

MEMORANDUM

April 12, 2023

TO: City of Stockton Planning Commission

FROM: Michael McDowell, Assistant Director CDD

SUBJECT: **AGENDA ITEM 5.1 – REVISIONS TO FINAL ENVIRONMENTAL IMPACT REPORT**

After distribution of the agenda packet, it was brought to our attention that revisions were necessary to the staff report for Agenda Item 5.1 scheduled on the April 13th Agenda. Several numbering inconsistencies to mitigation measures in Section 3.0 Revisions and Section 4.0 Mitigation Monitoring and Reporting program require revision in the Final Environmental Impact Report (FEIR). Further, the following two substantive revisions are proposed to the mitigation measures in the FEIR:

Page 3.0-7 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, 20~~23~~³⁰, (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, 20~~27~~³⁴.

Page 3.0-9 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

City of Stockton Planning Commission

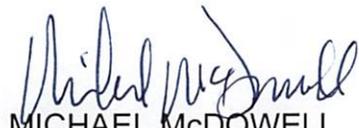
April 12, 2023

Page 2

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.

Comprehensive revisions are attached for your review, that are reflected in callout boxes with arrows. Staff will address these revisions during its presentation to the Planning Commission so that the public is aware.

If you have any questions, please contact me at (209) 937-8690.



MICHAEL McDOWELL

ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT

Attachment

emc: Stephanie Ocasio, Director, CDD

Taryn Jones, Deputy City Attorney

incorporated into the document, replacing the mitigation measures that were originally presented in the Draft EIR.

26

With implementation of Mitigation Measures 3.3-1 through 3.3-28, 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 consist 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.~~

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

Should Read: 2023 

3.0 REVISIONS

emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027. ← Should Read: 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

<u>2028</u>	<u>15.0</u>	<u>12.6</u>	<u>1.6</u>	<u><0.1</u>	<u>6.1</u>	<u>1.8</u>
<u>2029</u>	<u>14.6</u>	<u>12.5</u>	<u>1.6</u>	<u><0.1</u>	<u>6.1</u>	<u>1.8</u>
<u>2030</u>	<u>14.2</u>	<u>11.9</u>	<u>1.5</u>	<u><0.1</u>	<u>6.1</u>	<u>1.7</u>
<u>2031</u>	<u>13.9</u>	<u>11.8</u>	<u>1.4</u>	<u><0.1</u>	<u>6.1</u>	<u>1.7</u>
<u>2032</u>	<u>13.6</u>	<u>11.8</u>	<u>1.4</u>	<u><0.1</u>	<u>6.1</u>	<u>1.7</u>
<u>2033</u>	<u>13.2</u>	<u>11.6</u>	<u>1.3</u>	<u><0.1</u>	<u>6.0</u>	<u>1.7</u>
<u>2034</u>	<u>13.1</u>	<u>11.6</u>	<u>1.3</u>	<u><0.1</u>	<u>6.0</u>	<u>1.7</u>
<u>2035</u>	<u>13.0</u>	<u>11.5</u>	<u>1.2</u>	<u><0.1</u>	<u>6.0</u>	<u>1.7</u>
<u>2036</u>	<u>13.0</u>	<u>11.5</u>	<u>1.2</u>	<u><0.1</u>	<u>6.0</u>	<u>1.7</u>
<u>2037</u>	<u>13.2</u>	<u>11.5</u>	<u>4.0</u>	<u><0.1</u>	<u>6.2</u>	<u>1.7</u>
<u>2038</u>	<u>14.7</u>	<u>11.6</u>	<u>22.2</u>	<u><0.1</u>	<u>6.9</u>	<u>2.0</u>
<u>2039</u>	<u>1.8</u>	<u>0.2</u>	<u>20.5</u>	<u><0.1</u>	<u>0.9</u>	<u>0.2</u>
<u>MAXIMUM ANNUAL EMISSIONS</u>	<u>18.2</u>	<u>14.0</u>	<u>22.2</u>	<u><0.1</u>	<u>6.9</u>	<u>2.0</u>
<u>EXCEEDS THRESHOLD?</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>

SOURCES: CAL3DMOD (V.2016.3.22020.4.0)

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, 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 PM₁₀ 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 3.3-28.~~

26

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)	0.146 .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 3.3-289, below. Therefore, with implementation of Mitigation Measure 3.3-29, implementation of the proposed Project would cause a **less than significant** impact relative to this topic.

Should Read: 27

MITIGATION MEASURE(S)

27

Mitigation Measure 3.3-29: 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

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 ~~24.5043~~ 5140.30 MT CO₂e/SP/Year, which far exceeds the 4.84 MT CO₂e/SP/year in ~~2040-2020~~ and 1.44 MT CO₂e/SP/year in 2040 thresholds 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 CO₂e/SP/year in ~~2040-2020~~ and 1.44 MT CO₂e/SP/year in 2040 thresholds 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 mi~~ ²⁷ ~~asures 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 3.3-1 through 3.3-29. 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,~~

⁶See here for more detail: <https://www.eia.gov/consumption/commercial/data/2012/bc/cfm/b2.php>

3.0 REVISIONS

the proposed Project's criteria pollutant emissions would be considered to have a **significant and unavoidable** impact.

MITIGATION MEASURE(S)

27

~~Implementation Mitigation Measures 3.3-1 through 3.3-29.~~

~~**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.

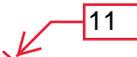
The amount of energy used by the proposed Project during operation would directly correlate with the amount of energy used by Project buildings and outdoor lighting, and the generation of vehicle trips associated with the proposed Project. Other Project energy uses include fuel used by vehicle trips generated during Project construction and operation, fuel used by off-road construction vehicles during construction activities, and fuel used by Project maintenance activities during

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
AIR QUALITY	<p>NOTE: Construction Measures 3.3-1 through 3.3-6 from Chapter 3.0, Revisions of the Final EIR, have been inserted above "Operational Measures"</p>			
<p>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</p>	<p>Operational Measures</p> <p>Mitigation Measure 3.3-8: 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 NO_x and PM₁₀ emissions, as required by SJVAPCD and City requirements.</p> <p>Mitigation Measure 3.3-9: 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 the Plan and the purpose, requirements, and applicability of Rule 9410.</p> <p>Mitigation Measure 3.3-10: 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.</p> <p>Mitigation Measure 3.3-11: AIR-11: 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.)</p> <p>Mitigation Measure 3.3-12: 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.</p>	<p>Community Development Department San Joaquin Valley Air Pollution Control District (SJVAPCD)</p>	<p>approval of individual phases of development (i.e. final maps, improvement plans, site plan review, etc.)</p>	

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p>Mitigation Measure 3.3-13:  <i>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.</i></p> <p><i>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.</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>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.</p> <p>"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).</p> <p>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.</p> <p>Mitigation Measure 3.3-14: 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.</p> <p>"Domiciled at the project site" shall mean the vehicle is either (i) parked or kept</p>			

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>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).</p> <p>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.</p> <p>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.</p> <p>Mitigation Measure 3.3-15: 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 in AMM AIR-2 (for Class 7 and 8 vehicles) and AMM AIR-3 (for Class 2 through 6 vehicles) above. Within 30-days of occupancy, the Operator shall demonstrate to the satisfaction of CDD staff, that the applicable clean fleet requirements are being met.</p> <p>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.</p> <p>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</p>			

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>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.</p> <p>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.</p> <p>Mitigation Measure 3.3-16: ¹⁴ Condition of Approved Compliance Report: The Operator shall submit a condition of approval compliance report within 30 days of, but not later than, the following dates: December 31, 2023, December 31, 2025, and December 31, 2027. 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 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.</p> <p>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</p>			

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>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.</p> <p>Mitigation Measure 3.3-17: 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.</p> <p>Mitigation Measure 3.3-18: 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.</p> <p>Mitigation Measure 3.3-19: 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.</p> <p>Mitigation Measure 3.3-20: 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.</p>			

MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p style="text-align: center;">19</p> <p>Mitigation Measure 3.3-21: 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.</p> <p style="text-align: center;">20</p> <p>Mitigation Measure 3.3-22: Yard Sweeping: Owners, operators or tenants shall provide periodic yard and parking area sweeping to minimize dust generation</p> <p style="text-align: center;">21</p> <p>Mitigation Measure 3.3-23: 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.</p> <p style="text-align: center;">22</p> <p>Mitigation Measure 3.3-24: 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.</p> <p style="text-align: center;">23</p> <p>Mitigation Measure 3.3-25: SmartWay: Owners, operators or tenants shall enroll and participate the in SmartWay program for eligible businesses.</p> <p style="text-align: center;">24</p> <p>Mitigation Measure 3.3-26: 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.</p> <p style="text-align: center;">25</p> <p>Mitigation Measure 3.3-27: 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.</p> <p style="text-align: center;">26</p> <p>Mitigation Measure 3.3-28: All tenant lease agreements for the project site</p>			

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>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.</i></p>			
<p>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</p>	<p>Construction Measures</p> <p>Mitigation Measure 3.3-1: <i>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.</i></p> <p>Mitigation Measure 3.3-2: <i>The project shall comply with SJVAPCD Regulation VIII for the control of dust emissions during project construction. A project Dust Control Plan shall be submitted to the SJVAPCD for review and approval prior to beginning construction in accordance with the requirements of Regulation VIII.</i></p> <div style="border: 1px solid red; padding: 5px;"> <p>NOTE: These Measures have been moved to Impact 3.3-1, above. ADDED TEXT TO THIS BOX: "Implement Mitigation Measures 3.3-1 through 3.3-26."</p> </div> <p>Mitigation Measure 3.3-4: <i>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.</i></p> <p>Mitigation Measure 3.3-5: <i>Construction Worker Trip Reduction: Project construction plans and specifications will require contractor to provide transit and ridesharing information for construction workers.</i></p> <p>Mitigation Measure 3.3-6: <i>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</i></p>	<p>City of Stockton Community Development Department; SJVAPCD</p> <div style="border: 1px solid red; padding: 5px;"> <p>See Mitigation Measures 3.3.-1 through 3.3.-26</p> </div>	<p>Prior to the commencement of construction activities for each phase of the Project</p> <div style="border: 1px solid red; padding: 5px;"> <p>See Mitigation Measures 3.3-1 through 3.3-26</p> </div>	

MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>and to cooperate with food service providers to provide consistent food service.</p> <p>Mitigation Measure 3.3-7: 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).</p> <p style="text-align: center;">27</p>			
Impact 3.3-4: The Proposed Project has the potential for public exposure to toxic air contaminants	<p>Mitigation Measure 3.3-29: 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.</p>	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	<p>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</p>	City of Stockton Community Development Department San Joaquin Council of Governments	Prior to commencement of any grading activities	

4.0

MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
paleontological resource	<i>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.</i>	Qualified paleontologist	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 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	Implement Mitigation Measures 3.3-1 through 3.3-29 .	See Mitigation Measures 3.3-1 through 3.3-29 .	See Mitigation Measures 3.3-1 through 3.3-29 .	
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	<p>Mitigation Measure 3.8-1: <i>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.</i></p> <p>Mitigation Measure 3.8-2: <i>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</i></p>	<p>San Joaquin County Department of Environmental Health</p> <p>San Joaquin County Department of Environmental Health</p>	<p>In the event that hazardous materials are encountered during construction</p> <p>Prior to the issuance of grading permits for any of the parcels (i.e.,</p>	