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

May 31, 2012

Re: Comments on SB 226 Guidelines

On behalf of USGBC California, we present these comments on the revised draft SB 226 Guidelines.

First off, thank to OPR staff for running a transparent process that looks like it is certainly heading in the right direction towards favoring more compact development near transit and infill areas. We appreciate some of the changes made such as looking at regional versus local VMTs and eliminating CALGreen Tiers from consideration as a workable offset. However, we still hold forth a conviction that successful smart planning policy is about more than just VMTs and that incorporating LEED ND concepts (and citing a path for LEED ND Silver or higher/equivalent) would ensure that a project designated for CEQA streamlining support environmental leadership on multiple levels

We agree with NRDC's recent comments, especially they're points about "Near-Roadway Development" and their distinction between "Transit Stop and Transit Corridors." We see a number of LEED ND concepts as remedies to allay concerns about "gaming":

- The LEED-ND standard is 1/2-mile walk distance to regional rail and ferry, and 1/4-mile walk distance to bus and light rail. A project shouldn't get credit if there's a random low-frequency bus line 1/2 mile away, but if there's a BART or Metrolink Station, it would.
- The LEED-ND standard for access to transit is 1/2 mile or 1/4 mile walk distance, not straight line measure, so a barrier like a freeway or huge campus, would raise a red flag.
- The LEED-ND density prerequisite of 7 du/acre and 0.5 FAR, regardless of density of the surrounding community.
- Research shows that intersection density (street connectivity) is the strongest indicator of walkability, and it's relatively easy to measure. The LEED-ND prerequisite standard is 90 intersections per square mile within 1/4 mile of the project (NPDp3), with increasing points awarded for sites with over 300 or over 400 intersections per square mile within 1/4 mile radius of the project (NPDC6). Intersections in gated communities do not count.

Just as we can see the problem with a strict focus on VMTs alone, we recognize that LEED ND is not appropriate as a sole criterion for Transit Oriented Development (TOD) projects. We recommend cherry-picking 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:

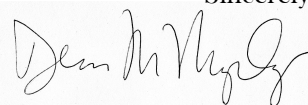
- The SLL (Smart Location and Linkage) section provides locational criteria for TOD-supportive, VMT-reducing, and sensitive-land-protecting development locations. This is the section that HUD is using internally to prioritize smart, transit-supportive development locations.
- The NPD (Neighborhood Pattern and Design) section addresses such relevant items as affordability, urban design for walkability, somewhat irrespective of location.

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.

From a more macro view, we also support the comments made by Dr. Rajiv Bhatia in his letter to OPR dated February 23, 2012 where he stresses the importance of 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 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,

A handwritten signature in black ink, appearing to read "Dennis Murphy".

Dennis Murphy
Chair, USGBC California
dennis@usgbc-california.org

cc: Senator Joe Simitian
Rajiv Bhatia
Justin Horner, NRDC
Justin Malan, Ecoconsult for USGBC California