



SIERRA CLUB
DELTA-SIERRA GROUP
MOTHER LODE CHAPTER

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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 Map¹. 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 additional Administrative fee of 3.5%.			
Agricultural Land Mitigation Fee Schedule:			
<u>Non-Residential:</u>	<u>Unit of Measure</u>	Effective Date 7/1/2017 Amount	Effective Date 7/1/2018 Amount
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
<u>Residential:</u>			
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.

Farmland of Statewide Importance (S)

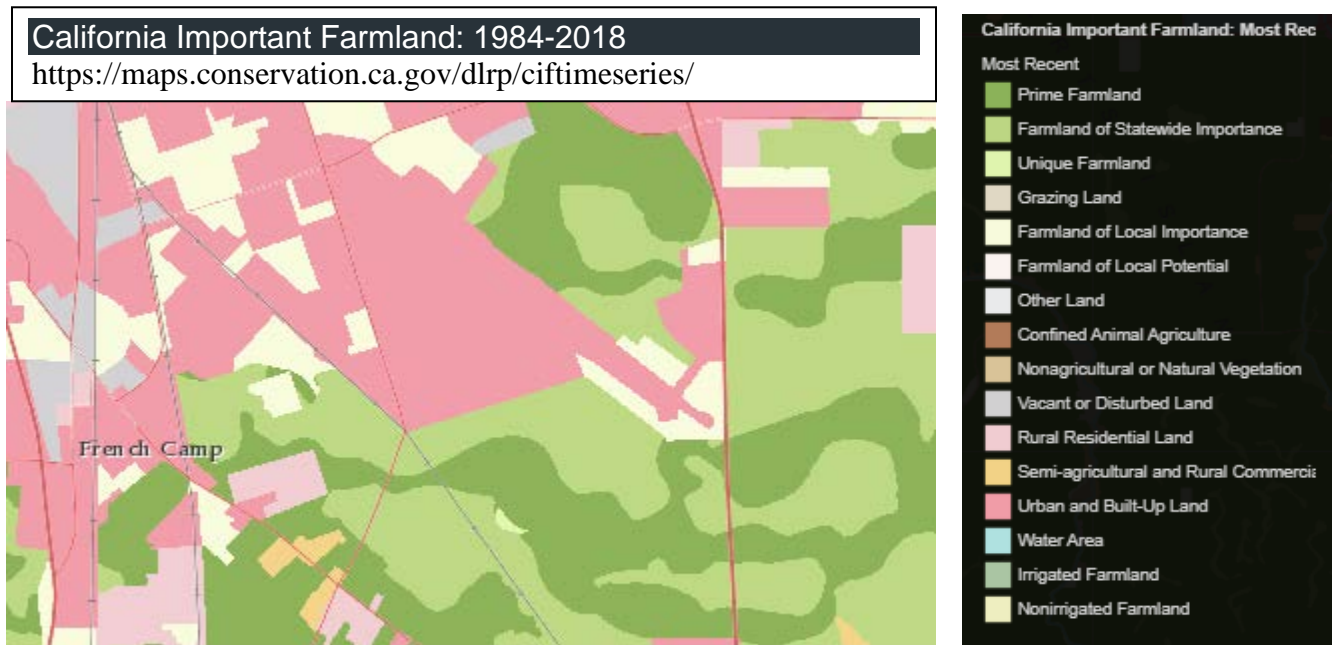
Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

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 Newsom recently issued Executive Order N 82-20 announced on October 7, 2020²:

“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-protect-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 Roadways³.

(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 Status⁴

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

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 will 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.

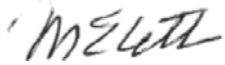
This Project is not vital for our recovery and we hope that the draft environmental impact analysis will be sufficiently detailed so that the residents of Stockton can determine the document's adequacy to describe the environmental costs associated with the project. Cost to Benefits ratio must be clearly 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