



CITY OF SANTEE

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John W. Minto
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VIA E-MAIL [CEQA.GUIDELINES@CERES.CA.GOV]

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

Re: City of Santee's Input in Response to "Updating Transportation Impacts Analysis in the CEQA Guidelines" Implementing Senate Bill 743, Dated August 6, 2014

Dear Mr. Alex:

The City of Santee is responding to OPR's request for comments on the "Updating Transportation Impacts Analysis in the CEQA Guidelines: Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743" ("Guidelines Update"), dated August 6, 2014.

The City of Santee is located in Central San Diego County about 18 miles east of downtown San Diego. Santee is bordered on the west and southwest by the City of San Diego and Marine Corps Station Miramar, on the south by the City of El Cajon, on the north by San Diego County lands and on the east by the unincorporated communities of Lakeside and Eucalyptus Hills. While Santee has experienced significant growth in the last 30 years, transitioning from a rural to more urban community, it is primarily a suburban community with no major employment centers and limited commercial and retail land uses. Santee's General Plan and Town Center Specific Plan do promote continued smart growth in its Town Center, including its Trolley Square commercial center and comprehensive office-park development consisting of office, residential and ancillary commercial uses.

Santee continues to develop and promote alternative modes of transportation to vehicles. But improving traffic congestion, particularly at major intersections during peak hours, is crucial to Santee's ability to meet projected growth and related circulation needs as well as transportation related safety standards. As such, Santee has the following concerns and comments related to the Guidelines Update.

Application of the Vehicles Miles Traveled Standard Should Not Be Imposed Statewide

Santee is concerned with OPR's proposed one-size-fits-all approach to eliminating the level of service ("LOS") standard for measuring the significance of a project's transportation impacts statewide. While SB 743 requires OPR to establish criteria for determining the significance of transportation impacts of projects within transit priority areas, OPR has discretion whether to apply such "alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office." (Pub. Resources Code, § 21099, subds. (b)(1) and (c)(1).)

Requiring application of the vehicle miles traveled (VMT) standard statewide in lieu of the LOS standard would result in the unattended consequence of increasing traffic congestion and safety issues in predominantly suburban communities like Santee that are without access to mass transit in most areas. OPR does not seem to dispute that localized congestion conditions can result in more bicycle and pedestrian safety conflicts, for example. Further, as addressed below, penalizing communities like Santee that generate a disproportionate level of VMT compared to more urban centers with shorter commute trips would hinder the ability to implement existing local planning goals and objectives to increase roadway capacity where needed and impose such requirements on projects. Even if LOS standards are still applied in establishing transportation impact fees and other measures to reduce congestion, projects in these communities would have an unfair disadvantage under CEQA if any such transportation improvements induce automobile travel.

This approach would inevitably defeat the purpose of the Guidelines Update to promote the reduction of greenhouse gas emissions and diversity of land uses. (Pub. Resources Code, § 21099, subd. (b)(1).) The implication that high LOS automatically leads to environmental impacts is flawed when applied on a statewide basis in areas like Santee. SB 743 is not intended, nor would it be realistic given the current lack of affordable housing in major urban centers, to force urban form in all areas or to ignore the human impact of traffic congestion. The Guidelines Update could result in social and planning implications extending beyond CEQA's purview, requiring local jurisdictions to tackle such issues at an individual project level rather than through local and regional planning decisions currently in place.

Santee therefore proposes that OPR exercise its discretion to limit the applicability of the Guidelines Update to transit priority areas, or at a minimum, include language allowing agencies to exercise their discretion in applying the VMT standard to projects where it would further, rather than obstruct, the goals of SB 743.

Language Regarding Increase In Roadway Capacity

The Guidelines Update states that "[t]o the extent that a transportation project increases physical roadway capacity for automobiles in a congested area, or adds a new roadway to the network, the transportation analysis should analyze whether the project will induce additional automobile travel compared to existing conditions. The addition of general purpose highway or arterial

City of Santee comment letter to OPR
October 20, 2014

lanes may indicate a significant impact” (Proposed State CEQA Guidelines, § 15064.3, subd. (b)(2).)

Santee is concerned that this provision creates a rebuttable presumption that every project which increases roadway capacity necessarily has a significant impact. Such a result would depart from CEQA’s long-standing rules that the lead agency is responsible for determining whether an adverse environmental effect is significant and that an inflexible definition of a significant effect is not possible and varies based on the project setting. (State CEQA Guidelines, § 15064, subd. (b).) Additionally, the language in the Guidelines Update seems to conflict with other CEQA provisions that exempt restriping projects (many of which may result in minor increases in roadway capacity) from environmental review. (Pub. Resources Code, § 21080.19.)

OPR should revise this portion of its Guidelines Update to state only that “increases in roadway capacity should be considered as part of the evaluation of potential transportation impacts under CEQA.”

Appendix F Mitigation Measures and Alternatives

The additions to Appendix F of the Guidelines Update would require that, for transportation impacts as determined by VMT, agencies consider mitigation measures and project alternatives that would reduce energy consumption. These measures and alternatives primarily focus on transit-oriented and higher density development. For lower density areas where there is little or no existing mass transit infrastructure, such as the majority of areas in Santee, many of these measures and alternatives would be infeasible. For example, it would likely be infeasible for the developer of small, mixed-use development or multi-family development to increase access to transit if doing so would require the construction of major, new transit infrastructure as part of an otherwise small-scale project. This would defeat the purpose of SB 743 to encourage diversity of land uses and smart growth.

It is also unclear how many of the “potential measures to reduce vehicles miles traveled” should be defined and implemented. For example, it is unclear what measures would result in “improving the jobs/housing fit of a community” or “incorporating neighborhood electric vehicle network.” Such ambiguities could result in even greater CEQA litigation related to the interpretation of these measures. OPR should evaluate and revise Appendix F to include measures that are potentially feasible for lower density communities and more effective and practical in enabling such communities to continue their efforts to reduce or avoid increases in VMT related to transportation impacts.

Logistics of Conducting Both VMT and LOS Analyses in a CEQA Analysis

The Guidelines Update would require agencies to look at VMT rather than LOS to assess transportation impacts statewide. (Proposed State CEQA Guidelines, § 15064.3.) But notably the Guidelines Update would not limit an agency’s ability to continue the use of LOS to analyze non-traffic impacts (such as land use patterns or circulation issues under an applicable General Plan). (Proposed State CEQA Guidelines, § 15064.3, subd. (c).)

City of Santee comment letter to OPR
October 20, 2014

Santee is concerned there are few models that are able to accurately calculate VMT at a project level and in a cost effective manner. The Guidelines Update would effectively require agencies to conduct two entirely separate traffic studies – one that looks at VMT per the Guidelines Update for purposes of analyzing traffic impacts and a second that analyzes LOS consistent with local land use policies and other state/federal guidance. Contrary to the purpose of SB 743 to streamline CEQA review for infill development, this approach would result in significant additional delay and expense for important public and private projects (including affordable housing) and the unattended consequence of facilitating challenges to such projects based on perceived inconsistencies in the environmental analysis. The Guidelines Update should be clear that conclusions reached using the VMT methodology for transportation impacts are not *per se* inconsistent with those reached for other impact areas using the LOS methodology and that a CEQA violation, therefore, does not automatically result.

Deletion of Measures Imposed to Address Automobile Delay

OPR's statement of reasons for the Guidelines Update provides that an agency's removal of mitigation measures tied solely to LOS would not trigger the need for CEQA review for that action because LOS will no longer be considered a significant impact. (Guidelines Update, page 11.) OPR should specifically incorporate into the Guidelines Update a statement reflecting this conclusion. OPR should also include a categorical exemption to aid agencies in bringing their planning documents into conformance with the new VMT standard. Absent clear standards, local agencies could be pressured to incur the additional time and money to conduct a CEQA analysis for such amendments.

Measurement of Regional Average VMT

The Guidelines Update specifies that a project resulting in VMT "greater than regional average for the land use type" may have a significant transportation impact. (Proposed State CEQA Guidelines, § 15064.3(b)(1).) This section does not specify whether measurements of regional average are to be conducted as part of, or incorporated into, regional transportation plans and, if so, by what date. The Guidelines Update also seems to disregard substantial efforts of agencies like the San Diego Association of Governments (SANDAG) to develop and implement regional transportation plans and sustainable communities strategies using the LOS standard, undermining the purpose of SB 375, as well as the role of local land use plans in this effort.

The assessment of averages across an entire metropolitan planning area may skew the average towards urban centers with shorter commute trips. This will have a disproportionate effect on communities like Santee with non-urban centers, where projects will be more likely to exceed the "average" and be pushed into an EIR process – even for small infill projects that would otherwise have insignificant impacts. It could also further projects that manage not to exceed the regional average, regardless of the adequacy of that average, while overlooking feasible measures that could reduce VMTs.

OPR should consider the practical difficulties of communities like Santee in being subject to a "regional average," and include clarifying information concerning how the regional average VMT is to be measured and incorporated into planning documents. OPR should incorporate a

City of Santee comment letter to OPR
October 20, 2014

means of measuring these averages that accounts for the differing development densities across a region so that lower density and predominantly residential development is not unfairly and disproportionately affected by a nearly automatic presumption of significant transportation impacts due to higher than (urban) average VMT.

Projects Considered to Generally Have Less Than Significant Transportation Impacts

The Guidelines Update lists projects and project characteristics that, according to its provisions, are generally indicative of a less than significant impact to transportation. (Proposed State CEQA Guidelines, § 15064.3, subds. (b)(1) and (b)(2).) These projects and characteristics include: (1) location within one-half mile of a major transit stop or stop along a high quality transit corridor; (2) a resulting decrease in VMT; (3) consistency with a sustainable communities strategy; or (4) projects intended to improve roadway safety or operations, or for maintenance or rehabilitation work. If this list is interpreted to be exhaustive, any projects that do not possess these characteristics might be presumed to result in a potentially significant impact to transportation. This would be particularly problematic where a project would otherwise be categorically exempt but for its lack of these project characteristics. This section should be revised to explicitly state that the list is not exhaustive and that the absence of these characteristics does not necessarily mean that a project will significantly impact transportation.

The City of Santee appreciates the opportunity to provide comments on this critical issue. Should you have any questions please contact Minjie Mei, Principal Traffic Engineer.

Sincerely,

A handwritten signature in blue ink that reads "Melanie Kush". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie Kush

Acting Director, Development Services Department

City of Santee