

Bay Area air board approves guidelines to limit greenhouse gases from development

By Denis Cuff
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SAN JOSE — The Bay Area's air pollution board on Wednesday adopted the nation's most far-reaching local development review guidelines aimed at limiting greenhouse gases and toxic air contaminants.

Planning for new Bay Area houses, apartments, gas stations, sports arenas, chemical plants and shopping centers could be affected.

The guidelines approved by the Bay Area Air Quality Management District give cities and counties numerical pollution thresholds to use in deciding whether to require developers to conduct studies on ways to remove pollution during the land-use review process.

Despite California's leadership role in passing Assembly Bill 32, which set overall targets to cut greenhouse gas emissions statewide, the state has left it up to cities and counties to figure out how to achieve reductions from local developers. Greenhouse gases are mainly carbon dioxide and other pollutants that warm the Earth.

"We are moving forward to allow planning for greenhouse gases to be incorporated in future development," said Jack Broadbent, executive director of the air quality district.

"We believe we are the first to set thresholds for greenhouse gases."

The planning guidelines were adopted on a 14-0 vote at a special board meeting in San Jose.

During a public hearing, speakers applauded the guidelines to limit greenhouse gases but were divided about whether the specific standard for toxic air contaminants—including soot and pollution that increases cancer risk—would inhibit development of infill housing near polluted areas such as downtowns near freeways.

"The greenhouse gas guidelines are a good start at addressing a critical environmental problem," said Matthew Vespa, an attorney for the Center for Biological Diversity in San Francisco. "Other areas will look to the Bay Area (for leadership)."

Under the guidelines, developers planning projects expected to generate more than 1,100 metric tons of greenhouse gases a year—the amount from 55 typical new single-family houses—would have to conduct an environmental review on ways to reduce or offset pollution.

Developers could be exempt if their project generated no more than 4.6 metric tons of carbon dioxide emissions annually per each subdivision resident or business employee.

AT A GLANCE:

NEW DEVELOPMENT GUIDELINES BY THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT SET THRESHOLDS REQUIRING BUILDERS TO CONDUCT POLLUTION REDUCTION STUDIES IF THEIR PROPOSED PROJECTS WOULD:

- GENERATE 1,100 METRIC TONS A YEAR OF GREENHOUSE GASES;
- INCREASE THE CANCER RISK FROM TOXIC AIR CONTAMINANTS BY 10 PARTS PER MILLION IN AN AREA WITHIN 1,000 FEET OF A FREEWAY, OIL REFINERY OR OTHER TOXIC AIR SOURCE.

DEVELOPERS WOULD HAVE AN ALTERNATIVE WAY OF COMPLYING WITH THE GUIDELINES IF THE MEASURES WERE PART OF A LOCALLY ADOPTED COMMUNITY RISK-REDUCTION PLAN, OR A CLIMATE ACTION PLAN TO REDUCE GREENHOUSE GASES.

Source: Bay Area Air Quality Management District.

To reduce their carbon footprint, developers could consider locating projects near bus and train stations, creating shuttles to transit centers, or installing solar energy panels on buildings and putting energy-saving insulation in them.

Bay Area cities and counties are not required to adopt the air district development guidelines, but they may ignore them at their own peril.

They could face time-consuming lawsuits by development opponents who could argue that the air district is the best judge of pollution guidelines.

Leaders of business and affordable-housing groups objected to the guidelines for diesel soot and other air pollution that raises the risk of cancer.

“It will discourage development in priority development areas (in downtowns or near transit centers),” said Linda Best of the Contra Costa Council, a business group.

Andrew Smith, a Walnut Creek senior planner, said he is concerned the guidelines will make it harder to permit infill development in

downtown Walnut Creek because it is near freeway pollution.

Under the guidelines, a gas station, business or housing project developer would be required to conduct pollution reduction studies if the proposed project would increase the cancer risk by 10 in a million within 1,000 feet of a major pollution source.

Air district managers said the guidelines will not stop development in downtowns or near transit centers. “We support infill development,” said Henry Hilken, the air district director of planning and research.

Hilken said proposed developments would have an alternative means of

complying if they are in a city or area with a community risk-reduction plan to cut public exposure to cancer-causing pollutants, which air district managers and board members said is more effective than reviewing one development at a time.

“You can do more to protect the public from air contaminants if you have a plan to reduce toxics in the whole community,” said Contra Costa County Supervisor John Gioia, of Richmond, a member of the regional air board.

The air district will provide grants and technical assistance to areas to develop community-risk reduction plans, he said.