



**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

1.17.2022

Re: Mariposa Industrial Project Draft Environmental Impact Report

The Delta-Sierra Group requested to be placed on the City of Stockton CEQA notification list in correspondence dated 10.27.2020 for the South Stockton Commerce Center Project. The Delta-Sierra Group was never informed as outlined in the latest California Environmental Quality Act (CEQA) Guidance<sup>1</sup>. The Delta-Sierra Group has volunteered to assist the City of Stockton with new CEQA guidelines compliance in our correspondence to the City of Stockton dated 12.31.2021.

The Delta-Sierra Group was unaware of this project until 12.28.2021 when researching another matter. The DEIR State comment period began on 8.24.2021 and ended on 10.7.2021 according to a submittal to a document posted to CEQAnet. On 9.9.2021, the State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit distributed to State Agencies notice that the City of Stockton submitted to CEQAnet, the appendices that were not included in the 8.24.2021 submittal.

We hope that our DEIR comments will be included and considered when developing a revised DEIR or a Final Environmental Impact Report (FEIR).

#### **PROPOSED PROJECT**

The City of Stockton Base-Camp DEIR dated 8.24.2021 described the project as follows:

Conceptual plans for site development involve seven "high-cube" warehouses with a total floor area of 3,616,870 square feet, along with parking stalls, associated utility infrastructure, and vehicular access from Mariposa Road. The project would require discretionary approvals from the City of Stockton consisting of pre-zoning, tentative subdivision map, development agreement, site plan review and design review, along with authorization to apply to the San Joaquin Local Agency Formation Commission (LAFCo) for annexation to the City. LAFCo will be responsible for consideration and approval of the annexation.

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. CEQA provides a seat at the table for the public and approving conceptual projects negates the

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<sup>1</sup> [http://files.resources.ca.gov/ceqa/docs/2018\\_CEQA\\_FINAL\\_TEXT\\_122818.pdf](http://files.resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf)

opportunity of the public to weigh in on proposed mitigation measures for environmental impacts which negatively affect the quality of life and health of Stockton residents. The conversion of productive agricultural land contiguous with other agricultural lands has significant impacts that will create development pressures through out the life of the proposed conceptual project.

The DEIR included references to a potential Development Agreement (DA) between the City and project applicants. This agreement is still under discussion and negotiation between parties which does not include the public. No disclosure of possible negotiated agreements that would benefit both parties were included except for allowing exceedance of the height limit for the IL Zoning District of 60 feet of building heights of up to 100 feet and providing the project the opportunity to accommodate a wider range of possible industrial tenants. Neither aesthetic mitigation of these extra tall structures nor the additional truck trips associated with increased warehousing capacities, were adequately analyzed in the DEIR.

While this undisclosed DA would require review and approval by the City Council no specific CEQA notifications and review periods are required. This is one more example of how these speculative development projects with acknowledged significant environmental impacts to the residents of Stockton can shut out the residents from the CEQA negotiation table.

## SETTING



The project applicant, Greenlaw Development, LLC located at 18302 Von Carmen Ave. Suite 250, Irvine CA 95212<sup>2</sup> proposes the annexation and industrial development of nine parcels,

<sup>2</sup> [https://files.ceqanet.opr.ca.gov/266554-6/attachment/INYt4ST1OKUfGFownO\\_MUCYJmM2SRSrE7hBoxk5-hAINHkX0dhtgdic\\_cbj1KUdbUfRaHYiIfNqsaPMT0](https://files.ceqanet.opr.ca.gov/266554-6/attachment/INYt4ST1OKUfGFownO_MUCYJmM2SRSrE7hBoxk5-hAINHkX0dhtgdic_cbj1KUdbUfRaHYiIfNqsaPMT0)

located South of Mariposa Road and east of Clark Drive and Marfargoa Road (both rural residential roadways), into the City of Stockton. In conjunction with annexation, the site would be rezoned to IL zoning, a designation with industrial development of up to 60 percent of the site area, and where building heights reaching 60 feet would be permitted by right. The conceptual site plan for the project proposes the construction of seven buildings totaling approximately 3.6 million square feet in floor area, with circulation roadways, parking, vehicular access to Mariposa Road, utility service and storm drainage detention. Runoff collected in the detention basin would be metered into North Little Johns Creek when capacity is available in the creek. What will be done with excess onsite flows when North Little Johns Creek is at flood flows was not disclosed.

The project proposes annexation and industrial development of nine adjacent parcels totaling 203.48 acres. The site is currently in an unincorporated area of San Joaquin County.

## **DEIR IDENTIFIED IMPACTS AND PROPOSED MITIGATION MEASURES**

### **Air Quality**

The conceptual site plan for the project site proposes the construction of seven buildings with a maximum height of 36 feet and floor area totaling 3,616,870 square feet of mostly warehouse space with some associated office space. The conceptual site plan estimates a total of 2,938 parking stalls located throughout the project site: 1,831 stalls would be for automobiles and 1,107 stalls would be for trucks and trailers. Once in operation, the project is expected to generate 12,370 daily vehicle trips according to the transportation analyses included in the DEIR. The DEIR did not specify the number of daily truck trips that would serve the project. The DEIR proposed restriping the Mariposa Road frontage to accommodate turn pockets and acceleration/deceleration lanes without additional roadway construction mitigation proposed.

The size and density of this warehousing speculative project indicates that there will be significant air quality impacts that will be generated with the operations of the project site. According to comment letters submitted by the California Air Resources Board<sup>3</sup> and the Attorney General's Office of the Department of Justice<sup>4</sup> these impacts have not been adequately assessed or mitigated. Review of the DEIR mitigation measures proposed indicates that the concerns of these state agencies are valid, and we concur with issues described by those state agencies that additional mitigation measures and environmental analyses of the impacts are warranted as described therein.

The DEIR included statements to suggest that the project environmental analysis relied on the non-project specific City of Stockton's 2019 2040 General Plan EIR (GPEIR) which considered the anticipated growth and build-out of the City of Stockton as a whole. The GPEIR included the project area as designated to accommodate potential development of industrial uses through 2040. The City of Stockton adopted a Statement of Overriding Considerations for potential unmitigated impacts that were deemed significant and unavoidable relating to agricultural land conversion, air quality, greenhouse gas emissions, traffic noise, employment growth, and traffic when updating the Stockton 2040 General Plan, a non-project specific document.

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<sup>3</sup> [https://ww2.arb.ca.gov/sites/default/files/classic/toxics/ttdceqalist/mariposaindustrialpark\\_deir.pdf?\\_ga=2.25605236.875867676.1642354098-973501418.1624640617](https://ww2.arb.ca.gov/sites/default/files/classic/toxics/ttdceqalist/mariposaindustrialpark_deir.pdf?_ga=2.25605236.875867676.1642354098-973501418.1624640617)

<sup>4</sup> <https://oag.ca.gov/system/files/media/Mariposa%20Industrial%20Park%20AGO%20CEQA%20Comment%20Letter.pdf>

The reliance of the DEIR on the non-project environmental analysis ignores the scope and intensity of this warehousing distribution project on the environmental quality of our community and recommended and reasonable mitigation measures.

The DEIR included the following statement:

As documented herein, with implementation of the proposed mitigation measures, nearly all the other potential environmental effects of the project would be reduced to a level that is less than significant. The project would involve any new significant and unavoidable environmental impacts, that is, impacts not adequately addressed in the certified GPEIR. While project avoidance and minimization measures would be implemented for the identified significant and unavoidable impacts, it is unknown if these measures would reduce the project's impacts to a level that would be less than significant.

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 conditions that will warrant additional mitigation during project development of this speculative project.

An example of the inadequacies of the proposed mitigation included within the DEIR include the following:

Impact AIR-2: Air Quality Plans and Standards – Operational Emissions. Project operational emissions would not exceed SJVAPCD significance thresholds, except for NOx. Compliance with SJVAPCD Rule 9510 and Additional Air Quality Improvement Measures (Appendix B) would reduce NOx emission impacts. However, it cannot be determined if reduction through these measures would make project impacts less than significant. [This issue was analyzed in the Stockton General Plan 2040 EIR and was determined to be significant and unavoidable even with mitigating General Plan policies and EIR measures.]

The Delta-Sierra Group provided the City of Stockton in an email to the City of Stockton Project Planner on 3.19.2021, a link for the Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act<sup>5</sup>. This guidance document was shared so that future warehousing projects under review by City of Stockton as CEQA lead would include mitigation measures to protect Stockton residents from significant and avoidable environmental impacts.

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 and on-site mitigation requirements that should have been proposed in the DEIR. Along with vegetative barriers maintained by the project to reduce exposure of nearby residents to air pollutants associated with site operations and to provide shade reducing the heat island effect associated with paved surfaces. Without these onsite measures, the project will add to the residents of Stockton already high pollutant burden.

The City of Stockton must release the mitigation monitoring and reporting results to the public throughout the development process. This includes putting the mitigation monitoring and

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<sup>5</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>

reporting on the City of Stockton Data Dashboard<sup>6</sup> to provide an open and transparent means of accountability to the residents of Stockton that required mitigation is being implemented.

Air quality impacts are not adequately characterized to disclose potential effects or to prevent or minimize significant, avoidable damage to the environment and health of Stockton residents.

### **Cultural and Tribal Resources**


The DEIR acknowledged that the project site is considered within North Valley Yokuts territory and that the Northern Valley Yokuts occupied the land including the project site and vicinity as recent as during the Spanish colonial period.

A mitigation proposed that “The archaeologist, in consultation with the tribal representative if contacted, shall recommend mitigation measures needed to reduce potential cultural resource effects to a level that is less than significant in a written report to the City, with a copy to the tribal representative. The City shall be responsible for implementing the report recommendations. Avoidance is the preferred means of disposition of tribal cultural resources. The contractor shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in written reports to the City.”

Tribal representation contact should not be optional. As the DEIR statements above indicate, the City shall be responsible for implementing the report requirements and should not do so unless Tribal input is meaningfully sought.

A developer paid Tribal representative should be present during any surveys or land disturbance. The DEIR stated that “Solano Archaeological Services attempted to contact eight representatives of four local tribes: North Valley Yokuts, Confederated Villages of Lisjan, Muwekma Ohlone, and Tule River. And to date, no tribes have responded to these inquiries.”

Elsewhere, the DEIR stated that the City of Stockton made inquiries and documentation of the attempts for consultation were included in Appendix E. No further documentation of attempts for consultation were identified in Appendix E other than the following in response to a request for consultation by the Northern Yokuts Tribal representative:

**From:** Nicole Moore [Nicole.Moore@stocktonca.gov](mailto:Nicole.Moore@stocktonca.gov)   
**Subject:** RE: Mariposa Industrial Park EIR  
**Date:** December 11, 2020 at 7:49 AM  
**To:** Katherine Perez [canutes@verizon.net](mailto:canutes@verizon.net)  
**Cc:** Charlie Simpson [csimpson@basecampenv.com](mailto:csimpson@basecampenv.com)



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Thank you for your time and comments, Dr. Perez. I have included our CEQA consultant in this response as acknowledgement of your comments.

We will be in touch with you directly as this EIR progresses.

Have a wonderful weekend and holiday season.  
Nicole

Additional mitigation and outreach efforts are needed to ensure that Tribal resources are preserved, and any human Tribal remains are treated in a culturally sensitive way. The project is located on unceded Northern Valley Yokuts lands.

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<sup>6</sup> <https://data.stocktonca.gov/>



## **Agricultural Resources Mitigation and Hydrology**

The proposed Project will result in the conversion of farmland including farmland of statewide importance as indicated by the Department of Conservation Land Division in their NOP/IS comments included in the DEIR. 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<sup>7</sup>. There are different fees related to habitat potential with a category for agricultural lands.

Much of the land is in active agricultural uses and most all of the land should require both City of Stockton Agricultural Land Mitigation (1:1)<sup>8</sup> and San Joaquin County Habitat Mitigation based on a San Joaquin County Council of Government (SJCOC) biological study to determine mitigation level.

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 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 including 1:1 Agricultural Land Mitigation.

The mitigation monitoring and reporting should include a full disclosure of agricultural land mitigation and should be readily available to the public. We have specifically requested that the City of Stockton disclose agricultural mitigation efforts but have yet to receive such a disclosure which should include a financial summary of mitigation fees and project associated conservation easement acreage and locations.

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 or other agricultural-related production. The existing County General Plan designation for the parcels within the project site is Agricultural-Urban Reserve, a designation applied generally to areas that are currently undeveloped or used for agricultural production but that are subject to the pressures of development in an urban fringe area.

We disagree that 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 better evaluated in the DEIR.

The conversion of this especially important agricultural land not only will influence local food security, as row crops are food crops, but will significantly affect existing flood buffering, wildlife habitat, and water infiltration. Decreasing the potential for water infiltration by paving

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<sup>7</sup> <https://www.sjcog.org/288/Habitat-Frequently-Asked-Questions>

<sup>8</sup> <https://www.calandtrusts.org/wp-content/uploads/2014/03/Overview-of-Legal-Restains-on-Ag-Land-Mit-Programs.pdf>

over of hundreds of acres of soil will negatively affect the Eastern San Joaquin Subbasin's natural ability to recharge groundwater without engineered solutions or pumping curtailments. The environmental analysis should have characterized 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. Once gone, this agricultural resource will be lost forever.

The project site build out did not include any open space associated with Little Johns Creek even though approximately 0.9 acres of seasonal wetlands was identified in the southern part of the project site. Additional open space mitigation is needed to provide potential floodway room for the North Fork of Little Johns Creek along the southern boundary of the proposed project as well as wetland enhancements to help mitigate pollutant runoff.

The DEIR stated that "given the City's efforts to reduce reliance on groundwater and the acreage of the project site compared to the subbasin, the project is not expected to interfere substantially with groundwater recharge in the subbasin such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level." However, the City of Stockton is currently in the process of rehabilitating a well to pump over 3 million gallons per day for south system drought contingency because under drought conditions surface waters available in the south system from Stockton East Water District may be curtailed. Infiltration throughout the Subbasin is necessary to provide groundwater resources for our especially disadvantaged groundwater users.

The area is currently served by groundwater wells and upon annexation and development would be served by the City of Stockton Municipal Utilities District, which has evidently issued a will-serve letter. The DEIR referenced the West Yost 2021 report and stated that under the multiple dry-year condition, the City would still have approximately 47,365 acre-feet of water supply available after satisfying total demands and that this also would be the case if the City's surface water supplies are limited under emergency water supply conditions due to water shortages brought on by drought. This statement seems to conflict with City of Stockton efforts to improve groundwater pumping potential under drought conditions.

## **Transportation**

Once in operation, the Project is expected to generate 12,370 daily vehicle trips, but it is unclear what proportion is truck trips related to the operation or to workplace commute trips. The DEIR did not include a maximum vehicle mile traveled (VMT) for the project to cap emissions.

The California Air Resources DEIR comments discussed and documented the inadequacy of the modelled analysis of transportation related environmental impact. Air quality impacts are not adequately characterized to disclose potential effects or to prevent or minimize significant, avoidable damage to the environment associated with trucking operations relating to this warehousing project.

The DEIR summarized potential roadways projects near the project site that are part of the 2018 Regional Transportation Plan include the widening of Mariposa Road from Stagecoach Road to Jack Tone Road, widening of an existing BNSF grade separation on Mariposa Road, and the widening of Arch Road from Fite Court to SR 99. No analysis of the contribution of the project to advance the need for these expensive public projects was included nor was there an indication that transportation mitigation would be required other than restriping Mariposa Road.

## **Greenhouse Gases, Climate Change and Energy Mitigation Measure**

Implementation of the project as discussed in the DEIR will have a significant impact on goals set forth in the City of Stockton 2014 Climate Action Plan relating to proposed truck and potentially rail transport associated with the 3 million plus square feet of industrial warehousing. Mitigation was restricted to construction activities with electric equipment consisting of 3% of the construction related off-road vehicles.

There were no mitigation measures proposed to reduce energy usage during operation such as the use of energy efficient equipment that are in use in a typical warehousing/commercial/industrial operations, 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. Energy efficient building requirements are a good start, but additional mitigation measures are possible. The DEIR minimized the impacts associated with truck-related greenhouse gas production. 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 (VMT) that the proposed project(s) would generate was not disclosed. The DEIR stated that "Because the potential occupants of the project are not known, it is not possible to establish an enforceable commitment to reduce VMT by more than 15 percent. As a result, this impact is considered significant and unavoidable." VMT analyses and mitigation should have considered beyond employee home-work trip reduction effort for workplaces that have more than 100 employees.

The DEIR did not adequately describe existing and future transportation conditions relating to the VMT associated with a logistical warehouse project of this size with access to an already transportation impacted Highway-99. 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). Additionally, consideration of traffic at intersections and roadways immediately around the project to accommodate the proposed truck traffic on a main east-west throughfare, Mariposa Road, should have been included to avoid impacting existing roadway users. Any potential City transportation mitigation fees which may be included in an DA should have been disclosed.

Ultimately, the lead agency will examine each of the environmental issues 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 DA that is transferrable could be established without any defined project. Without a defined project it is very difficult to determine impacts which will ultimately result from this warehousing industrial development.

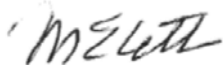
Land use is within the City of Stockton's regulatory purview and while the City of Stockton is not expected to enforce CARB or SJVAPCD standards. The City of Stockton's choice to approve projects with an intense trucking component and to make a Statement of Overriding Consideration means that the City of Stockton is knowingly adding new emission sources which will increase the exposure of our residents to pollution without adequate mitigation. 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. 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  
Northern Valley Yokuts  
NAHC  
California Air Resources Board  
Office of Attorney General – Department of Justice  
San Joaquin County Farm Bureau