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February 11, 2020

David F. Eoff
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City of Rancho Cucamonga Planning Department
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

RE: Notice of Preparation for the 9th & Vineyard Development Project (SCH # 2019110456)

Dear Mr. Eoff:

Thank you for the opportunity to provide comments on the City of Rancho Cucamonga's Notice of Preparation (NOP) for the 9th & Vineyard Development Project ("the Project"). The NOP indicates that the City seeks comments regarding environmental concerns from the implementation of this Project located on East 9th Street, west of Vineyard Avenue in the City of Rancho Cucamonga in San Bernardino County. The Project would allow the development of three warehouse buildings totaling more than 1 million square feet near homes, schools, and a park. Given the Project's setting in a community of color that already suffers some of the worst pollution in the State, we submit these comments for the City's consideration as it prepares the draft environmental impact report (EIR).¹

I. THE PROJECT

The Project would allow the development of approximately 47 acres into more than 1 million square feet of warehouses, with 141 dock doors for trucks to load and unload. The Project is expected to have 415 parking spots for cars and 195 parking spots for truck trailers. 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. The Project site is zoned for industrial use and presently consists of a mixture of vacant land and older structures.

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.)

II. THE PROJECT SITE IS SURROUNDED BY SENSITIVE RECEPTORS ALREADY EXPOSED TO SIGNIFICANT POLLUTION BURDENS.

The Project would allow for the development of a large warehouse complex adjacent to hundreds of residential homes on three sides and within 500 feet of two elementary schools and a preschool that predominately serve low income students and students of color.² An additional four schools are located in the adjacent neighborhood, as well as a skate park. (See Appendix A.) While directly south of the Project site, there are some railroad tracks and a narrow strip of auto repair facilities, beyond those facilities is a large residential neighborhood in the City of Ontario. To the west and northwest of the Project are more homes and apartments. A drainage channel borders the Project site on the eastern boundary, beyond which are other industrial uses. According to the most recent data from the American Community Study, 1,972 people live within roughly 1,000 feet of the Project site.³

According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and vulnerability, the residential area immediately south of the Project site, located in the City of Ontario, ranks worse than 90–95% of the state. About 86% of the residents of this community are people of color and 78% of them are Latinx. This community already faces considerable air quality pollution. It is in the 91st percentile for ozone pollution, 93rd percentile for PM2.5 pollution, 94th percentile for diesel pollution, and 80th percentile for toxic chemical releases.⁴ This Project would further add to the environmental and health problems faced by the families that live in this region.

III. THE CITY MUST COMPREHENSIVELY EVALUATE THE PROJECT'S ENVIRONMENTAL IMPACTS, INCLUDING CUMULATIVE IMPACTS ON SENSITIVE RECEPTORS.

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project's significant environmental effects.⁵ An EIR serves as an "informational document" that informs the public and decisionmakers of the significant

² San Antonio Christian School is a private elementary school that has 46 students, 91.3% of whom are people of color. National Center for Education Statistics, *available at* <https://nces.ed.gov/ccd/schoolsearch/> (as of December 31, 2019). Los Amigos Elementary has 526 students, 94.87% of whom are people of color and 81.37% qualify for free or reduced price lunches. National Center for Education Statistics, *available at* <https://nces.ed.gov/ccd/schoolsearch/> (as of December 31, 2019). Children's Montessori School is a school and daycare that educates children ages 2–12. *See* <http://childrensmontessorica.com/> (as of January 3, 2020).

³ *Environmental Protection Agency*, EJSCREEN, <<https://ejscreen.epa.gov/mapper/demogreportpdf.aspx?report=acs2017>> (as of Dec. 30, 2019).

⁴ In CalEnviroScreen, a census tract with a high score is one that experiences a higher pollution burden than one with a low score.

⁵ Pub. Resources Code, §§ 21000–21002.1.

environmental effects of a project and ways in which those effects can be minimized.⁶ 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.’ ”⁷ In the context of air quality analysis, an EIR must “make[] a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.”⁸

The City’s EIR 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. That includes the Project’s impact on the sensitive receptors that surround the Project to the north and south who already suffer the health impacts of environmental pollution.⁹ The area is a non-attainment area for ozone and particulate matter and Project operations will likely increase emissions of those pollutants.

The City also must sufficiently relate pollutant data to specific adverse human health effects in the Project’s EIR. 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.”¹⁰ The Project’s EIR can avoid this problem by detailing the existing conditions and projecting the impact that additional pollution will have on the community.

For instance, studies have shown that increases in near-roadway air pollution are associated with reduced lung function in non-asthmatic children.¹¹ Exposure may be particularly harmful during the first year of life, resulting in decreased lung function into adolescence.¹²

⁶ CEQA Guidelines, § 15121, subd. (a).

⁷ *Sierra Club v. County of Fresno [Friant Ranch]* (2018) 6 Cal.5th 502, 516.

⁸ *Ibid.* at p. 510.

⁹ Because sensitive receptors are uniquely vulnerable to the health effects of environmental damage, CARB recommends 1,000 feet separation between sensitive receptors and distribution centers or other land uses that would generate more than 100 trucks per day. (California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005) (“CARB Handbook”), p. 4.)

¹⁰ *Friant Ranch, supra*, 6 Cal.5th at p. 519.

¹¹ Urman, et al., *Associations of Children’s Lung Function with Ambient Air Pollution: Joint Effects of Regional and Near-Roadway Pollutants* (2014) 69 *Thorax* 540, 546; Chen, et al., *Chronic Effects of Air Pollution On Respiratory Health in Southern California Children: Findings from The Southern California Children’s Health Study* (2015) 7 *Journal of Thoracic Disease* 46, 49.

¹² Schultz, et al., *Early-Life Exposure to Traffic-Related Air Pollution and Lung Function in Adolescence* (2016) 193 *American Journal of Respiratory and Critical Care Medicine* 171, 174–75; Usemann, et al., *Exposure to Moderate Air Pollution and Associations with Lung Function at School-Age: A Birth Cohort Study* (2019) 126 *Environment International* 682, 688.

Increased NO_x emissions are also associated with an increased risk of developing asthma.¹³ Human health is not the only potential impact from Project-generated air emissions. Chronic exposure to air pollution may negatively influence children's cognitive processing and memory.¹⁴ Since the Project seeks to build near elementary schools, a preschool, and a park, the EIR should account for the Project's cumulative impacts on the community.

IV. THE CITY 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.¹⁵ The lead agency is expected to develop mitigation in an open public process,¹⁶ and mitigation measures must be fully enforceable and nondeferrable.¹⁷ To the extent the EIR determines the Project will have significant environmental impacts—especially any affecting sensitive receptors—the City should consider robust mitigation measures to avoid or limit those impacts.

For example, a non-exhaustive list of possible air quality mitigation measures¹⁸ includes:

- 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

¹³ Gauderman, et. al., *Childhood Asthma And Exposure To Traffic And Nitrogen Dioxide* (2005) 16 *Epidemiology* 737, 742; Nishimura, et al., *Early-Life Air Pollution and Asthma Risk in Minority Children. The GALA II and SAGE II Studies* (2013) 188 *American Journal of Respiratory and Critical Care Medicine* 309, 312.

¹⁴ Grineski, et al., *Hazardous Air Pollutants Are Associated With Worse Performance In Reading, Math, And Science Among US Primary Schoolchildren* (2019) *Environmental Research* 108925.

¹⁵ Pub. Resources Code, § 21100, subd. (b)(3).

¹⁶ *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.

¹⁷ CEQA Guidelines, § 15126.4

¹⁸ 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.

- any Class 8 trucks entering the site use zero-emissions technology or meet CARB's lowest optional NO_x emissions standard;
- Requiring installation of indoor air filtration at nearby 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 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.

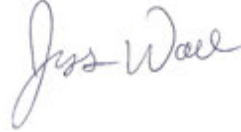
Mitigation measures like these have been adopted by similar projects throughout California. The Attorney General's Office would be happy to provide any assistance it can as the City considers how best to mitigate the Project's environmental impacts.

V. CONCLUSION

This Project's EIR affords the City the opportunity to serve its constituents by transparently evaluating, disclosing, and mitigating the environmental impacts of this proposed Project. When implemented well, CEQA builds public trust and promotes sustainable development that will serve the local community for years to come. The Project could result in a large expansion of industrial uses in Rancho Cucamonga, along with those uses' environmental impacts. The City is correct that a project of this size and potential impacts necessitates an EIR. In drafting the EIR, we urge the City to identify and evaluate the Project's impacts comprehensively, particularly those affecting the many nearby sensitive receptors. CEQA entitles this already-overburdened community 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.

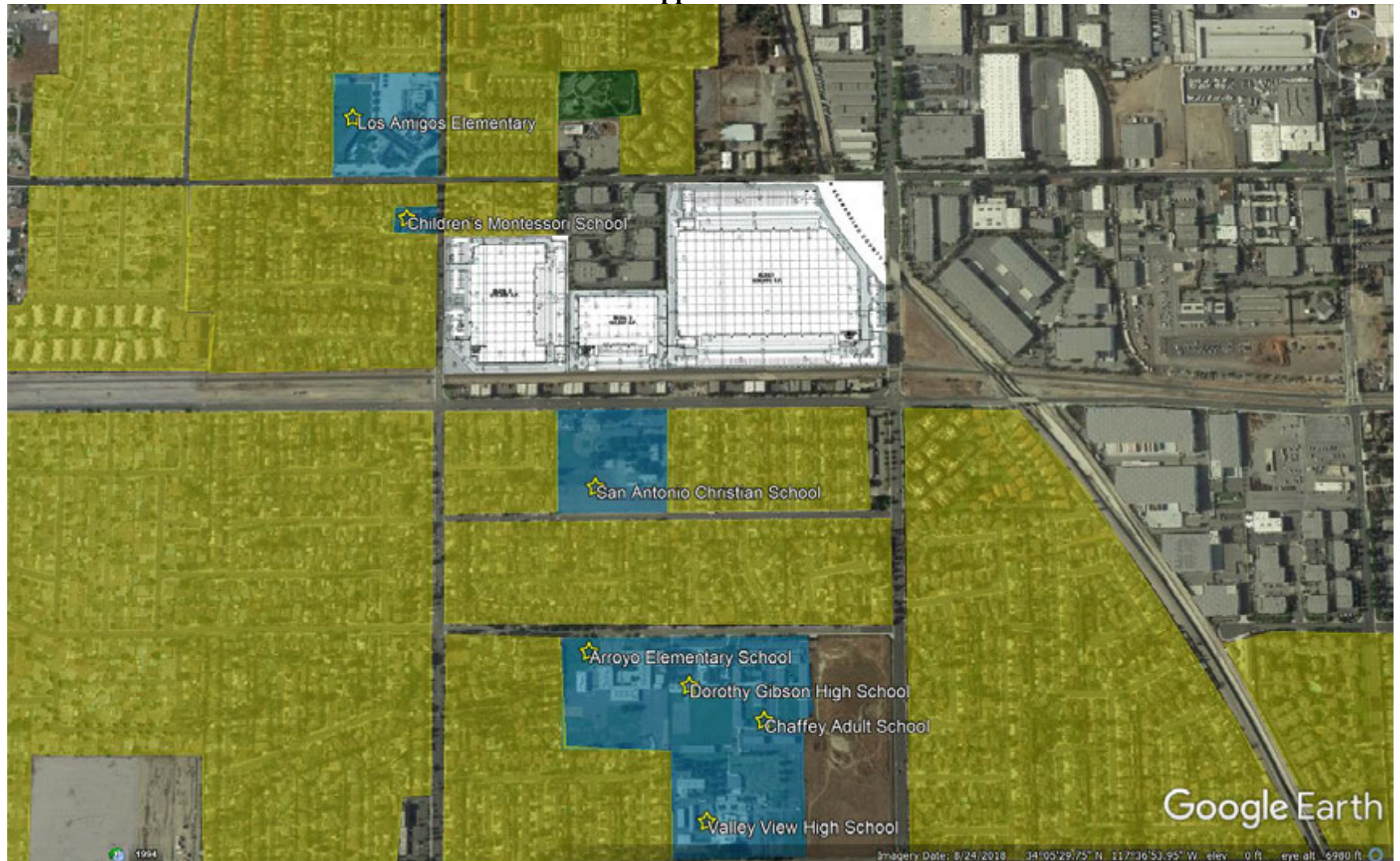
Sincerely,

A handwritten signature in cursive script that reads "Jess Wall". The signature is written in a light gray or blue ink.

JESSICA WALL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Appendix:



**Satellite Image of Project Area with Blueprint of Proposed Warehouses,
Existing Residential in Yellow, Schools in Blue, and Parks in Green**