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February 23, 2012

CEQA Guidelines Update
c/o Christopher Calfee
1400 Tenth Street
Sacramento, CA 95814
BY EMAIL: CEQA.Guidelines@ceres.ca.gov

RE: Draft SB 226 CEQA Guidelines

Dear Mr. Calfee:

Thank you for the opportunity to comment on this important proposal. We welcome the work of the Office of Planning and Research to help ensure California a better future by encouraging infill development. Save The Bay is the oldest and largest organization working to protect and restore San Francisco Bay, with more than 25,000 supporters throughout the region. Save The Bay was founded in 1961 by residents opposed to watching San Francisco Bay disappear as many cities worked to fill in the shallow margins of the Bay. We appreciate the effort that has produced the draft for the proposed new CEQA Guidelines, and we submit these supportive proposed changes reflecting our concerns.

In creating sustainable communities and addressing climate change, the protection of natural undeveloped areas is a central priority. The State of California is leading the way on addressing climate change through a range of policies, including but not limited to emissions reduction. As the state declares on its [climate change web portal](#), "Climate change is expected to have significant, widespread impacts on California's economy and environment. California's unique and valuable natural treasures – hundreds of miles of coastline, high-value forestry and agriculture, snow-melt fed fresh water supply, vast snow and water fueled recreation opportunities, as well as other natural wonders – are especially at risk."

In passing SB 226, the legislature has directed the creation of CEQA streamlining rules that, among other things, implement the Sustainable Communities and Climate Protection Act of 2008, part of a strategy to "comprehensively integrate land use planning, transportation investments, and climate policy." (SB226, section 1(a).) We respectfully submit that integration of specific climate-related language is vital for consistency with these goals and the specific legislative direction. Emphasis should be placed to ensure the guidelines are applied to infill projects and avoid activities within fragile open space and coastal areas.



Proposed additions to Narrative Explanation

- 1) Page 2, under *Why Promote Infill in CEQA?*
... is a key strategy for efficient growth **as the State works to comprehensively integrate land use planning, transportation investments, and climate policy.**
- 2) Page 6, paragraph 6, under *Alignment With State Policy*

Consistent with this infill vision, **the Climate Adaptation Strategy recommends that new development projects avoid areas that will require significant new protection from sea-level rise, storm surges, or coastal erosion during their expected life. (Climate Adaptation Strategy, California Natural Resources Agency, 2009.)**

Proposed revision to CEQA Guideline Section 15183.3 (e)(1):

“Infill project” includes the whole of an action consisting of residential, commercial, retail, transit station, school, or public office building uses, or any combination of such uses that meet the eligibility requirements set forth in subdivision (b). No more than one half of the project area of projects consisting of commercial and retail uses may be used for parking. **The site should not require significant new protection from wildfires, flooding from sea-level rise, storm surges, or coastal erosion during its expected life.**

Proposed revision to CEQA Guideline Section 15183.3 (e)(3):

“Previously developed” means that a substantial portion of the site has been mechanically altered for purposes authorized in a local zoning code. Developed open space and parcels that are, or have been, in agricultural production **or under Williamson Act protection** shall not be considered to be “previously developed” for the purposes of this section. **The project shall not require significant new protection from wildfires, flooding from sea-level rise, storm surges, or coastal erosion during its expected life.**

Proposed addition to CEQA Guideline Section 15183.3 (b):

New paragraph:

(3) the site should not require significant new protection from wildfires, flooding from sea-level rise, storm surges, or coastal erosion during its expected life.

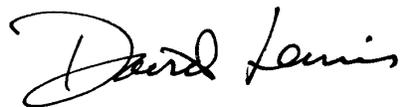
Proposed addition to Appendix M, Section II, "Performance Standards Applying to All Project Types"

Open Space Protection: The project shall not require significant new protection from wildfires, flooding from sea-level rise, storm surges, or coastal erosion during its expected life.

In an era of climate change, it would be a tragedy for CEQA streamlining to become a shield to advance building in undeveloped open space areas on our shoreline. The many examples given of how the Guidelines might apply are helpful and certainly clarify the sort of infill projects that SB226 is intended to encourage. But Guidelines are of general application, and policy guidance is needed to ensure that application of these rules by lead agencies remains consistent with that vision. These changes would help address that concern.

Thank you for your attention to these comments.

Sincerely,

A handwritten signature in black ink that reads "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director