

Bay Area Air Quality Management District  
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### **APPROVED MINUTES**

Summary of Board of Directors  
Climate Protection Committee  
4<sup>th</sup> Floor Conference Room  
Thursday, September 10, 2009, 9:30 a.m.

**Call to Order - Roll Call:** Chairperson Yoriko Kishimoto called the meeting to order at 9:30 a.m.

**Present:** Chairperson Yoriko Kishimoto, Vice Chairperson Tom Bates; Susan Garner, John Gioia, Carol Klatt and Gayle B. Uilkema

**Absent:** Scott Haggerty, Mark Ross and Michael Shimansky

**Also Present:** Chairperson Pamela Torliatt

**Public Comment Period:** None

**Approval of Minutes of May 28, 2009:** Director Klatt made a motion to approve the minutes of May 28, 2009; seconded by Director Uilkema; carried unanimously without objection.

#### **Climate Protection Best Practices Web Portal** – *Director of Planning and Research, Henry Hilken*

Sigalle Michael, Environmental Planner, provided the Committee with a presentation and update on the development of a climate protection best practices web portal, developed in collaboration with the Institute for Local Governments (ILG). She said the goal is to help local governments find and implement best practices to reduce GHG emissions. The web portal went live on September 1<sup>st</sup> and can be found at [www.ca-ilg.org/SFBayClimate](http://www.ca-ilg.org/SFBayClimate). Ms. Michael presented the landing page, the BAAQMD and Climate Change page, a page that tracks Bay Area climate planning progress, a shared resource page, customized search capabilities, portal search tools and California Climate Action Network (CCAN) Best Practices.

Next steps include outreach to local governments, providing targeted outreach to non-governmental organizations and planning consultants, and staff and ILG will continue to build content, invite submissions and collaborate with regional agencies on updating content and long-term site maintenance.

Public Comments:

Sam Altshuler discussed his work with Tom Richards of Pacific Industries who next spoke of carbon-friendly slab foundation technology.

Tom Richards, Pacific Housing Systems, Inc., provided a company overview and presented hand-outs to the Committee on a Wafflemat system; a carbon-friendly, substitute product for concrete slab foundations.

Committee Comments/Discussion:

Directors congratulated staff on their work in developing the climate action web portal, suggested the posting of additional resource links such as builders associations, technology groups, discussion forums and blogs. Staff discussed a list serve function which enables people to sign up to receive updated information, and information on regional events, and ideas will soon be able to be submitted and linked. Directors discussed possible incentives and/or recognition for those sharing best practices, suggested changing the “SFBayClimate” to something more generic to increase the likelihood of hits on the site, and requested the site show some sort of metric of reductions in emissions per capita.

Committee Action: None; for information only.

**Greenhouse Gas Thresholds in the CEQA Guidelines Update** - *Director of Planning and Research, Henry Hilken*

Planning Manager David Vintze provided the Committee with an update on the revisions to the BAAQMD CEQA Guidelines, particularly the inclusion of thresholds of significance for GHG emissions. He announced the release of the public draft CEQA Guidelines report last Friday and noted that workshops were being held. He provided background of the guidelines, key objectives, and said reasons to update the guidelines are due to significant changes in air quality regulatory activity, changes in analytical methodologies and mitigation strategies, and addressing emerging and growing air quality concerns.

Committee Comments/Discussion:

Directors questioned differences in the District’s CEQA guidelines and the state’s CEQA guidelines, and Mr. Vintze said staff tracks progress made and what is proposed is consistent with the state; however, the state has not adopted thresholds of significance. Ms. Roggenkamp explained that staff had hoped CARB would have developed GHG thresholds, but they have decided not to. If they did, however, the District would conform to those threshold standards. Mr. Bunger noted that under CEQA, each agency that deals with a resource has the authority to create a guidelines document. CEQA has required governing bodies adopt thresholds, and the underlying factor is whether it is supported by substantial evidence.

Directors requested the CEQA guidelines and the summary table of thresholds of significance be made available, and Mr. Hilken agreed to email them to Directors.

Mr. Vintze discussed regular, on-going contact with lead agencies. Mr. Broadbent noted that staff has moved the CEQA guidelines forward, stating that the South Coast Air District and San Joaquin have both adopted thresholds of significance, and he suggested possible future adoption of a resolution that calls on the State to adopt thresholds.

Mr. Vintze continued his presentation and said the District is recommending new or revised thresholds in areas; changing criteria pollutants for ozone precursors from 80 lbs. per day to 54 lbs per day, recommending a new cumulative threshold for local community risks and hazards, and for GHG's, staff will recommend that the Board adopt thresholds at a project level, plan level and construction best management practices.

He said there is a lack of overall guidance from the State and local lead agencies need guidance. The CAPCOA white paper identified a methodology local governments could use in setting GHG thresholds and the District's methodology alluded to that document. Staff is receiving calls for assistance from local governments and methodology developed is based on the AB 32 Scoping Plan.

Mr. Vintze then described GHG's at the Project Level for non-stationary and stationary sources, GHG's at the Plan Level and reasons for arriving at thresholds.

Chairperson Torliatt questioned if there is a way to mandate the level of significance over a local jurisdiction if they have a Climate Action Plan. Mr. Hilken said the District wants to encourage good planning; reductions should be rigorous, and local climate actions plans are as equal to or more stringent. He said the District also wants to ensure cities are promoting consistency with AB 32 in their General Plan and/or Climate Action Plan policies, implementation strategies, and performance. The District outlines ways to measure their progress to see if they are achieving reductions and would recommend a mitigation and monitoring program on an annual basis to confirm emissions reductions.

Mr. Vintze discussed next steps, scheduled workshops, the posting of the draft guidelines, the proposal to bring significance thresholds to the Board of Directors in the fall 2009, continued staff support to lead agencies and staff review/comment on CEQA documents.

#### Committee Comments/Discussion:

Directors confirmed there was little resistance from the development community. Mr. Hilken indicated that staff has been in contact with the Attorney General's office to discuss efficiency metrics and any differences they may have with how the District is proposing levels.

Director Garner confirmed with Mr. Vintze the locations of workshops held and requested a workshop be held in Santa Clara County. She also asked that guidelines address "mega-mansions", which were not specifically called out in the guidelines.

Directors confirmed with staff that an updated list of mitigation strategies is included in the guidelines; the last list was developed through the CAPCOA white paper and staff confirmed that numbers are hard to meet if transit-oriented development is not proposed. Directors discussed the

potential for litigation for projects not able to meet significance thresholds, and Mr. Bunger said EIR's must evaluate all GHG's and that the lead agency has discretion. Once the District adopts a threshold, it will always raise an evidentiary question. Regarding timing, thresholds apply as soon as they are adopted. The guideline could be enforced and followed until the agency makes a determination up to approval of the Final EIR; however, the lead agency can disregard the District's guidelines, as they are not mandatory.

Mr. Broadbent said there may be instances (approximately 8-10 per year) where the District issues a permit and acts as the lead agency for stationary sources. Directors discussed incentives for developing Climate Actions Plans, and staff noted that 90% of agencies already have emissions inventory analyses which they can utilize in plan development, and also, that some cities are now adopting air quality elements as part of their General Plans.

Directors questioned how CMA's and transportation agencies would incorporate analysis and local GHG emissions reductions, and Ms. Roggenkamp explained that discussions are currently taking place at the Joint Policy Committee level to address this.

Committee Action: None; for information only.

**Committee Members' Comments:** Director Bates noted that MTC is embarking upon further GHG emissions reduction strategies. He requested Directors submit concrete suggestions other than biking and walking strategies, and asked to be able to work with staff on ideas for funding.

**Time and Place of Next Meeting:** 9:30 a.m. – Thursday, October 8, 2009  
939 Ellis Street, San Francisco, CA 94109

**Adjournment:** The meeting was adjourned at 11:13 a.m.

*/s/ Lisa Harper*  
Clerk of the Boards