

South Bay Cities Council of Governments

Livable Communities Working Group

**Wednesday, September 21, 2011
2:30 to 4:30 p.m.**

Minutes

I. Welcome & Introductions

Attendees: John Signo (Carson), Eric Haaland (Manhattan Beach) Alicia Heideman (Lomita), Eva Choi (Hermosa Beach); Stan Myles (AQMD) Collette Morse (RBF Consulting); Jacki Bacharach, Kim Fuentes, Wally Siembab, David Magarian, Jeremy Hyde, Rosemary Lackow, (SBCCOG).

II. Minutes for August 17, 2011 – Received and Filed

III. CEQA Presentation “CEQA Explained and Applied”

Collette Morse, AICP,
RBF Consulting

Collette’s Background – has practiced in CEQA for over 2 decades, with RBF for 13 years.

The power point can be viewed on the COG’s website, LCWG page for meeting of September 21, 2011
www.southbaycities.org

The presentation covered the following topics:

- What is CEQA?
- Three Key Areas for Environmental Analysis
- CEQA for Planning Documents
- Tiering /Subsequent, Supplemental or Addendums
- Recent Legislation

The following main points were made:

- Six main CEQA Objectives: 1) disclose environmental effects 2) identify ways to avoid or reduce environmental damage 3) require implementation of feasible mitigation 3) disclose reasons for an agency’s approval of a project with significant effects (Statement of Overriding Consideration) 4) foster interagency coordination in review of projects and 5) enhance public participation in the planning process.
- There are five main purposes of an EIR for a project: 1) review existing conditions 2) analyze potential environmental impacts, 3) determine significance of impacts in relation to thresholds of significance 4) suggest feasible mitigation measures to reduce impacts and 5) analyze a range of feasible alternatives.
- The authority for requiring an EIR: CEQA, through Section 21151 of the CA Public Resources Code requires that all agencies certify the completion of an environmental impact report for any **project** they intend to carry out or approve “which may have a significant effect on the environment”.
- A “project” in CEQA includes not only land development, but also new activities brought about through structural engineering, construction management, transportation planning and engineering, public works improvements, and urban planning and design.

- Three main categories of EIRS/environmental documentation: **1)** An activity based on a specific project (types include: “Project EIR”, “Joint EIR (or EIS)”, “Focused EIR”, “Staged EIR”), **2)** An activity based on a plan or study (types include “Program EIR” - which is very broad, “Master EIR”, “General Plan EIR” and “Redevelopment Plan EIR”; **3)** An activity for which an EIR has already been certified (types include: “Supplemental EIR”, “Subsequent EIR”, “Addendum to EIR”, “Negative Declaration” and “Mitigated Negative Declaration”).
- **The main steps in the EIR process:** 1) Initial Study or Notice of Preparation, 2) 45 Day Draft EIR Review, 3) Response to Public Comments during review period, 4) Final EIR and 5) Adoption of Findings and Resolution by approving body when making decision. The public and agency input is involved in all steps except response to comments.
- **Three key areas for Analysis 1) Existing conditions and environmental setting** - provides a baseline, **2) Significance Thresholds** Criteria (CEQA Guidelines Appendix G, Lead Agency-adopted standards/thresholds, other agencies adopted standards/thresholds **3) Mitigation measures** that answer 5 whys: why, what, who, where, & when.
- **CEQA for planning documents** (General Plan eg.) Three factors: 1) project description, 2) incorporation of goals, policies, implementation actions, 3) collaboration with plan and CEQA document preparers. Collette advised cities should bring in CEQA consultant early on in the plan policy formulation – will not need to add much later if already built into the planning document.
- **The Tiering of CEQA documents:** has two purposes: 1) a way to streamline prep of CEQA document; 2) allows lead agencies to focus on “ripe” issues (ready to be decided on) and exclude issues already decided or not ready for a decision. (can save time and money) Examples: **Tier 1** (evaluates board scale impacts of entire plan, program, policy for whole city as for a General Plan; types of EIRs: Program, Master, General Plan, Staged, Redevelopment Plan; **Tier 2:** evaluates impacts of single activity undertaken to implement the plan, program, or policy for a plan area, as for a Specific Plan and types of EIRs include: Project or Focused, and regular or mitigated Negative declarations.

Q. Regarding CAPs: can that document override the General Plan?

A. (from CM) No, these are two different planning documents.

- **How to Tier** off prior environmental docs? **Step 1:** do the Initial Study- incorporate prior environmental docs by reference, and summarize its conclusions; make sure earlier document is adequate and determine if effects of new activity, if significant were previously analyzed; **Step 2:** Prepare 2nd Tier document”. State it is tiered, make references indicate availability of 1st tier doc.

David and Wally commented on their experiences with using modeling for transportation projects (e.g. bicycle planning). Collette emphasized that, with SB 375 issues, how you “go off” a model in your analysis is a very important discussion to have.

- **When to prepare supplemental, subsequent or addendum to EIR?** 1) Minor technical changes, no new significant impact – do an “addendum”, no public review required 2) Minor Project Changes producing significant impact – do a “subsequent”, public review required; 3) Major Project Changes Producing Significant Impact – do “Supplemental” EIR, public review required.
- **Recent Litigation / Legislation**

1. Sunnyvale – extension of a roadway (City lost the case). Ruling: EIR must evaluate the Environmental effects of a project as compared to existing conditions (e.g. traffic, air, noise). City used wrong baseline (2020).

Implications of Courts Ruling: affects long-term development analyses - potentially causing impacts to be overstated due to failure to take into account planned/funded infrastructure improvements and may cause impacts to be understated due to failures to account for cumulative traffic or changes in land uses. Bottom line: not a great court decision, but will live with it.

2. SB 292 – Padilla - LA Stadium Bill - would establish specified administrative and judicial review procedures for the administrative and judicial review of the EIR and approvals granted for a project related to the development of a specified stadium in the City of Los Angeles

3. AB 900 (Buchanan) Jobs and Economic Improvement through Environmental Leadership act of 2011 (to be repealed January 2015). Would authorize Governor to certify a leadership project for streamlining pursuant to the act if certain conditions are met.

4. ECAT – CEQA Reform Precepts: CEQA is costly – does not always advance CEQAs basic purposes; current provisions not effective; with the fair argument, well prepared NDs and MNDs still not very defensible.

IV. Climate Action Plans – Status

Jeremy Hyde, SBESC

Edison and Gas are using renewable resources which will bring down cities targets that need to be reached by 2020 - so there are new projections he will be sending, most cities can do a 15% reduction target, and most will have to do only about a 6% - he will be working with the cities to determine this. Jackie noted that the COG has done an inventory for each city but pointed out that in the current newsletter there is a special insert that shows the whole south bay (all rolled into the sub region except LA City and County portions) Jeremy will be contacting all cities.

Q. (to Collette) If a city has overachieved in terms of GHG reduction, can that be an attraction for a developer, from an environmental review (CEQA) perspective?

A. Not sure – the analysis has to look at the future impacts from that development.

At this time, Jacki called attention to a CD Video Magazine which was sent to all households in Gardena – “Only You Can Save Energy” produced by a non-profit group called Green Technology. It is very relevant to the outreach that the COG does through the SBESC. Funding (939) can be used to expand to other south bay cities, and this may also lead to sponsorships possibly tied into the upcoming 2012 General Assembly. She emphasized in pursuing this, the COG would not be asking the cities for any contribution of general fund money

Wally posed the question as to who in each city should he go to, to ask if the COG could get a dedicated public parking space to be used for a car sharing charging station – this could be could be LUV-sharing or bike-sharing.

V. Electric Vehicle News Report on status of LUV II funding Report on DOE and CEC grants for CPI Planning

Wally Siembab and David Magarian

Wally explained negotiations on going with AQMD to extend LUV project - as leases end Oct 31 - the project without more funding will be over then. Jacki is working with AQMD (Barry Wallerstein) to extend the project. AQMD is interested in the idea of car sharing, and expanding the scope of the types of electric vehicles from 25 mph limited to full speed types. So our proposal to extend will include these items. David will be looking for data on Nissan Leafs, as their program currently gives all purchasers a class 2 charging station. Jacki added that the program has a very long waiting list for participants and this has sustained great interested in our program.

Wally furthered highlighted Many positive findings in the preliminary report on the LUV program regarding significant mode-share, and reduction in criteria pollutants. While there's widespread dismissal of slow speed EVs. In general, we can point to very positive results. Research done in 2004-09 shows lots of trips in mature suburbs are short – so public transit can't provide for this market. New focus will include going into newer neighborhoods to test the usefulness. We will be making 2 grant applications for planning charge-port infrastructure – one through SCAG, 200k funding from CA Energy Commission and another through AQMD from US Dept of Energy. Supposedly money is available till it's gone – but SCAG was first one no reason to think they won't be getting the money. We would be the lead on that, bottom line California is taking huge steps towards electric vehicles.

Jackie added a reminder that next week is the Sept 30 alternate vehicle event in Santa Monica. Check with David about this if interested.

VI. SCAG News

SCAG's August 23 Public Workshop on the Regional Transportation Plan in Carson -- report
Regional Transportation Plan (RTP) update

Wally Siembab

November 1st the SCAG RTP will be out, but there is 200 billion shortfall for road maintenance, deficit has been adding up over the years. What you are going to see possibly is "congestion pricing" for example may be in future a charge for going into downtown Los Angeles a heavily congested area. Bottom line = mobility is going to be more expensive due to need to close the money gap. There is some legislation related to this issue. They could possibly clear the federal deficit with increased gas tax or VMT tax - but how to measure this?

Wally asked for feedback from the SCAG RTP workshop in August. It was thought that the workshop would be more geared to cities and what they need to do. It actually was a scoping session. Wally thought it was fun public theater. However, lesson learned: they had ridiculous questions and the answers should not be used to form any serious conclusions.

VII. Other Business

Strategic Growth Council ideas -- cities

Wally: Regarding the Strategic Growth Council grants: the program will be announced soon – info available online. Cities and COG are in different categories – but any ideas, let Wally or Jacki know what you need. We can help.

Jacki: the COG is searching for new office space for the SBESC - need about 4000 square feet - do any cities know of any buildings that will be available?

Jeremy: what's the feasibility for businesses to use the LUV vehicles: e.g. a pizza place on Artesia? He reminded everyone that everything we are talking about will be going into a Climate Action Plan for our sub-region.

Stan Myles from AQMD: showed pamphlet "Powering the Future" and he encouraged everyone to read it (on AQMD web site).

VIII. Adjournment – 4:30 pm