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VIA EMAIL: CEQA.Guidelines@ceres.ca.gov

February 24, 2012

CEQA Guidelines Update
c/o Christopher Calfee
Special Counsel, California Natural Resources Agency
1400 Tenth Street
Sacramento, CA 95814

RE: League of California Cities Comments on SB 226 Guidelines

Dear Mr. Calfee:

On behalf of the League of California Cities, thank you for the opportunity to comment on the Office of Planning and Research's proposed CEQA Guidelines on SB 226 for infill streamlining (Proposed Guidelines).

We genuinely appreciate and are supportive of your efforts to address uncertainty and delay by creating a new streamlining mechanism in CEQA for infill projects. However, in the environment we find ourselves in, struggling to create new jobs and find ways to string together financing for new projects, we still feel, as we did last August when we noted our concerns with SB 226 to the Legislature, that the standards set by the original bill, and now by the Proposed Guidelines are so high, they will likely never get used.

Vehicle Miles Traveled (VMT)

One of the areas of concern for us is the use of VMT as an eligibility requirement in the Proposed Guidelines where "Per capita VMT" refers to either "home-based VMT or household VMT". Appendix N requires the lead agency to calculate the VMT for a project and is instructed to "describe methodology and attach model output" on the Infill Environmental Checklist. However, we are unclear on how this piece will come together. Each of the levels of VMT is based upon "regional per capita VMT". Have each of the regions actually adopted a regional per capita VMT? Is there already in place a generally-accepted and understood methodology for determining a project's VMT?

Additionally, projects achieving 75% of regional per capita VMT are eligible for the exemption. A project can achieve that level of VMT by locating in a low VMT traffic analysis zone (TAZ) within the region and/or by including VMT-reducing project features. However it is unclear whether all regions in the state have even identified TAZs. Further, would locating a TAZ be considered an alternative to locating in a low VMT locale?

VMT and CALGreen

The Proposed Guidelines note that "projects exceeding 100% of regional per capita VMT must implement necessary prerequisite and elective measures associated with CALGreen Tier 2". However, the introduction to CALGreen Tier 2 states:

"The measures necessary to achieve Tier 2 status are very stringent. Cities, counties and cities and counties considering adoption of Tier 2 as mandatory should carefully consider the stringency of each measure and ensure that the measures are achievable in their location."

It would appear to us to mean that projects exceeding 100% of regional VMT have little, if any ability of using the infill exemption in the Proposed Guidelines.

Projects Near High-Volume Roadways

The Proposed Guidelines include an additional standard that applies to a residential project located within 500 feet of a high-volume roadway. Such a project is required to comply with measures such as “enhanced air filtration and project design” that the lead agency determines will promote the protection of public health. However, existing regulations by local air districts don’t allow residential projects within 500 feet of a high-volume roadway for health related reasons. It would be very helpful if the Proposed Guidelines clarified that if a lead agency adopts and imposes such standards, that the regulations of local air districts restricting residential projects within 500 feet of a high-volume roadway do not apply.

Regional Location

Under the regional location performance standard, a commercial and retail project below 75,000 square feet must either (1) be located within a TAZ that is less than 75% of VMT; or (2) be within ½ mile of 1200 households; or (3) be within ¼ mile of a transit stop with no more than 15% of its surface area devoted to parking. If the commercial project is located within a TAZ with more than 75% of VMT, then CALGreen Tier 1 or Tier 2 standards apply, which as noted above raises concerns about the ability of a project to even achieve these standards. We do think, however, that it would be helpful for the Proposed Guidelines to include information about how “surface area” should be measured for purposes of determining whether more than 15% is devoted to parking.

We support and encourage the adoption of land use policies that are designed to reduce sprawl, preserve open space and create healthy, vibrant, and sustainable communities. But we also believe that the pathways to get there must be achievable for our cities and the projects within them. We are concerned that without changes to the Proposed Guidelines, the Proposed Guidelines are not achievable and simply will not be used. Again, thank you for the opportunity to comment on the Proposed Guidelines. Should you have any questions, please do not hesitate to contact me at 916-658-8252 or at kross@cacities.org.

Sincerely,



Kyra Emanuels Ross
Legislative Representative
League of CA Cities

cc: The Honorable Joe Simitian, California State Senate
Randy Pestor, Consultant, Senate Environmental Quality Committee