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BY E-MAIL

Planning Commission
City of Rancho Cucamonga
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Re: Comment on Agenda Item D.2 - Site Plan and Design Review, Foothill Center Mixed-Use/Island View Ventures, LLC (DRC2019-00850)

Dear Honorable Members of the Planning Commission:

I am writing on behalf of **Supporters Alliance for Environmental Responsibility ("SAFER")**, a California nonprofit benefit corporation, regarding the proposed Foothill Center Mixed-Use development proposed for the southeast former of Foothill Boulevard and Haven Avenue, located in the City of Rancho Cucamonga ("Project").

The staff report indicates, based on the discussion in the "CEQA Section 15183 Compliance Memorandum," staff recommends that the City of Rancho Cucamonga ("City") comply with the California Environmental Quality Act ("CEQA") by relying on a CEQA streamlining provision set forth at 14 C.C.R. ["CEQA Guidelines"] § 15183, which implements Pub. Res. Code § 21083.3. However, this streamlining provision does not apply to the Project because the City has failed to address impacts that are peculiar to the Project, including indoor air quality impacts, among others, that were not addressed in a previous EIR, requiring the preparation of a negative declaration or supplemental EIR pursuant to CEQA, addressing impacts peculiar to the Project.

I. PROJECT DESCRIPTION

The Project includes the development of a 7.94-acre mixed use development with 311 residential units and 16,000 square feet of ground floor retail uses, divided among four buildings, along with associated parking lots, landscaping, and ancillary improvements at 10575 Foothill Boulevard.

II. DISCUSSION

CEQA Guidelines section 15183 does not relieve the City of reviewing environmental effects that “[w]ere not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent.” 14 Cal. Admin. Code § 15183(b)(2). Section 15183 also excludes exempting impacts that are “peculiar” to the Project. Peculiar is a term of art specifically defined by the regulation:

An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.

14 Cal. Code Regs. § 15183(f).

One component of an air quality impact analysis under CEQA is evaluating the health risk impacts of toxic air contaminant (“TACs”) emissions contributed by a proposed project as well as cumulatively with other nearby TAC sources.

Formaldehyde is a known human carcinogen. Many composite wood products typically used in residential building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in residential and building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims. Given the prominence of materials with formaldehyde-based resins that will be used in constructing the Project, there is a significant likelihood that the Project’s emissions of formaldehyde to air will result in very significant cancer risks to future residents and workers in the buildings. Even if the materials used within the buildings comply with the Airborne Toxic Control Measures (ATCM) of the California Air Resources Board (CARB), significant emissions of formaldehyde may still occur.

The residential buildings will have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that will expose workers and residents to cancer risks well in excess of SCAQMD’s threshold of significance. A 2018 study by Chan et al. (attached as Exhibit A) measured formaldehyde levels in new structures constructed after the 2009 CARB rules went into effect. Even though new buildings conforming to CARB’s ATCM had a 30% lower median indoor formaldehyde concentration and cancer risk than buildings built prior to the enactment of the ATCM, the levels of formaldehyde will still

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pose cancer risks greater than 100 in a million, well above the 10 in one million significance threshold established by the SCAQMD.

Based on expert comments submitted on other similar projects and assuming all the Project's and the residential building materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure, future residents using the Project will be exposed to a cancer risk from formaldehyde greater than the SCAQMD's CEQA significance threshold for airborne cancer risk of 10 per million. Currently, the City does not have any idea what risk will be posed by formaldehyde emissions from the Project or the residences. As a result of this significant effect to air quality, the Project may not rely upon Section 15183 to forego the preparation of a supplemental EIR or at least a negative declaration for the Project.

The General Plan EIR does not acknowledge the significant indoor air emissions that will result from the Project. Specifically, there is no discussion of impacts or health risks, no analysis, nor any identification of mitigations for significant emissions of formaldehyde to air from the Project. As a result, the City cannot rely on Section 15183 to avoid addressing this potential impact.

III. CONCLUSION

The Planning Commission should reject staff's recommendation to rely on Section 15183's streamlining provision and remand the matter back to staff to prepare the appropriate CEQA document. Thank you for considering these comments.

Sincerely,



Rebecca L. Davis
LOZEAU DRURY LLP