

*The physician and health advocate voice for a world free from nuclear threats
and a safe, healthy environment for all communities.*

June 1, 2012

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



Re: SB 226 Revised Guidelines

Dear Mr. Calfee:

We applaud the Governor's Office of Planning and Research (OPR) for its efforts in engaging stakeholders in the development of CEQA streamlining guidelines for SB 226. The second draft of the revised guidelines establishes a clear procedure for streamlining the environmental review process. However, to ensure that the SB 226 guidelines also protect the physical environment by not causing an adverse environmental impact to the surrounding communities as intended by CEQA, the revised SB 226 guidelines should be strengthened in the areas of public health protective measures and social equity indicators.

As a public health advocacy organization, Physicians for Social Responsibility- Los Angeles (PSR-LA) has found the application of California Environmental Quality Act (CEQA) procedural requirements important and needed in order to protect public health. The California Environmental Quality Act articulates that the well-being of people is an environmental policy goal (California Public Resources Code. § 21000). Hence, as part of achieving the goal, adverse effects from the physical environment to public health need to be clearly mitigated in the revised guidelines.

In developing the streamlining guidelines for SB 226, we urge OPR to consider our recommendations for strengthening public health protective measures in two areas:

- A. Limit the development of projects near heavy roadways
- B. Include affordable housing and displacement prevention guidelines

Limit Development of Projects near Heavy Roadways

Fine particulate matter is responsible for over 9,000 premature deaths in California every year¹. Residents that live in close proximity to heavy traveled highways, particularly those with high levels of diesel trucks, will experience increase rates of cardiovascular, respiratory disease, premature mortality, increased lung cancer incidence, decreased life expectancy, reproductive health problems, and increased asthma symptoms due to poor air quality from infill projects that increase roadway travel capacity. SB 226 guidelines should ensure that projects that are located within less than 500 feet from a heavy roadway not expose residents to harmful toxic air contaminants.

¹ California Air Resources Board. *Estimate of Premature Deaths Associated with Fine Particle Pollution (PM2.5) in California Using a U.S.*

We support Natural Resources Defense Council's (NRDC) near-roadway guidance recommendation to amend Appendix M to include the following language:

Residential Units Near High-Volume Roadways and Other Significant Sources of Air Pollution. If a project includes residential units located within 500 feet, or another lesser distance determined to be appropriate by the local air district based on local conditions, of a high volume roadway or other significant source of air pollutants, the project shall include air quality and health mitigation measures, such as enhanced air filtration and project design, that the lead agency, in consultation with the local air district or the California Air Resources Board, determines, based on substantial evidence, will protect the health of future occupants of the project.

And to add the two entries to the definitions section of Appendix M in order to compliment the above language:

“Air quality and health mitigation measures” include the measures designated by the California Air Pollution Control Officer’s Association, *Health Risk Assessments for Proposed Land Use Projects*, p 13.

“Significant sources of air pollution” include airports, marine ports, rail yards and distribution centers that receive more than 100 heavy-duty truck visits per day; and stationary sources that are designated Major by the Clean Air Act.

We agree with NRDC that these changes will provide more of a clearly defined framework for consideration of mobile sources and potential actions to mitigate those effects.

Additionally, we urge OPR to deny eligibility of projects that would be constructed near freeways. Even with considerable mitigation measures, such projects would still pose an significant adverse health impacts to the public.

Include Affordable Housing and Displacement Prevention Guidelines

The SB 226 guidelines can ensure that CEQA streamlining is not used to adversely change a community’s character and/or affordability of the neighborhood. We believe that the guidelines can offer guidance on how to protect and maintain affordable housing in infill projects by including a set of recommended standards that can be applicable to residential projects located within ½ mile of an existing major transit stop or high quality or high quality transit corridor. The suggested language is:

Projects located within ½ mile of Existing Transit Stop or High Quality Transit Corridor.

A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor if the project does not result in the demolition of loss of deed restricted, public inclusionary, or rent-controlled housing. For projects that result in the demolition of loss of deed restricted, public inclusionary, or rent-controlled housing, the project has been found to provide access to replacement housing for existing tenants at a 1:1 ratio.

A 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 common². 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.

For example, the Southern California Association of Governments Regional Transportation Plan shows that the region is experiencing challenges to quality of life and affordability with “45 percent of owner-occupied households and 54 percent of renter-occupied households spending 30 percent or more of their incomes on housing.” When you include transportation cost into the mix, 67 percent of households in the region spend 45 percent or more of their incomes on housing and transportation, among the highest percentages in the nation³. The Revised Guidelines need to consider the impact of infill development on local communities by including affordable housing provisions to ensure that no project results in a net loss of affordable housing units within a project area.

We thank you for your time and for considering our recommendations.

Sincerely,

Patricia Ochoa
Environment and Health Coordinator

² 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>.

³ 2012-2035 Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy, pg. 183.