

#331  
2/12/19



T 610.836.4200  
F 610.836.4205

410 13th Street, Suite 250  
Ogden, NC, CA 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

**BY E-MAIL, OVERNIGHT MAIL, and HAND DELIVERY**

February 11, 2019

Council President Pro Tem Barbara Bry  
And San Diego City Council  
City Administration Building  
202 C Street, MS #10A  
San Diego, CA 92101  
cityclerk@sandiego.gov;  
barbarabry@sandiego.gov;  
jennifercampbell@sandiego.gov;  
christopherward@sandiego.gov;  
monicamontgomery@sandiego.gov;  
markkersey@sandiego.gov;  
chriscate@sandiego.gov;  
scottsherman@sandiego.gov;  
vivianmoreno@sandiego.gov;  
georgettegomez@sandiego.gov

E. Shearer-Nguyen, Environmental Planner  
City of San Diego Devel. Services Center  
1222 First Ave., MS 501  
San Deigo, CA 92101  
DSDEAS@sandiego.gov

Jeffrey A. Peterson  
Development Project Manager  
JAPeterson@sandiego.gov

**RE: SUNROAD CENTRUM RESIDENTIAL, PHASE 6 - PROJECT NO. 565879  
REQUEST FOR ENVIRONMENTAL IMPACT REPORT**

Council President Bry and Honorable Members of the City Council:

This letter is submitted on behalf of Laborers International Union of North America, Local 89, and its members living in and near the City of San Diego (collectively "LIUNA") regarding the **SUNROAD CENTRUM RESIDENTIAL, PHASE 6 - PROJECT NO. 565879 ("Project")**. This letter supplements the comments and expert reports submitted to the San Diego Planning Commission, which are incorporated herein by reference in their entirety.

By this letter, we respond to the Staff Report issued on February 7, 2019. We urge the City Council to direct staff to prepare an environmental impact report ("EIR") for the Sunroad Centrum 6 Project because it has many significant environmental impacts that were not analyzed in the 20-year old EIR, and 16-year old mitigated negative declaration ("MND") that the City staff seeks to rely upon, there are many changed

circumstances that have developed in the past 20 years, and there are many feasible mitigation measures available today that were not feasible 20 years ago.

We submit herewith expert reports from wildlife biologist, Dr. Shawn Smallwood. (Exhibit A). Dr. Smallwood conducted a site inspection on February 3, 2019 and identified numerous bird species, including special status species, on the Project site, and concludes that the Project will adversely impact these species. This directly contradicts the Staff Report, EIR and MND which state that there are no special status species on the Project site and therefore imposes no mitigation measures.

We also submit a report from the environmental consulting firm, Soil, Water, Air Protection Enterprise (SWAPE). (Exhibit B). SWAPE calculates that the Project will have significant air quality impacts, significant greenhouse gas impacts, and significant airborne health risk impacts. This directly contradicts the conclusions of the Staff Report, EIR and MND, which failed to accurately calculate air quality impacts, and failed to conduct any health risk assessment at all.

Certified industrial hygienist, Francis Offermann, PE, has submitted comments concluding that the Project will have significant impacts due to formaldehyde emissions that will expose residents to cancer risks far above the CEQA significance threshold. (Exhibit C). Neither the EIR, the MND, nor the addendum even mention this impact.

For all of these reasons, an EIR is required to analyze and mitigate the proposed Project's significant environmental impacts.

## BACKGROUND

The City seeks to rely on an addendum to an environmental impact report certified in 1997 – more than 20 years ago – for the New Century Center Master Plan ("EIR"). This is legally improper since the 1997 EIR did not analyze the Project at all. However 1997 EIR analyzed use of the Project site for a mix of retail, commercial and industrial uses – not the residential uses now proposed for the site. Therefore, the 1997 EIR has no informational value.

The City also seeks to rely on a mitigated negative declaration certified 16 years ago in 2002 for the Sunroad Centrum project ("2002 MND"). Although that document proposed residential uses for the Project site, it did not analyze the proposed Project and contains only a cursory analysis of a limited number of environmental impacts. Pursuant to the recent Supreme Court case of *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, since the City is relying on a prior MND, it must apply the lenient "fair argument" standard to the current addendum.

The City may not rely on the 1997 EIR and 2002 MND for several reasons, including but not limited to the following:

1. Neither the 1997 EIR nor the 2002 MND analyzed this Project. The documents conducted only very broad program level analysis and did not analyze Project-level impacts. A prior CEQA document may only be used for a later project that is "essentially the same project" as was analyzed in the prior document. *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320; *American Canyon Community v. American Canyon*, 145 Cal.App.4th 1062. The 1996 EIR did not analyze the Project at all. The 1996 EIR proposed a mix of retail, commercial and industrial uses for the site, while the proposed Project is entirely residential.
2. The Project will have many significant environmental impacts that were not analyzed in the 1997 EIR. For example, the Project will have significant impacts related to indoor air quality that were not analyzed in the 1997 EIR or the 2002 MND. We submit herewith, comments of indoor air quality expert Francis "Bud" Offerman, who concludes that residents of the Project are likely to experience cancer risks from formaldehyde ranging from 125 to 180 per million – far above the 10 per million CEQA significance threshold set by the South Coast Air Quality Management District ("SCAQMD"). Diesel engine exhaust associated with the construction and operation of the Project will also create cancer risks above CEQA significance thresholds. Dr. Smallwood identified special status species on the Project site, which were not discussed in the EIR or MND. These significant environmental impacts must be analyzed and mitigated in an EIR.
3. There are many mitigation measures that are now feasible that were not feasible or did not exist in 1997 or 2002. For example, the Project could offset its air pollution and greenhouse gas emissions in part by installing solar photovoltaic panels, using only Tier 4 construction equipment, operating only 2010 or better diesel trucks, using only electrified forklifts and related equipment, and many other measures that were not feasible in 1997. Mr. Offermann suggests numerous mitigation measures to reduce cancer risks from formaldehyde such as enhanced air ventilation, and the use of no-added formaldehyde wood products. A new EIR is required to analyze these measures.
4. There are numerous changed circumstances that have occurred since 1997 that require renewed environmental review. For example, traffic in the area is much heavier not than in 1997, population has grown in the area, there are new sensitive receptors that did not exist in 1997, there may be additional sensitive plant or animal species that were not in the site in 1997.

For the above and other reasons, the City must prepare an EIR to analyze and mitigate the Project's impacts.

## ANALYSIS

The Court of Appeal has recently determined that an addendum is only appropriate for "Only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA; and (3) The changes to the EIR made by the addendum do not raise important new issues about the significant effects on the environment." ([Guideline] 15164, subd. (a).) *Save Our Heritage Organisation v. City of San Diego*, 28 Cal. App. 5th 656, 669, 239 Cal. Rptr. 3d 231, 240 (Ct. App. 2018), reh'g denied (Nov. 13, 2018), review denied (Jan. 16, 2019).

When changes to a project's circumstances or new substantial information comes to light subsequent to the certification of an EIR for a project, the agency must prepare a subsequent or supplemental EIR if the changes are "[s]ubstantial" and require "major revisions" of the previous EIR. *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 943. "[W]hen there is a change in plans, circumstances, or available information after a project has received initial approval, the agency's environmental review obligations "turn[ ] on the value of the new information to the still pending decisionmaking process." *Id.*, 1 Cal.5th at 951-52. The agency must "decide under CEQA's subsequent review provisions whether project changes will require major revisions to the original environmental document because of the involvement of new, previously unconsidered significant environmental effects." *Id.*, 1 Cal.5th at 952. Section 21166 and CEQA Guidelines § 15162 "do[] not permit agencies to avoid their obligation to prepare subsequent or supplemental EIRs to address new, and previously unstudied, potentially significant environmental effects." *Id.*, 1 Cal.5th at 958.

Section 15162 provides, in relevant part,

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a).

14 Cal. Admin. Code § 15162(a)-(b). All of the evidence indicates that the project considered by the 20-year-old EIR and 16-year-old MND has undergone significant changes to the project and its circumstances requiring substantial revisions to the EIR and MND, not surprisingly, that new information and mitigations are now available that must be considered in an EIR.

#### **1. Addendum must be reviewed by the City Council.**

As a threshold issue, the Staff Report contends that the addendum is not reviewable by the City Council at all. The Staff Report states: the a CEQA addendum is "appealable to the City Council," citing, SDMC Section 113.0103 and 112.0520. (Staff Rpt. p. 2). This position is directly contradicted by state law.

CEQA Guidelines section 15164(d) states: "The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project." The City Council is the City's decision-making body. Since it is approving the underlying Project, it must also consider the CEQA documents, including the EIR, MND and Addendum. The court in the case of *El Morro Cmty. Assn. v. California Dep't of Parks & Recreation*, 122 Cal. App. 4th 1341, 1349-51 (2004) held that pursuant to CEQA section 21151(c), "**when a project is approved by a local lead**

**agency and the CEQA determination is made by "a nonelected decisionmaking body ... that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any."**

The court explained in *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1200 (2004), "environmental review is not supposed to be segregated from project approval." Thus, the body that ultimately approves the project, must also consider the CEQA documentation for the project. The two functions, project approval and CEQA review, must be approved by the same body.

Since the City Council is considering the project approval, it must also determine the sufficiency of the CEQA review, including the addendum.

## **2. The Fair Argument Standard Applies to the Addendum.**

The Staff Report contends that the lenient substantial evidence applies to review of the appropriateness of the CEQA addendum. This position is contradicted by the recent decision by the California Supreme Court in *limitations Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.*, 1 Cal. 5th 937, 957, 378 P.3d 687, 700 (2016). In that case, the court held that where the prior CEQA document was a mitigated negative declaration, as here, then the "fair argument" standard applies under CEQA section 21166, and CEQA Guidelines section 15162. Also, even if the prior CEQA document was an EIR, if the EIR did not analyze the impact in question, then the "fair argument" standard applies.

In this case, the 20-year-old EIR did not analyze residential uses at all. Therefore, it has no informational value and did not analyze the Project now before the City Council. While the MND analyzed residential uses, since it was a mitigated negative declaration, subsequent CEQA documents are analyzed under the fair argument standard. Also, most of the impacts identified by our experts were not discussed in either the EIR or the MND. Therefore, they are subject to review under the fair argument standard.

///

3. A supplemental EIR is required because there are new significant environmental effects that were not analyzed in the prior EIR or MND, new environmental impacts have been identified that were not known and could not have been known 20 years ago, and new mitigation measures are now available to reduce significant environmental impacts. (CEQA Guidelines Section 15162).

- a. Air Quality.

- i. Indoor Air Quality – Formaldehyde.

Certified Industrial Hygienist Francis "Bud" Offermann, PE, concludes that the Project will expose future residents to elevated cancer risks due to formaldehyde emissions from compressed wood products. Mr. Offermann calculates that cancer risks will be up to 180 per million – which exceeds the applicable 10 per million CEQA significance threshold by 18 times.

The Staff Report dismisses Mr. Offermann's conclusions by stating that an air quality analysis was conducted by Birdseye Planning in 2018. (Staff Report pp. 2-3). However, the Birdseye study does not analyze formaldehyde risks from compressed wood products at all. Therefore, it provides no substantial evidence to rebut Mr. Offermann's conclusions. The Staff Report also states that the developer will comply with applicable air quality standards and building codes. However, Mr. Offermann concludes that even if the developer uses products that comply with the Building Code and other regulations, indoor cancer risks will still be 125 per million – more than 12 times the CEQA significance threshold. Therefore, the Staff Report contains no substantial evidence to rebut Mr. Offermann's conclusion.

Mr. Offermann suggests several mitigation measures, such as requiring the use of ultra-low formaldehyde or no-added formaldehyde wood products. This is clearly a new environmental impact that was not identified in the prior EIR or MND. A supplemental EIR is required to analyze this impact and impose feasible mitigation measures.

- ii. Criteria Air Pollutants.

The Staff Report admits that even the 20-year-old EIR admitted that "***With respect to air quality, all project alternatives addressed in the EIR were found to result in significant and unavoidable air quality impacts.***" (Staff Report, p. 2). Since the prior EIR admitted significant, unmitigated air quality impacts, a supplemental EIR is required to determine if feasible mitigation measures are now available to reduce these significant impacts.

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-125, the court of appeal held that when a “first tier” EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later phases of the project to ensure that those unmitigated impacts are “mitigated or avoided.” (Id. citing CEQA Guidelines §15152(f)) The court reasoned that the unmitigated impacts were not “adequately addressed” in the first tier EIR since they were not “mitigated or avoided.” (Id.) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been “adequately addressed,” in a way that ensures the effects will be “mitigated or avoided.” (Id.) Such a second tier EIR is required, even if the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained, “The requirement of a statement of overriding considerations is central to CEQA’s role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support.” (Id. at 124-125).

Furthermore, environmental consulting firm SWAPE concludes that operational and construction emissions from the Project will exceed applicable CEQA significance thresholds. SWAPE calculated that the Project’s construction-related VOC and NOx emissions exceed the 137 pounds per day (lbs/day) and 100 lbs/day thresholds, respectively, set forth by the San Diego Air Pollution Control District (SDAPCD) (see table below).

Maximum Daily Construction Emissions (lbs/day)						
Model	VOC	NOx	CO	SOx	PM10	PM2.5
Addendum	120.1	49.7	36	0.09	9.9	6.3
SWAPE	150.5	119	39	0.25	21.1	12.4
<b>SDAPCD Thresholds</b>	<b>137</b>	<b>100</b>	<b>550</b>	<b>250</b>	<b>100</b>	<b>67</b>
<b>Exceed?</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Although the Addendum and Birdseye report reach different conclusions, SWAPE points out that the Addendum used the wrong input parameters in its calculations. Therefore the Addendum is entitled to no deference. Even if the Addendum’s calculations were given any deference, at best this would create a fair argument dispute among experts. As a matter of law, “substantial evidence includes . . . expert opinion.” Pub.Res.Code § 21080(e)(1); CEQA Guidelines § 15064(f)(5). CEQA Guidelines demand that where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the environmental effects to be significant and prepare an EIR. CEQA Guidelines § 15064(f)(5); Pub. Res. Code § 21080(e)(1); *Pocket Protectors*, 124 Cal.App. 4th at 935. “Significant environmental effect” is defined very broadly as “a substantial or potentially



substantial adverse change in the environment." Pub. Res. Code § 21068; see also Guidelines 15382. An effect on the environment need not be "momentous" to meet the CEQA test for significance; it is enough that the impacts are "not trivial." *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 83. In the recent *Pocket Protectors* case, the court explained how expert opinion is considered. The Court limited agencies and courts to weighing the admissibility of the evidence. *Id.* In the context of reviewing a Negative Declaration, "neither the lead agency nor a court may 'weigh' conflicting substantial evidence to determine whether an EIR must be prepared in the first instance." *Id.* Where a disagreement arises regarding the validity of a negative declaration, the courts require an EIR. As the *Pocket Protectors* court explained, "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project." *Id.*

It is important to note that the Addendum conflicts with the original EIR, which concluded that the project would have significant air quality impacts. Since a prior EIR already acknowledge that the Project would have significant criteria air pollutant impacts, the City may not "unring the bell" with a later environmental study, prepared for a contradictory addendum without any public review or comment. The court in the case *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 rejected a county's argument that a revised initial study prepared by the county which contradicted the findings of the first initial study had not "relegated the first initial study to oblivion." *Id.* at 154. The court stated, "We analogize such an untenable position to the **unringing of a bell**. The first initial study is part of the record. The fact that a revised initial study was later prepared does not make the first initial study any less a record entry nor does it diminish its significance, particularly when the revised study does not conclude that the project would not be growth inducing but instead simply proceeds on the assumption that evaluation of future housing can be deferred until such housing is proposed." (*Id.* at 154)

Since there is a fair argument that the Project may have significant criteria air pollutant impacts, a supplemental EIR is required to analyze and mitigate the impact.

There are numerous feasible mitigation measures available today that were not feasible 20 years ago. SWAPE lists numerous feasible mitigation measures in its comment letter, such as requiring the use of zero-VOC paints. The California Attorney General has published a list of measures that would reduce both Greenhouse Gas emissions and criteria pollution, including, electric car-charging stations, economic incentives for electric car purchases, solar panels, passive solar, water conservation measures, cool roofs, enhanced public transit connections, energy-star appliances, water-sense fixtures, xeroscaping, LEED certification, and many other measures. (Exhibit D). Many of these measures simply were not feasible 20-years ago but are commonplace now. A supplemental EIR should be prepared to analyze these measures.

### **iii. Air Pollutant Health Risks.**

SWAPE concludes that construction of the Project will create a health risk of 180 per million. Far exceeding the CEQA significance threshold of 10 per million. (SWAPE p. 5). This impact was not discussed at all in the prior EIR or MND. The Staff Report states that a further air quality analysis was conducted in 2018, but that analysis does not contain any Health Risk Assessment (HRA) at all. Therefore, there is no substantial evidence to rebut SWAPE's conclusions related to the Project's health risks. A supplemental EIR is required to analyze and mitigate this impact.

Feasible mitigation measures exist, such as requiring the use of Tier 4 Final construction equipment. This mitigation measure did not even exist at the time of prior EIR and MND since Tier 4 standards and equipment did not become available until 2011.

[https://ww3.arb.ca.gov/msprog/offroad/ofcie/ofciectp/resources/ofci\\_tp\\_20121025.pdf](https://ww3.arb.ca.gov/msprog/offroad/ofcie/ofciectp/resources/ofci_tp_20121025.pdf). Tier 4 construction equipment would reduce cancer risks by more the 90%. SWAPE suggests many other feasible mitigation measures such as limiting idle times, requiring biodiesel, requiring retrofit of construction equipment, and other measures. These mitigation measures did not even exist 20 years ago. For example Tier 4 construction equipment first became available only in 2011 – 8 years ago.

### **b. Biological Impacts.**

The Staff Report states, "no biological resources remain on the project site. Furthermore, based on the analysis contained in the New Century Center Master Plan EIR, the Sunroad– Centrum 6 project is in an area where no sensitive biological resources were identified... The project would not result in impacts to biological resources, and no mitigation measures were required." (Staff Report p. 4).

Eminent wildlife biologist, Dr. Shawn Smallwood, conducted a site inspection at the Project site on February 3, 2019. Dr. Smallwood identified and took photographs of numerous bird species occupying the Project site, including at least two special status species. Dr. Smallwood's eyewitness observations and photographic evidence is irrefutable. Therefore, the Staff Report's unsupported statement that "no biological resources remain on the project site" is simply false.

In a mere one-hour site visit, Dr. Smallwood identified, 14 species, indicating a very "species-rich site." Dr. Smallwood observed numerous individuals of some species, especially yellow-rumped warblers (Photo 3), house finches (Photo 4), and white-crowned sparrows (Photo 5). He saw American goldfinches (Photo 6), Anna's hummingbirds (Photo 7), Bewick's wrens (Photo 8), and Cassin's finches (Photo 9). Dr. Smallwood also observed and photographed a sharp-shinned hawk flying right over the

site (Photo 10), which is a special status species. Dr. Smallwood's photographic evidence is included in his detailed report attached as Exhibit A hereto.

Dr. Smallwood concludes that the building design, containing extensive use of glass windows, will have significant adverse impacts on the numerous bird species due to almost certain window-collisions ("bird-strikes"). Dr. Smallwood calculates that the building design is likely to lead to **370 bird deaths per year** at the building. After 50 years the toll from this average annual fatality rate would be 18,480 bird deaths. Dr. Smallwood points out that this impacts could be analyzed and mitigated in an EIR, since mitigation measures are available to reduce bird-strikes, such as requiring the use of bird-safe glass (glass that is visible to birds).

Dr. Smallwood's identification of numerous special status species on the Project site is clearly significant new evidence that was not known and could not have been known 20 years ago. Dr. Smallwood's report proves that the Staff Report is clearly erroneous, since it states falsely that, "no biological resources remain on the project site." Since the 20-year-old EIR and 16 year old MND are beyond review, their conclusions that there were not species on the site at that time must be accepted as true. Therefore, the species identified by Dr. Smallwood must be new to the site in the intervening 20 years. This means that the presence of these species is significant new evidence that could not have been known 20 years ago.

A supplemental EIR is required to analyze the biological impacts of the Project and to propose feasible mitigation measures and project alternatives.

### **c. Greenhouse Gas Impacts.**

SWAPE concludes that the Project will have significant greenhouse gas impacts. SWAPE concludes that the Project's greenhouse gas emissions will be 4,834 metric tons per year, well above the CEQA significance threshold of 3,000 MT/yr. The EIR and MND did not analyze this impact at all, nor did the 2018 Addendum or Birdseye study. Thus, there is no substantial evidence to support the City's position.

///

Annual Greenhouse Gas Emissions	
Emission Source	Proposed Project (MT CO2e/yr)
Construction (Amortized)	45
Area	6
Energy	961
Mobile	3,524
Waste	102
Water	196
<b>Project Total</b>	<b>4,834</b>
<b>Screening Threshold (MT CO2e/yr)</b>	<b>3,000</b>
<b>Exceed?</b>	<b>Yes</b>

The Staff report attempts to dismiss the greenhouse gas issue, stating that it could have been raised 20 years ago when the EIR was prepared. This argument is misplaced. CEQA did not require analysis of greenhouse gases 20 years ago. Guidelines for analysis of greenhouse gases under CEQA were not even promulgated until 2011. Thus, it would not have been possible to conduct an adequate greenhouse gas analysis 20 years ago.

Furthermore, even if a GHG analysis had been raised or discussed in the 20 year old EIR, new mitigation measures are now available to reduce this impact that were not feasible 20 years ago, such as solar panels, electric vehicles, and the many other measures discussed in the Attorney General Greenhouse Gas mitigation recommendations. (Exhibit D). A Supplemental EIR is required to analyze this impact and propose all feasible mitigation measures.

### CONCLUSION

LIUNA respectfully requests that the City prepare a supplemental environmental impact report ("SEIR") for the proposed Sunroad Centrum 6 project, to analyze and mitigate its impacts related to special status species on the site, indoor air quality, criteria air pollutants, airborne health risks and greenhouse gases. None of these impacts were analyzed or mitigated in either the 20-year-old environmental impacts report for the New Century Master Plan or the 16-year-old mitigated negative declaration that tiered off at that EIR. Since these are new significant impacts, and since new mitigation measures now exist that were not feasible 20-years ago, supplemental EIR is required.

Sincerely,



Richard Drury