



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

Public: (916) 445-9555
Telephone: (916) 210-6461
E-Mail: Rica.Garcia@doj.ca.gov

June 1, 2020

Via E-Mail

Russell Brady
Project Planner
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409
rbrady@rivco.org

RE: Notice of Preparation for the Stoneridge Commerce Center Project (SCH # 2020040325)

Dear Mr. Brady:

Thank you for the opportunity to provide comments on Riverside County's Notice of Preparation ("NOP") for the Stoneridge Commerce Center Project ("Project") in the unincorporated communities of Nuevo and Lakeview. The NOP indicates that the County seeks comments regarding environmental concerns from the implementation of the proposed project. Given the Project's setting in low income communities and communities of color that are already exposed to some of the worst air pollution in the State, we submit these comments for the County's consideration as it prepares the draft environmental impact report ("DEIR").¹

I. THE COUNTY MUST ANALYZE THE PROJECT'S IMPACT ON THE PUBLIC HEALTH AND SAFETY OF NEARBY SENSITIVE RECEPTORS ALREADY EXPOSED TO HIGH POLLUTION BURDENS

The County must analyze the Project's impacts on existing sensitive receptors, including nearby residents and schoolchildren.² Such an analysis is particularly critical where, as here, the Project will be located next to two schools, a daycare, and residential neighborhoods.

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

² CEQA Guidelines, § 15126.2, subd. (a); CEQA Guidelines, App. G.

In particular, the Project is located between the Nuevo and Lakeview communities of unincorporated Riverside County. While both communities are characterized as rural under the Lakeview/Nuevo Area Plan of Riverside County's General Plan, they are relatively densely populated for rural communities.³ Overall, residents of Nuevo and Lakeview are predominately people of color. The California Environmental Protection Agency's CalEnviroScreen⁴ indicates that in the Project's census tract, 65 percent of the community identifies as Hispanic, 12 percent as African American, and 6 percent as Asian. The Nuevo and Lakeview communities are also relatively low-income with approximately 64 percent of the population with incomes less than two times the federal poverty level.

The Project is closest to the communities of Nuevo, which are located to the north and west sides of the Project site. Access to the Project will go through Nuevo via the Ramona Expressway and Nuevo Road, heavily impacting the residential communities in the area. Further, the Project site is located next to sensitive receptors near Nuevo. To the northwest of the Project site is Sierra Vista Elementary School (0.5 mile), Lakeside Middle School (0.5 mile), and Creative Minds Daycare (1 mile). These schools serve predominantly students of color, a majority of whom are living in poverty.⁵ The areas north, west, and south of the Project site also include residential neighborhoods, with the closest neighborhood being about 0.8 miles away.

Furthermore, the communities of Nuevo and Lakeview contain some of the most pollution-burdened census tracts in the State. According to the CalEnviroScreen, the Project's

³ Based on data from the U.S. Census in 2010, there are about 952.1 people per square mile in the community of Nuevo, while there are about 645.4 people per square mile in the community of Lakeview. See "Lakeview/ Nuevo Area Plan," *County of Riverside General Plan* (April 16, 2019) at 7-8, available at https://planning.rctlma.org/Portals/14/genplan/2019/ap/LNAP_041619.pdf; "California: 2010," *U.S. Census Bureau* (2010), available at <https://www.census.gov/prod/cen2010/cph-2-6.pdf>.

⁴ CalEnviroScreen is a tool that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. (See "CalEnviroScreen 3.0 Report," *Office of Environmental Health Hazard Assessment* (January 2017), available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.)

⁵ According to data from the U.S. Department of Education, about 65 percent of students enrolled at Sierra Vista Elementary school are eligible to participate in the Free Lunch and Reduced-Price Lunch Programs, indicating that about 65 percent of the population is living in poverty. Further, 94 percent of the population identify as persons of color. Similarly, about 69 percent of students enrolled at Lakeside Middle School are eligible for the Free lunch program, indicating that 69 percent of the population is living in poverty. Further, 95 percent of the population identify as persons of color. Thus, it is undeniable that the communities that will be affected by the Project are low-income communities of color.

census tract ranks worse than 90 percent of the rest of the state for pollution burden and worse than 79 percent of the state for population vulnerability. Moreover, the census tract in which the Project will be located is already exposed to substantially more pollution than the average California community, including exposure to ozone, a smog precursor, in the 98th percentile. Such conditions can lead to serious lung damage and respiratory illness and are especially dangerous to children, older adults, and individuals with asthma, emphysema, and bronchitis. Additionally, residents of Nuevo and Lakeview generally experience particulate matter (PM)_{2.5} at rates higher than 84 percent of the State. Moreover, the South Coast Air Basin in which the communities of Nuevo and Lakeview are located exceeds federal public health standards for ozone, ozone precursors, and PM.⁶ Exposure to these noxious air contaminants contributes to area-wide increase in asthma, lung cancer, and cardiovascular disease.⁷ Indeed, residents of this community already experience significant health risks associated with pollution. According to the CalEnviroScreen, residents in the Project's census tract are in the 92nd percentile for cardiovascular rates and 71st percentile for the rate of babies born with low birth weight.

As such, the socioeconomic characteristics of the communities of Nuevo and Lakeview increase their sensitivity to the health effects of the heavy pollution burdens they experience. Thus, the County must consider these sensitive receptors when analyzing the Project's anticipated environmental impacts.

II. THE COUNTY MUST PROPERLY DISCLOSE AND ANALYZE THE PROJECT'S FORESEEABLE IMPACTS, INCLUDING CUMULATIVE IMPACTS FROM NEARBY INDUSTRIAL PROJECTS

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and whenever feasible, mitigates a project's significant environmental effects.⁸ An EIR serves as an "informational document" that discloses to the public and decision makers the significant environmental effects of a project and ways in which those effects can be minimized.⁹ CEQA requires an EIR to include "enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"¹⁰

⁶ "2016 Air Quality Management Plan," *South Coast Air Quality Management District* (2016) at II-S-1, II-2-1, II-2-2, available at <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-ii.pdf?sfvrsn=4>.

⁷ *Id.* at II-1-9.

⁸ Pub. Res. Code, §§ 21000–21002.1.

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

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

Here, the Project proposes to build at least 8,476,776 square feet of industrial development, 1,069,398 square feet of warehouse development, and 121,968 square feet of commercial development. While the NOP does not say, warehouse projects typically operate 24 hours a day, seven days a week. The NOP also does not disclose whether the facilities will include refrigerated uses. Cold storage warehouses require diesel trucks with transport refrigeration units (TRUs), which emit significantly higher levels of toxic diesel particulate matter (PM), nitrogen oxides (NO_x), and greenhouse gas emissions than trucks without TRUs. Thus, the County's DEIR must analyze the full environmental impacts of the Project, which will add a considerable number of diesel truck trips, and their attendant air pollution, to this already overburdened area. Such a massive increase in truck traffic will have significant environmental impacts in other areas, including noise and traffic. As discussed above, Riverside County is a nonattainment area for ozone and particulate matter, and the Project operations will likely increase emissions of those pollutants.

Additionally, the County must sufficiently relate pollutant data to specific adverse human health effects on this community in the Project's DEIR. The California Supreme Court recently found a project's air quality impact analysis to be inadequate under CEQA because its "general description of symptoms that are associated with exposure" "fail[ed] to indicate the concentrations at which such pollutants would trigger the identified symptoms" and did not provide the public with an "idea of the health consequences that result when more pollutants are added to a nonattainment basin."¹¹ Here, the County should detail the existing conditions and project the impact that additional pollution will have on the community. For example, in the context of air quality analysis, the Project DEIR must "make[] a reasonable effort to substantially connect a project's air quality impacts to likely health consequences" to be suffered by impacted communities.¹²

Further, the DEIR must include a full analysis of cumulative impacts. CEQA requires environmental impact reports to analyze whether a project's impacts, while they may appear to be insignificant on their own, are "cumulatively considerable."¹³ The incremental effects of an individual project are cumulatively considerable if the effects are significant when "viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."¹⁴ To perform this analysis, a lead agency is expected to "use its best efforts to find out and disclose all that it reasonably can."¹⁵

¹¹ *Id.* at 519.

¹² *Id.* at 510.

¹³ CEQA Guidelines, § 15130, subd. (a)(1).

¹⁴ *Id.* § § 15065, subd. (a)(3), 15355.

¹⁵ *Id.* § 15144; *Communities for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 96.

Here, the Project is part of a wave of warehouse construction occurring in Riverside County, and these communities are already exposed to significant sources of pollution. Immediately northwest of Nuevo, in the cities of Perris and Moreno Valley, there appears to be a cluster of about 20 warehouse distribution centers based on our review of satellite images. Additionally, as noted in the Lakeview/Nuevo Area Plan, there is also a warehouse distribution center located on the eastern edge of the Lakeview community.¹⁶ The County must therefore evaluate the incremental impact of this Project when added to the impacts from the several existing warehouses and any other future reasonably foreseeable future projects that are proposed in the area.¹⁷

Especially since the Project seeks to build next to two schools, a daycare center, and residential neighborhoods, the DEIR should account for both the Project's impacts on human health and the overall cumulative effects on the existing community.

III. THE COUNTY SHOULD CONSIDER ALL FEASIBLE MEASURES TO MITIGATE ANY POTENTIALLY SIGNIFICANT PROJECT IMPACTS

CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project.¹⁸ The lead agency is expected to develop mitigation in an open public process,¹⁹ and mitigation measures must be fully enforceable and nondeferrable.²⁰ To the extent the EIR determines the Project will have significant environmental impacts—especially any affecting sensitive receptors—the County should consider robust mitigation measures to avoid or limit those impacts.

For example, possible air quality mitigation measures²¹ could include:

¹⁶ “Lakeview/ Nuevo Area Plan,” *County of Riverside General Plan* (April 16, 2019) at 7, available at <https://www.census.gov/prod/cen2010/cph-2-6.pdf>.

¹⁷ CEQA Guidelines, § 15355.

¹⁸ Pub. Res. Code § 21100, subd. (b)(3).

¹⁹ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

²⁰ CEQA Guidelines, § 15126.4.

²¹ For more in-depth information about potential air quality mitigation measures near high volume roadways, see CARB's Technical Advisory on the topic and, more generally, the CARB Handbook, which offers more mitigation ideas. Both are available at <https://www.arb.ca.gov/ch/landuse.htm>. The mitigation measures included here are focused on air quality; however, additional mitigation measures may be necessary for traffic, noise, or other significant impacts.

- Requiring buffer zones of at least 1,000 feet between warehouses and sensitive receptors;
- Ensuring that operations of diesel trucks or equipment on site are as far from sensitive receptors as possible;
- Limiting operation and construction days and times;
- Establishing and enforcing truck routes that avoid sensitive receptors;
- Requiring special consideration and mitigation for warehouses with cold storage capability, including requiring the use of zero-emission or all-electric, plug-in capable TRUs;
- Establishing fleet requirements for warehouse tenants and carriers serving tenants, such as requiring the exclusive use of zero-emission delivery trucks and vans and requiring any Class 8 trucks entering the site use zero-emissions technology or meet CARB's lowest optional NOx emissions standard;
- Requiring installation of indoor air filtration at nearby schools and residences;
- Requiring installation of indoor air filtration and climate control at the warehouse to reduce-impacts on workers;
- Requiring electric vehicle charging infrastructure for both cars and trucks necessary to support zero-emission vehicles and equipment on site;
- Requiring all trucks and trailers entering the site be in compliance with all current air quality regulations;
- Requiring and enforcing no idling policies;
- Requiring the use of electric-powered yard equipment onsite;
- Requiring that all construction equipment meet Tier 4 emission standards;
- Constructing new or improved transit stops, sidewalks, bicycle lanes, crosswalks, and traffic control or traffic safety measures, such as speed bumps or speed limits;
- Improving vegetation and tree canopy for community members in and around the Project site;
- Requiring methods to reduce employee vehicle traffic, such as van shuttles, transit and carpool incentives, and bicycle parking and facilities for employees;
- Requiring installation of solar panels with backup energy storage on each building roof area with a capacity that matches the maximum allowed for distributed solar connections to the grid;
- Adhering to California green building standards; and
- Constructing the warehouse to meet Leadership in Energy and Environmental Design standards.

IV. THE COUNTY SHOULD FULLY IMPLEMENT ITS “GOOD NEIGHBOR” POLICY FOR LOGISTICS AND WAREHOUSE/DISTRIBUTION USES WITH THIS PROJECT

As recently acknowledged by the County Board of Supervisors, construction and operation of logistics and warehouse projects in close proximity to residences or other sensitive

land uses may negatively affect the quality of life of those existing communities.²² Thus, in order to lessen the impact on surrounding communities and as part of the “Good Neighbor” Policy for Logistics and Warehouse/Distribution Uses, the County has decided that warehouse and distribution facilities should be at a minimum 300 feet from the property line of the sensitive receptors.²³ The County should thus determine whether the project complies with these guidelines.

Additionally, the “Good Neighbor” Policy requires the County to conduct meaningful cumulative air quality impact analysis. In particular, Policy 1.1 requires that an “Air Quality” study to be prepared in accordance with the Air Quality Management District (AQMD) guidelines, including both project specific and cumulative impact analysis.²⁴ Given that the Project is located near existing warehouses, this requirement is especially important to protect the communities of Nuevo and Lakeview. It also complies with the requirements of CEQA.

Moreover, warehouse-related engine emissions should be mitigated, as prescribed in Policies 2.2, 3.11, and 4.5. Policy 2.2 requires that all diesel fueled off-road construction equipment greater than 50 horsepower equipment shall be equipped with CARB Tier 4 Compliant engines.²⁵ Tier 4 compliant engines will reduce particulate matter and nitrogen oxide emissions by about 90 percent. Thus, implementing this policy will substantially reduce the Project’s impacts. Further, the County should require electrical connections at all loading/unloading docks and trailer spaces for cold storage warehouses, as prescribed by Policy 3.11.²⁶ Cold storage warehouses attract trucks with transport refrigeration units, which generate significantly higher levels of diesel, nitrogen oxide, and greenhouse gas emissions than trucks without such units. Thus, without electrical connections, these auxiliary diesel engines idle at warehouse facilities, contributing to higher localized risks. Finally, Policy 4.5 requires that on-site equipment should be electric with the necessary electrical charging stations.²⁷ This policy is

²² “‘Good Neighbor’ Policy for Logistics and Warehouse/ Distribution Uses,” *County of Riverside* (Nov. 19, 2019), available at <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf>

²³ Although our office supports the guidelines of the “Good Neighbor” Policy, we recommend that sensitive land uses be separated from warehouses by at least 1,000 feet to adequately protect communities. (“Air Quality and Land Use Handbook: A Community Health Perspective,” *California Air Resources Board* (April 2005).) Accordingly, data from CARB demonstrates that localized air pollution drops off by 80 percent about 1,000 feet away. (*Id.* at 4-5.)

²⁴ “‘Good Neighbor’ Policy for Logistics and Warehouse/ Distribution Uses,” *County of Riverside* (Nov. 19, 2019) at 2, available at <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf>

²⁵ *Id.* at 3.

²⁶ *Id.* at 5.

²⁷ *Id.* at 6.

important to implement given that electric on-site equipment substantially reduces on-site emissions and noise.

Finally, the County should implement Policies 6.1-6.5 to ensure that the community is adequately engaged in the warehouse design, siting, and approval process. Policy 6.1 requires that applicants engage in a community outreach effort to determine issues of concern that can be addressed through site design and other means during the project land use entitlement process.²⁸ As part of that process and to ensure that the community is actively engaged, we recommend providing notice by mail to residents and schools within a certain radius of the Project and by erecting a prominent sign on the Project site. Further, we recommend that the County develop a website that provides information about the Project, access to documents relating to the Project including the environmental documents, and gives the communities information about how they can provide input on the Project. Given the unprecedented circumstances surrounding COVID-19 and the statewide shelter-in-place policies, it is especially important to provide direct notice by mail to surrounding residents and provide alternative means of participation virtually to ensure adequate engagement. Additionally, the County should ensure adequate language access by providing translation of critical Project-related documents and interpretation in residents' native language at public meetings, where appropriate.

V. CONCLUSION

This Project's DEIR affords the County the opportunity to serve its constituents by transparently evaluating, disclosing, and mitigating the environmental impacts of this proposed Project. When implemented well, CEQA builds public trust and promotes sustainable development that will serve the local community for years to come. The Project could result in a large expansion of industrial uses in Riverside County, along with those uses' environmental impacts. The County is correct that a project of this size and potential impacts necessitates a DEIR. In drafting the DEIR, we urge the County to evaluate the Project's impacts comprehensively, particularly those affecting the nearby sensitive receptors. In addition, the Project's DEIR provides the County an opportunity to implement its new Good Neighbor Policy. These already-overburdened communities are entitled to full disclosure and mitigation of the environmental impacts of the Project prior to its approval.

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

Sincerely,



RICA V. GARCIA
Deputy Attorney General

²⁸ *Id.* at 8.

June 1, 2020
Page 9

For XAVIER BECERRA
Attorney General