



## CITY OF LAGUNA HILLS

May 31, 2012

Christopher Calfee  
Governor's Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

Re: CEQA Guidelines Update (SB 226)

Dear Mr. Calfee,

Thank you for providing the City of Laguna Hills with the opportunity to review and comment on the proposed additions to the CEQA guidelines as they relate to Senate Bill 226 and streamlining the review process for infill projects. Our staff has reviewed the proposed additions and would like to submit the following comments for OPR's consideration:

1. Section 15183.3(b)(3) states that a project is eligible for streamlining if it is "consistent with the general use designation, density, building intensity, and applicable policies specified for the project area..." The term "general use designation" should be clarified as it is unclear whether it is referring to a General Plan designation, to a land use designation described in a zoning ordinance, or both.
2. In Appendix M, performance standards establishing a mandatory renewable energy component for a project seeking streamlined review is commendable as it provides a clear incentive to do so when there otherwise may be none. However, this performance standard does not establish a minimum renewable energy requirement that must be met (i.e., 30% of the project's projected energy demand). While an extreme example, what will prevent a project from incorporating a single wind turbine or solar PV panel and seeking the streamlined review procedure?
3. There is an inherent contradiction in stating that in order for a project to be eligible for streamlined review, it *must* incorporate a renewable energy component *where feasible*. A number of arguments can be made about why a project considered a renewable energy component but deemed it infeasible. Does this mean the project is still eligible for streamlined review? Also, it would be helpful if the proposed guidelines provide guidance on the process of feasibility. For example 14 Cal. Code Regs Sec. 15126.6(c) and supporting cases such as the 1988 Laurel Heights decision, provide for a description of how project alternatives in an EIR can be dismissed due to infeasibility.
4. In the section outlining performance standards for mixed-use projects, it states that the applicable performance standards are determined by "the predominant use." This section should be expanded on to clarify how a lead agency should determine what the

predominant use is for a project. Possible factors can be square footage, trip generation, peak traffic generation, etc.

Once again, thank you for allowing the City of Laguna Hills the opportunity to review and comment on this draft and hope that you will take the steps necessary to address our feedback.

If you have any questions about the comments provided, please call me at (949) 707-2675 or email me at [dchantarangsu@ci.laguna-hills.ca.us](mailto:dchantarangsu@ci.laguna-hills.ca.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David Chantarangsu". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Chantarangsu, AICP  
Community Development Director  
City of Laguna Hills