



# SAN FRANCISCO PLANNING DEPARTMENT

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November 5, 2009

Christopher Calfee, Special Counsel  
ATTN: CEQA Guidelines  
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**Subject:** Notice of 15 Day Comment Period on Changes to Proposed Amendments to the State CEQA Guidelines

Dear Mr. Christopher Calfee,

The City and County of San Francisco have reviewed the proposed amendments to the State CEQA Guidelines pursuant to Senate Bill 97 and wish to offer the following comments.

The proposed CEQA Guidelines make clear the requirements for tiering from a previously approved plan that addresses Greenhouse Gas Emissions in the proposed amendments to CEQA Guidelines Section 15183.5. Many municipalities have adopted plans, policies and/or regulations to address Greenhouse Gases within their jurisdiction and the broader region. However, the plans themselves are not prescriptive or applicable to individual projects, but serve as a guiding vision for subsequent regulations and programs designed to achieve citywide GHG reductions. When a municipality's plan for reducing GHG emissions is being developed, the specifics of individual programs are general and not well enough defined to enable, or require, environmental review of the overall plan. They do, however, provide the policy basis for subsequent regulation that does prescribe specific requirements that are applicable on a project-level basis, such as a municipality's Green Building Ordinance. These subsequent ordinances or regulations have gone through environmental review. Once adopted, following environmental review, such ordinances or regulations become incorporated in municipal codes as appropriate. Therefore, a municipality's climate-related regulations do not appear in one complete package outlined in a GHG reduction element, ordinance, or plan. Rather, these climate related policies are spread throughout municipal codes in the many areas that affect climate; green building codes, recycling ordinances, energy efficiency and renewable energy financing and retrofit programs, urban forests and gardens, transportation agency plans and services, fleet fuel requirements, commuter benefit programs, community outreach programs, and education. All these programs and policies have come from unique forms of mandates, voter requirements, executive orders, committee recommendations and due public process. While the Greenhouse Gas reduction plans may point to these policies as the implementation pieces of the municipality's larger climate goals it would be infeasible for a Greenhouse Gas reduction plan to foresee and house all of the municipality's climate-related policies.

The City and County of San Francisco recommends that a lead agency be able to rely on the subsequent regulations applicable to individual projects that have been adopted to implement a larger, visionary, greenhouse gas reduction plan. The Bay Area Air Quality Management District (BAAQMD) is proposing this process in their CEQA Guidelines Update. According to the BAAQMD's Proposed Thresholds of Significance, a project that is consistent with a Qualified Climate Action Plan would result in a less than significant cumulative contribution to climate change. The criteria for a Qualified Climate Action Plan are listed in Section 2.3.4 of the BAAQMD CEQA Guidelines Update, Proposed Thresholds of Significance, November 2, 2009.<sup>1</sup>

As such, the City and County of San Francisco offers the following changes to the proposed CEQA Guidelines Section 15183.5. Additions are shown in underline and deletions are shown in ~~strikethrough~~.

#### §15183.5. Tiering and Streamlining the Analysis of Greenhouse Gas Emissions

(From Page 30 of the proposed Guidelines Amendments)

(b) Plans for the Reduction of Greenhouse Gas Emissions. Public agencies may choose to analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan to reduce greenhouse gas emissions may be used in a cumulative impacts analysis as set for below, or by a determination of equivalency. Pursuant to section 15064(h)(3) and 15130(d), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program, or regulation adopted to implement the plan or mitigation program, under specified circumstances.

(From Page 31 of the proposed Guidelines Amendments)

(F) The Plan, or subsequent regulation adopted to carry out or support the plan that is being relied upon, must be ~~Be~~ adopted in a public process following environmental review.

(2) Use with Later Activities. A plan for the reduction of greenhouse gas emissions or subsequent regulation being relied upon, once adopted following certification of an EIR or adoption of an environmental document, or determination of exemption, may be used in the cumulative impact analysis of later projects. An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, If those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project

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<sup>1</sup> Bay Area Air Quality Management District, California Environmental Quality Act Guidelines Update, Thresholds of Significance, November 2, 2009. See Section 2.3.4, Pages 23-26. Available at: <http://www.baaqmd.gov/-/media/Files/Planning%20and%20Research/CEQA/Proposed%20BAAQMD%20CEQA%20Air%20Quality%20Thresholds-Nov%202009.ashx>.

may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, and EIR must be prepared for the project.

The City and County of San Francisco thanks you for your time and consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Wycko", with a stylized flourish at the end.

Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department