



January 30, 2024

To the local environmental leaders of American Canyon and Napa County,

The Center for Biological Diversity is deeply concerned about a proposed ballot initiative in American Canyon that would eliminate local oversight and force approval of warehouse development without environmental review. The proposed Measure K would *create a process of mandatory, ministerial approvals* for damaging industrial developments. Proponents of the initiative have gathered enough signatures to qualify Measure K for the ballot. The City Council could adopt the initiative outright as soon as their February meeting. We are urgently seeking to organize opposition to this measure.

Warehouse projects are well-documented sources of air quality degradation that create serious, negative health outcomes for surrounding communities.¹ Particulate emissions from diesel vehicles that carry freight to and from warehouses contribute to “cardiovascular problems, cancer, asthma, decreased lung function and capacity, reproductive health problems, and premature death.”² One need only look to the Inland Empire, where the recent warehouse boom has generated the highest concentrations of ozone in the state and the country, and left roughly 70% of children under the age of 10 with asthma. Major warehouse projects also substantially increase greenhouse gas impacts through construction, operation, and vehicle-related emissions, severely undercutting the state’s climate goals. Because of the significance of the harm from warehouses, it is crucial that the environmental impacts be disclosed, analyzed, and mitigated, as required under the California Environmental Quality Act (“CEQA”). Instead, this initiative would remove CEQA protections and ensure that the public cannot advocate to limit the danger of unrestrained warehouse development. The initiative is dangerous for at least four reasons.

First, Measure K allows developers to avoid oversight of their warehouse projects by eliminating the public’s right to have input into land use decisions, or even to be notified of them. The initiative would replace CEQA’s provisions for disclosure and public participation with automatic approvals that could not be reviewed or challenged. The City would be *required* to approve every project that meets the requirements, regardless of the project’s impacts or community’s concerns. (See Exhibit 1, Measure K Initiative, Sec. 19.54.020) Projects approved under the initiative would not be subject to CEQA. Likewise, the initiative includes no requirement to disclose impacts, and no provisions to allow the public to comment or challenge the project. (*Id.* 19.54.010) The Legislature has carefully crafted rules to ensure democracy in decision-making, and the initiative purposefully seeks to eliminate them. (Pub. Resources Code, § 21152 subd. (b).) The initiative also contains provisions to foreclose any other requirements that might be applied to warehouses. Any requirements outside of the initiative that are

¹ Betancourt, S. & Vallianatos, M. (Jan. 2012). *Storing Harm: The Health and Community Impacts of Goods Movement Warehousing and Logistics*. The Impact Project Policy Brief Series. Available at: <https://envhealthcenters.usc.edu/wp-content/uploads/2016/11/Storing-Harm.pdf>

² *Ibid.*

inconsistent with the “requirements and streamlining provisions” of the initiative will not apply to qualifying warehouses. (19.54.010) The initiative cannot be amended or repealed before January 1, 2029. Future City Councils or citizen groups will be unable to do anything but watch five years of uncontrolled warehouse development.

Second, the initiative will would force through warehouse projects with significant impacts to air quality, greenhouse gas emissions and biological resources, and allow developers not to mitigate those impacts. Under the initiative, warehouses would qualify for ministerial approval if they meet a set of design requirements. These requirements are significantly less protective of the environment than is standard practice in California. In fact, the majority of the requirements and conditions of approval are already required by the Building Code or other applicable law and would necessarily be done by any warehouse built in the state. For instance, the initiative requires the use of architectural coating with 50 grams or less of volatile organic compounds per liter, which is already required by the building code and is five times higher than the limit recommended by public health agencies. By approving without review projects that meet the bare legal requirements, the initiative forecloses the possibility that the City or the public would be able to compel any developers to meaningfully mitigate the impacts of their projects. For example, warehouse or other industrial developments approved via this process would not include basic air quality practices that have become commonplace throughout the state, such as electric on-site equipment or rooftop solar. In sum, the initiative does not require warehouses to be sustainable or energy efficient and instead enshrines outdated and insufficient practices.

Third, the initiative attempts to mislead the public by claiming it will promote sustainable development. It names itself the “Net-Zero Facilities Initiative” despite the fact that it does not require warehouses to be net-zero. The findings for the proposed ordinance include four findings emphasizing that the initiative will protect the environment. These findings merely list out existing state law requirements, contributing to the misperception that the initiative is taking some action to protect the environment. Measure K seeks to intentionally mislead the public by this greenwashing rhetoric. Voter education on these issues will be crucial to defeating the ballot measure. Unfortunately, the City Attorney’s impartial analysis merely restates the initiative and doesn’t offer any clue that it merely enshrines existing baseline requirements.

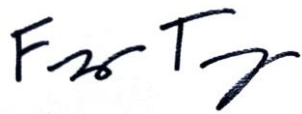
Finally, by letting developers know they can build warehouses in American Canyon without mitigating environmental impacts, the initiative will make the area a magnet for toxic land uses. As e-commerce expands, demand for warehouse space has grown exponentially and shows no sign of stopping. The Inland Empire has been the epicenter of the warehouse boom. It processes over 40 percent of all imports into the United States, and accounts for 20 percent of diesel particulate pollutants in southern California—more than from any other source. Residents of San Bernardino and Riverside Counties breathe the most polluted air in the state. The damage has happened even though no city in the Inland Empire has excused warehouse developers from CEQA compliance as blatantly as this initiative would. Developers are reaching the outer limits of how much warehousing the Inland Empire can possibly hold and are looking to new markets. This initiative would effectively hand developers a blank check to build warehouses in American Canyon without the risk, time, or expense of environmental compliance.

Some cities, communities, and environmental groups are working to find solutions that allow warehouses to be built with robust mitigation that protect people and the environment—for example, by requiring a fast and aggressive transition away from trucks and on-site equipment that run on diesel and release toxic pollution. This initiative would mean that American Canyon would be unaffected by any of this progress—developers would be free to ignore feasible environmental protections in favor of whatever is most profitable for them. The disparity between what the initiative requires and best practices is likely to get worse over time, as clean technology and standard industry practices improve and standards in American Canyon do not. The initiative would attract more of this development to the area, while at the same time surrendering the tools residents need to defend themselves.

Defeating this initiative is necessary to prevent a giveaway to developers at the expense of environmental protection. We are reaching out to you as a local environmental advocate, with the hopes that you will join the coalition forming to oppose the initiative. The City Council will consider the initiative on February 6th at 6:30pm and we would love to have you there to make a public comment.

Please contact us with any questions or ideas. We would be happy to discuss possibilities for collaboration.

Sincerely,



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