

CITY OF OAKLAND



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TRANSMITTED VIA ELECTRONIC MAIL

October 9, 2015

Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
Attention: Christopher Calfee
CEQA.Guidelines@resources.ca.gov

Re: City of Oakland Comments on Preliminary Discussion Draft of Proposed Updates to the CEQA Guidelines (August 11, 2015)

Dear Office of Planning and Research,

Thank you for the opportunity to comment on the "Preliminary Discussion Draft of Proposed Updates to the CEQA Guidelines" published by OPR on August 11, 2015. We look forward to continuing to work with OPR as the new CEQA Guidelines are finalized. Below are our comments on the Proposed Updates.

UPDATING THE ENVIRONMENTAL CHECKLIST

The City appreciates the acknowledgement on page 41 (under "Air Quality") that CEQA is concerned with whether a project will affect the environment of persons generally, not whether a project will affect particular persons. The City recommends the following changes to the Environmental Checklist to reinforce this concept:

1. Aesthetics (Scenic Vistas or Resources); Question I (a); page 50:

"Have a substantial adverse effect on either a scenic vista enjoyed by the public or scenic resources within a designated scenic highway?"

2. Aesthetics (Light and Glare); Question I (c); page 51:

“Create a new source of substantial light or glare which would adversely affect day or nighttime views of substantial people in the area?”

The City understands the reference to significance criteria established by the applicable air quality management district or air pollution control district, but doing so in the Checklist is unnecessary and will create confusion. This is the only question that references significance criteria established by another agency, however, there may be other agencies that establish significance criteria (e.g., Bay Conservation and Development Commission and Regional Water Quality Control Board) but referencing only the air quality management district may suggest that other significance criteria do not carry the same weight or consideration as the air quality management district’s. The City believes the reference is unnecessary and should be removed as follows:

3. Air Quality (Air Quality Plan); Question II (a); page 53:

~~“Conflict with or obstruct implementation of the applicable air quality plan or exceed significance criteria established by the applicable air quality management or air pollution control district?”~~

The City appreciates OPR’s attempt to increase efficiency by consolidating certain categories and questions to eliminate redundancy. However, there are some proposed changes that increase redundancies. The City recommends the following changes to the Environmental Checklist to reduce redundancies:

4. Air Quality (Emissions); Question II (e); page 53:

~~“Result in frequent and substantial emissions (such as objectionable odors, dust or haze) for a substantial duration that adversely affect a substantial number of people?”~~

The above edit confirms that the question pertains to odors, which given its unique qualities, typically deserves an analysis separate from air pollutants. Dust and haze are already addressed in Question II (c); page 53 (Expose sensitive receptors to substantial pollutant concentrations?).

5. Hazards and Hazardous Materials (Airport or Airstrip); Question VIII (e); page 58:

~~“For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip, would the project result in a safety hazard or excessive noise for people residing or working in the project area?”~~

The above reference to noise is redundant and unnecessary because potential noise impacts are already addressed in the Noise section of the Checklist.

6. Hazards and Hazardous Materials (Environmental Risks); Question VIII (h); page 58:

~~“Expose people or structures to a significant risk of loss, injury or death involving wildland fires, flooding or other inundation, unstable soils and other potential hazards?”~~

The above question is redundant and unnecessary because the potential hazards (wildfires, flooding and unstable soils) are already addressed in other sections of the Checklist.

7. Population and Housing (Regional Jobs/Housing Fit); Question XIII (c); page 65:

~~“Result in a substantial imbalance in regional jobs/housing fit?”~~

Jobs/housing fit is an important concept in environmentally sustainable regional planning. However, an imbalance in regional jobs/housing in itself does not necessarily result in impacts. The above question is redundant and unnecessary because the potential impacts of an imbalance in regional jobs/housing fit is already addressed in other sections of the Checklist (e.g., Air Quality, Energy, Greenhouse Gas Emissions and Transportation).

Typically, an impact is identified in the Environmental Checklist if the question is answered affirmatively. The City recommends the following change to the Environmental Checklist to make the question consistent with this practice:

8. Energy (Energy Efficiency Measures); Question V (b); page 57:

~~“Fail to incorporate renewable energy or energy efficiency measures into building design, equipment use, transportation or other project features?”~~

ANALYSIS OF ENERGY IMPACTS

The City appreciates OPR’s attempt to provide guidance on evaluating energy impacts under CEQA. However, the new text in § 15126.2(b) appears to require analysis typically beyond the requirements of CEQA. The City recommends the following change:

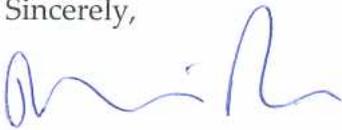
9. § 15126.2(b); third sentence; page 79:

“In addition to project design, other relevant considerations may include, among others, the project’s size, location, orientation, equipment use and any renewable energy features ~~that could be~~ incorporated into the project.”

The above text, as proposed by OPR, suggests that the analysis should consider all renewable energy features that could theoretically be incorporated into a project and explain why it is feasible or infeasible to include in the project. This seems unnecessary. The analysis should focus on the features incorporated into the project (not the features that *could* be incorporated into the project) and the potential resulting impact of the project. An analysis of features that could be incorporated into the project to reduce impacts is more properly conducted in the context of project alternatives in an EIR.

Thank you again for the opportunity to review and submit comments on the Proposed Updates. We appreciate your consideration of our comments, and look forward to working with OPR on finalizing the update. If you have any questions or would like to discuss these comments further, please contact me at dranelletti@oaklandnet.com or (510) 238-3663.

Sincerely,



Darin Ranelletti
Deputy Director/Environmental Review Officer