



CITY OF EUREKA
COMMUNITY DEVELOPMENT DEPARTMENT
Kevin R. Hamblin, AICP, Director

Sidnie L. Olson, AICP, Principal Planner
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4265 • Fx (707) 441-4202
solson@ci.eureka.ca.gov • www.ci.eureka.ca.gov

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Christopher Calfee, Special Counsel
ATTN: CEQA Guidelines
California Resources Agency
1017 L Street, #2223
Sacramento, CA 95814

electronic submittal: CEQA.Rulemaking@resources.ca.gov

Subject: Comments on proposed CEQA Rulemaking 2009

Dear Christopher;

Thank you for the opportunity to comment on the proposed amendments to the CEQA Guidelines. My comments are as follows:

§15064.4(a). In this paragraph I recommend that the second sentence be modified to read “A lead agency ~~should~~shall make a good faith effort....”

§15064.4(b). This section seems ambiguous; the lead agency “may” consider the three subparagraphs when assessing the significance of impacts, which implies that the lead agency may also *not* consider them. If the lead agency chooses to *not* consider the three subparagraphs, would §15064.4(b)(3) regarding substantial evidence of cumulative greenhouse gas emissions requiring an EIR not apply? My suspicion is that the intent of this section is to mirror other sections of the Guidelines that state that when there is substantial evidence that an impact may occur, that an EIR is triggered.

However, if this is correct, that substantial evidence of cumulative greenhouse gas emissions triggers the requirement for an EIR, this causes me alarm. My concern is that there is no scientifically accepted methodology for quantifying greenhouse gas impacts, whether they are local, global or cumulative. And, until such time as there is an accepted scientific methodology, I foresee an abuse of this section to delay the

processing of controversial projects and to increase the cost to the applicant of preparing an EIR. (see also §15183.5(b)(2)).

§ 15093 (d). I am unclear as to the intent of this section. Perhaps this section would be more clear if the language said something to the effect that “...., the agency may weigh the adverse local environmental effects against the region-wide or statewide environmental benefits.”

Appendix G. *new* Part XVI TRANSPORTATION/TRAFFIC. Subsection “f) Result in inadequate parking capacity?” has been removed. My concern is that just removing this from the checklist does not eliminate the need to analyze lack of adequate parking as a potential significant impact. I suspect the removal of this item is to encourage pedestrian and transit friendly design. Although that is laudable, in order for this to work properly I believe there should be a CEQA Exemption for certain projects that lack off-street parking.

For example, if a project does not meet the minimum adopted off-street parking standards, a variance is required; the variance is a discretionary action subject to CEQA. If the only issue for the project is the lack of off-street parking, and presuming that the lack of off-street parking does not result in obstacles to the free flow of traffic or cause adverse impacts to on-street parking, a clearly stated CEQA Exemption would facilitate the approval of the variance.

Thank you for the opportunity to comment. Please feel free to contact me should you desire more clarification of my comments.

Respectfully,

Sidnie L Olson

Sidnie L. Olson, AICP
Principal Planner