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Via Email

September 22, 2023

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Re: Comment on the Initial Study (IS) and Mitigated Negative Declaration (MND) for Rubio Village Mixed-Use Project

Dear Chairperson Klawiter and Honorable Members of the Planning Commission:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Rubio Village Mixed-Use Project, including all actions related or referring to the proposed construction of a mixed-use development consisting of 225 multi-family residential units in three buildings with a total floor area of 306,793 square feet, located at 201-217 South San Gabriel Boulevard in the City of San Gabriel (“Project”).

After careful review of the IS/MND and its accompanying documents, SAFER concludes that the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of San Gabriel (“City”) prepare an environmental impact report (“EIR”) for the Project pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq.

This comment has been prepared with the assistance of Certified Industrial Hygienist Francis Offermann, PE, CIH, Wildlife Biologist Shawn Smallwood, PhD, and environmental experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D., of the Soil/Water/Air Protection Enterprise (“SWAPE”).

PROJECT DESCRIPTION

The Applicant, Rubio Village LLC, is seeking approval from the City for the Rubio Mixed-Use Development. The Project is located at 201-217 South San Gabriel Boulevard, which would include the development of 3 buildings consisting of 225 multi-family residential units and approximately 13,449 square feet (sf) of commercial uses on an approximately 2.9 acre site.

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The Project would construct a total of 306,793 sf with 191,453 sf of residential uses, 13,449 sf of commercial uses, and 101,891 sf of above-ground parking.

Building A, located north of the Rubio Wash, fronting East Live Oak Street, would be a six-story building with 206 residential units, amenity spaces, two retail spaces, two restaurant spaces, and vehicle parking within two subterranean levels, the ground floor, and the second floor. Building B, located south of the Rubio Wash fronting Pine Street, would be a two-story building with 3 three-bedroom townhouses. Building C, located south of the Rubio Wash fronting South San Gabriel Boulevard, would be a four-story building with 16 one-bedroom residential units and a restaurant space.

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LEGAL STANDARD

As the California Supreme Court has 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 Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [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].) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *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 Univ. of Cal.* (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.

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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.” PRC §§ 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. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland’s etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.



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. 14 CCR § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *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*, 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. 273–74.

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).

DISCUSSION

A. There is Substantial Evidence of a Fair Argument that the Project Will Have Adverse Environmental Impacts on Biological Resources.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project will have significant biological impacts. Specifically, expert wildlife biologist Dr. Shawn Smallwood, Ph.D. has concluded that the Project site has value as a habitat for special status species and that the Project will have significant impacts on biological resources. Dr. Smallwood’s comments and CV are attached Exhibit A. The City therefore must prepare an EIR for the Project. Dr. Smallwood’s comments are supported by a site visit by wildlife biologist Noriko Smallwood (“Ms. Smallwood”). (Ex. A, p. 1.) Ms. Smallwood visited the site for 2.5 hours on September 7, 2023, starting at 7:21 am. (*Id.*) She walked the site’s perimeter, using binoculars to scan for and a camera to capture wildlife. (*Id.*)

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1. The IS/MND Fails to Adequately Describe the Project's Environmental Setting.

The City inadequately characterized the existing environmental setting and the site's ability to provide habitat for rare, special-status species. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 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." (Emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra*, 87 Cal.App.4th 99, 121-123.)

The IS/MND states, "No species that are identified as candidate, sensitive, or special-status species are known to exist in the local vicinity due to urbanized conditions." (IS/MND, p.33). Dr. Smallwood's report shows that the IS/MND is erroneous. Dr. Smallwood points out that the IS/MND includes no analysis by a biologist at all. Ms. Smallwood observed 18 species of vertebrate wildlife at and near the Project site, three of which were special-status species. (Ex. A, p. 2, Table 1.) These species include the Allen's hummingbird (*Selasphorus sasin*) and the Western gull (*Larus occidentalis*), which are identified as "Birds of Conservation Concern."¹ (*Id.*) Birds of Conservation Concern include "migratory nongame birds that without additional conservation action are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973."² Ms. Smallwood also observed the three American kestrels (*Falco sparverius*) socializing and actively hunting on-site; she further observed them bathing in the Rubio Wash. American kestrels are classified as a Birds of Prey, which are a valuable resource to the State of California, and are therefore protected under state law.³ (*Id.*)

"Special Status Species" is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State

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¹ See, US Fish & Wildlife Service ("USFW"), Birds of Conservation Concern 2021, pp. 18-19 <https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>.

² *Id.*, p. 4.

³ See, Fish and Game Code, Sections 3503, 3503.5, 3505 and 3513, and California Code of Regulation, Title 14, Sections 251.1, 652 and 783-786.6

governments.”⁴ For example, thirteen of the species Ms. Smallwood observed are also protected by the federal Migratory Bird Treat Act and California’s Migratory Bird Protection Act. (Ex. A, p. 8.) This includes Ms. Smallwood’s observations of the Anna’s hummingbird and the Allen’s hummingbird, which were foraging on the Project site. (*Id.*, p. 3.)

Dr. Smallwood’s project models indicate the City has failed to adequately analyze the biological impacts arising from this Project. Specifically, Dr. Smallwood posits that “[a]ssuming [Ms. Smallwood’s] ratio of special-status to non-special-status species was to hold with through the detections of all 90 predicted species, then continued surveys would eventually detect 15 special-status species of vertebrate wildlife.” (Ex. A, p. 9.) Dr. Smallwood thus explains that the City must prepare additional surveys to obtain a true inventory of the wildlife at the Project site.

Clearly, the IS/MND fails to accurately describe the Project’s environmental setting. A new CEQA document is therefore required.

2. The Project Will Have Significant Adverse Impacts on Special Status Species.

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); *Stanislaus Audubon v. Stanislaus* (1995) 33 Cal.App.4th 144, 150-151 (1995)). Dr. Smallwood concludes that the Project will have adverse impacts on special status species through direct loss of habitat. (Ex. A, p. 16.) He concludes that the Project site supports 42 bird nests. (Ex. A. p. 17.) In addition, the Project will result in the loss of foraging area for special status species. (*Id.*).

Dr. Smallwood additionally points out that the Project will adversely impacts wildlife movement. He concludes that volant wildlife use the site as a stopover area. The project would cut wildlife off from one of the last remaining stopover and staging opportunities in the project area, forcing volant wildlife to travel even farther between remaining stopover sites.” (Ex. A. p. 17.) Dr. Smallwood points out that the nearby Rubio Wash is a feature likely to be followed by wildlife, which increases the importance of the Project site to wildlife. (*Id.*)

The IS/MND fails to analyze the Project’s impacts due to bird-window collisions. Dr. Smallwood concludes that the extensive use of glass in the 6-story buildings will lead to increased bird-window collisions. (Ex.A, p. 18.) He notes that there are “89 special status species of birds with potential to use the site’s aerosphere.” (*Id.*) Many of these birds are likely to experience window collisions due to the Project. Dr. Smallwood calculates that the Project will cause 475 bird deaths due to window collisions each year, with the vast majority of these birds being protected under the Migratory Bird Treaty Act. (Ex. A, p. 20.)

⁴ Sacramento County, Planning and Environmental Review, “Special Status Species,” https://planning.saccounty.net/InterestedCitizens/Pages/ER_SpecialStatusSpecies.



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The IS/MND fails to analyze the Project's impacts related to wildlife traffic fatalities. Dr. Smallwood calculates that the Project will generate 11,130,450 annual vehicle miles travelled. (Id. p. 23). He predicts that this will result in 610 wildlife fatalities per year. (Id.).

Dr. Smallwood proposes numerous mitigation measures that could vastly reduce the above impacts, such as avoiding construction during nesting season, applying bird-safe window treatments, landscaping measures and many others. These mitigation measures should be analyzed in an EIR and imposed if feasible.

Since there is substantial evidence of a fair argument that the Project will have adverse biological impacts, an EIR is required to analyze and mitigate those impacts.

B. There is Substantial Evidence of a Fair Argument that the Project Will Have Significant Air Quality Impacts.

1. The MND Fails to Accurately Analyze the Project's Air Quality Impacts.

The IS/MND relied on unsubstantiated input parameters to estimate project emissions and thus the Project may result in significant air quality impacts. Environmental consulting firm SWAPE assisted in the review of the Project and concluded that after reviewing the IS/MND and the Air Quality and Greenhouse Gas Analyses' CalEEMod output files, respectively included as Appendices B and F to the IS/MND, several model inputs used to generate a project's construction and operation emissions were found to not be consistent with information disclosed in the IS/MND. As a result, the Project's construction and operational emissions are underestimated. An EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that Project construction and operation will have on local and regional air quality. SWAPE's expert comments and CVs are attached as Exhibit B.

Specifically, SWAPE identified several values used in the IS/MND and the Air Quality and Greenhouse Gas Analyses that were found to be either inconsistent with information provided in the IS/MND or otherwise unjustified, including:

1. Failure to Provide Complete CalEEMod Output Files
2. Unsubstantiated Changes to Individual Construction Phase Lengths
3. Unsubstantiated Reduction to Gas Fireplaces
4. Underestimated Operational Vehicle Trips
5. Unsubstantiated Changes to Construction Equipment Values

As a result of these errors in the IS/MND, the Project's construction and operational emissions were underestimated and cannot be relied upon to determine the significance of the Project's air quality impacts. This is worth mentioning because as SWAPE explains, "the CalEEMod User's Guide requires any changes to model defaults be justified." (Ex. B, p. 5). Here, however, despite the numerous observations where the models were amended, the Applicant does not provide sufficient justification to make such substantial changes. Thus, the

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IS/MND fails to support its conclusions with substantial evidence, and an EIR is needed to adequately address and accordingly mitigate the air quality impacts of the proposed Project.

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2. The IS/MND failed to Adequately Evaluate Health Risks from Diesel Particulate Matter Emissions and thus the Project may result in Significant Health Impacts.

An EIR should be prepared to evaluate the significant health impacts to individuals and workers from the Project's operational and construction-related diesel particulate matter ("DPM") emissions. The IS/MND incorrectly concluded that the Project would have a less-than significant health risk impact without conducting a quantified construction or operational health risk analysis ("HRA"). (See, IS/MND, pp. 30-31.) However, the IS/MND fails to mention or evaluate the toxic air contaminant ("TAC") emissions associated with Project operation whatsoever. As such, the IS/MND's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for two reasons.

First, by failing to prepare a quantified construction and operational HRA, the Project is inconsistent with CEQA's requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. (Ex. B, p. 10.) The IS/MND's conclusion is also inconsistent with recent guidance published by the Office of Health Hazard Assessment ("OEHHA"). (See, "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnrr/2015guidancemanual.pdf>.)

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Second, by failing to prepare a quantified construction and operational HRA for nearby, existing sensitive receptors, the IS/MND fails to compare the excess health risk impact of the Project to the SCAQMD's specific numeric threshold of 10 in one million. Without conducting a quantified construction and operational HRA, the IS/MND also fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors from the Project's construction and operation together. This is incorrect, and as a result, the IS/MND's evaluation cannot be relied upon to determine Project significance. OEHHA guidance requires that the excess cancer risk be calculated separately for all sensitive receptor age bins, then summed to evaluate the total cancer risk posed by all Project activities. Therefore, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted and compared to the SCAQMD threshold of 10 in one million.

Thus, to more accurately determine the health risks associated with the Project's operational and construction related DPM emissions, an EIR should be prepared that includes updated health risk calculations using correct guidance.

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3. There is Substantial Evidence of a Fair Argument that the Project Will Have a Significant Health Risk Impact from Indoor Air Quality Emissions.

Certified Industrial Hygienist, Francis “Bud” Offermann, PE, CIH, has conducted a review of the proposed Project and relevant documents regarding the Project’s indoor air emissions. (Indoor Environmental Engineering Comments (September 14, 2023)). Mr. Offermann concludes that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic. Mr. Offermann’s expert comments and CV are attached as Exhibit C.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, hotels, and commercial spaces contain formaldehyde-based glues which off-gas formaldehyde over a long period of time. He states, “The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” (Ex. C, pp. 2-3.)

Formaldehyde is a known human carcinogen. Mr. Offermann states that there is a fair argument that future residents will be exposed to a cancer risk from formaldehyde of approximately 120 per million, assuming all materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure. (Ex. C, pp. 3-4.) This exceeds the South Coast Air Quality Management District’s (“SCAQMD”) CEQA significance threshold for airborne cancer risk of 10 per million. (*Id.*, p. 3.)

In addition, Mr. Offermann states that there is a fair argument that the employees of the Project’s commercial spaces are expected to experience significant work-day exposures. (Ex. C, pp. 4-5.) This exposure of employees would result in “significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.” (*Id.*, p. 4.) Assuming they work eight-hour days, five days per week, an employee would be exposed to a cancer risk of approximately 17.7 per million, assuming all materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure. (*Id.*, pp. 4-5.) This is more than the SCAQMD CEQA significance threshold for airborne cancer risk of 10 per million. (Ex. B, p. 10.)

Mr. Offermann also notes that the high cancer risk that may be posed by the Project’s indoor air emissions likely will be exacerbated by the additional cancer risk that exists as a result of the Project’s location near roadways with moderate to high traffic (i.e. San Gabriel Boulevard, East Live Oak Street, South Pine Street, East Broadway, East Las Tunas Blvd., etc.) and the high levels of PM2.5 already present in the ambient air. (Ex. C, pp. 10-12.) Specifically, he notes that

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“the SCAQMD’s MATES V study cites an existing cancer risk of 467 per million at the Project site due to the site’s high concentration of ambient air contaminants resulting from the area’s high levels of motor vehicle traffic.” (*Id.*, p. 12.) No analysis has been conducted of the significant cumulative health impacts that will result to future residents and employees of the Project, meaning that the City cannot conclude with substantial evidence that the Project will not result in significant air quality impacts.

Mr. Offermann concludes that these significant environmental impacts should be analyzed in an EIR, and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. (Ex. C, p. 5.) Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings’ interiors. (*Id.*, pp. 12-13.)

The City has a duty to investigate issues relating to a project’s potential environmental impacts, especially those issues raised by an expert’s comments. (See, *Cty. Sanitation Dist. No. 2 v. Cty. of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98 [“under CEQA, the lead agency bears a burden to investigate potential environmental impacts”].) In addition to assessing the Project’s potential health impacts to residents and employees, Mr. Offermann identifies the investigatory path that the City should be following in developing an EIR to more precisely evaluate the Projects’ future formaldehyde emissions and establishing mitigation measures that reduce the cancer risk below the SCAQMD level. (Ex. C, pp. 6-10.) Such an analysis would be similar in form to the air quality modeling and traffic modeling typically conducted as part of a CEQA review.

The failure to address the Project’s formaldehyde emissions is contrary to the California Supreme Court’s decision in *California Building Industry Ass’n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 (“*CBIA*”). At issue in *CBIA* was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment’s effects on a project. (*CBIA*, 62 Cal.4th at 800-801.) However, to the extent a project may exacerbate existing adverse environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. (*Id.* at 801 [“CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present”].) In so holding, the Court expressly held that CEQA’s statutory language required lead agencies to disclose and analyze “impacts on a project’s users or residents that arise from the project’s effects on the environment.” (*Id.* at 800 [emph. added].)

The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. Residents and commercial employees will be users of the Project. Currently, there is presumably little if any formaldehyde emissions at the site. Once the project is built, emissions will begin at levels

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that pose significant health risks. Rather than excusing the City from addressing the impacts of carcinogens emitted into the indoor air from the project, the Supreme Court in *CBIA* expressly finds that this type of effect by the project on the environment and a “project’s users and residents” must be addressed in the CEQA process.

The Supreme Court’s reasoning is well-grounded in CEQA’s statutory language. CEQA expressly includes a project’s effects on human beings as an effect on the environment that must be addressed in an environmental review. “Section 21083(b)(3)’s express language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects on human beings, directly or indirectly.’” (*CBIA*, 62 Cal.4th at 800 [emph. in original].) Likewise, “the Legislature has made clear—in declarations accompanying CEQA’s enactment—that public health and safety are of great importance in the statutory scheme.” (*Id.*, citing e.g., §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d).) It goes without saying that the future residents and commercial employees of the Project are human beings and the health and safety of those residents and workers is as important to CEQA’s safeguards as nearby residents currently living near the project site.

Because Mr. Offermann’s expert review is substantial evidence of a fair argument of a significant environmental impact to future users of the Project, an EIR must be prepared to disclose and mitigate those impacts.

CONCLUSION

For the foregoing reasons, SAFER believes that the IS/MND prepared for the Project is wholly inadequate. SAFER requests that the City prepare an Environmental Impact Report (“EIR”) to analyze and mitigate the Project’s significant adverse environmental impacts. Thank you.

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Sincerely,



Marjan R. Abubo

LOZEAU DRURY LLP