



T 910.836.4200
F 910.836.4305

810 North Street, Suite 200
San Bernardino, CA 92401

www.lozeaudrury.com
info@lozeaudrury.com

Via Email, Overnight Mail and Hand Delivery

January 16, 2018

Mayor R. Carey Davis and
Honorable Members of the City Council
Mayor's Office and Council Office
290 North D Street, 8th Floor
San Bernardino, CA 92401
E: Mayor@SBCity.org
E: Council@SBCity.org

Oliver Mujica, Planning Division Manager
Chantal Power, Associate Planner
San Bernardino City Planning Division
300 North D Street, 3rd floor
San Bernardino, CA 92418
Mujica_ol@sbcity.org
Power_Ch@sbcity.org

Re: San Bernardino Logistics Center (Proj. No. ANZ1501)
Initial Study | Mitigated Negative Declaration
Request for Environmental Impact Report

Dear Mayor Davis, Honorable Members of the City Council, Mr. Mujica and Ms. Power:

I am writing on behalf of the **Laborers International Union of North America, Local Union 783** and its members living in and around the City of San Bernardino ("LiUNA"), regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Project known as the San Bernardino Logistics Center, Project Number ANZ1501, proposed to be located north of Sixth Street and east of Sterling Avenue, near the northwest corner of Lankershim Avenue and Sixth Street in the City of San Bernardino. ("Project"). The Project would place a massive 450,000 square foot truck distribution warehouse on a 20 acre parcel in the middle of a residential community, surrounded on three sides by residential uses. The Project requires rezoning the Project site from residential to industrial zoning. The Project includes General Plan Amendment 14-09; Development Code Amendment 14-18, and Development Permit Type D (DP-D) 16-25. As discussed below, this juxtaposition of industrial uses adjacent to a residential neighborhood will result in very significant environmental impacts, including creating a cancer risk in the nearby residential community more than twenty times above the applicable CEQA significance threshold. Since the City prepared a mitigated negative

declaration, finding that the Project will have no unmitigated environmental impacts, it did not properly analyze the Project's impacts, nor did the City impose all feasible mitigation measures.

We have prepared these comments with assistance from three expert consulting firms, Soil Water Air Protection Enterprise (SWAPE), traffic engineer Daniel T. Smith, P.E., and wildlife biologist Dr. Shawn Smallwood, Ph.D. Their expert comments are attached hereto and incorporated in their entirety. These comments create a fair argument that the Project may have adverse environmental impacts. The expert comments establish that there is a fair argument that the Project may have significant unmitigated impacts, including:

1. Significant unmitigated air quality impacts;
2. Significant unmitigated cancer risks;
3. Significant and unmitigated traffic impacts;
4. Significant and unmitigated greenhouse gas impacts;
5. Significant and unmitigated biological impacts.

Commenters request that the City of San Bernardino ("City") withdraw the IS/MND and instead prepare an environmental impact report ("EIR") for the Project, as there is substantial evidence that the Project will have significant unmitigated impacts on the environment as discussed below. An EIR is required to analyze these and other impacts and to adopt feasible mitigation measures to reduce the impacts to the extent feasible.

STANDING

Members of LIUNA live, work, and recreate in the vicinity of the Project site. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group or environmental group. Hundreds of LIUNA members live and work in areas that will be affected by air pollution and traffic generated by the project. Therefore, LIUNA and its members have a direct interest in ensuring that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible.

LEGAL STANDARD

As the California Supreme Court recently held, "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320 ["*CBE v. SCAQMD*"], citing, *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504-505.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal.App.4th 98, 109 ["*CBE v. CRA*"].)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens*, 124 Cal.App.4th at 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.) The EIR process “protects not only the environment but also informed self-government.” (*Pocket Protectors*, 124 Cal.App.4th at 927.)

An EIR is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” (Pub. Resources Code, § 21080(d); see also *Pocket Protectors*, 124 Cal.App.4th at 927.) In limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact thus requiring no EIR (14 Cal. Code Regs., § 15371 [“CEQA Guidelines”]), only if there is not even a “fair argument” that the project will have a significant environmental effect. (Pub. Resources Code, §§ 21100, 21064.) Since “[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process,” by allowing the agency “to dispense with the duty [to prepare an EIR],” negative declarations are allowed only in cases where “the proposed project will not affect the environment at all.” (*Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440.)

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study “to a point where clearly no significant effect on the environment would occur, and...there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.” (Public Resources Code §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.) In that context, “may” means a *reasonable possibility* of a significant effect on the environment. (Pub. Resources Code, §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–905.)

Under the “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (CEQA Guidelines, § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-15; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket*

Protectors, supra, 124 Cal.App.4th at 928.)

The “fair argument” standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This ‘fair argument’ standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency’s decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

(Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-274.) The Courts have explained that “it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is de novo, with a **preference for resolving doubts in favor of environmental review.**” (*Pocket Protectors*, 124 Cal.App.4th at 928 [emphasis in original].)

As a matter of law, “substantial evidence includes . . . expert opinion.” (Pub. Resources 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. Resources Code, § 21068; see also CEQA 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.*, 13 Cal.3d at 83.) In *Pocket Protectors*, the court explained how expert opinion is considered. The Court limited agencies and courts to weighing the admissibility of the evidence. (*Pocket Protectors*, 124 Cal.App.4th at 935.) 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 Court explained, “[i]t 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.*)

CEQA requires that an environmental document include a description of the project’s environmental setting or “baseline.” (CEQA Guidelines, § 15063(d)(2).) The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. (*CBE v. SCAQMD*, 48 Cal.4th at 321.) CEQA Guidelines section 15125(a) states, in pertinent part, that a lead agency’s environmental review under CEQA:

...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 [*Save Our Peninsula*].)

Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Resources Code §21083(b); CEQA Guidelines §15355(b)) If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE v. CRA*, 103 Cal.App.4th at 98, 114; *Kings County Farm Bur. v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 (*Kings Co.*)) It is vital that an agency assess "the environmental damage [that] often occurs incrementally from a variety of small sources . . ." (*Bakersfield Citizens*,) 124 Cal.App.4th at 1214.) Lead agencies must use their best efforts to find out and disclose all they reasonably can. (CEQA Guidelines § 15144.) If a precise technical analysis of an environmental impact is not practical, the agency must make a reasonable effort to pursue a less exacting analysis. (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 432.)

As the California Supreme Court stated in *CBE v. CRA*, 103 Cal.App.4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

DISCUSSION

A. The Project will have Significant Air Pollutant Emissions.

The environmental consulting firm, Soil, Water, Air Protection Enterprise (SWAPE), concludes that the Project will have very significant air quality impacts, far above applicable CEQA significance thresholds set by the South Coast Air Quality Management District (SCAQMD). In particular the ***Project will create cancer risks more than twenty times above the SCAQMD's CEQA significance thresholds***, due largely to the close proximity of the Project to a residential neighborhood. The Project will also generate nitrogen oxides (NOx) and greenhouse gas (GHGs) far above significance thresholds. As

such, an EIR is required to analyze these impacts, and to propose feasible mitigation measures and alternatives to reduce or eliminate the impacts.

Air districts' air quality thresholds are treated as dispositive in evaluating the significance of a project's air quality impacts. (See, e.g. *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (County applies BAAQMD's "published CEQA quantitative criteria" and "threshold level of cumulative significance"). See also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 ("A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant".) The California Supreme Court recently made clear the substantial importance that a SCAQMD significance threshold plays in providing substantial evidence of a significant adverse impact. (*CBE v. SCAQMD*, 48 Cal.4th at 327 ("As the [South Coast Air Quality Management] District's established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact".))

Since there is a fair argument that the Project's construction emissions exceed a CEQA significance threshold, an EIR is required to analyze and mitigate Project impacts.

1. The Project Will Create Significant Cancer Risks in the Nearby Residential Community Due to Diesel Engine Exhaust.

SWAPE concludes that the Project will create cancer risks in the nearby residential community more than twenty times above the SCAMD's CEQA significance thresholds. The ISMND erroneously concludes that the Project's cancer risks will be less than significant, but this is because the ISMND fails to apply the proper cancer risk calculation methodology established by the California Office of Environmental Health Hazard Assessment ("OEHHA"), the California Air Resources Board (CARB) and by SCAQMD.

SWAPE conducts detailed calculations using OEHHA methodology and concludes, "the excess cancer risk over the course of a residential lifetime (30 years) at the MEIR is approximately **230 in one million.**" (SWAPE, p. 17 (emphasis added)). The SCAQMD significance threshold for cancer risk is 10 in one million. Therefore, the Project will create a cancer risk in the adjacent residential neighborhood more than 20 times above the CEQA significance threshold. An EIR is required to analyze this risk and propose feasible mitigation measures.

SWAPE suggests numerous mitigation measures that could reduce the Project's cancer risks, including requiring the use of a fleet of clean trucks, low-emission construction equipment, idling restrictions and many other measures. (SWAPE, pp. 17-22). However, since the ISMND erroneously concludes there is no significant risk, it fails to impose these feasible measures.

2. The Project will Have Significant Nitrogen Oxide (NOx) Impacts.

SWAPE concludes that the Project will generate significant nitrogen oxides (NOx) emissions, above the SCAQMD’s CEQA significance thresholds. NOx reacts in the atmosphere to create ground-level ozone, which is an extreme problem in the San Bernardino area. US EPA states that ozone has serious adverse health impacts:

Ozone in the air we breathe can harm our health. People most at risk from breathing air containing ozone include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers. In addition, people with certain genetic characteristics, and people with reduced intake of certain nutrients, such as vitamins C and E, are at greater risk from ozone exposure.

Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and airway inflammation. It also can reduce lung function and harm lung tissue. Ozone can worsen bronchitis, emphysema, and asthma, leading to increased medical care.

<https://www.epa.gov/ozone-pollution/ozone-basics#effects>.

SWAPE concludes that the Project will generate 94 pounds per day (ppd) of NOx – almost double the SCAQMD CEQA significance threshold of 55 ppd. The IS/MND concludes that the Project will generate 53 ppd of NOx – just slightly below the significance threshold. However, SWAPE notes that the IS/MND made unauthorized adjustments to the air quality model without proper justification. In addition, the City’s consultant failed to use SCAQMD’s truck distribution model, instead using a model that has been rejected by SCAQMD (the “Fontana Study”). When SWAPE corrected these errors, the Project’s emissions almost doubled to 94 ppd of NOx. (SWAPE, p.7).

Maximum Daily Operational Emissions (lbs/day)	
Model	NOx
IS/MND	53.0
SWAPE	94.0
Percent Increase	77%
SCAQMD Regional Threshold (lbs/day)	55
Threshold Exceedance?	Yes

An EIR is required to analyze the Project’s NOx impacts and to propose feasible mitigation measures.

3. The Project Will Have Significant Greenhouse Gas Impacts.

SWAPE concludes that the Project will generate greenhouse gases (GHGs) well above the SCAQMD CEQA significance threshold of 10,000 metric tons (MT/yr).per year. The IS/MND concludes that the Project's GHG emissions will be 9,946 MT CO₂e/yr (Appendix A-1, p. 37) – just slightly below the 10,000 MT/yr threshold. However, SWAPE concludes that the GHG emission calculations use the same erroneous input data as the NO_x calculations. When corrected, the Project's GHG emissions rise to 11,834 MT/yr – well above the CEQA significance threshold. (SWAPE, p.24).

An EIR is required to analyze and mitigate the Project's GHG emissions. SWAPE suggests numerous GHG mitigation measures that should be required, including electric charging stations for cars and trucks, electrified forklifts, solar panels to generate electricity for the Project, and many others. Such measures have been required for other similar facilities and are therefore clearly feasible.

B. The Project Will Have Significant Traffic Impacts.

Traffic Engineer Daniel T. Smith Jr., P.E., concludes that the Project will have significant traffic impacts, and that the IS/MND's traffic analysis contains fatal flaws. An EIR is required to analyze the Project's traffic impacts and propose feasible mitigation measures.

Mr. Smith questions the wisdom of placing an industrial use immediately adjacent to a residential community. (Smith, p. 2). The IS/MND erroneously contends that there is no inconsistency with zoning. However, Mr. Smith points out that this reasoning is circular. The Project site is currently zoned residential – like the adjacent area. The Project involves a re-zoning to render the site industrial. However, this "spot zoning" does not resolve the inconsistency. If it did, no project would ever be inconsistent with zoning.

Mr. Smith concludes that the site is of inadequate size and design for trucks likely to be used in California. The truck bays are 60 feet in length, but California trucks can be 65-69 feet in length. As a result, the bays are inadequately sized and must be redesigned. (Smith, p. 2).

Mr. Smith concludes that the IS/MND's traffic analysis is fundamentally flawed by relying on the discredited "Fontana Study," rather than SCAQMD calculations methodology. Mr. Smith concludes, "As can be seen from the table, use of the modern SCAQMD rates results in about **twice as many heavy trucks** and twice as many of the heaviest trucks than use of the Fontana rates that were relied on in the IS/MND traffic analysis." (Smith, p. 3 (emphasis added)). In other words, the IS/MND undercounts the number of heavy trucks at the Project by half.

Mr. Smith concludes that the Project will have significant traffic impacts at three intersections, and that mitigation measures proposed in the IS/MND may not reduce those

impacts to less than significant when traffic impacts are properly calculated. An EIR is required to analyze and mitigate the Project's traffic impacts.

C. The Project May Have Significant Biological Resource Impacts.

Wildlife biologist Dr. Shawn Smallwood, Ph.D., concludes that the Project may have significant impacts on several special status species. An EIR is required to analyze and mitigate these impacts.

Dr. Smallwood notes that the IS/MND concludes that kangaroo rats have been identified only 0.5 miles from the Project site, yet the IS/MND concludes that there are no kangaroo rates on the Project site. Dr. Smallwood disputes this conclusion, stating:

Furthermore, 0.5 miles is not very far from critical habitat of San Bernardino kangaroo rat. Members of this species can easily traverse 0.5 miles, and could do under an hour. Using a thermal imaging camera at night, I have witnessed kangaroo rats traveling over long distances very quickly. Half a mile is not far away for dispersing kangaroo rats.

(Smallwood, p.2). Dr. Smallwood concludes that there is a fair argument that kangaroo rats may use the Project site, and that further analysis is required to determine their presence.

The IS/MND's biological analysis acknowledges that burrowing owls "could potentially be found on site." LSA Associates (2017:25). The study also concludes, "The project site features sparse vegetation and bare ground that may be suitable burrowing owl habitat." LSA Associates (2017:25). However, the IS/MND suggests a lower probability of burrowing owl use. Dr. Smallwood disputes this conclusion, finding, "Any biologist with even minimal experience with burrowing owls should conclude that this site is suitable burrowing owl foraging habitat. In my investigations, both day and night, the conditions on the proposed project site are ideal as burrowing owl foraging habitat (Smallwood et al. 2009, 2013, Smallwood 2016)." (Smallwood, p. 3). Dr. Smallwood notes that the e-bird database shows 15 burrowing owl siting within 500 meters of the Project site. One e-bird posting at a site only 400 m south of the project site included the note, "The best place to see this bird anywhere away from the Salton Sea." (Smallwood, p.4). Dr. Smallwood concludes that the IS/MND's analysis for burrowing owls is entirely inadequate given their likely presence. He notes that the IS/MND failed to comply with 38 out of 39 standards established by official California Department of Fish and Wildlife (DFW) guidelines for burrowing owls. Dr. Smallwood also concludes that mitigation for burrowing owl impacts are inadequate. The IS/MND only proposes 3 of 33 mitigation measures set forth by the DFW. These measures are feasible and must be implemented.

Dr. Smallwood notes that 17 species of raptor and 11 other bird species have been identified very close to the Project site. Based on reliable databases, Dr. Smallwood concludes, "Based on habitat affinities and geographic range overlap, I tallied 56 special-status species as possibly or probably using the site for foraging, refuge, roosting, breeding, or for all purposes (Table 1)." (Smallwood, p. 2).

Dr. Smallwood concludes that there is a fair argument that the Project will interfere with wildlife movement in the area, which is not adequately analyzed in the IS/MND.

Given the large number of special status species likely to exist on the Project site, Dr. Smallwood concludes that the Project may have significant impacts related to vehicle collisions with species. Dr. Smallwood notes that the Project will generate almost 1,500 vehicle trips per day, and that,

Vehicle collisions have accounted for the deaths of many thousands of reptile, amphibian, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). It is likely project-related traffic impacts will far exceed the impacts of land conversion to a warehouse. But not one word of traffic-related impacts appears in the Initial Study – a gross shortfall of the CEQA review.

(Smallwood, p. 11). Since the IS/MND fails to analyze the risk of vehicle collisions entirely, an EIR is required to analyze and mitigate this impact.

Dr. Smallwood also concludes that the Project will have significant cumulative impacts with other similar projects in the area. Dr. Smallwood states:

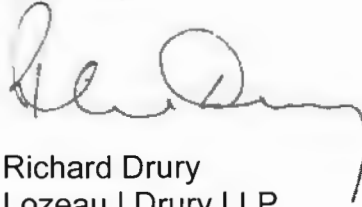
The Initial Study does not address the project's cumulative contribution to road mortality caused by increased traffic volume on the region's roadways. At a minimum the cumulative impacts analysis should have considered other like-kind projects in the region. Table 3 lists some distribution warehouse projects in the region, including the predicted traffic increases associated with each project, so far totaling 87,234 additional daily PCE and 26,023 additional daily truck trips. Additional like-kind projects are likely built, planned or under way in the region, and not included in Table 3. Cumulative impacts loom large due to crushing and collision fatalities of wildlife along many miles of roadway in the region. These impacts need to be addressed in an EIR.

(Smallwood, p.12). These cumulative projects in the area will contribute to the cumulative impacts of the Project, not only for biological impacts, but also for air quality (NOx and Diesel Particulate Matter), greenhouse gases, traffic and other impacts.

CONCLUSION

For the foregoing reasons, the IS/MND for the Project should be withdrawn, an EIR should be prepared and the draft EIR should be circulated for public review and comment in accordance with CEQA. An EIR is necessary to analyze the Projects significant adverse impacts on, cancer risk, ozone precursors (NOx), greenhouse gases, traffic and wildlife. The EIR must also propose all feasible mitigation measures and alternatives to reduce the Project's significant impacts. Given the location of the Project, surrounded by residential neighborhoods, the EIR should certainly consider alternate locations away from residential areas. Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Drury". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard Drury
Lozeau | Drury LLP
Counsel for LIUNA Local 783