

# LIVERMORE

CALIFORNIA

November 21, 2014



Mr. Ken Alex, Director  
Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, California 95812-3044

Dear Mr. Alex,

Thank you for the opportunity to provide comments on the first draft of proposed changes to the California Environmental Quality Act (CEQA) in response to Senate Bill (SB) 743. The City of Livermore supports the overall goals of SB 743 to reduce greenhouse gas emissions, create multimodal networks, promote a mix of land uses, and to better align CEQA with recent legislation such as SB 375 and AB 32.

Livermore is committed to meaningful greenhouse gas reduction and a sustainable environment. The City has enacted smart growth through many actions that align with the regional vision for the Bay Area. Two Urban Growth Boundaries fully surround the City. In 2009 the City amended its General Plan to include a Climate Change Element, and in 2012 adopted a Climate Action Plan with strategies and actions to reduce greenhouse gas emission levels produced within the City. The City also participated in Plan Bay Area, designating three Priority Development Areas, which are located around multi-modal transit stations, and two Priority Conservation Areas. Most recently, the City amended its General Plan to incorporate the City's Complete Street Policy in the Circulation Element.

The City recognizes and supports the regional vision and the critical importance of collaboration. Within this context, we offer the following comments and suggestions on the first draft of proposed changes:

1. The guidelines should explicitly state that vehicle miles traveled (VMT) is a cumulative impact and that programmatic analysis is the appropriate and preferred approach to evaluating projects that implement higher level plans (e.g. General Plan, Regional Transportation Plan, etc.).
2. Establish flexibility to develop a subregional metric that would allow for evaluation of projects within their geographic context and for a reasonable level of review and mitigation, and emphasize reduction in VMT across all subregions, regardless of location.

### Programmatic Approach

As written, the guidelines emphasize analysis of individual projects and only discuss program-level review in context of the Sustainable Communities Strategy. Land use development occurs within the context of the City's General Plan and zoning, while roadway extensions are typically included in plans and are not stand-alone projects. As written, an *individual* roadway project could result in a significant impact even if it is part of a citywide plan that results in an overall positive effect on VMT. Similarly, individual development projects consistent with the General Plan may result in a significant impact when evaluated against the existing regional average VMT, but could support the overall vision for a balanced community and reduced VMT in the long-term. Projects that would result in a VMT above the regional average should not automatically be considered to have a significant transportation impact, but rather should be evaluated against adopted plans and the local context.

VMT is commonly used as a metric in the analysis of greenhouse gas emissions (GHG) emissions, which CEQA identifies as a cumulative impact. Accordingly, the guidelines should clearly state that VMT is treated as a cumulative impact for transportation purposes and should be evaluated at a programmatic level. Using a similar approach to analyzing VMT as the current CEQA guidelines establish for analyzing GHG would also allow for streamlining through tiering from program-level environmental documents.

### Subregional Metric

We would encourage you to support an approach to transportation impact analysis that is based on a subregional threshold of significance. Establishing the threshold as the average VMT by land use type for the region (metropolitan area) would lead to the unequal evaluation of development projects throughout the region. In addition, the inputs into VMT models will be critical to arriving at reasonable and meaningful outputs. For example, the modeling should take into account a community's jobs-housing match, which is a key driver of commute patterns. If the models are based on average trip lengths for a given project type and do not account for the nuanced characteristics of a project and its context, even small- and medium-sized projects in suburban communities could result in a significant impact. Conversely, projects in the inner core cities would have little incentive to require or provide mitigation, which could be very helpful in reducing overall VMT.

The emphasis of the new approach should be on reducing VMT across all portions of a region. Use of a regional average threshold that is too broad might inadvertently increase barriers to housing development within the region, undermine the region's ability to facilitate smart growth, and increase constraints and costs to meet a significant portion of the Regional Housing Need Allocation (RHNA) assigned to Cities outside one or two core cities. A potential perverse outcome could be to push development from the edge of a region with a very low average VMT to a neighboring region with a much higher average

VMT. A subregional metric and/or analytical approach that focuses on VMT reduction overall would be more likely to achieve the goals of SB 743.

### Appendices

The City has additional comments related to the proposed changes to the appendices of the State CEQA Guidelines. The mitigation measures proposed for Appendix F seem to be over-simplified, as each are highly dependent on context and implementation and would not always reduce VMT. For example, "increasing project density" for a housing project in a predominantly residential area with poor transit access would be unlikely to decrease VMT. Additional analysis would be needed to confirm the applicability and effectiveness of the measures for a given project.

Appendix G of the CEQA Guidelines includes an environmental checklist typically used for an initial study. The proposed guidelines amend an existing checklist question to become a question about induced travel. The new phrase "by adding new roadways to the network" suggests that any new roadway would automatically induce additional automobile travel and increase VMT, which would be a significant impact. This is problematic because it could have the unintended consequence of calling out a significant impact for projects that increase connectivity of a street network at the local level and provide more direct routes between uses. We would suggest that the guidelines more clearly focus this standard on highways, state routes, and other major commuter routes.

### Summary

Based on these comments and to provide additional clarity in the proposed guidelines, the City has the following specific suggestions:

- Base the average VMT on the subregion (such as the Tri-Valley), as this would be a more appropriate scale than the county or region (metropolitan planning organization or regional transportation planning agency).
- Establish a minimum threshold for project types or size, below which a VMT analysis would not be required.
- Exempt local roads from the analysis of induced vehicle travel impacts.
- Exempt projects that are found to reduce GHG emissions from having to complete additional VMT analysis for transportation purposes.
- Include the following statement in Section 15064.3(b)(2): "Transportation projects located within one-half mile of an existing major transit stop may be considered to have a less than significant transportation impact"

- Provide incentives/credit for communities to make the best choices possible. For example, locating housing next to a transit stop is likely to have benefit in VMT reduction, even if the stop doesn't meet the definition of a "major transit stop".
- Provide more information on the baseline assumptions used to create transportation models and on the methodology for evaluating induced vehicle travel impacts.
- Establish a trial period on the use of the new guidelines; and establish "best practices" for the new metrics.
- Confirm that VMT is a cumulative impact that can be evaluated at a program level, similar to GHG.
- Clarify that transportation projects may be considered to have a less than significant impact if identified within a local Land Use or Transportation Plan that is consistent with a Sustainable Communities Strategy or achieves at least an equivalent reduction in VMT or GHG, 15064.3(b)(2).
- Add detail specifying types of potential effects on transit that should be considered or analyzed, as was done for Local Safety in 15064.3(b)(3).
- Recommendations for terms to clarify or define:
  - Mitigation measures added to Appendix F
  - "Consistency with a Sustainable Communities Strategy"
  - "High Quality Transit Corridor" and "Major transit stop"
  - "Not confine its evaluation to its own political boundary" 15064.3(b)(4)
  - "Examples of objective factors" 15064.3(b)(3)
  - "Results in VMT greater than regional average" 15064.3(b)(1) – Define "greater than." Is it triggered by +1 or +100?; Is average the best determiner or should outliers be thrown out?

Thank you for considering our comments. The City of Livermore supports the goals of SB 743, and we appreciate your work to implement this important legislation. We look forward to reviewing the next draft of the proposed changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Roberts", with a long horizontal line extending to the right.

Marc Roberts  
City Manager