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February 24, 2012

Mr. Christopher Calfee
Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

Re: CEQA Guidelines Update for Senate Bill 226 (Simitian)

Dear Mr. Calfee,

The Metropolitan Transportation Commission, the metropolitan planning organization for the nine-county San Francisco Bay Area, would like to offer the following comments on the proposed guidelines and checklist for infill projects to qualify for a streamlined review under the California Environmental Quality Act (CEQA) pursuant to SB 226 (Simitian, 2011).

Guideline Comments

We do not understand why an infill housing, transit project, school, commercial project or public office building that is consistent with a prior EIR for a planning level decision that encompassed the project area would be considered to have a "new specific effect" on the basis of "new mitigation measures" being discovered since the adoption of the prior EIR. However, if this provision remains intact, we recommend the guidance provide more detail about how a lead agency is supposed to determine the availability of "new mitigation measures" that would be applicable to the types of environmental impacts anticipated by the project.

For clarity's sake, with respect to the written checklist, we recommend rewriting the first two sentences of "(1)(C)" as follows. "Does the infill project have effects that are specific to the project or the project site that were not analyzed in the prior EIR? Are those effects significant?"

According to a phone conversation MTC staff had with you on February 21st, one technical fix is needed. All references in the document to subdivision (c)(2)(D) should be changed to Subdivision (D).

Appendix M Comments

Performance Standards by Project Type (Section III)

With respect to renewable energy, the guidance should include a definition for the term "renewable energy components." For the sake of clarity, we also recommend that the guidance be more explicit about what is intended by the expression "when feasible."

For instance, is “lack of funds” a sufficient explanation for why a project did not include a solar rooftop?

Provisions Related to “VMT-Reducing Project Features” Should Be Strengthened

The guidance states that a residential project achieving 75 percent of regional per capita vehicle miles traveled (VMT) may qualify for the infill streamlining provisions if it is located within a “low VMT traffic analysis zone” within the region, in a low VMT locale, or by including “VMT-reducing project features.” Appendix M of the guidance specifies that VMT-reducing project features “may be as determined by a sketch tool (i.e. CalEEMod or URBEMIS).” This provision seems to allow a project to be located in an area that *exceeds* the regional average VMT on the basis of “project features” that are not guaranteed to be effective. Even if such features are effective in theory, the guidance does not specify any procedures to ensure that such features are implemented and — in the case of operational features, such as transit passes, shuttles, or parking charges — maintained over time. We recommend that if project features are used, the project sponsor must specify the features in an agreement with the lead agency, allowing for changes to be made to the project features over time, subject to approval by the lead agency.

Use of Sketch Models Should be Required & Subject to Approval

Appendix M is only permissive with respect to the use of a sketch tool, raising the possibility that a lead agency could make assumptions about the impact of project features that are not based on a sound review of the latest planning literature and best practices. Where a project is qualifying for streamlining through the use of “VMT-reducing project features,” a sketch tool should be required. Additionally, the guidance should provide that either the State Air Resources Board or the local air quality management district will maintain an approved list of which software tools are acceptable for such purpose, and update this list every year.

Assumptions Related to Role of Demographics & Speed Should Be Made More Clear

In the case of residential projects, the proposed language seems to assume that the project will not significantly change an area's demographics. As you know, VMT is a function of demographics, not just regional *location* (i.e. some areas generate relatively little vehicle travel because they house largely low-income residents, not because they are in regionally efficient locations). If the intent is to ignore demographics for the purpose of the analysis, this should be stated directly.

Additionally, the guidance focuses strictly on VMT, ignoring the role of speed in relation to emissions. However, it is possible for a single project to significantly reduce the speed in a particular corridor. If a housing project adds 200 new residences to a particular location, it may affect local traffic congestion, which increases emissions. The guidance should clarify that speeds are presumed to stay constant if that is the intent.

Quantity of Interest

In the case of commercial projects, the guidance should clarify the quantity of interest currently identified as “regional per capita VMT”. If a commercial project is to be located in travel

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analysis zone (TAZ) X, is the quantity of interest the per capita VMT of individuals who work in TAZ X? Additionally, should this quantity be compared to the per capita VMT of all working individuals in the region?

We believe it would be useful to include as an appendix the text for the building requirements known as CALGreen Tiers 1 and 2 for lead agencies who will take advantage of this guidance.

Regular Update

Finally, we recommend that OPR update the guidance every three to five years and include an inventory of projects that have used the new process with each update.

Thank you for the opportunity to provide these comments. We are hopeful that this streamlined review will enable vitally needed transit stations, housing, commercial development projects and schools to be built in the San Francisco Bay Area in a manner that improves the region's livability, economic vitality, and quality of life, while also meeting our greenhouse gas reduction targets.

Sincerely,



Ann Flemer
Deputy Executive Director, Policy

cc: Ezra Rapport, Association of Bay Area Governments