volume and flow rate), and (4) public education.	**Consistent.** The proposed Project would implement LID measures, including conserving natural areas, providing runoff storage, and hydromodification. The Project includes ample open space area around French Camp Slough, which is a natural area in the Project site. The Project would also provide adequate runoff storage through the proposed detention basins.
PFS-5.2 The City shall continue to require recycling in public and private operations to reduce demand for solid waste disposal capacity.	**Consistent.** The Project would include recycling in compliance with City requirements. This would reduce the demand for solid waste disposal.
PFS-5.5 The City shall require the proper disposal and recycling of hazardous materials.	**Consistent.** The Project would include management, use and recycling of hazardous materials in compliance with regulatory requirements. This would ensure proper disposal of hazardous materials and reduce the demand for solid waste disposal. As discussed in Section 3.8, Hazards and Hazardous Materials, depending on the future industrial uses on-site, the Project has the potential to routinely transport, use, or dispose of hazardous materials, and/or present a reasonably foreseeable release of hazardous materials. Any operations that involve the use of hazardous materials would be required to have the hazardous material transported, stored, used, and disposed of in compliance with local, state, and federal regulations. The San Joaquin County Department of Environmental Health is the CUPA for San Joaquin County and is responsible for the implementation of statewide programs within the City including Hazardous Materials Business Plan (HMBP) requirements, among numerous other programs. Additionally, businesses are regulated by Cal/OSHA and are therefore required to ensure employee safety. Specific requirements include identifying hazardous materials in the workplace, providing safety information to workers that handle

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	hazardous materials, and adequately training workers. To further ensure the safety of employees and reduce the potential for accidental release of hazardous materials into the environment, the applicant must submit a HMBP to San Joaquin County Department of Environmental Health (CUPA) for review and approval prior to bringing hazardous materials onsite, as required by Mitigation Measure 3.8-3.
PFS-5.6 The City shall require the recycling of construction debris.	**Consistent.** The Project would include construction debris recycling in compliance with City requirements.
PFS-5.7 The City shall ensure that all new development has appropriate provisions for solid waste storage, handling, and collection pickup.	**Consistent.** The Project would be required to provide receptacle space for solid waste storage, and the Project has been designed to allow for solid waste collection pickup consistent with City requirements.
PFS-7.5. The City shall continue to promote the use of building and site design features as a means for crime prevention and reduction.	**Consistent.** Project design would be reviewed by the City and Stockton Police Department for opportunities to use building and site design features as a means for crime prevention and reduction.
PFS-8.4. The City shall require new development to pay all public facility fees (PFF) as a means to provide a fair share of costs to provide fire station facilities and equipment in order to maintain the City's ISO rating of 1. Also, new development may be required to create a Community Facility District (CFD) or other funding mechanisms to pay the costs associated with the operation of a fire station.	**Consistent.** As noted in the response to Policy PFS-1.5, the Project would be subject to Section 16.72.060(C), Park Land Dedications and Fees, and Section 16.72.260, Public Facilities Fee, of the Municipal Code. These impact fees would be used by the City to finance public facility design, construction, operation, and maintenance.
PFS-8.6. The City shall require that new development provide adequate access for emergency vehicles, particularly firefighting equipment, as well as provide evacuation routes.	**Consistent.** As discussed in Impact 3.13-4 in Section 3.13, Transportation and Circulation, implementation of the proposed Project would not create roadway and transportation facilities that impede access for emergency response vehicles. The Airport Way/Commerce Drive intersection and internal transportation network is designed to maintain levels of accessibility for police and fire response, which ensures vehicles have the necessary access when responding to an emergency. The signalizedT35ignalizelized Airport Way/Commerce Drive intersection will provide emergency vehicle pre-emption (EVP) capabilities to ensure emergency vehicle response times are not impeded. In addition, the internal transportation network is designed to maintain high levels of emergency vehicle accessibility and mobility, which ensures vehicles have the necessary access when responding to an emergency. Emergency vehicles arriving from Airport Way or from the secondary access point via the SR 99 frontage road will have unimpeded access to the Project site.
COMMUNITY HEALTH	

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CH-1.1. Maintain walking and wheeling facilities and parks that are safe and accessible in all areas of Stockton.	**Consistent.** As described previously, there is currently no existing pedestrian, bicycle, or transit service/facility within the undeveloped Project area. The Envision Stockton 2040 General Plan identifies an interconnected, hierarchical system of sidewalks, on-street bike lanes, and off-street trails for pedestrians and bicyclists that provides access to this area of the City of Stockton. Additionally, the Project would include bicycle and pedestrian facilities on-site. Further, no parks are currently found on-site, but the Project would include 54 acres of open space areas. As such, the Project would create and maintain walking and wheeling facilities on-site.
CH-3.2. Encourage neighborhood-serving commercial uses in areas where frequently needed goods and services are not widely available, especially for those areas with no availability within a 2-mile radius.	**Consistent.** The two-mile radius around the Project site currently has limited opportunities to purchase needed goods and services. In addition to industrial uses, the SSCC Tentative Map proposes approximately 11 acres of general commercial uses located between Airport Way and the UPRR right-of-way. Similar to the industrial uses, a final Site Plan is not currently proposed; however, based on a FAR of 0.30, a maximum of 140,350 square feet of commercial land uses could be developed in this area. The Commercial designation allows for a wide variety of retail, service, and commercial recreational uses; business, medical, and professional offices; residential uses; public and quasi-public uses; and other similar and compatible uses. Community or regional commercial centers as well as freestanding commercial establishments are permitted. In addition, limited industrial uses are allowed, provided that they are indoors and compatible with surrounding uses. The possibility exists that neighborhood-serving commercial uses could be developed on-site.
~~HEALTH &~ SAFETY	
SAF-2.3. Protect the community from potential flood events.	**Consistent:** Impacts associated with potential flood events are discussed in Section 3.9, Hydrology and Water Quality, of this EIR. As discussed, a majority of the Project size is located in FEMA designated Zone AO, where flood depths can reach one or more feet deep. The Hydrologic and Hydraulic Assessment completed for the Project included an analysis to determine potential impacts to the floodplain from placing fill to bring the finished floor elevation to three feet above highest adjacent grade. The Assessment determined that there are no offsite impacts which would cause an increase in water surface greater than 0.05 feet due to Project implementation. (KSN, December 2020). Additionally, the Hydrologic and Hydraulic Assessment also included an evaluation of the proposed flood control system for the Project to determine if the proposed flood control system has sufficient capacity to both hold onsite run off and prevent offsite impacts from a 100-year flood event. According to the Assessment, the results of the analysis indicate that there are no offsite impacts and that the 100-year flood can be contained on site with runoff from the 10-year storm event

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	being held in the north flood control basin (KSN, December 2020). Therefore, the Hydrologic and Hydraulic Assessment notes the applicant shall apply for a CLOMR-F based upon the effective FEMA floodplains, as required by Mitigation Measure 3.9-3. With implementation of this mitigation measure, all potential flood impacts would be less than significant.
SAF-2.4. Minimize risks to the community from flooding through appropriate siting and protection of structures and occupants.	**Consistent:** See Response to Policy SAF-2.3 above.
SAF-2.5. Protect the community from health hazards and annoyance associated with excessive noise levels.	**Consistent.** Section 3.11 Noise includes an analysis of noise impacts. All impacts associated with excessive noise levels were determined to be less than significant or less than significant with mitigation. ~~See Section 3.11, Noise, for the complete discussions.~~ Mitigation measure 3.11-2 requires construction activities associated with the project to adhere to the requirements of the City of Stockton Municipal Code with respect to hours of operation. The applicant shall ordinarily limit construction activities to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction shall occur on Sundays or national holidays without a written permit from the City. All construction equipment shall be in good working order and shall be fitted with factory-equipped mufflers. These requirements shall be noted on the Project improvement plans. Mitigation Measure 3.11-3 requires project operations to at all times comply with the provisions of Stockton Municipal Code Chapter 16.60, including Section 16.60.040, which states that new or expanded commercial, industrial, and other land use-related noise sources shall mitigate their noise levels such that they do not adversely impact noise-sensitive land uses (e.g., residences) and do not exceed City noise standards.
SAF-2.6. Minimize the risk to city residents and property associated with then transport, distribution, use, and storage of hazardous materials.	**Consistent.** As discussed in Section 3.8, Hazards and Hazardous Materials, depending on the future industrial uses on-site, the Project has the potential to routinely transport, use, or dispose of hazardous materials, and/or present a reasonably foreseeable release of hazardous materials. Any operations that involve the use of hazardous materials would be required to have the hazardous material transported, stored, used, and disposed of in compliance with local, state, and federal regulations. The San Joaquin County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for San Joaquin County and is responsible for the implementation of statewide programs within the City including Hazardous Materials Business Plan (HMBP) requirements, among numerous other programs. Additionally, businesses are regulated by Cal/OSHA and are therefore required to ensure employee safety. Specific requirements include identifying hazardous materials in the workplace, providing safety information to workers that handle

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	hazardous materials, and adequately training workers. To further ensure the safety of employees and reduce the potential for accidental release of hazardous materials into the environment, the applicant must submit a HMBP to San Joaquin County Department of Environmental Health (CUPA) for review and approval prior to bringing hazardous materials onsite. Mitigation Measure 3.8-4 requires new business on the project site that may handle quantities of hazardous materials equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at any given time shall submit a Hazardous Materials Business Plan to the Certified Unified Program Agency (CUPA) of San Joaquin County. The Hazardous Materials Business Plan shall include an inventory of hazardous materials and hazardous wastes and an emergency response plan for incidents involving hazardous materials and wastes Mitigation Measure 3.8-5 requires businesses that involve the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require s Hazardous Materials Business Plan and the use is within 1,000 feet of a residential zoning district, the project shall comply with Stockton Municipal Code Section 16.36.080, which governs use, handling, storage, and transportation of hazardous materials.
SAF-3.2. Protect the availability of clean potable water from groundwater sources.	**Consistent.** This issue is addressed in Section 3.~~8~~ 9 (Hydrology and Water Quality) of the Draft EIR. Impacts associated with groundwater depletion, interference with groundwater recharge, and conflicts with groundwater management plans were determined to be less than significant.
SAF-4.1. Reduce air impacts from mobile and stationary sources of air pollution.	**Consistent.** As discussed in Section 3.3, Air Quality, the SJVAPCD GAMAQI was used to determine air quality impacts resulting from the Project. The proposed Project would comply with pre-existing requisite federal, State, SJVAPCD, and other local regulations and requirements, as well as implement the mitigation measures provided by the SJVAPCD for construction-related PM_{10} emissions, including mitigation measures identified in Section 3.3. Prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.), each project applicant shall coordinate with the SJVAPCD to ensure compliance with Rule 9510 for both operational and construction emissions. If the SJVAPCD criteria pollutant thresholds for an individual project is exceeded, the project applicant shall develop a reasonably feasible offsite mitigation strategy to reduce long-term air quality impacts to below the applicable SJVAPCD thresholds of significance. Nevertheless, the Project's impacts related to criteria pollutant increases were determined to be significant and unavoidable.
SAF-4.2. Encourage major employers to participate in a transportation demand management program (TDM) that reduces	**Consistent**. As discussed in Section 3.13, Transportation, the project includes Mitigation Measure 3.13-1 which requires the project

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vehicle trips through approaches such as carpooling, vanpooling, shuttles, car-sharing, bike-sharing, end-of-trip facilities like showers and bicycle parking, subscription bus service, transit subsidies, preferential parking, and telecommuting.	applicant to work with the City of Stockton to implement feasible Transportation Demand Management (TDM) strategies, which would decrease the VMT generated by the Project. Specific potential TDM strategies include, but are not limited to, the following: • Provide public transit service, including improving San Joaquin Rapid Transit District (RTD) transit service connecting workers with existing and future residential developments; • Implement a fair value commuting program or other pricing of vehicle travel and parking; • TDM coordinator for large employers; • Provide an employer sponsored shuttle or carpool and/or vanpool incentive programs, A vanpool will usually service employees' commute to work, while a shuttle will service nearby transit stations and surrounding commercial centers. Employer-sponsored vanpool programs entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration. Scheduling is within the employer's purview, and rider charges shall be set on the basis of vehicle and operating cost; • Provide "end-of-trip" facilities for bicycle riders to encourage the use of bicycling as a viable form of travel to destinations, especially to work. End-of-trip facilities shall include showers, secure bicycle lockers, and changing spaces. • Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan; This measure, along with other project characteristics, measures, and conditions, are intended to ensure consistency with this and other policies.
~~**HS-4.6. The City shall ensure that air quality impacts identified during the CEQA review process are fairly and consistently mitigated. The City shall require projects to comply with the City's adopted air quality impact assessment and mitigation process and to provide specific mitigation measures as outlined in policies of Chapter 8 Transportation and Circulation.**~~	~~**Consistent.** As discussed in Section 3.3, Air Quality, the Project would be required to implement mitigation measures in order to reduce the air quality impacts; see Response to Policy HS-4.5. As part of Project implementation, the City would be required to monitor the implementation of mitigation measures adopted as part of this EIR.~~
~~**HS-4.7. The City shall continue the program for assessing air quality mitigation fees for all new development, with the fees to be used to fund air quality programs.**~~	~~**Consistent.** As discussed in Section 3.3, Air Quality, prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.), each project applicant shall coordinate with the SJVAPCD to ensure compliance with Rule 9510 for both operational and construction emissions. If the SJVAPCD criteria~~

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	pollutant thresholds for an individual project is exceeded, the project applicant shall develop a reasonably feasible offsite mitigation strategy to reduce long-term air quality impacts to below the applicable SJVAPCD thresholds of significance. This may consistent of fee payments to the SJVAPCD for their use in funding offsite mitigation strategies.
HS-4.9. The City shall require contractors to implement dust suppression measures during excavation, grading, and site preparation activities. Techniques may include, but are not limited to, the following: **a. Site watering or application of dust suppressants,** **b. Phasing or extension of grading operations,** **c. Covering of stockpiles,** **d. Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour), and** **e. Revegetation of graded areas.**	**Consistent.** Mitigation Measure 3.3-2 requires a dust control plan that meets all of the applicable requirements of APCD Rule 8021. Mitigation Measure 3.3-3 required dust control measures, as required by APCD Rules 8011-8081, be implemented to limit Visible Dust Emissions to 20% opacity or less. Mitigation Measure 3.3-4 requires other dust control measures identified in the SJVAPCD GAMAQI.
HS-4.10. Coordinating with the SJVAPCD, the City shall require large development projects to mitigate air quality impacts. Mitigation measures may include, but are not limited to the following: **Providing bicycle access and parking facilities,** **Providing preferential parking for high-occupancy vehicles, car pools, or alternative fuels** **vehicles, and** **Establishing telecommuting programs or satellite work centers.**	**Consistent.** As noted above, the Project includes mitigation measures to mitigate air quality impacts. The measures relate to both operational and construction emissions. The exact operational emission reduction strategies would be determined prior to approval of the final plans for the Project. See Section 3.3 for the air quality related emissions. Additionally, Mitigation Measure 3.13-1 in Section 3.13 requires submittal of a TDM Plan to the City, which would include strategies to reduce travel demand and greenhouse gas emissions. The listed measures could be implemented as part of the TDM Plan.
HS-4.12. The City shall encourage employment-intensive development with a high floor-area ratio where adequate transit service is planned, and discourage such development where adequate transit service is not planned.	**Does Not Conflict.** Transit service in the area is provided by San Joaquin RTD. There are limited transit services provided to Project site, with the closest routes, Routes 44, 91 and 510, serving Arch-Airport Road with stops approximately three miles from the Project site. It is noted that the TDM Plan required for the Project would include strategies to reduce VMT. Specific potential TDM strategies include, but are not limited to, the following: Incentivize the use of alternative travel modes through shared use of

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	~~e-bikes and e-scooters;~~ ~~Provide public transit service, including transit service connecting workers with existing and future residential developments;~~ ~~Implement a fair value commuting program or other pricing of vehicle travel and parking;~~ ~~Hire a TDM coordinator for large employers;~~ ~~Provide carpool and/or vanpool incentive programs;~~ ~~Provide on-site lockers and showers for workers who take alternative transportation;~~ ~~Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan;~~ ~~Allow flexible work hours to reduce arrivals/departures during peak hours; and~~ ~~Employer coordination to SJCOG's Dibs Program (formerly Commute Connection) for workers.~~
~~**HS-4.17. The City shall promote street design that provides an environment which encourages transit use, biking and walking.**~~	~~**Consistent.** The Project proposes a west-east trending primary road referred to as Commerce Drive that will provide access to Airport Way to the west and the 99 Frontage Road to the east. A grade separated crossing over the UPRR right-of-way will be constructed to accommodate the primary access road and avoid conflicts with the UPRR rail line. An eight-foot pedestrian walkway will be provided on the north side of the overcrossing. Further, the required TDM Plan would include strategies which encourage transit use, biking, and walking.~~
~~**HS-4.18. The City shall encourage all new development to be designed to promote pedestrian and bicycle access and circulation, to the greatest extent feasible.**~~	~~**Consistent.** See response to Policy HS-4.17.~~

SOURCE: DE NOVO PLANNING GROUP, 2021.

The following changes were made to pages 3.10-23 through 3.10-24 of the Draft EIR:

Indirect Population Growth: As described above, projects that include employment-generating uses have the potential to result in indirect population growth through the creation of jobs or the extension of infrastructure into areas that were not previously served. Implementation of the Project would provide job growth to the area at the proposed industrial and commercial areas. It is anticipated that local employment would be increased to provide administrative, management, labor services. The proposed Project is expected to require approximately ~~2,964 full-time and part-time employees~~3,200 new jobs (2,880 industrial, 130 food and 190 retail) to the southern part of the City, calculated using the Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition, consistent with the Traffic Study prepared for the proposed Project (Fehr & Peers, 2021). It is anticipated that the employment growth would be met both by existing residents and through the attraction of new residents. The Project would establish a variety of business opportunities that can support the skilled and educated workforce of Stockton and the local area. Estimating the number of these future employees who would relocate to the City would be highly speculative, because

many factors influence personal housing location decisions (i.e., family income levels and the cost and availability of suitable housing in the local area). Thus, the number of new employees who may relocate to the City to fill the newly created positions is unknown.

According to the City's General Plan EIR, the 2040 horizon-year projection for the General Plan includes the following:

- 40,900 new dwelling units
- 132,200 new residents
- 63,300 new jobs
- 13.8 million square feet of new commercial space and office space
- 35.6 million square feet of new industrial space

By comparison, SJCOG projects the following for the City of Stockton between 2015 and 2040:

- ~~48,270~~41,030 new dwelling units
- ~~153,530~~122,708 new residents
- ~~41,030~~39,754 new jobs

The employment-generating land uses proposed by the Project would be within the growth projections anticipated and analyzed in the General Plan EIR. Overall, the proposed Project is not anticipated to exceed the planned growth (directly or indirectly) in the area beyond what is anticipated in the City's General Plan or regional growth projections.

3.11 NOISE

The following changes were made to page 3.11-17 the Draft EIR:

Mitigation Measure 3.11-2: *Construction activities associated with the project shall adhere to the requirements of the City of Stockton Municipal Code with respect to hours of operation. The applicant shall ordinarily limit construction activities to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction shall occur on Sundays or national holidays without a written permit from the City. All construction equipment shall be in good working order and shall be fitted with factory-equipped mufflers* ~~*To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:*~~

- ~~*All construction equipment powered by internal combustion engines shall be properly muffled and maintained.*~~
- ~~*Quiet construction equipment, particularly air compressors, shall be selected whenever possible.*~~
- ~~*All stationery noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.*~~
- ~~*Unnecessary idling of internal combustion engines shall be prohibited.*~~
- ~~*The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.*~~
- ~~*Construction shall be limited to 7:00 a.m. to 10:00 p.m.*~~

- ~~*Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors.*~~

These requirements shall be noted on the Project improvement plans.

***Mitigation Measure 3.11-3**: Project operation shall at all times comply with the provisions of Stockton Municipal Code Chapter 16.60, including Section 16.60.040, which states that new or expanded commercial, industrial, and other land use-related noise sources shall mitigate their noise levels such that they do not adversely impact noise-sensitive land uses (e.g., residences) and do not exceed City noise standards.*

3.12 PUBLIC SERVICES AND RECREATION

The following changes were made to page 3.12-15 the Draft EIR:

MITIGATION MEASURES

***Mitigation Measure 3.12-1**: Project buildings shall include an Early Suppression, Fast Response (ESFR) fire sprinkler system.*

***Mitigation Measure 3.12-2**: City departments, including Fire, Community Development, and Finance, together with industrial project proponents, shall develop and implement a plan for financing, construction and staffing of a new fire station in the vicinity of the project site. Development and implementation of the plan will involve a multi-year process helping the Department meet increasing service demands and to reduce response times. The project applicant shall contribute to the costs of constructing and staffing the new fire station in accordance with the adopted plan.*

3.13 TRANSPORTATION AND CIRCULATION

The following changes were made to page 3.13-20 through 3.13-21 the Draft EIR:

MITIGATION MEASURE(S)

***Mitigation Measure 3.13-1:** The Project applicant shall work with the City of Stockton to implement feasible Transportation Demand Management (TDM) strategies, which would decrease the VMT generated by the Project. Specific potential TDM strategies include, but are not limited to, the following:*

- *Provide public transit service, including improving San Joaquin Rapid Transit District (RTD) transit service connecting workers with existing and future residential developments;*
- *Implement a fair value commuting program or other pricing of vehicle travel and parking;*
- *TDM coordinator for large employers;*
- *Provide an employer sponsored shuttle or carpool and/or vanpool incentive programs. A vanpool will usually service employees' commute to work, while a shuttle will service nearby transit stations and surrounding commercial centers. Employer-sponsored vanpool programs entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration. Scheduling is within the employer's purview, and rider charges shall be set on the basis of vehicle and operating cost;*

- *Provide "end-of-trip" facilities for bicycle riders to encourage the use of bicycling as a viable form of travel to destinations, especially to work. End-of-trip facilities shall include showers, secure bicycle lockers, and changing spaces.*
- ~~*Provide on-site lockers and showers for workers who take alternative transportation;*~~
- *Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan;*
- *Incentivize the use of alternative travel modes for travel within the project site through shared use of e-bikes and e-scooters;*
- *Allow flexible work hours and schedule classes to reduce arrivals/departures during peak hours; and*
- *Employer coordination to SJCOG's DIBs program for workers.*

The TDM Plan shall be submitted to the City for review, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if necessary. The TDM Plan shall include the TDM strategies which will be implemented during the lifetime of the SSCC Project and shall outline the anticipated effectiveness of the strategies. The effectiveness of the TDM Plan may be monitored through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City.

Mitigation Measure 3.13-2: *The project shall implement SJVAPCD Rule 9410. Rule 9410, which requires employers with at least 100 employees to implement a trip reduction/transportation demand management program, or ETRIP. [See Air Quality section.] ETRIP requirements are consistent with a Commute Trip Reduction program recommended by the traffic impact study as a mitigation measure. See also EIR Mitigation Measures TRANS-1 and TRANS-2, which require "end-of-trip" facilities and an employer-sponsored vanpool or shuttle*

3.14 UTILITIES AND SERVICE SYSTEMS

The following changes were made to page 3.14-43 the Draft EIR:

MITIGATION MEASURES

Mitigation Measure 3.14-1*: As a Condition of Approval, the project applicant shall comply with the provisions of Stockton Municipal Code Sections 8.28.020 through 8.28.070 regarding construction and demolition waste. Permit applicants for the project shall be required to meet the waste diversion requirement of at least 50 percent of materials generated as discards by the project, regardless of whether the permit applicant performs the work or hires contractors, subcontractors, or others to perform the work.*

4.0 OTHER CEQA-REQUIRED TOPICS

The following changes were made to page 4.0-17 the Draft EIR:

Population: Continued development in Stockton and San Joaquin County will result in housing unit and population increases in the region. The Project would not directly introduce new residents to the City as no housing is proposed as part of the Project. It is noted, however, that some portion of the proposed Project employees could become Stockton residents.

The proposed Project is expected to require approximately ~~2,964 full-time and part-time employees~~3,200 new jobs (2,880 industrial, 130 food and 190 retail) to the southern part of the City, calculated using the Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition, consistent with the Traffic Study prepared for the proposed Project (Fehr & Peers, 2021). It is anticipated that the employment growth would be met both by existing residents and through the attraction of new residents. The Project would establish a variety of business opportunities that can support the skilled and educated workforce of Stockton and the local area. Estimating the number of these future employees who would relocate to the City would be highly speculative, because many factors influence personal housing location decisions (i.e., family income levels and the cost and availability of suitable housing in the local area). Thus, the number of new employees who may relocate to the City to fill the newly created positions is unknown.

5.0 Alternatives to the Proposed Project

No changes were made to Chapter 5.0 of the Draft EIR.

6.0 Report Preparers

No changes were made to Chapter 6.0 of the Draft EIR.

7.0 References

No changes were made to Chapter 7.0 of the Draft EIR.

Appendix B

Appendix B has been updated with CalEEMod model outputs, as well as a tracked version of the updated Health Risk Assessment. The updated Appendix B is attached.

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This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the South Stockton Commerce Center Project (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and 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." A FMMRP is required for the proposed Project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Stockton will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures**: The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing**: Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility**: Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification**: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
AESTHETICS AND VISUAL RESOURCES				
Impact 3.1-3: Project implementation may result in light and glare impacts	***Mitigation Measure 3.1-1****: The approved site plan shall conform with the most recent version of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11) adopted by the City of Stockton at the time of site plan approval, including compliance with Section 5.106.8, which establishes mandatory requirements for outdoor lighting systems of nonresidential development that are designed to minimize the effects of light pollution.* *The approved site plan shall comply with the applicable provisions of the Stockton Municipal Code pertaining to lighting, including Sections 16.36.060(B) and 16.32.070, which require exterior lighting to be shielded and directed away from adjoining properties and public rights-of-way. Compliance shall be documented in a photometric (lighting) plan or other documentation acceptable to the City.* *New structures, landscaping, and site improvements shall conform with Section 5.02 of the City of Stockton Design Guidelines.*	City of Stockton Community Development Department	Prior to the approval of the Site Plan review for each Project parcel	
AGRICULTURAL RESOURCES				
Impact 3.2-1: The proposed Project would result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses	***Mitigation Measure 3.2-1:*** *Prior to the conversion of Important Farmland on the Project site, the Project applicant shall participate in the City's Agricultural Lands Mitigation Program, under which developers of the property shall contribute agricultural mitigation land or shall pay the Agricultural Land Mitigation Fee to the City. Participates in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) that results in agricultural land mitigation may also be considered as the functional equivalent of mitigation for the loss of Important Farmland.*	City of Stockton Community Development Department San Joaquin Council of Governments	Prior to the conversion of Important Farmland on the Project site	
AIR QUALITY				

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.3-1: Project operations would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan	***Mitigation Measure 3.3-1:*** *Prior to the issuance of the first building permit, the applicant/developer shall demonstrate compliance with the SJVAPCD Rule 9510 (Indirect Source Review) to reduce growth in both NOx and PM10 emissions, as required by SJVAPCD and City requirements.* ***Mitigation Measure 3.3-2:*** *Construction plans shall require that architectural and industrial maintenance coatings (e.g. paints) applied on the project site shall be consistent with a VOC content of <10 g/L. Developer or tenant is not expected to exercise control over materials painted offsite.* ***Mitigation Measure 3.3-3:*** *SJVAPCD Regulation VIII Compliance: Construction plans and specifications shall include a Dust Control Plan incorporating the applicable requirements of Regulation VIII, which shall be submitted to the SJVAPCD for review and approval prior to beginning construction in accordance with the requirements of Regulation VIII.* ***Mitigation Measure 3.3-4:*** *Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.* ***Mitigation Measure 3.3-5:*** *Construction Meal Destinations: Project construction plans and specifications will require the contractor to establish one or more locations for food or catering truck service to construction workers and to cooperate with food service providers to provide consistent food service.* ***Mitigation Measure 3.3-6:*** *To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment (recommended by SJVAPCD).* ***Mitigation Measure 3.3-7:*** *Prior to building occupancy, employers with 100 or more eligible employees shall submit an Employer Trip Reduction Implementation Plan (ETRIP) to the City for review and approval, as required by SJVAPCD Rule 9410. A copy of the ETRIP shall be provided to the SJVAPCD. Employers shall facilitate participation in the implementation of the ETRIP by providing information to is employees explaining methods for participation in*	City of Stockton Community Development Department San Joaquin Valley Air Pollution Control District (SJVAPCD)	Prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	the Plan and the purpose, requirements, and applicability of Rule 9410. ***Mitigation Measure 3.3-8:*** *The project shall comply with SJVAPCD Rule 4101, which prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants.* ***Mitigation Measure 3.3-9:*** *The project shall comply with SJVAPCD Rule 4601, which limits project has agreed to abide by more stringent VOC emissions requirements. emissions of volatile organic compounds from architectural coatings by specifying storage, clean up and labeling requirements. (The project has agreed to abide by more stringent VOC emissions requirements.)* ***Mitigation Measure 3.3-10:*** *Solar Power: Owners, operators or tenants shall include with the building permit application, sufficient solar panels to provide power for the operation's base power use at the start of operations and as base power use demand increases. Project sponsor shall include analysis of (a) projected power requirements at the start of operations and as base power demand increases corresponding to the implementation of the "clean fleet" requirements, and (b) generating capacity of the solar installation.* *CDD shall verify the size and scope of the solar project based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space. The photovoltaic system shall include a battery storage system to serve the facility in the event of a power outage to the extent required by the 2022 or later California Building Standards Code.* *In the event sufficient space is not available on the subject lot to accommodate the needed number of solar panels to produce the operation's base or anticipated power use, the applicant shall demonstrate how all available space has been maximized (e.g., roof, parking areas, etc.). Areas which provide truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports.* *The developer or tenant, or qualified solar provider engaged by the developer or tenant shall timely order all equipment and shall install the system when the City has approved building permits and the necessary equipment has arrived. The developer or tenant shall commence operation of the system when it has*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	received permission to operate from the utility. The photovoltaic system owner shall be responsible for maintaining the system(s) at not less than 80% of the rated power for 20 years. At the end of the 20-year period, the building owner shall install a new photovoltaic system meeting the capacity and operational requirements of this measure, or continue to maintain the existing system, for the life of the project. ***Mitigation Measure 3.3-11:*** *Emission Standards for Heavy-Duty Trucks: The following mitigation measure shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are informed of all on-going operational responsibilities.* *The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available and feasible for the intended application, whichever date is later.* *A zero-emission vehicle shall ordinarily be considered commercially available if the vehicle is capable of serving the intended purpose and is included in California's Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, https://californiahvip.org/ or listed as available in the US on the Global Commercial Vehicle Drive to Zero inventory, https://globaldrivetozero.org/. "Feasible" shall be as defined in CEQA Guidelines Section 15364. The City shall be responsible for the final determination of commercial availability and feasibility, based on all the facts and circumstances at the time the determination is made, and may (but is not required to) consult with the California Air Resources Board before making such final determination. In order for the City to make a determination that such vehicles are commercially unavailable, the operator must submit documentation from a minimum of three (3) EV dealers identified on the californiahvip.org website demonstrating the inability to obtain the required EVs or equipment needed within 6 months.* *"Domiciled at the project site shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	(during the calendar year) that start at the project site even if parked or kept elsewhere). *Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.* ***Mitigation Measure 3.3-12:** Zero Emission Vehicles: The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled at the project site, the following "clean fleet" requirements apply: (i) 33% of the fleet will be zero emission vehicles at start of operations, (ii) 65% of the fleet will be zero emission vehicles by December 31, 2023, (iii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.* *"Domiciled at the project site" shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).* *Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.* *The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.* ***Mitigation Measure 3.3-13:** Demonstrate Compliance with Clean Fleet Requirements: The applicant, property owner, tenant, lessee, or other party operating the facility (the "Operator") shall utilize the zero emission vehicles/trucks required to meet the "clean fleet" requirements. Within 30-days of occupancy, the Operator shall demonstrate to the satisfaction of CDD staff, that the applicable clean fleet requirements are being met.*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	In the event that vehicles/trucks are not commercially available for the intended application, the "clean fleet requirements" may be adjusted as minimally as possible by the CDD to accommodate the unavailability of commercially available vehicles/trucks. *The City shall quantify the air pollution and GHG emissions resulting from any modification of this condition. Within 12 months of failing to meet a "clean fleet" requirement the property owner/tenant/lessee shall implement a Voluntary Emissions Reduction Agreement (VERA) providing pound for pound mitigation of the criteria pollutant, toxic air contaminants, and GHG emissions quantified by the City through a process that develops, funds, and implements emission reduction projects, with the Air District serving a role of administrator of the emission reduction projects and verifier of the successful mitigation effort. The VERA shall prioritize projects in the South Stockton and surrounding area. Property owner/tenant/lessee shall continue to fund the VERA each year in an amount necessary to achieve pound for pound mitigation of emissions resulting from not meeting the clean fleet requirements until the owner/tenant/lessee fully complies.* *The Operator shall implement the proposed measures after CDD review and approval. Any extension of time granted to implement this condition shall be limited to the shortest period of time necessary to allow for 100% electrification under the clean fleet requirements. The CDD staff may seek the recommendation of the California Air Resources Board in determining whether there has been a manufacturing disruption or insufficient vehicles/trucks commercially available for the intended application.* ***Mitigation Measure 3.3-14:** Condition of Approved Compliance Report: The Operator shall submit a condition of approval compliance report within 30 days of occupying a building and commencing operations. The report shall outline clean fleet requirements applicable at each report interval and include documentation demonstrating compliance with each requirement. The City shall consider each report at a noticed public hearing and determine whether the Operator has complied with the applicable clean fleet requirements. If the Operator has not met each 100% clean fleet requirement by December 31, 2027, then the Operator shall submit subsequent reports every year until the*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	100% clean fleet requirement is implemented. The City shall consider each subsequent report at a noticed public hearing and determine whether the Operator has complied with the clean fleet requirements, including any minimal adjustments to the requirements by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks, as described in the previous paragraph. Notice of the above hearings shall be provided to all properties located within 1,000 feet of the project site and through the ASK Stockton list serve. *After the 100% clean fleet requirement has been implemented and confirmed by the CDD, the Operator shall submit to the CDD an on-going compliance report every three years containing all necessary documentation to verify that the Operator is meeting the clean fleet requirements. At the time it confirms that the 100% clean fleet requirement has been implemented, the CDD will establish the due date for the first on- going compliance report. Each subsequent on-going compliance report shall be due within 30 days of, but not later than, the three-year anniversary of the preceding due date. The on-going compliance reports and accompanying documentation shall be made available to the public upon request.* ***Mitigation Measure 3.3-15:*** *Zero Emission Forklifts, Yard trucks and Yard Equipment: Owners, operators or tenants shall require all forklifts, yard trucks, and other equipment used for on-site movement of trucks, trailers and warehoused goods, as well as landscaping maintenance equipment used on the site, to be electrically powered or zero-emission. The owner, operator or tenant shall provide on-site electrical charging facilities to adequately service electric vehicles and equipment.* ***Mitigation Measure 3.3-16:*** *Truck Idling Restrictions: Owners, operators or tenants shall be required to make their best effort to restrict truck idling onsite to a maximum of three minutes, subject to exceptions defined by California Air Resources Board in the document: "Commercial Vehicle Idling Requirements," July 2016. Idling restrictions shall be enforced by highly-visible posting at the site entry, posting at other on-site locations frequented by truck drivers, conspicuous inclusion in employee training and guidance material and owner, operator or tenant direct action as required.*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	For qualifying facilities at which cold storage and associated transport refrigeration units (TRUs) are proposed or may be a future use, unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide cold storage, a conduit shall be installed during construction of the building shell from the electrical room to 100% of the loading dock doors that have potential to serve the refrigerated space. If tenant improvement building permits are issued for any such cold storage space, electric plug-in units shall be installed at every dock door servicing the cold storage space to allow TRUs to plug in and truck operators with TRUs shall be required to utilize the electric plug-in units when at loading docks serving such refrigerated space. ***Mitigation Measure 3.3-17:*** *Electric Truck Charging: At all times during project operation, owners, operators or tenants shall be required to provide electric charging facilities on the project site sufficient to charge all electric trucks domiciled on the site and such facilities shall be made available for all electric trucks that use the project site.* ***Mitigation Measure 3.3-18:*** *Project Operations, Food Service: Owners, operators or tenants shall establish locations for food or catering truck service and cooperate with food service providers to provide consistent food service to operations and their employees.* ***Mitigation Measure 3.3-19:*** *Project Operations, Employee Trip Reduction: Owners, operators or tenants shall provide employees transit route and schedule information on systems serving the project area and coordinate ridesharing amongst employees.* ***Mitigation Measure 3.3-20:*** *Yard Sweeping: Owners, operators or tenants shall provide periodic yard and parking area sweeping to minimize dust generation* ***Mitigation Measure 3.3-21:*** *Diesel Generators: Owners, operators or tenants shall prohibit the use of diesel generators, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards.* ***Mitigation Measure 3.3-22:*** *Truck Emission Control: Owners, operators or*			

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	tenants shall ensure that trucks or truck fleets domiciled at the project site be model year 2014 or later, and maintained consistent with current CARB emission control regulations. ***Mitigation Measure 3.3-23:*** *SmartWay: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses.* ***Mitigation Measure 3.3-24:*** *Designated Smoking Areas: Owners, operators or tenants shall ensure that any outdoor areas allowing smoking are at least 25 feet from the nearest property line.* ***Mitigation Measure 3.3-25:*** *Project construction shall be subject to all adopted City building codes, including the adopted Green Building Standards Code, version July 2022 or later. Prior to the issuance of building permits, the applicant/developer shall demonstrate (e.g., provide building plans) that the proposed buildings are designed and will be built to, at a minimum, meet the Nonresidential Voluntary Measures of the California Green Building Standards code, Divisions A5.1, 5.2 and 5.5, including but not limited to the Tier 2 standards in those Divisions, where applicable, such as the Tier 2 advanced energy efficiency requirements as outlined under Section A5.203.1.2.* ***Mitigation Measure 3.3-26:*** *All tenant lease agreements for the project site shall include a provision requiring the tenant/lessee to comply with all applicable requirements of the MMRP, a copy of which shall be attached to each tenant/lease agreement.*			
Impact 3.3-2: Proposed Project construction activities would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan	*Implement* ***Mitigation Measure 3.3-1 through 3.3-26.***	See Mitigation Measure 3.3-1 through 3.3-26.	See Mitigation Measure 3.3-1 through 3.3-26.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.3-4: The Proposed Project has the potential for public exposure to toxic air contaminants	***Mitigation Measure 3.3-27****: Prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.), each project applicant shall ensure that individual project characteristics are consistent with the assumptions made within the final proposed Project Health Risk Assessment (HRA). If any of the characteristics of individual phases of Project development are more intensive with regard to the risks associated with the toxic air contaminants assumed within the final proposed Project HRA, individual phase-specific HRAs shall be developed for each individual phase of development where such an inconsistency occurs. The intent is that each phase of development would demonstrate that the individual project does not exceed the applicable SJVAPCD health risk thresholds. If any of the SJVAPCD health risk thresholds for an individual project is exceeded, the project applicant shall develop additional mitigation to ensure that the individual project does not exceed the applicable SJVAPCD health risk thresholds.*	City of Stockton Community Development Department; SJVAPCD	Prior to the approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.)	
BIOLOGICAL RESOURCES				
Impact 3.4-2: The proposed Project has the potential to have direct or indirect effects on special-status reptile and amphibian species	***Mitigation Measure 3.4-1****: Prior to commencement of any grading activities, the Project proponent shall seek coverage under the San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP) to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization measures (ITMMs) and payment of fees for conversion of lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the Migratory Bird Treaty Act (MBTA). Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.*	City of Stockton Community Development Department San Joaquin Council of Governments	Prior to commencement of any grading activities	
Impact 3.4-3: The proposed Project has the potential to have direct or indirect effects on special-status bird species	*Implement* ***Mitigation Measure 3.4-1.***	See Mitigation Measure 3.4-1	See Mitigation Measure 3.4-1	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.4-6: The proposed Project would not affect protected wetlands and jurisdictional waters	***Mitigation Measure 3.4-2****: Prior to the start of construction work in the area where wetlands have been identified, the project developer shall conduct a wetland delineation identifying jurisdictional Waters of the U.S. and wetlands. The delineation shall be verified by the U.S. Army Corps of Engineers (Corps). The delineation shall be used to determine if any project work will encroach upon any jurisdictional water, thereby necessitating an appropriate permit. For any development work that may affect a delineated jurisdictional Water, the project developer shall obtain any necessary permits from the U.S. Army Corps of Engineers prior to the start of development work within these locations. Depending on the Corps permit issued, the project applicant shall also apply for a Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board. If the seasonal wetlands are avoided, or if phased development occurs in areas where no wetlands have been identified, then this mitigation measure does not apply.* ***Mitigation Measure 3.4-3****: Prior to the start of construction work in the area where seasonal wetlands have been identified, the project developer shall obtain any necessary Waste Discharge Requirements from the Central Valley Regional Water Quality Control Board. Pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, the filling of seasonal wetlands containing vernal pool invertebrates shall be delayed until the wetlands are dry and SJCOG biologists can collect the surface soils from the wetlands, to store them for future use on off-site seasonal wetland creation on SJCOG preserve lands. If the seasonal wetlands are avoided, then this mitigation measure does not apply.*	City of Stockton Community Development Department	Prior to construction activities in or near wetland areas.	
Impact 3.4-10: The proposed Project has the potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	***Mitigation Measure 3.4-4:*** *If removal of any oak tree on the project site is required, a certified arborist shall survey the oak trees proposed for removal to determine if they are Heritage Trees as defined in Stockton Municipal Code Chapter 16.130. The arborist report with its findings shall be submitted to the City's Community Development Department. If Heritage Trees are determined to exist on the property, removal of any such tree shall require a permit to be issued by the City in accordance with Stockton Municipal Code Chapter 16.130. The permittee shall comply with all permit conditions, including tree replacement at specified ratios.*	City of Stockton Community Development Department	Prior to removal of any on-site Heritage Oak trees	
CULTURAL AND TRIBAL RESOURCES				

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.5-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074	***Mitigation Measure 3.5-1:*** *Prior to any ground-disturbing activities on the Project site, a qualified archaeologist and Native American monitor shall conduct pre-construction worker cultural resources sensitivity training. The training session shall focus on the recognition of the types of historical and cultural, including Native American, resources that could be encountered, procedures to be followed if resources are found, and pertinent laws protecting these resources. Those in attendance shall be recorded, with records maintained on-site. Any new workers that were not part of the initial training shall be required to undergo a new training session.* ***Mitigation Measure 3.5-2:*** *If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, are found during grading and construction activities during any phase of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).* *Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.* *If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Project applicant's expense.* ***Mitigation Measure 3.5-3:*** *If human remains are discovered during the course of construction during any phase of the Project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:*	City of Stockton Community Development Department, Qualified archaeologist City of Stockton Community Development Department, Qualified archaeologist City of Stockton Community Development Department San Joaquin County Coroner	Prior to any ground disturbance activities If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, are found during grading and construction activities during any phase of the Project If human remains are discovered during the course of construction during any phase of the Project	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.* • *The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:* o *The Native American Heritage Commission is unable to identify a descendent.* o *The descendant identified fails to make a recommendation.* o *The City of Stockton or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*			
Impact 3.5-3: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries	*Implement* ***Mitigation Measure 3.5-3.***	See Mitigation Measure 3.5-3	See Mitigation Measure 3.5-3	
GEOLOGY AND SOILS				
Impact 3.6-2: Implementation and construction of the proposed Project may result in substantial soil erosion or the loss of topsoil	*Implement* ***Mitigation Measure 3.9-1****.*	See Mitigation Measure 3.9-1	See Mitigation Measure 3.9-1	
Impact 3.6-3: The proposed Project has the potential to be	***Mitigation Measure 3.6-1****: Prior to earthmoving activities for each phase of the Project, a certified geotechnical engineer, or equivalent, shall be retained*	City of Stockton Community	Prior to earthmoving	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse	*to perform a final geotechnical evaluation of the soils at a design-level as required by the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation shall include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures, including threats from liquefaction or lateral spreading. The grading and improvement plans, as well as the storm drainage and building plans for each phase of the Project shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.*	Development Department	activities for each phase of the Project	
Impact 3.6-4: The proposed Project has the potential for expansive soils to create substantial risks to life or property	*Implement **Mitigation Measure 3.6-1**.*	See Mitigation Measure 3.6-1	See Mitigation Measure 3.6-1	
Impact 3.6-5: The proposed Project has the potential to directly or indirectly destroy a unique geological feature or paleontological resource	***Mitigation Measure 3.6-2:** If any paleontological resources are found during grading and construction activities of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until a qualified paleontologist has evaluated the find.* *Work shall not continue at the discovery site until the paleontologist evaluates the find and makes a determination regarding the significance of the resource and identifies recommendations for conservation of the resource, including preserving in place or relocating on the Project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology.*	City of Stockton Community Development Department, Qualified paleontologist	If any paleontological resources are found during grading and construction activities of the Project	
GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY				
Impact 3.7-1: Project implementation would generate greenhouse gas emissions, either directly or indirectly, that may	Implement Mitigation Measures 3.3-1 through3.3-27.	See Mitigation Measures 3.3-1 through 3.3-27.	See Mitigation Measures 3.3-1 through 3.3-27.	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
have a significant impact on the environment to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases				
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.8-1: Potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	***Mitigation Measure 3.8-1****: In the event that hazardous materials are encountered during construction, a Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.* ***Mitigation Measure 3.8-2***: *Prior to the issuance of grading permits for any of the parcels (i.e., Parcels 1-13, Basins A and C, Open Space B, Sewer Pump Station D, and Open Space E) identified on the Project's Tentative Subdivision Map (see Figure 2.0-7 of this EIR), the applicant or future project proponent shall hire a qualified consultant to perform site-specific soil sampling to determine if chemicals of potential concern associated with the historical agricultural uses at the Project site are present in shallow soil at concentrations that would pose a threat to human health. If results of the soil sampling identify concentrations of hazardous materials exceeding appropriate ESLs for the future site-specific use, on-site remediation would be required in coordination with the San Joaquin County Department of Environmental Health.* ***Mitigation Measure 3.8-3****: Prior to bringing hazardous materials onsite, the*	San Joaquin County Department of Environmental Health San Joaquin County Department of Environmental Health San Joaquin	In the event that hazardous materials are encountered during construction Prior to the issuance of grading permits for any of the parcels (i.e., Parcels 1-13, Basins A and C, Open Space B, Sewer Pump Station D, and Open Space E) identified on the Project's Tentative Subdivision Map (see Figure 2.0-7 of the Draft EIR)	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	applicant shall submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or his subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law). ***Mitigation Measure 3.8-4:*** *New business on the project site that may handle quantities of hazardous materials equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at any given time shall submit a Hazardous Materials Business Plan to the Certified Unified Program Agency (CUPA) of San Joaquin County. The Hazardous Materials Business Plan shall include an inventory of hazardous materials and hazardous wastes and an emergency response plan for incidents involving hazardous materials and wastes* ***Mitigation Measure 3.8-5:*** *Proposed business uses that involve the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require s Hazardous Materials Business Plan and the use is within 1,000 feet of a residential zoning district, the project shall comply with Stockton Municipal Code Section 16.36.080, which governs use, handling, storage, and transportation of hazardous materials.* *Implement* ***Mitigation Measure 3.9-1****.*	County Department of Environmental Health San Joaquin County Department of Environmental Health San Joaquin County Department of Environmental Health	Prior to bringing hazardous materials onsite Prior to bringing hazardous materials onsite Prior to bringing hazardous materials onsite	
Impact 3.8-4: Potential for the Project to result in a safety hazards for people residing or working on the Project site as a result of public airport or public use airport (Less than Significant)	***Mitigation Measure 3.8-6****: Prior to final approval of building plans, the project shall be submitted to the San Joaquin Council of Governments (SJCOG), acting in its capacity as the Airport Land Use Commission, for review of the compatibility of the project with Stockton Metropolitan Airport operations and conformance to the guidelines stipulated in the Airport Land Use Compatibility Plan for Stockton Metropolitan Airport.*	San Joaquin Council of Governments	Prior to final approval of building plans	
HYDROLOGY AND WATER QUALITY				

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
Impact 3.9-1: The proposed Project has the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality	***Mitigation Measure 3.9-1:*** *Prior to issuance of a grading permit, the Project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB in accordance with the NPDES General Construction Permit requirements. The SWPPP shall be designed to control pollutant discharges utilizing Best Management Practices (BMPs) and technology to reduce erosion and sediments. BMPs may consist of a wide variety of measures taken to reduce pollutants in stormwater runoff from the Project site. Measures shall include temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover) that will be employed to control erosion from disturbed areas. Final selection of BMPs will be subject to approval by the City of Stockton and the RWQCB. The SWPPP will be kept on site during construction activity and will be made available upon request to representatives of the RWQCB.* *Industrial uses on the project shall obtain coverage under the Central Valley RWQCB Industrial General Permit program and implement pollution control measures using the best available technology economically achievable and best conventional pollutant control technology. All facility operators shall prepare, retain on site, and implement a SWPPP implementing applicable Industrial General Permit requirements, including a monitoring program.* ***Mitigation Measure 3.9-2:*** *Prior to the issuance of grading permits, the applicant and/or future Project proponent must submit a site-specific Project Stormwater Quality Control Plan to the City of Stockton Department of Municipal Utilities for review and approval. The project must comply with the Stockton Municipal Code Section 15.48.050, which requires construction activities to be designed and conducted to minimize discharge of sediment and all other pollutants and Section 15.48.070, which contains standards for implementation of Best Management Practices. The site-specific Project Stormwater Quality Control Plan must specify BMPs the Project will use and design specifications for selected BMPs to ensure the Project's consistency with State and local water quality regulations.*	City of Stockton Community Development Department Regional Water Quality Control Board City of Stockton Department of Municipal Utilities	Prior to issuance of grading permits Prior to the issuance of grading permits	
Impact 3.9-4: The proposed Project has the potential to, in a flood hazard, tsunami, or seiche	***Mitigation Measure 3.9-3:*** *Prior to the issuance of grading permits, the applicant shall obtain the local NFIP administrating community's approval and file a Conditional Letter of Map Revision based on Fill (CLOMR-F) to*	Federal Emergency Management	Prior to the issuance of	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
zones, risk release of pollutants due to Project inundation	*remove any structures located within a FEMA designated Zone AO from the Special Flood Hazard Area.*	Agency	grading permits	
NOISE				
Impact 3.11-1: The proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	***Mitigation Measure 3.11-1:*** *To reduce traffic noise increases under Existing Plus Project conditions to less than +3.0 dB, the following roadway segments shall be paved with quiet pavement:* • ***Airport Way from Commerce Drive to French Camp Road****. Approximately 1,000 feet (approximately 0.19 miles) of quiet pavement for four-lanes of roadway would be required. Approximate distance includes extension of quiet pavement a minimum of 100 feet past noise-sensitive receptors. See Figure 3.11-6 for approximate required pavement locations.* • ***Airport Way from French Camp Road to Roth Road****. Approximately 6,600 feet (approximately 1.25 miles) of quiet pavement for two-lanes of roadway would be required. Approximate distance includes extension of quiet pavement a minimum of 100 feet past noise-sensitive receptors. See Figure 3.11-6 for approximate required pavement locations.* • ***Airport Way from Performance Drive to Arch Road****. Approximately 500 feet (approximately 0.09 miles) of quiet pavement for four-lanes of roadway would be required. Approximate distance includes extension of quiet pavement a minimum of 100 feet past noise-sensitive receptors. See Figure 3.11-6 for approximate required pavement locations.* *The pavement would be required for any portion of roadway passing a noise-sensitive use, and for a distance of 100 feet on either side of the sensitive-use. This requirement shall be noted on the Project improvement plans. Approximate pavement locations are shown on Figure 3.11-6.* ***Mitigation Measure 3.11-2:*** *Construction activities associated with the project shall adhere to the requirements of the City of Stockton Municipal Code with respect to hours of operation. The applicant shall ordinarily limit construction activities to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction shall occur on Sundays or national holidays*	City of Stockton Public Works Department City of Stockton Public Works Department	Prior to the approval of Project improvement plans Prior to the approval of Project improvement	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	without a written permit from the City. All construction equipment shall be in good working order and shall be fitted with factory-equipped mufflers. These requirements shall be noted on the Project improvement plans. ***Mitigation Measure 3.11-3****: Project operation shall at all times comply with the provisions of Stockton Municipal Code Chapter 16.60, including Section 16.60.040, which states that new or expanded commercial, industrial, and other land use-related noise sources shall mitigate their noise levels such that they do not adversely impact noise-sensitive land uses (e.g., residences) and do not exceed City noise standards.*		plans and during all construction activities	
PUBLIC SERVICES				
Impact 3.12-2: The proposed Project has the potential to require the construction of fire department facilities which may cause substantial adverse physical environmental impacts (Less than Significant)	***Mitigation Measure 3.12-1:*** *Project buildings shall include an Early Suppression, Fast Response (ESFR) fire sprinkler system.* ***Mitigation Measure 3.12-2:*** *City departments, including Fire, Community Development, and Finance, together with industrial project proponents, shall develop and implement a plan for financing, construction and staffing of a new fire station in the vicinity of the project site. Development and implementation of the plan will involve a multi-year process helping the Department meet increasing service demands and to reduce response times. The project applicant shall contribute to the costs of constructing and staffing the new fire station in accordance with the adopted plan.*	City of Stockton Community Development Department	Prior to certificates of occupancy/verification of TDM programs/ ongoing annual monitoring	
TRANSPORTATION AND CIRCULATION				
Impact 3.13-1: Project implementation would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)	***Mitigation Measure 3.13-1:*** *The Project applicant shall work with the City of Stockton to implement feasible Transportation Demand Management (TDM) strategies, which would decrease the VMT generated by the Project. Specific potential TDM strategies include, but are not limited to, the following:* • *Provide public transit service, including improving San Joaquin Rapid Transit District (RTD) transit service connecting workers with existing and future residential developments;* • *Implement a fair value commuting program or other pricing of vehicle travel and parking;*	City of Stockton Community Development Department	Prior to certificates of occupancy/verification of TDM programs/ ongoing annual monitoring	

ENVIRONMENTAL IMPACT	*MITIGATION MEASURE*	*MONITORING RESPONSIBILITY*	*TIMING*	*VERIFICATION (DATE/INITIALS)*
	• *TDM coordinator for large employers;* • *Provide an employer sponsored shuttle or carpool and/or vanpool incentive programs, A vanpool will usually service employees' commute to work, while a shuttle will service nearby transit stations and surrounding commercial centers. Employer-sponsored vanpool programs entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration. Scheduling is within the employer's purview, and rider charges shall be set on the basis of vehicle and operating cost;* • *Provide "end-of-trip" facilities for bicycle riders to encourage the use of bicycling as a viable form of travel to destinations, especially to work. End-of-trip facilities shall include showers, secure bicycle lockers, and changing spaces.* • *Promote walking and bicycling for employees who live and/or work in the area through the preparation of an Active Transportation Plan;* • *Incentivize the use of alternative travel modes for travel within the project site through shared use of e-bikes and e-scooters;* • *Allow flexible work hours and schedule classes to reduce arrivals/departures during peak hours; and* • *Employer coordination to SJCOG's DIBs program for workers.* *The TDM Plan shall be submitted to the City for review, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if necessary. The TDM Plan shall include the TDM strategies which will be implemented during the lifetime of the SSCC Project and shall outline the anticipated effectiveness of the strategies. The effectiveness of the TDM Plan may be monitored through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City.* ***Mitigation Measure 3.13-2:*** *The project shall implement SJVAPCD Rule 9410. Rule 9410, which requires employers with at least 100 employees to implement a trip reduction/transportation demand management program, or ETRIP. [See Air Quality section.] ETRIP requirements are consistent with a Commute Trip Reduction program recommended by the traffic impact study*			

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	as a mitigation measure. See also EIR Mitigation Measures TRANS-1 and TRANS-2, which require "end-of-trip" facilities and an employer-sponsored vanpool or shuttle.			
UTILITIES AND SERVICE SYSTEMS				
Impact 3.14-7: The proposed Project has the potential to be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste (Less than Significant)	***Mitigation Measure 3.14-1:*** *As a Condition of Approval, the project applicant shall comply with the provisions of Stockton Municipal Code Sections 8.28.020 through 8.28.070 regarding construction and demolition waste. Permit applicants for the project shall be required to meet the waste diversion requirement of at least 50 percent of materials generated as discards by the project, regardless of whether the permit applicant performs the work or hires contractors, subcontractors, or others to perform the work.*	City of Stockton Community Development Department	During demolition and construction	