****TALKING POINTS FOR THURSDAY MARCH 14 PLANNING HEARING ON CEQA**** (SF City Hall, Room 400, 12 noon)

ON ITEM 8, PROJECT TIMING:

These rule changes should not be considered until the proposed amendments to CEQA procedures are decided upon, -especially- where the rule changes would allow deadline extensions due to CEQA appeals. The rule changes themselves would give developers excessive leeway to delay, and leave important land and buildings idle much too long, with the selfish intention of increasing profits by waiting for property values to increase. And they would give FAR too much power to the Zoning Administrator to extend such delays indefinitely.

ON ITEM 12, WIENER CEQA PROCEDURE AMENDMENTS (3 points):

1) On November, 29, 2012, the Planning Commission unanimously recommended to Supervisor Wiener that he meet with the many community opponents to the first and second drafts of his CEQA legislation, and to then introduce an AMENDED text which reflects feedback from these community organizations.

2) Supervisor Wiener was then highly selective in notices he sent to community representatives, leaving most of us uninformed that the meetings were taking place. Community representatives were forced to find out about the Supervisor's so-called 'roundtable discussions' third hand, and then send out our own notices to others and alert them to these important meetings.

3) After three so-called 'roundtable discussions' with Supervisor Wiener, Planning Staff, and City Attorney Elaine Warren, no substantial changes AT ALL have been made in this legislation to address the many serious problems that we have clearly documented both to them and to the Planning Commission. We therefore call on the Commission to recommend a 'NO' vote on Supervisor Wiener's legislation to the Board of Supervisors.
Community requirements which have still not been met are:

Community CEQA Improvement Team – Requirements Of Any CEQA Process Legislation

1) There must be no 'First Approval' trigger of the appeals clock. This is far too early in the process to enable sufficient examination and understanding of projects. While a more clear trigger is reasonable, that trigger should be the *final* approval that a project as a whole receives from the Planning Commission or the Board of Supervisors (whichever body takes that final action). Where the final approval is also a first approval, we must ensure more robust noticing so that no environmental review falls under the radar.

2) There must be no codification of the practice of the Environmental Review Officer (ERO) of the Planning Department, and individual city agencies, simply deciding together, autonomously, behind closed doors (in many cases with no notice whatsoever) that a project is exempt from environmental review. All such determinations must be noticed to both the Planning Commission and the public, and where substantial community/environmental impacts are possible, should be scheduled for at least a consent calendar vote by the Planning Commission (unless CEQA demands a more thorough process). This would ensure that the public finds out about and can pull for consideration any debatable exemption.

3) All sections which would allow the Board of Supervisors to avoid a formal legal appeal hearing before the full Board are unacceptable. All appeals must be heard at a full, formal, Board appeal hearing, without exception.

4) There must be no elimination of the “Fair Argument” standard. State law codifies that an Environmental Impact Report (EIR) is warranted if there is “substantial evidence which supports a fair argument” that a project may significantly negatively impact the environment. Supervisor Wiener’s legislation cuts out the words “which supports a fair argument” setting a much tougher test for triggering Environmental Impact Reports. The coalition insists on retaining the current local wording, which simply states “fair argument” on its own.

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5) Almost all of the deadlines in Supervisor Wiener's legislation for filing an appeal, for noticing, hearings, etc. are far too brief. Its 20 day limits for appeals are particularly egregious. Community stakeholders require a 60 day public notice period in cases where more robust noticing is needed, and 30 days rather than 20 in all other cases.

6) Reduced noticing for area plans, general plans, and plans covering "20 acres or more" is unacceptable. Under the Wiener legislation, notice in writing of new projects and changes in such project areas would no longer be required to residents within those area plans and within 300 feet of their boundaries. Such large area plans should get more public notice and scrutiny, not less.

7) Current practice of allowing new projects to avoid environmental review when they are within a larger project that has already received environmental review, should be much more restricted in any new CEQA procedures law. Such 'bootstrapping' of new projects into old approvals should be greatly curtailed.

8) Combining Mitigated Negative Declarations and simple Negative Declarations into one category is unacceptable. All preliminary mitigated negative declarations which the ERO negotiates with developers must be fully noticed in writing to the public with all mitigations indicated. And where significant environmental impacts may exist, a Planning Commission hearing on a mitigated negative declaration must be required.

9) All CEQA public noticing practices must be very proactive. MOST IMPORTANTLY: Any proposed CEQA legislation should require that any failure in noticing to the public result in an automatic extension of comment and appeal deadlines by the number of days the noticing error delayed public awareness; and where this is unclear or the noticing failure was egregious, the deadline clock for comments and appeals should simply be reset to the beginning of the full required deadline period. In cases where an environmental review or EIR document and/or the underlying project are very large, voluminous and/or complex, the public should be able to easily request and receive extensions in comment and noticing deadlines.

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