THE CITY OF SAN DIEGO

November 21, 2014

Mr. Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Calfee:

Subject: Updating Transportation Impacts Analysis in the CEQA Guidelines Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013), dated August 6, 2014

The City of San Diego recognizes the tremendous amount of effort and research invested in the August 6, 2014, Discussion Draft of Updates to the CEQA Guidelines (herein referred to as 'Guidelines'), and appreciates the opportunity to offer comments. The comments and suggestions below were drafted by staff from the city departments, Development Services and Planning, responsible for CEQA review.

Our primary purpose in providing comments is to help ensure the successful implementation of SB 743. We look forward to partnering with OPR to ensure that the final Guidelines achieve primary legislation objectives of greenhouse gas emission reductions and a streamlined CEQA review process. Our comments are as follows:

1. *Mitigation Measures*, it is unclear how a development project that has been determined to have a VMT impact will analytically mitigate the impact. *Text of Proposed Amendments to Appendix F (subsection (II)(D)(6))*, page 18, provides several examples of mitigation which, in theory, could reduce project produced VMT; however, none of the examples provide an analytical measure of mitigation. Introducing subjective rather than objective mitigation measures could add confusion to the CEQA process and invite litigation. Further, many of the suggested mitigation measures in the current draft Guidelines may be precluded in areas where transit is not available. Please consider providing a sample list of mitigation measures and how to calculate the percentage reduction in VMT for each one.

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2. *Proposed New Section 15064.3 (subsection (b)(1))*, page 13, should add clarification with regards to the statement, "Development projects that locate within one half-mile of either an existing major transit stop or a stop along an existing high quality transit corridor generally may be considered to have less than significant transportation impacts." It is unclear whether this section is stating that these development projects will not require CEQA transportation analysis. If this is the intent, the section should clearly state this; if it is not, more clarification should be added, including project characteristics that would allow a project to forgo a CEQA transportation analysis.

3. *Proposed New Section 15064.3 (subsection (b)(1))*, page 13, states, "A development project that is not exempt and that results in vehicle miles traveled greater than regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact." The Guidelines further explain that the "region refers to the metropolitan planning organization or regional transportation planning agency within which the project is located." The availability for local jurisdictions to use further sub-areas should be included, as many metropolitan planning organizations and transportation planning agencies will include distinct geographic areas where averages could vary substantially.

4. *Proposed New Section 15064.3 (subsection (b)(2))*, page 14. Further explanation of what could constitute the need to "analyze whether the project will induce additional automobile travel compared to existing conditions;" specifically, whether or not intersection improvements would qualify. Also, the Guidelines should exempt already planned roadways that are included within adopted planning documents from this requirement.

5. *Proposed New Section 15064.3 (subsection (b)(3))*, page 14, should be eliminated from the Guidelines. It is unclear how this section helps achieve the main objectives of the bill. Safety will continue to be important in every agency's decision making process, but the proposed changes could invite additional CEQA litigation, and therefore, would not advance the streamlining objective of SB 743.

6. *Change in circumstances,* the updated Guidelines should include a provision to ensure that the new thresholds and methodologies do not affect an agency's ability to tier from previously certified CEQA documents by clarifying that the amended Guidelines do not constitute a "change in circumstances."

Once again, thank you for the opportunity to comment and please do not hesitate to contact Kerry Santoro at (619) 446-5121 should you have questions about any of our comments.

Sincerely,

Robert Vacchi
Development Services Department Director

Tom Tomlinson
Interim Planning Department Director

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