

From: Anna McPherson, Senior Planner, City of San Diego

Subject: SB 226 Implementation - Comments Regarding the Proposed New CEQA Guidelines Section 15183.3

Dear Mr. Calfee,

Thank you for the opportunity to provide comments on the proposed additions to the Guidelines for Implementation of CEQA regarding the establishment of a streamlined review process for infill projects. I am responding on behalf of the Environmental Analysis Section of the Entitlements Division in the Development Services Department for the City of San Diego. We offer the following comments:

- 1) How do the SB 226 Guidelines and proposed State CEQA Guideline Section 15183.3 provide streamlining over and above Sections 15162, 15163, and 21166? The new process appears to duplicate the review and also requires compliance with performance standards and the preparation of an additional checklist.
- 2) Why is it necessary for an agency to file a Notice of Exemption (NOE) if it has reached the conclusion that the environmental effects of a project were adequately addressed in a prior certified document?
- 3) That action appears to present an inherent contradiction - the previously certified document would have concluded impact so how can the same review then conclude that a project is exempt.
- 4) It is our understanding that there is no language in CEQA that provides for an environmental appeal where a determination has been made pursuant to 15162 that further environmental review is not required. It seems that an NOE would be a new determination and could be appealed.
- 5) As currently drafted, the proposed additions the Guidelines do not appear to offer many streamlining benefits for infill projects, and it appears this new section would have limited application.

Again, we welcome the dialogue that has begun with the distribution of the draft Section 15183.3, and look forward to a productive conversation as the new language evolves. We would appreciate continuing to receive notice as the process moves forward.

Sincerely,

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