



## Zoning Administration

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TO: Steve Smith  
Program Supervisor, CEQA Section  
The South Coast Air Quality Management District

FROM: David J. Somers  
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The Department of City Planning

SUBJECT: **Recommendations on SCAQMD's GHG CEQA Review Significance Threshold**

The City of Los Angeles Department of City Planning (Department) would like to acknowledge the South Coast Air Quality District (District) for taking the leadership in devising this GHG CEQA Significance Threshold Stakeholder Workgroup and proposing a greenhouse gas (GHG) threshold in the absence of any other guidance at the State, regional or local level. Given the global nature of the problem of climate change and its status under CEQA as a cumulative impact, the Department concurs that thresholds should be devised at the regional level at a minimum in order to guarantee a greater degree of uniformity in project review and enforcement throughout the region. With the adoption of the Greenbuilding Ordinance and the Mayor's Climate Action Plan, the City of Los Angeles has demonstrated a commitment to addressing the climate problem in all of the varied actions of the City. In regard to the GHG significance level threshold, the Department has the following comments.

**Screening Threshold** - In setting a de minimis screening level for evaluating GHGs, the South Coast Air Quality District (SCAQMD) should apply multiple criteria of legal defensibility and technical feasibility, as well, as economic feasibility in informing its selection of a de minimis screening threshold. Section 15064.7 of the CEQA Guidelines maintains that a legally defensible threshold must be supported by substantial evidence (i.e. scientific and factual data) in order to avoid legal challenge. A screening threshold should be adopted that relies on existing scientific evidence on how the built environment impacts climate change, and build upon existing research in this area, such as the CAPCOA White Paper on CEQA and climate change.

In the proposal to apply a de minimus level of 6,500 MT/year, the SCAQMD selected a screening level that prioritized preventing a substantial increase in EIRs. However, since this screening level is tied to projects that trigger the threshold for daily NOx emissions, it is questionable if this approach can be defended, as there lacks a direct correlation between NOx emissions and cumulative impacts to climate change. In contrast, in selection of a threshold that is administratively feasible, the SCAQMD should look to the effectiveness of applying a standardized mitigation package to a wider class of projects in evaluating if additional EIRs would be a necessary outcome. After all, the decision to produce an EIR is not

necessarily governed by where the threshold is set, but the impacts that remain once mitigation measures have been accounted for. The SCAQMD could evaluate the emission profile of test case examples that incorporate and quantify the host of mitigation measures at a lead agency's disposal, including water conservation, building energy efficiency, transportation demand management, green power generation, and carbon offsets. The purpose of such an exercise would be to evaluate the feasibility of threshold compliance as well as the feasibility of standard measures. Additionally, the District should evaluate the cost of imposing standard mitigation measures that could be most widely incorporated in meeting a de minimis GHG threshold.

**Business as Usual (BAU)** – The District should provide a consistent methodological protocol that will define the BAU scenario, against which the project GHG performance will be judged. The methodological protocol should describe the uniform building energy regulations that projects perform to under the BAU conditions. The methodological protocol should also give guidance on how existing vehicle miles travelled (VMT) should be defined under BAU, if and how existing vehicle trips should be credited, and provide a regional framework in evaluating the “no project” scenario that capture the opportunity costs of denying urban infill projects.

**Tier 3 Vehicle Miles Travelled (VMT) Reducing Measures** - Transportation mitigation measures that reduce project level VMT could be included in a list of measures available in the Tier 3 screening level, in addition to energy efficiency and water conservation. Though many land use measures that promote VMT reductions are best incorporated at the General Plan level, there are a list of site-specific VMT reducing transportation demand management (TDM) measures that can be incorporated as project mitigation measures. TDMs include the fully subsidized provision of on site transit passes to building occupants, parking cash-out/pricing parking, streetscape improvements, on-site transit kiosks, carpooling programs, compressed work schedules, telecommuting, etc. Where appropriate, such measures could be incorporated at the Tier 3 level for the range of projects that initially fall below the de minimis level GHG level to guarantee that gains in GHG reductions are achieved by a wider array of projects.

In order to provide support to lead agencies in incorporating mitigation measures, the SCAQMD could help centralize and disseminate resources in developing local models and protocol/tools in quantifying TDMs. A quantified toolbox could include a menu of VMT reducing features such as incorporating TDMs and streetscape improvements at the site level and bike plan implementation and transit expansion projects at the regional level. The SCAQMD could help work to make modeling tools more widely available in evaluating the efficacy of various land use policies in reducing VMTs, such as jobs/housing balance, affordable housing, mixed use, and transit oriented developments. As also mentioned above, SCAQMD could act as a clearinghouse for mitigation evaluation methodology in order to assist localities faced with the administrative burden of CEQA compliance in implementing the GHG thresholds.

Thanks you for the opportunity to comment on this process.

Sincerely,

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