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

Dear Mr. Calfee:

SUBJECT: Comments on Possible Topics to be Addressed in the 2014 California Environmental Quality Act Guidelines Update and Preliminary Evaluation of Alternative Methods of Transportation Analysis Pursuant to Senate Bill 743

The San Diego Association of Governments (SANDAG) appreciates the opportunity to comment on the topics that the Office of Planning and Research (OPR) may consider in the 2014 California Environmental Quality Act (CEQA) Guidelines update and the alternative methods of transportation analysis being considered pursuant to Senate Bill 743 (Steinberg, Chapter 386, Statutes of 2013) (SB 743). In addition, SANDAG is interested in any other efforts that are aimed at streamlining the implementation of pedestrian, bicycle, and transit improvements to support development in transit priority areas in the San Diego region.

1. Recommendations on California Environmental Quality Act Guideline Amendments

Section 15064 (Determining the Significance of the Environmental Effects Caused by a Project)

The OPR is considering the addition of a definition of regulatory standard, and an explanation of when a standard may be used appropriately in determining the significance of an impact under CEQA. SANDAG supports this clarification to the CEQA guidelines.

In order to avoid confusion and reduce conflict when conducting environmental analysis, it is important to define those state standards that can be appropriately used in determining significance of an impact under CEQA (i.e., Senate Bill 375 [Steinberg, Chapter 728, Statutes of 2008] [SB 375] greenhouse gas emission [GHG] reduction targets). Identifying a CEQA threshold that is different from a state regulatory standard can be confusing to the public and decision-makers. When a lead agency can demonstrate consistency with a state standard or regulation, but conclude that a project still results in a significant impact to the environment raises issues in environmental documents. Either the state standard should be revisited, or the CEQA threshold should be revisited. For the purpose of the CEQA guidelines, SANDAG supports the latter.

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Further, in Section 15064, the OPR recommends adding loss of open space as an example of potential cumulative impacts in subdivision (h)(1). While it could be helpful to add an example of a cumulative impact in this section, it could raise additional uncertainty if the terminology is undefined (such as the term "open space"). In this case, the proposed use of "open space" will cause uncertainty because it is not defined.

Section 15064.4 (Determining the Significance of Impacts from Greenhouse Gas Emissions)

Uncertainty increases in all forecasts used in long-range plans the further out in time one goes and "complete precision" in forecasting is simply not possible. The lead agency, however, should have discretion to determine whether a model or methodology is adequate to provide information that meets a reasonable standard of certainty. This is particularly true if the emissions model and/or methodology has been accepted or approved by a state or federal agency. Furthermore, if the agency has legitimate concerns that the model outputs would provide misleading information to the public or decision-makers, the agency should not have an obligation to utilize or disclose the outputs from such a model.

Section 15087 (Public Review of Draft Environmental Impact Report)

SANDAG supports a change that would clarify that copies provided to the public and to libraries may be electronic copies.

Section 15088 (Evaluation of and Response to Comments)

SANDAG supports a change that would clarify that proposed responses to public agency comments may be provided electronically. Additionally, SANDAG supports changes that would clarify that "data dumps" of large amounts of material on the eve of or at the hearing for adoption of an environmental document do not require a response and do not serve the public's interest in disclosure as they do not provide the public or the decision-making body with sufficient time to respond.

Section 15124 (Project Description)

SANDAG supports a change that would allow the lead agency to discuss the project's benefits in the description of the project's technical, economic, and environmental characteristics.

Section 15301 (Existing Facilities)

SANDAG supports a clarification to the exemption that would include alterations for bike improvements (for example cycle tracks, bike boulevard, and protected bikeways), pedestrian crossings, street trees, and implementation of other complete street features.

Section 15370 (Mitigation)

The OPR is considering a clarification to the definitions Section 15370 (Mitigation) that would state that preservation in perpetuity can be appropriate mitigation. SANDAG supports this clarification to the definition as it would enable suitable preservation of land that may not otherwise be protected in perpetuity.

2. Recommendations on Alternative Methods of Transportation Analysis Pursuant to Senate Bill 743

SANDAG supports efforts in the state to reduce GHG emissions and provide tools to streamline the ability of local agencies to implement projects and programs consistent with state law, including SB 375. By streamlining the environmental review process for urban infill development and the construction of infrastructure for public transit, cycling, and walking, the state will enable regions to implement the sustainable infill development and alternative transportation infrastructure projects identified in approved Sustainable Communities Strategies, including the San Diego Regional Transportation Plan and its Sustainable Communities Strategy. The Air Resources Board has determined that implementation of these regional plans and strategies will meet established GHG reduction targets – furthering the state’s goals to reduce GHG emissions over time.

SANDAG agrees that providing local agencies with alternative criteria for the evaluation of transportation impacts under CEQA is an important tool that is needed to help the state meet its goals for, “the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses.” (PRC Code Section 21099(b)[1]) Furthermore, SANDAG believes it is important for the revised Guidelines to note that the selection of the alternative criteria there will involve trade-offs between competing objectives. Irrespective of the changes to transportation impact analysis under CEQA implemented as a result of SB 743, SANDAG agrees that other adverse effects to the physical environment associated with transportation must still be analyzed under CEQA, and mitigated where appropriate, including but not necessarily limited to safety effects. In this vein, SANDAG provides the following comments in the spirit of ensuring that the implementation of SB 743 best achieves the goals of the state in the context of the San Diego region.

SANDAG agrees that alternative criteria for determining the significance of transportation impacts are needed for projects within transit priority areas (TPAs) (as defined in SB 743). In the San Diego region, local jurisdictions and SANDAG have worked together to develop a Smart Growth Concept Map that identifies areas in which the region seeks to promote the type of infill development and multimodal transportation infrastructure that will be needed to achieve the state’s GHG reduction targets and regional goals for environmental protection, economic prosperity, and social equity. Many of these Smart Growth Map Opportunity Areas comprise TPAs in the San Diego region. Therefore, SANDAG supports the development of alternative criteria for projects within TPAs, and agrees that automobile delay should not be considered a significant impact on the environment for projects within TPAs.

Furthermore, SANDAG supports the legislature’s intent to apply the alternative criteria to a broad set of project types located within TPAs, including but not limited to land use development, multimodal transportation infrastructure, and other relevant project types.

SANDAG is concerned, however, about the potential unintended consequences of precluding the consideration of automobile delay as a significant impact on the environment and the use of level of service criteria in *all* areas of the San Diego region located outside of TPAs. There may be locations in which, at least at this time, automobile delay as measured by level of service, remains an appropriate measure for determining the significance of a transportation impact under CEQA.

There is and will continue to be some land development for which automobile delay and level of service remain the most appropriate methodology for analysis under CEQA. Examples include areas where land development is not currently served or planned to be served by multimodal transportation infrastructure, or examples in which the density or intensity of land development does not warrant the provision of multimodal transportation networks, such as high-frequency public transit service, which, among other factors, requires higher density and intensity development in order to succeed.

In these cases, precluding lead agencies from considering automobile delay as a significant impact on the environment under CEQA may have the unintended consequence of increasing automobile delay in areas of the San Diego region that either are not served or cannot be served by high-frequency public transit service. This would be counter to many of the OPR's goals and objectives for developing the alternative criteria.

Alternatively, considering automobile delay as an environmental impact in these types of areas would enable lead agencies to impose mitigation measures or adopt alternatives that avoid or minimize such negative outcomes. As allowed for in SB 743, SANDAG supports the identification by the OPR of locations where automobile delay may be treated as an environmental impact, or the development of criteria besides automobile delay to ensure that lead agencies in areas of the region that either are not or cannot be served by high-frequency public transit service have the ability to impose mitigation measures or adopt alternatives that avoid or minimize potential negative outcomes.

Regarding the development of alternative criteria, Vehicle Miles Traveled is the most publicly and technically understood metric considered by the OPR. The methodology for forecasting this metric is the most standardized across the state, and it would lead to greater uniformity in analysis across the state.

However, we are interested in understanding the methodology to determine level of significance using this potential new metric. It may be worth consideration to convene a group of experts to recommend the best way to measure and forecast the chosen metric.

Open Questions and Next Steps

1(c). In this section, the OPR asks whether consistency with roadway design guidelines normally indicate a less than significant safety impact. While SANDAG could support that assumption, it should be clarified that an inconsistency does not necessarily indicate a significant impact. There are no current design guidelines covering some of the bike infrastructure projects the San Diego region is currently developing (such as cycle track and protected bikeway). Therefore, greater clarity should be provided so that inconsistency with existing roadway design guidelines is not interpreted to mean these types of bike projects have significant safety impacts.

2. SANDAG supports using the best available models and tools to measure transportation impacts. In the San Diego region, nearly all traffic impact assessments for private and public land use development and transportation projects are evaluated with the same model SANDAG used to evaluate its Sustainable Communities Strategy. SANDAG encourages the OPR to work with other model review entities rather than establish new criteria for evaluating model sensitivity. The Air Resource Board, through its regulatory role related to Sustainable Communities Strategies, already

reviews modeling methodology used by metropolitan planning organizations such as SANDAG. In addition, the California Transportation Commission publishes Regional Transportation Plan guidelines that include modeling standards.

At the federal level, in order to ensure its modeling and analytical tools are consistent with the state-of-the-practice, SANDAG participated in the Federal Highway Administration-funded Transportation Model Improvement Program in 2006 and plans to participate with its Activity-Based Model in the near future. As part of the federal New Starts program, the Federal Transit Administration examined the SANDAG model's sensitivity to transit ridership forecasts before accepting the project analysis.

3. SANDAG supports changing CEQA such that impacts to on-street parking associated with the construction and operation of infrastructure for public transit, cycling, and walking within TPAs are not considered significant impacts on the environment for the purposes of CEQA. Similar to the comments provided above on the treatment of automobile delay and level of service criteria, there may be locations located outside of TPAs in which it is appropriate to consider parking impacts as significant impacts on the environment.

Finally, SANDAG is interested in additional measures that would streamline the implementation of projects that implement Sustainable Communities Strategies that were adopted pursuant to SB 375. While many of the streamlining efforts are aimed at development that is located in walkable areas near transit, SANDAG is seeking innovative solutions to enable the implementation of the pedestrian, bike, and transit infrastructure that will support the development that follows.

Thank you for the opportunity to review and provide comments on the Possible Topics to be Addressed in the 2014 CEQA Guidelines Update and the Preliminary Evaluation of Alternative Methods of Transportation Analysis. If you have questions about these comments, please contact Rob Rundle, Principal Regional Planner at (619) 699-6949 or rob.rundle@sandag.org.

Sincerely,


GARY L. GALLEGOS
Executive Director

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