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November 21, 2014

Mr. Christopher Calfee
Governor's Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

**RE: Association of California Cities – Orange County Comments on SB 743
Implementation Guidelines**

Dear Mr. Calfee:

The Association of California Cities – Orange County (ACC-OC) respectfully submits the following comments on the Office of Planning & Research's SB 743 draft implementation guidelines.

As the region's largest advocates for local control, we believe that this draft goes beyond the scope of SB 743 and presents unworkable – and in many cases, counterproductive – guidelines to reducing greenhouse gas emissions for our cities. Specifically:

Expanding CEQA to Include VMTs

The OPR's draft guidelines concern local cities due to the proposed requirements to count VMTs, rather than LOS or trips generated, as part of a land- or transportation-planning project. It is most concerning that OPR recommends this newly constructed metric beyond priority transportation areas and "This provides unworkable and uncertain direction to local governments. It moves from objective metrics that can be used in GHG reductions (e.g. developing TOD, providing pedestrian friendly areas, or even building age-qualified housing) to a highly subjective, unscientific process of estimating miles traveled to reach a destination. We believe that this will reduce both the integrity of city environmental studies, as required by CEQA, and potentially open local governments up to litigation.



Eliminating LOS Relief is Dangerous

Level of Service is a widely accepted model of transportation efficiency, environmental sensitivity and quality of life indicator. Abandoning its role in local planning overnight is to compromise the integrity of our local communities. Health concerns related to idling vehicles have long been communicated to cities and air quality management districts across the state (including South Coast AQMD) have imposed regulations on local governments to manage the impacts of idling vehicles. Through this draft set of guidelines, OPR unilaterally reverses this historically

Planning Authority Stripped

The guidelines go on to state that a regional average will be used to determine if VMTs are significant or not. This presents an incorrect and homogenous portrait of California.

Moreover, it reduces the authority of local land planning agencies and develops a *de facto* "regional metrics" – or a one-sized approach - that must be adhered to by local governments. This undermines local control and degrades the notion of local planning authority. OPRs guidelines state that, "... *this proposal reflects CEQA's typical deference to lead agencies on issues related to methodology.*" Yet OPR has required that region's as large and disparate as the Southern California Association of Governments adhere to one, regional threshold to determine significance. This is contradictory to what OPR suggests as "deference" to lead agencies regarding methodology.

Contrary to the preliminary draft's conclusion that alternative modes of transit have "*literally been pushed aside,*" local and regional agencies in our county have balanced transportation and land planning. In fact, cities, with the help of our self-help, half-cent sales tax, consider a wide variety of transit and transportation options when considering mitigation measures for significant traffic impacts due to land planning. This includes pedestrian, transit, bike and lanes. It's a model of local planning authority driven by the policymakers on the ground.

Unfortunately, the OPR guidelines undermine this principle and the Association of California Cities – Orange County correspondingly opposes the proposal, as drafted.

While we appreciate the OPRs task to implement SB 743, we believe this draft goes beyond the scope of the law and would have adverse impacts to local jurisdictions. Therefore the ACC-OC respectfully request that implementation beyond specifically identified transportation priority areas be delayed until greater certainty and improved methodology.

Please do not hesitate to contact our office at (714) 593-1300 to discuss these concerns further.

Sincerely,

A handwritten signature in cursive script that reads "Lacy Kelly". The signature is fluid and elegant, with the first letters of "Lacy" and "Kelly" being capitalized and prominent.

Lacy Kelly

CEO

Association of California Cities – Orange County