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February 24, 2012

CEQA Guidelines Update
c/o Christopher Calfee
1400 Tenth Street
Sacramento, CA 95815

Re: Comments on SB 226 Guidelines

On behalf of USGBC California, representing eight chapters and thousands of forward-thinking business and professional members across the state, we present these comments on the SB 226 draft Guidelines released by the Governor's Office of Planning and Research last month.

We believe the overall approach to determining which infill projects should receive streamlining benefits is sound. Basing a project's environmental impact on its overall regional context, and its density, is consistent with the academic literature on the relationship between land use, transportation and travel behavior. Through the Guidelines, projects of all types are encouraged to be in low-VMT areas, proximate to transit, and in walkable areas. This contextual approach allows a focus not only on projects that will likely have beneficial environmental impacts, but also to account for the benefits projects can have on existing surrounding uses. Both sets of benefits are important to consider.

We do not believe that using CALGreen in the proposed manner ensures environmental performance. We have found that opinions about the beneficial environmental impacts of CALGreen Tiers 1 and 2 are quite varied, and it is impossible for us at this point to accept that CALGreen Tiers 1 and 2 are effective enough to justify streamlining projects in poor locations. Further, OPR has provided no sound analysis to suggest that the environmental benefit derived from CALGreen justifies its substitution for reducing a project's VMT.

Tier 2 may be appropriate for projects reducing VMT to between 75 and 100% of the regional per capita VMT. However, if the TOD envisioned as falling under SB 226 provisions does not reduce VMT, then it needs to demonstrate a commensurate reduction in scope 1, 2 and 3 GHG emissions, as well as air quality mitigations to offset the assorted other problems from vehicles. There is no evidence that CALGreen Tier 2 adequately addresses these issues, so for projects that do not reduce VMT, it is not appropriate as compensation.

We recommend incorporating key principles from USGBC's LEED ND standard in the assessment criteria. LEED-ND integrates the principles of smart growth, new urbanism and green building into the first national system for neighborhood design. This emerging standard has stages of certification that relate to the phases of the real estate development process. It takes the green certification concept beyond individual buildings and applies it to a land development context. Originally intended for application in situations where private developers pursuing environmentally sound principles would find it in their interest to obtain a green stamp of approval for their projects, LEED-ND is also a ready-made set of environmental standards for planning and land development. The standards, process and organizational framework can be useful to anyone interested in better-designed communities, including neighbors, citizens, community organizations and leaders, government officials, and others.

Members of USGBC seek to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life.

We recognize that LEED ND is not appropriate as a sole criterion for Transit Oriented Development (TOD) projects. We recommend cherry-picking just the most relevant standards from LEED-ND, as HUD and other local governments have done. There are very few other sources for simple Smart-growth/TOD-supportive standards.


Appropriate sections of LEED-ND include:

- The SLL (Smart Location and Linkage) section provides locational criteria for TOD-supportive, VMT-reducing, and sensitive-land-protecting development locations. This is the section that HUD is using internally to prioritize smart, transit-supportive development locations.
- The NPD (Neighborhood Pattern and Design) section addresses such relevant items as affordability, urban design for walkability, somewhat irrespective of location.
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From a more holistic perspective, we associate ourselves with the comments made by Dr. Rajiv Bhatia in his letter to OPR dated February 23, 2012 where he stresses the importance of, *inter alia*, ensuring that infill standards need to avoid the demolition and loss of affordable housing.

Thank you very much for the opportunity to respond to these initial Guidelines. If you or your staff has any questions regarding this letter or our organization's commitment to supporting green building (and building a green economy) in California, please do not hesitate to contact me or our legislative advocate, Justin Malan.

Sincerely,



Dennis Murphy
Chair, USGBC California

cc: Senator Joe Simitian
Rajiv Bhatia
Justin Malan, USGBC CAC