

February 23, 2012

CEQA Guidelines Update
c/o Christopher Calfee
1400 Tenth Street
Sacramento, CA 95814



Re: Proposed State CEQA Guidelines-Streamlining for Infill Projects (SB 226)

Dear Mr. Calfee,

We want to thank the Governor's Office of Planning and Research (OPR) for its efforts to develop CEQA streamlining guidelines for Senate Bill 226 (Proposed Guidelines). PSR-LA is a physician and health advocate membership organization working to protect public health from nuclear threats and environmental toxins. Representing over 5,000 physicians, health professionals, and concerned residents in Southern California, we inform the medical community and policymakers about the links between our environment and health, and encourage policy and systems change that protects health and promotes social equity and environmental justice.

As a physician based organization, our members are deeply concerned that many of our land use decisions often do not promote health or healthy behaviors. Therefore, we thank you for the opportunity to comment on these regulations and look forward to working with your office to promote healthier land use decisions that promote economic development, health and social equity.

Projects Near High-Volume Roadways

The Southern California Region has two of the largest and busiest ports in the United States, the Long Beach and San Pedro Ports¹. Communities living in close proximity to the ports experience higher concentrations of diesel particulate matter (PM) and exhaust from port related activity. Several studies have found that "higher community exposures to fine particulate air pollution to be associated with premature mortality and increased lung cancer incidence"². Of concern to us is that infill projects can be eligible for streamline review if they are constructed "within 500 feet of a high volume roadway, or other distance determined to be appropriate by the local agency or local air district" (pg. 2, Appendix M). Given the higher community exposure to PM by communities living in proximity to heavily traveled roadways, proposed projects that are to be constructed within 500 feet or less of a heavy traffic corridor or freeway should be required to go through the standard CEQA review process. In addition, we recommend that Appendix N ask if the proposed project is a "sensitive land use" and if the "siting of the new sensitive land use project meets ARB's siting recommendations"³. If the project does not meet the ARB's guidelines for siting sensitive land uses, then additional and stringent mitigation, including air filtration measures should be required of the project.

¹ Environmental Protection Agency. Air Quality. <http://www.epa.gov/soocal/air/>. Updated July 13, 2011.

² Dickey, Jefferson H., MD., "Air Pollution and Primary Care Medicine." *Physicians for Social Responsibility*. Viewed Nov. 14, 2011, [http://www.psr.org/chapters/boston/health-and-environment/air-pollution-and-primary.html#OZONE-\(O3\)](http://www.psr.org/chapters/boston/health-and-environment/air-pollution-and-primary.html#OZONE-(O3)).

³ Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*. 2005. <http://www.arb.ca.gov/ch/landuse.htm>.

Affordable Housing

A recent report by the Dukakis Center for Urban Planning and Regional Policy found that transit rich neighborhoods change the surrounding neighborhood usually by increasing the cost of housing, wealthier residents moving into the neighborhood, and vehicle ownership becoming more common⁴. This trend can have a contradictory effect to what SB 226 is intending to do. Instead of reducing greenhouse gas emissions from single passenger vehicles, vehicle usage can increase because the residents that use public transit- renters and low-income households- are priced out of the area. Research shows that in general, higher-income is correlated with more vehicle-miles traveled per household⁵. To ensure that we get to the goal of reducing greenhouse gasses, we recommend that the Revised Guidelines include affordable housing provisions for all projects and that no project can result in a net less of affordable housing units within a project area.

For Residential projects in particular, additional performance standards related to minimum provisions of affordable housing for rent or purchase, and sufficient legal commitments to ensure the continued availability of housing for all income levels, should be an added qualification for CEQA streamlining. Specifically, we recommend a requirement that 45% of the units be affordable -- 25% affordable to low-income, 20% affordable to very low-income. For developments where this is not possible, the payment of in-lieu fees for the development of an equivalent number of units could be an alternative to this requirement.

Cumulative Assessment of Pollutant Concentrations for Residential Development

There is a growing consensus among health professionals, researches in health, and environmental justice advocates that we must make public policy decisions based on an understanding of the cumulative exposure to air pollutants and not exposures attributable to a single source of air pollution. The Revised Guidelines should take into consideration the cumulative exposure of air pollution from “roadway hotspots” such as localized areas with elevated levels of air pollution like rail yards, highways and from increased vehicle traffic in a local area. Ambient concentrations of PM 2.5 and NO2 vary greatly in California among and within regions with levels exceeding the current national standard in areas of major population centers. Additional criteria for Residential projects should include an analysis of cumulative air pollution concentrations within the region. The data can be generated using computational modeling approaches. We would further recommend that areas where the VMT is greater than 75% per capita and where cumulative concentrations of pollutants are found, for these projects to not receive a CEQA streaming exemption, but rather to go through the standard CEQA review process. Allowing projects to be streamlined in areas where the VMT is higher than 75% per capita can be counterproductive to SB 375’s intent of reducing greenhouse gas reductions. Projects opting to use CALGreen standards because they do not meet the 75% VMT should not be incentivized.

Ensure that Social and Health Equity is Achieved

⁴ Pollack, Stephanie et al. Dukakis Center for Urban Planning and Regional Policy. *Maintaining Diversity in America’s Transit Rich Neighborhoods Tools for Equitable Neighborhood Change*. October 2005. <http://www.dukakiscenter.org/TRNEquity>.

⁵ Energy Information Administration Department of Energy. *Chapter 3 Vehicle Miles Traveled*. Modified February 1, 2002. <http://www.eia.gov/emeu/rtecs/chapter3.html>. Viewed February 23, 2012.

We suggest that more explicit question about health be included in the checklist. We often do not consider the health impacts of noise, access to food, green space, and public spaces. We agree with Dr. Rajiv Bhatia's suggestions that the following additions be included in the infill environmental checklist:

- *Would the project's physical changes result in public health and safety problems, directly or indirectly? (CCR §15126.2)*
- *Could the project create or exacerbate a known environmental health hazard?*
- *Would the project increase population exposure to a known environmental health hazard?*
- *Would the project would create or contribute to "hotspots" of air pollutants above existing State or Federal Air Quality Standards OR would the project locate a new sensitive use in a locations above existing State of Federal air quality standards*
- *Would the project provide sufficient accessibility to public facilities or resources, such as parks and public and natural spaces that provide resources for physical activity, leisure, socialization, and recuperation?*
- *Would the project result in a net loss of low income affordable housing?*
- *Could the project affect disparities in exposure to environmental hazards?*

Additionally, we recommend for Appendix N and M to include questions about social equity. Such questions can include asking if the project is being constructed in areas where there is an Environmental Justice Community as defined by Executive Order 12898 and if so, if the project would cause adverse public health effects, including gentrification and displacement of a certain geographic group. If the project is found to cause adverse health effects, the project should be asked to produce a health impact assessment based on the adverse effect.

We thank you for the opportunity to provide comments on the Proposed CEQA Guidelines and look forward to continuing to work with your office. If you have any questions, please feel free to contact me.

Sincerely,


Patricia Ochoa
Environment and Health Coordinator