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1029 J Street  
Suite 450  
Sacramento, CA 95814  
916-554-5864 phone  
916-442-8585 fax

[lungusa.org/california](http://lungusa.org/california)

**CEQA Guidelines Update**

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

**Re: CEQA Streamlining for Infill Projects (SB 226)**

Dear Mr. Calfee:

On behalf of the American Lung Association in California, I am writing to provide our comments on the SB 226 draft land use guidelines. We appreciate the discussion of public health goals within the SB 226 background materials and guidelines and have recommendations to enhance public health protections.

The American Lung Association in California believes that public health is best served in the land use arena by a rapid transition away from business-as-usual sprawl development to healthier growth patterns that reduce vehicle miles traveled (VMT) to fight air pollution exposures, climate change and a wealth of chronic illnesses associated with physical inactivity. We recognize that the proposed guidelines attempt to support this transition by incentivizing new infill projects, but believe that in some cases the guidelines may counteract those goals and should be revised. Our comments are focused on two key elements 1) land use near roadways and, 2) high VMT developments.

**1. Infill Projects near Roadways**

Our comments align with those submitted by our colleagues at the Natural Resources Defense Council and are focused on the issue of near-roadway development and protection against localized air pollution exposures. The proposal correctly notes that there can be a conflict of goals associated with infill development projects located near major roads and freeways if those projects subject residents to unacceptable levels of air pollution. We recognize that a challenge in dealing with this issue is that proximity to roadways is not handled uniformly by local authorities, or by the state. Rather than deferring guidance to piecemeal local codes and ordinances that may not be health protective, OPR should use the SB 226 infill streamlining guidance as an opportunity to create a statewide set of recommendations. Models exist that can support both public health and air quality protections while allowing the ongoing development of infill projects.

We recommend that OPR build guidelines on near-roadway development around existing best practices, such as those of the Bay Area Air Quality Management District and the City and County of San Francisco. Under these models, near-roadway projects would have to demonstrate to the satisfaction of the local air district that health impacts are below specified cancer risk levels and fine particulate pollution concentrations or take action to mitigate impacts where appropriate.

Also, the guidance should differentiate between projects within extreme proximity to a major roadway and those further out but still within proximities of concern. Developers of projects within immediate proximity to a major roadway should be required to demonstrate that there is no increased health risk or the streamlining benefit would not be available for that project. For projects beyond the immediately proximate zone, project developers should demonstrate to the air district that the project is within acceptable health thresholds, or include air district-approved mitigation measures, including a high efficiency air filtration system and other practical, site-specific design modifications in the project.

This staged approach places higher thresholds for eligibility on projects with the greatest health risks, while still allowing infill projects near major roadways where the impacts can be mitigated. Leaving project eligibility for CEQA infill streamlining up to a mixture of local codes and standards does not adequately address this problem and we do encourage the OPR to take advantage of this opportunity to offer statewide guidance and clarity. We will provide more detailed comments on this portion of the guidelines in the next month.

## **2. High VMT Developments**

We concur with NRDC and other colleagues in the environmental and health communities who have submitted more detailed comments regarding the inappropriateness of using the streamlining incentive for projects in high-VMT areas or for projects that would rely on energy efficient building practices in lieu of VMT reduction. We believe these guidelines should not promote high VMT projects, but should further the goals of reducing VMT and greenhouse gases through improved land use decisions.

We look forward to discussing these important issues with you again in the near future.

Sincerely,



Bonnie Holmes-Gen  
Executive Director, Air Quality and Public Health