



For office use only:

Appeal of Planning Commission Decision/Rehearing

**(Must be submitted to the City Clerk's Office):**

Residential: \$1,850

Other Appeals: \$3,695

Appeal of Zoning Administrator/Building Official/Staff Decision

**(Must be submitted to the Planning Division): \$2,955**

## APPLICATION FOR APPEAL OR REVIEW

Applicant name\*: Supporters Alliance for Environmental Responsibility (SAFER)

Address: 1939 Harrison Street, Suite 150 Oakland, CA 94612

Phone Number: 510-836-4200 E-mail: kylah@lozeaudrury.com

**REQUEST FOR:**  **APPEAL**  **REVIEW\*\***

Case Number: 2024-0160 Date of Decision: July 2, 2025

Decision by: Planning Commission

Reasons for requesting appeal or review (include a general statement specifying the basis for the appeal and the specific aspect of the decision being appealed based upon an error in fact, dispute of findings, or inadequacy of conditions to mitigate potential impacts—attach additional sheets, if necessary):

The reasons for this appeal are set forth in the attached letter dated July 15, 2025.

Date: 7/15/2025 Signature: 

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.

\*\*Review may be requested only by Planning Commission Member or Mayor/City Council Member.

**Signed application and fee must be submitted within 15 days after the decision date identified in the notice of decision. (WMC 17.640.030)**



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
kylah@lozeaudrury.com

July 15, 2025

***VIA U.S. MAIL***

Ashton R. Arocho, MMC, City Clerk  
City Clerk Department  
City of Westminster  
8200 Westminster Blvd  
Westminster, CA 92683  
CityClerkCSR@westminster-ca.gov

Ken Fitchelman, Principal Planner  
Planning Division  
Community Development Department  
City of Westminster  
8200 Westminster Boulevard  
Westminster, CA 92683  
kfitchelman@westminster-ca.gov

**Re: Appeal for the 15172 Goldenwest Circle Project (Case No. 2024-0160)**

Dear Ms. Arocho and Mr. Fitchelman:

This appeal is submitted on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the 15172 Goldenwest Circle Project (Case No. 2024-0160), which proposes the demolition of an existing warehouse to make way for the development of a 115,339 square-foot warehouse located at 15172 Goldenwest Circle in the City of Westminster (“Project”). SAFER hereby appeals the entirety of the Planning Commission’s July 2, 2025 decision to approve the Development Review and associated Mitigated Negative Declaration prepared for the project.

SAFER appeals the Planning Commission's decision because the approval of the IS/MND is improper under the California Environmental Quality Act due to the IS/MND’s failure to adequately assess the Project’s potentially significant environmental impacts, including significant air quality impacts. Air quality experts Dr. Paul Rosenfeld, Ph.D., and Matt Hagemann, P.G., C.Hg., of Soil, Water, Air Protection Enterprise (“SWAPE”) reviewed the MND and found its air quality analysis deficient. Comments from Dr. Rosenfeld and Mr. Hagemann are attached hereto as Exhibit A. Specifically, Dr. Rosenfeld and Mr. Hagemann found that the MND failed to analyze the Project’s emissions of toxic air contaminants (“TACs”), namely diesel particulate matter (“DPM”) coming from construction equipment. By failing to analyze the health risk associated the Project’s DPM emissions, the MND’s conclusion that the Project will not result in significant air quality impacts is not supported by substantial evidence. To properly assess the health impacts that will result from the Project’s DPM emissions, the City must prepare a health risk assessment.

SAFER requests that the City Council reverse the Planning Commission’s July 2, 2025 decision to approve the IS/MND and that an environmental impact report (EIR) be

July 15, 2025

Appeal for the 15172 Goldenwest Circle Project (Case No. 2024-0160)

Page 2 of 2

prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in black ink that reads "Kylah Staley". The signature is written in a cursive, flowing style.

Kylah Staley  
Lozeau Drury LLP

# EXHIBIT A



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

2656 29<sup>th</sup> Street, Suite 201  
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.  
(949) 887-9013  
[mhagemann@swape.com](mailto:mhagemann@swape.com)

Paul E. Rosenfeld, PhD  
(310) 795-2335  
[prosenfeld@swape.com](mailto:prosenfeld@swape.com)

July 14, 2025

Kylah Staley  
Lozeau | Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94618

**Subject:           Comments on the 15172 Goldenwest Circle Project**

---

Dear Ms. Staley,

We have reviewed the May 2025 Initial Study and Mitigated Negative Declaration (“IS/MND”) for the 15172 Goldenwest Circle Project (“Project”) located in the City of Westminster (“City”). The Project proposes to construct a 116,000-square-foot (“SF”) storage and warehouse facility and 147 parking spaces on the 5.33-acre site.

Our review concludes that the IS/MND fails to adequately evaluate the Project’s health risk impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. An Environmental Impact Report (“EIR”) should be prepared to adequately assess and mitigate the potential health risk impacts that the project may have on the environment.

## **Air Quality**

### **Diesel Particulate Matter Emissions Inadequately Evaluated**

The IS/MND relies on Localized Significance Thresholds (“LSTs”) to determine significance instead of conducting a quantified construction or operational health risk analysis (“HRA”) (p. 26, 27). Regarding the health risk impacts associated with the Project construction and operation, the IS/MND states:

“Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur. Health risk analyses are typically assessed over a 9-

30-, or 70-year timeframe and not over a relatively brief construction period due to the lack of health risk associated with such a brief exposure.” (p. 26).

The IS/MND concludes that the Project would have less-than-significant impacts because the Project’s anticipated criteria air pollutant emissions would not exceed LSTs (p. 27). The use of a LST analysis to determine the health risk impacts posed to nearby, existing sensitive receptors as a result of the Project’s construction and operational of toxic air contaminants (“TACs”) emissions is not advised. While the LST method assesses the impact of pollutants at a local level, it only evaluates impacts from criteria air pollutants. According to the *Final Localized Significance Threshold Methodology* document prepared by the South Coast Air Quality Management District (“SCAQMD”), LST analyses are only applicable to NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions, which are collectively referred to as criteria air pollutants.<sup>1</sup> Because LST methods can only be applied to criteria air pollutants, they cannot be used to determine whether emissions from TACs, specifically diesel particulate matter (“DPM”), a known human carcinogen, would result in a significant health risk impact to nearby sensitive receptors. As a result, health impacts during Project construction and operation, from exposure to TACs, such as DPM, were not analyzed.

By not preparing a quantified construction and operational HRA, the Project is inconsistent with CEQA’s requirement to make “a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.”<sup>2</sup> This poses an issue, as construction of the Project would produce DPM emissions through the exhaust stacks of construction equipment over a duration of approximately 276 days (p. 25). The IS/MND neglects to evaluate the TAC emissions associated with Project construction and operation nor indicate the concentrations at which such pollutants would trigger adverse health effects. Without making a reasonable effort to connect the Project’s TAC emissions to the potential health risks posed to nearby receptors, the IS/MND is inconsistent with CEQA’s requirement to correlate Project-generated emissions with potential adverse impacts on human health.

Additionally, the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015. This guidance document describes the types of projects that warrant the preparation of an HRA. Specifically, OEHHA recommends that all short-term projects lasting at least 2 months assess cancer risks.<sup>3</sup> Additionally, according to OEHHA:

---

<sup>1</sup> “Final Localized Significance Threshold Methodology.” South Coast Air Quality Management District (SCAQMD), Revised July 2008, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf>.

<sup>2</sup> “Sierra Club v. County of Fresno.” Supreme Court of California, December 2018, available at: <https://law.justia.com/cases/california/supreme-court/2018/s219783a.html>.

<sup>3</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 8-18.

“Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009).”<sup>4</sup>

As the Project’s anticipated construction duration exceeds the 2-month and 6-month requirements set forth by OEHHA, construction of the Project meets the threshold warranting a quantified HRA under OEHHA guidance and should be evaluated for the entire 276-day construction period. Furthermore, OEHHA recommends that an exposure duration of 30 years should be used to estimate the individual cancer risk at the maximally exposed individual resident (“MEIR”).<sup>5</sup> While the IS/MND does not provide the expected lifetime of the proposed Project, we can reasonably assume that the Project would operate for at least 30 years, if not more. Therefore, operation of the Project also exceeds the 2-month and 6-month requirements set forth by OEHHA and should be evaluated for the entire 30-year residential exposure duration, as indicated by OEHHA guidance. These recommendations reflect the most recent state health risk policies, and as such, a DEIR should be prepared to include an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions.

By not conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the IS/MND does not compare the Project’s excess cancer risk to the SCAQMD’s specific numeric threshold of 10 in one million.<sup>6</sup> In accordance with the most relevant guidance, a DEIR should be prepared to include an assessment of the health risk posed to nearby, existing receptors as a result of Project construction and operation.

## Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

---

<sup>4</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 8-18.

<sup>5</sup> “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 2-4.

<sup>6</sup> “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, March 2023, available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25>.

Sincerely,

A handwritten signature in blue ink that reads "Matt Hagemann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink that reads "Paul Rosenfeld". The signature is cursive and clearly legible.

Paul E. Rosenfeld, Ph.D.