



PROPOSED PROGRAM FOR STANDARD ENVIRONMENTAL REQUIREMENTS

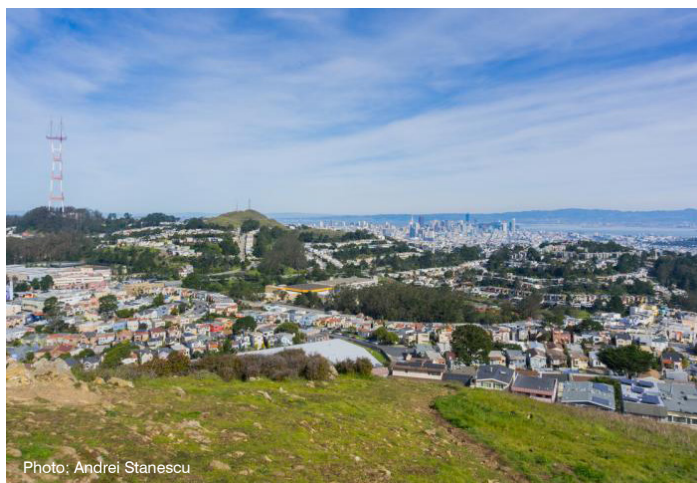


Photo: Andrei Stanescu

The Planning Department is working to standardize and improve requirements that reduce common environmental impacts of development projects. This effort is intended to provide greater consistency, enhanced transparency, and uniform city-wide environmental protections – including to projects not subject to CEQA. Opportunities for public participation and appeals will remain in place.

The California Environmental Quality Act (CEQA) requires that the City identify potential adverse environmental effects of proposed projects and, in certain cases, impose mitigation measures to address those effects. Through the CEQA process, those mitigation measures are applied on a project-by-project basis despite imposing near-identical, “boilerplate” requirements.

The Standard Environmental Requirements (SER) program would impose standard measures for all projects through the existing permit review process. These measures would be unique to various types of projects and would be based on current science and best practices in environmental protection. This would achieve the same, or higher, level of environmental protection through a consistent, transparent, and less bureaucratic approach.

The SER program involves legislation that would establish a framework for the Planning Commission to adopt specific requirements, which would be updated over time and organized by environmental topic area (e.g. air quality; archeological resources, etc.).

As a practical matter, the program would cause many projects currently reviewed using a Mitigated Negative

Declaration (MND) to instead be reviewed using an exemption document. While an MND establishes mitigation measures to reduce a project’s impacts on the environment, the SERs would require those same measures through the existing Code and permitting process. This could reduce review times by upwards of three months per project.

Program Benefits

- **Consistency:** The SERs would build on the extensive body of knowledge available from environmental improvement measures that have proven effective over time. Unlike the current ad-hoc process, SERs would categorically apply to projects based on use, size, location, and environmental setting.
- **Rationalized review:** The extensive paperwork associated with project-specific conditions is unnecessary and overly time consuming given the nearly verbatim similarity in those conditions between projects. SERs would lead to substantial time-savings for each of the roughly 10 projects annually reviewed through MNDs.

- **Broader Reach:** SERs would be applied consistently throughout the City, including to many larger ministerial projects not subject to CEQA due to State legislation. Through this, environmental protection measures would be newly established where none currently exist.
- **Transparency:** SERs would be publicly available to developers, advocates, and neighbors well in advance of any application being submitted, thus reducing uncertainty and setting clear, universal expectations.
- **Continued protection:** The program is primarily procedural. The mitigation measures currently imposed through the CEQA process would be preserved and enhanced, and instead imposed through the permit process. Environmental protections that are currently in

place would continue – and in some cases even expand.

- **Public participation:** Public hearings at the Planning Commission would be required to adopt and perform routine updates to the SERs. Additionally, the ability for any member of the public to appeal project-specific CEQA determinations directly to the Board of Supervisors would remain unchanged, as would current appeal processes at the Board of Appeals. Preliminary MNDs would still be appealable to the Planning Commission. Similarly, existing avenues for public participation at the Planning Commission through project-specific Discretionary Review, Conditional Use, and other entitlement applications would be preserved.

Frequently Asked Questions

1. Would the program limit CEQA review and/or lessen environmental protections in San Francisco?

No. The Standard Environmental Requirements (SER) Program is a local ordinance and cannot supersede state mandated CEQA (California Environmental Quality Act) requirements. All projects would still be reviewed for potential impacts on the environment.

By standardizing mitigation measures and establishing them as baseline requirements through the development review process, fewer projects would require individual mitigation measures. As such, fewer Mitigated Negative Declarations (MNDs) would be required. In other words, the environmental review process itself would not change, but the universal requirements applicable to projects going through the process would change.

The program would require the same or greater level of environmental protection. The SERs would implement commonly used mitigation measures – or more stringent ones - that address environmental impacts. Moreover, SERs would apply to a greater range of projects than only those that are currently subject to CEQA (e.g. large ministerial* housing projects).

2. What environmental topics will the program address?

Air quality, transportation, archeology, noise, construction vibration, and paleontology will be addressed. Future topics could be included in subsequent years, but only after a public hearing at the Planning Commission.

3. What projects will be subject to the Standard Environmental Requirements?

Each standard requirement would include applicability criteria that specify when the standard would apply. Criteria could include the project type (e.g. use, size) and/or location (e.g. within the Air Pollutant Exposure Zone). The standard requirements would categorically apply to all projects that meet the criteria.

4. Would the program shorten the time span of the environmental review process?

Yes. Preparation of MNDs typically take up to 12 months, while exemption documents typically take up to 9 months. The program would shift many projects from review under an MND to review under an exemption document, thus saving time while ensuring the same (or better) environmental outcome.

5. How can a universal approach possibly work for a City as complex as San Francisco?

Only a limited number of projects are anticipated to undergo further environmental review after the SERs have been implemented. Even though the program standardizes requirements and makes them broadly applicable, particularly unusual projects will still be reviewed with heightened scrutiny on a case-by-case basis. If a project is found to have project-specific or site-specific significant impacts on the environment even with application of SERs, an MND (with mitigation measures) would still be prepared. Similarly, if a project is found to have a significant and unavoidable impact even

with application of SERs, an Environmental Impact Report (“EIR”) would still be prepared.

6. What about ministerial and non-discretionary projects*?

The City has no discretionary authority over ministerial projects. Because of this, those projects are exempt from CEQA review. Historically, projects like this have been rare in San Francisco, but recent changes in State law have reversed this pattern, particularly for mid and large-sized housing projects that provide on-site affordability. The SERs would establish entirely new environmental protections for these projects because they would be implemented as part of universal, codified requirements rather than “one-off” analyses.

* A “ministerial” or “non-discretionary” project is one that must meet only objective standards is not subject to any judgment or discretion by the City. This type of project is typically established through State law.

7. Would the program add new bureaucracy and increase development costs?

Generally, no. The SERs would establish consistent and transparent project requirements. Those requirements would generally parallel today’s measures, but in some cases would involve a more stringent approach. As such, while requirements would typically not increase, the process would be truncated. Similarly, owing to greater predictability and shortened review times, development costs are likely to decrease mildly.

8. How can I review the standard requirements for specific topics?

As soon as individual Standard Environmental Requirements are available for review, they will be posted on this website. If you would like to be notified, please contact staff by calling 415-575-9010 or by emailing Veronica Flores at veronica.flores@sfgov.org, and we will send you an email when they are available. This is likely to occur at least one week before the program is again heard at a public hearing.

9. What’s wrong with the way things are now?

The current system of ad-hoc mitigation measures is inconsistent, resource-intensive, and fails to guard against environmental impacts from the full range of projects. The SERs would set new and comprehensive baseline

requirements for projects, conserve resources, and would result in the same or greater environmental protections than those currently in place. They would be publicly available to developers, advocates, and neighbors well in advance of any application being submitted, thus reducing uncertainty across the board and setting clear, universal expectations.

10. Would the City’s appeal or notification procedures change?

No. The program would not change CEQA appeal or public notification procedures. The ability for any member of the public to appeal project specific CEQA determinations directly to the Board of Supervisors would be unaffected, as would be the case for projects reviewed as exemption documents under the SERs rather than MNDs. Similarly, appeal processes at the Board of Appeals would remain unchanged. Additionally, existing avenues for public participation at the Planning Commission through project-specific Discretionary Review, Conditional Use, and other entitlement applications would be preserved.

11. Do other cities have a similar program?

Yes. Among other jurisdictions, the City of Oakland implemented environmental protection measures as part of their “Standard Conditions of Approval” package. Covering a broad range of topics, Oakland adopted their program in 2008 and updated their conditions of approval earlier this year.

12. How can I participate?

The Planning Commission conducted a public hearing on January 16, 2020 and the Department hosted a technical workshop on February 12, 2020. On April 15 the Historic Preservation Commission conducted an additional public hearing. In July, the program will again be reviewed at public hearings at the Historic Preservation and Planning Commissions. We anticipate adoption hearings at the Board of Supervisors in late summer 2020. As with any project, the Department welcomes public comment at any time. During the Local Emergency and Stay Safe at Home Orders, please email any comments or questions to one of the Department contacts by calling 415-575-9010 or by emailing Veronica Flores at veronica.flores@sfgov.org.

This document has been drafted by Planning Department staff to provide a background summary of the prominent features of the Standard Environmental Requirements Program. It is not a comprehensive guide to the agreement, nor does it provide any analysis or policy recommendation. For more complete materials related to this project, please visit sfplanning.org/project/ser.

中文詢問請電: (415) 575-9010 Para información en Español llamar al: (415) 575-9010 Para sa impormasyon sa Tagalog tumawag sa: (415) 575-9010