

November 20, 2014

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

Subject: Preliminary Discussion Draft Guidelines for Senate Bill 743

Dear Mr. Calfee:

Thank you for the opportunity to provide input on the Preliminary Discussion Draft of Updates to the California Environmental Quality Act (CEQA) Guidelines Implementing Senate Bill 743 (Steinberg, 2013). For detailed comments, including proposed changes to the guidelines, please see the attached comment letter signed by directors of San Francisco agencies, including the Transportation Authority's Executive Director.

We appreciate that prior to publication of the document, OPR staff consulted with a wide variety of potentially affected stakeholders, including San Francisco staff directly involved in Level of Service (LOS) reform. We believe that the draft Guidelines carry out the mandate of SB 743 and that, by aligning transportation analysis under the CEQA with broader environmental policy goals, such as reduction of greenhouse gases, it represents an important step in the right direction.

As the congestion management agency for San Francisco, the Transportation Authority has been working for a number of years towards LOS reform, including a Strategic Analysis Report examining alternatives to LOS adopted in 2003. Most recently, staff is working with other City agencies on the Transportation Sustainability Program (TSP) to better support the City's longstanding Transit First policy by modifying the City's development review practices to ensure that development impacts to the transportation system are offset by improvements to the system as a whole, with a primary focus on transit and multi-modal solutions. One of the goals of the TSP is to align CEQA review with citywide transportation goals and policies.

The LOS reform work of the State -- through SB 743 -- and San Francisco have converged and share many of the same goals such as minimizing environmental harm, aligning environmental review with City and State policies, and preserving mobility so that access to destinations for people and goods can be maintained through improvements to overall efficiency of the network. As San Francisco's congestion management agency, we are supportive of a Vehicle Miles Traveled (VMT)-based metric to best measure the environmental impacts to the transportation network. We also strongly support the proposed approach to the analysis of transportation projects; the approach helps achieve a stated goal of SB 743 to encourage projects in transit priority areas that develop a multimodal network.

San Francisco aims to be one of the first cities to adopt a new CEQA metric, and we hope our experience can serve as an example for others in their adoption. To that end, we are supportive of the guidelines' recommendation that the change in the metric be implemented



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statewide in order to support the regional and statewide land use and transportation planning goals of SB 743. Given the many different types of jurisdictions across the state, we request that the revised guidelines emphasize flexibility for lead agencies in setting thresholds that could deviate from the regional VMT average, as long as those agencies choose a threshold that is the same or more beneficial for the environment than the example regional average offered in the draft.

We look forward to continuing work with OPR staff on the final guidelines as well as the adoption and implementation of these important changes.

Sincerely,



John Avalos  
Chair

Attachments:

1. City and County of San Francisco Comment Letter on Draft OPR Guidelines

cc: E. Reiskin, A. Jean-Baptiste – SFMTA  
J. Rahaim, V. Wise – Planning  
G. Gillett – Mayor's Office  
TC, MEL, AL, MS, DC



November 21, 2014

Christopher Calfee  
Senior Counsel  
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Sacramento, CA 95814

Dear Mr. Calfee:

Thank you for the opportunity to provide input on the [Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 \(Steinberg, 2013\)](#), published on August 6, 2014. The City and County of San Francisco (City, San Francisco) commends the Office of Planning and Research (OPR) for a thoughtful draft of the *CEQA Guidelines* Section 15064.3. We appreciate that prior to publication of the document, OPR staff consulted with a wide variety of potentially affected stakeholders, including San Francisco staff directly involved in Level of Service (LOS) reform. The City believes that the proposed draft Guidelines carry out the mandate of SB 743, and that, by aligning transportation analysis under the California Environmental Quality Act (CEQA) with broader environmental policy goals, such as reduction of greenhouse gases (GHGs), they represent an important tool for encouraging growth in locations that will result in the least impact on the environment.

This letter represents collective feedback from the affected City agencies: (Planning Department, San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, San Francisco Department of Public Works, and the San Francisco Public Utilities Commission). The document first presents some background on the work the City has done to date related to LOS reform, which is included to demonstrate the City's level of support for OPR's effort. This is followed by a general discussion of the City's position on the overall approach to implementation of Section 21099 of the Public Resources Code (PRC), as presented in OPR's [Updating Transportation Impacts Analysis in CEQA Guidelines](#) publication. The remainder of the document provides some specific suggestions for amending the language of draft Section 15064.3 of the *CEQA Guidelines*, followed by a number of questions that seek clarification.

## Background

The City has been working for a number of years towards LOS reform. Most recently, this effort has occurred under the auspices of the [Transportation Sustainability Program](#) (TSP). The TSP is a joint effort between the San Francisco Planning Department, the San Francisco County Transportation Authority, the Office of Economic and Workforce Development, and the San Francisco Municipal Transportation Agency. It was created to better support the City's longstanding Transit First policy by modifying the City's development review practices to ensure that development impacts to the transportation system are offset by improvements to the system as a whole, with a primary focus on transit and multi-modal solutions.

While the City has been working on the TSP, the State has also been moving toward CEQA-related LOS reform. On September 27, 2013 Governor Brown signed SB 743. The Legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the State had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled and thereby contribute to the reduction of greenhouse gas emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32). Senate Bill 743 has now added Chapter 2.7, *Modernization of Transportation Analysis for Transit-Oriented Infill Projects*, to Division 13 (Section 21099) of the PRC. Section 21099 of CEQA requires OPR to develop revisions to the *CEQA Guidelines* establishing criteria for determining the significance of transportation impacts of projects within transit priority areas that promote the "...reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."

As part of the public process to develop revisions to the *CEQA Guidelines*, on December 30, 2013, OPR published the [Preliminary Evaluation of Alternative Methods of Transportation Analysis](#), which set forth the goals and objectives of developing alternative criteria to LOS for measuring impacts on the environment, beyond the statutory directive of reducing GHGs, development of multimodal transportation networks and diversity of land uses. These factors included:<sup>1</sup>

1. Environmental Effect;
2. Fiscal and Economic Effect;
3. Equity;
4. Health;
5. Simplicity;
6. Consistency with Other State Policies; and
7. Access to Destinations.

The LOS reform work of the State and the City has converged and shares many of the same goals such as minimizing environmental harm, protecting and promoting public health, aligning environmental review with City and State policies, and preserving mobility so that access to destinations for people and goods can be maintained through improvements to overall efficiency of the network.

## Discussion of Overall Approach

### *Vehicle Miles Traveled*

There are multiple publications that explain why measuring driver delay is not a good way to assess new development's impacts on the physical environment. OPR's [Preliminary Evaluation of Alternative Methods of Transportation Analysis](#) publication and [LOS in CEQA Transportation Analysis](#) presentation summarize the various problems with using LOS in CEQA. San Francisco agrees that LOS is not an appropriate metric to measure transportation impacts under CEQA.

The City supports replacing LOS with a Vehicle Miles Traveled (VMT) – based metric. A VMT-based metric appears to be the most appropriate way to measure environmental impacts. It is a step in the right direction in terms of capturing impacts not only on the transportation network but also on GHG production and air quality.<sup>2</sup> With respect to the transportation system, the metric captures the number

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<sup>1</sup> For a complete description of the Goals and Objectives, please see pp. 6-8 of [Preliminary Evaluation of Alternative Methods of Transportation Analysis](#).

<sup>2</sup> VMT per capita is listed as transportation performance measure that may be used to inform decision-making phases such as long range land use planning and transportation planning, corridor studies and environmental

of vehicle trips *and* the distance those vehicles travel, both of which affect goals of the adopted legislation. Given the anticipated population growth Statewide, it is possible that absolute VMT cannot be reduced, though it should be noted that nationally total VMT in 2014 is no higher than it was in 2005 due to a steady reduction in per capita VMT that has more than offset national population growth of 20 million people during that time.<sup>3</sup> Thus, reducing VMT per capita or per person trip can help move a region in the right direction and is essential for maintaining the livability of our cities.

Vehicle Miles Traveled captures GHG and Air Quality effects. As noted in the *Preliminary Discussion Draft*, the transportation sector accounts for 36 percent of GHG emissions statewide. The transportation sector accounts for 37 percent and 40 percent of emissions in the Bay Area and in San Francisco, respectively.<sup>4</sup> The transportation sector also accounts for 83 percent of oxides of nitrogen emissions statewide, which is a precursor to ozone and for which a larger area of the state is designated as nonattainment by both the state and federal government.<sup>5</sup> Appendix B of the *Preliminary Discussion Draft* states that as VMT increases, so do air pollutant emissions. Most lead agencies utilize guidance provided by air districts in analyzing the GHG and air quality effects of projects subject to CEQA. One of the tools developed in collaboration with and suggested to use by air districts is the California Emissions Estimator Model (CalEEMod). CalEEMod provides estimates of project's GHG and criteria air pollutant emissions, as well as project VMT. Therefore, VMT is consistent with this analytical approach. For some projects, in addition to VMT, it still may be necessary to understand the vehicle trip distribution on the transportation network to assess localized health effects of air quality (and noise impacts). However, this type of analysis should be limited to large development or transportation projects that have the potential to add a substantial amount of vehicle trips and/or diesel trucks (e.g., distribution centers, quarries, roadway widening projects). Additionally, "hot spot" analysis for potential carbon monoxide health effects often uses LOS analysis. However, the necessity of this analysis is also limited in nature given the dramatic improvement in carbon monoxide emission standards since guidance and requirements regarding hot spot analysis were released.<sup>6</sup> The mitigation measures, combined with a monitoring program, and Alternatives suggested in the proposed changes to Appendix F of the CEQA Guidelines improve GHG and air quality as well.

Using the VMT per capita, per employee, per trip, per person-trip or other appropriate measures is a good way to assess a project's transportation efficiency. Under the LOS analysis, the impact determination in large part resulted from the size of the project and its in-fill location rather than its

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review. *Guide to Sustainable Transportation Performance Measures*, US EPA, EPA 231-K-10-004, August 2011.

[http://www.epa.gov/dced/pdf/Sustainable\\_Transpo\\_Performance.pdf](http://www.epa.gov/dced/pdf/Sustainable_Transpo_Performance.pdf).

<sup>3</sup> [https://www.fhwa.dot.gov/policyinformation/travel\\_monitoring/14augvt/14augvt.pdf](https://www.fhwa.dot.gov/policyinformation/travel_monitoring/14augvt/14augvt.pdf)

<sup>4</sup> Plan Bay Area Environmental Impact Report, <http://onebayarea.org/plan-bay-area/plan-elements/environmental-impact-report.html>. San Francisco Climate Action Strategy, [http://sfenvironment.org/sites/default/files/engagement\\_files/sfe\\_cc\\_ClimateActionStrategyUpdate2013.pdf](http://sfenvironment.org/sites/default/files/engagement_files/sfe_cc_ClimateActionStrategyUpdate2013.pdf)

<sup>5</sup> California Air Resources Board, <http://www.arb.ca.gov/ei/emissiondata.htm>

<sup>6</sup> To illustrate the limited nature of requiring this analysis, the Bay Area Air Quality Management District's *CEQA Air Quality Guidelines*, May 2010, identified the following screening criteria (i.e., projects that would result in less-than-significant impacts) for carbon monoxide impacts: "1) Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans. 2. The project traffic would not increase traffic volumes at affected intersections to more than **44,000 vehicles per hour**. 3. The project traffic would not increase traffic volumes at affected intersections to more than **24,000 vehicles per hour** where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway). (**emphasis added**)"

environmental performance. This means that large projects, even those exhibiting outstanding environmental performance, have been likely to result in a significant LOS impact; whereas small projects, even those exhibiting poor environmental performance, have been unlikely to result in a significant LOS impact. The VMT rate addresses this issue by capturing the transportation efficiency of a project. The efficiency metric also makes the most sense in areas that are expected to experience significant population growth because in those locations what matters is not so much the absolute number of trips or VMT but whether the trips are made in a way that minimizes environmental impacts. Finally, as detailed in Appendix F of the *draft Guidelines*, there are a numbers of models available for estimating VMT and calculation of project-generated VMT can be completed relatively quickly.

### ***Significance Standard***

OPR has proposed an impact threshold that compares the VMT rate for a proposed project to the regional average VMT rate and suggests that a project which would not exceed the regional average VMT rate may be considered to have a less than significant impact. While we understand OPR's proposal to define "region" for purposes of the "regional average" comparison as the metropolitan planning organization or regional transportation planning agency within which the project is located, we would like to see more flexibility in the draft Guidelines to explicitly allow lead agencies to decide how to define the "region," as long as their decision is supported by substantial evidence and is more protective of the environment (see Section 21099(e) of the Public Resources Code). It is recommended that OPR formulate additional potential standards that could be adopted by local jurisdictions. For example, a significance threshold could be based on the average VMT rate of a subsection of the region (e.g., County, City, neighborhood, etc.). Alternatively, the VMT rate could be based on place type (e.g., urban, suburban, city center, etc.), as defined by the local jurisdiction. High density metropolitan areas that have good access to transit are already likely to generate lower VMT rates than the regional average. These areas should continue to work towards improving their VMT rates to further help reduce over time the regional average.

OPR has also proposed that impacts of 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 would result in less-than-significant impacts. This threshold appears to be too general and relies on only one of the factors that influences how much VMT/capita a project could produce. There is a combination of factors that influence mode choice and availability of transit is but one of them. The diversity and density of land uses as well as project and transportation network design all influence mode split, and by extension the VMT rate. Additionally, the availability of parking is also likely to influence mode split. Accordingly, relying solely on a project's proximity to a major transit stop does not seem appropriate. Under this proposed guidance a project in San Francisco such as a big box store with a substantial amount of parking at the corner of Cesar Chavez and Evans Avenue would be presumed to have a less than significant transportation impact simply by virtue of its proximity to Muni lines 19 Polk and 48 Quintara-24<sup>th</sup> Street despite the fact that it is likely to generate a relatively high VMT rate. San Francisco recommends that this presumption of less-than-significant impact be removed from the draft Guidelines.

### ***Analysis of Transportation Projects***

The City strongly supports the proposed amendments to the way transportation projects are assessed under CEQA. Specifically, the City concurs that, "transportation projects that do not add physical roadway capacity for automobiles, but instead are for the primary purpose of improving safety or operations, undertaking maintenance or rehabilitation, providing rail grade separations, or improving transit operations, generally would not result in a significant transportation impact." The City also

strongly supports the guidance that changes to the transportation network such as transit-only lanes, pedestrian projects and bicycle projects that lead to a net decrease in VMT compared to existing conditions also would not result in a significant transportation impact. These proposed amendments address a long-standing challenge of delivering such projects in a timely and cost-effective way as it relates to protracted CEQA review and litigation. There are two specific examples that illustrate this issue.

*The Van Ness BRT (State Clearinghouse No. 2007092059)*

The San Francisco County Transportation Authority spent numerous years completing a costly joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The document included a 139-intersection traffic study area and concluded that the only project impacts that could not be mitigated to a level of insignificance were LOS related. The delay associated with the onerous traffic analysis meant that more than 20,000 daily transit riders will have to wait longer for more reliable transit along Van Ness Avenue, many thousands of pedestrians still have not benefited from the proposed safety upgrades, and the environmental review phase of the process cost local, regional, and federal tax payers more than necessary.

*San Francisco Bicycle Plan (State Clearinghouse No. 2008032052)*

For many years, the City was engaged in costly and time-consuming litigation over whether the San Francisco Bicycle Plan required an Environmental Impact Report – when the only impacts associated with the Plan that could not be mitigated to a level of insignificance with standard, generally applicable mitigation measures were LOS impacts. Moreover, the litigation and the ensuing injunction prevented the City for several years from implementing crucial safety measures that would have greatly benefitted bicyclists and pedestrians alike.

In addition to the above-referenced projects, there have been a number of other transportation proposals, such as the MUNI Forward Project, that required a costly and time consuming preparation of LOS analysis even though the projects sought to develop and improve the multimodal transportation network.

The City also supports the guidance that an analysis of induced demand should be conducted for projects that increase physical roadway capacity for automobiles in congested areas or add new roadways to the network. While tools that incorporate induced VMT were not common several decades ago, urban areas in California now have tools that are capable of accounting for some if not most induced demand. In accordance with the 2010 Regional Transportation Plan Guidelines, the majority of the California population resides in areas that have existing capability to estimate VMT and account for induced demand.<sup>7</sup> “Feedback loops should be used and take into account the effects of corridor capacity, congestion and bottlenecks on mode choice, induced demand, induced growth, travel speed and emissions”<sup>8</sup>

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<sup>7</sup> Sacramento Area Council of Governments, Metropolitan Transportation Commission (Bay Area), Southern California Council of Governments, San Diego Council of Governments, Kern Council of Governments, Tulare County Association of Governments, King County Association of Governments, Fresno Council of Governments, Madera County Transportation Commission, Merced County Association of Governments, Stanislaus Council of Governments, and San Joaquin Council of Governments.

<sup>8</sup> [http://www.catc.ca.gov/programs/rtp/2010\\_RTP\\_Guidelines.pdf%20](http://www.catc.ca.gov/programs/rtp/2010_RTP_Guidelines.pdf%20), Page 45

## Suggested Revisions to Section 15064.3 of the Draft CEQA Guidelines

### Section 15064.3(a) Purpose

No recommended changes.

### Section 15064.3(b) Criteria for Analyzing Transportation Impacts

No recommended changes.

#### Section 15064.3(b)(1) Vehicles Miles Traveled and Land Use Projects

The City believes that the change in the standard from LOS to a VMT rate meets the intended policy goals of SB 743. Given that, it may not be necessary to provide very specific presumptions of when an impact is considered less than significant. Doing so may result in unintended consequences, as described below.

1. The City uses the Class 32 exemption extensively for any project that can meet the required findings, and is concerned that relatively large projects that qualify for a Class 32 exemption would not be subject to VMT analysis even though they could generate more VMT than the regional average. Moreover, since the Class 32 exemption requires findings associated with transportation and air quality, there is the potential for internal inconsistency if the Guidelines state that transportation impacts of all exempt projects are presumed less than significant. Accordingly, the following edits are proposed (assuming OPR maintains the regional average as the threshold – see discussion on page 4).

“A development project that is not exempt, except under Section 15332, and that results in vehicles miles traveled greater than regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact.”

2. As mentioned on page 4, the City is concerned that there could be projects within our boundaries or in other parts of the Bay Area that are indeed within one half-mile of a major transit stop but that generate above regional average VMT. The City recommends that this portion of the guidelines be eliminated.

#### Section 15064.3(b)(2) Induced Vehicle Travel and Transportation Projects

No recommended changes.

#### Section 15064.3(b)(3) Local Safety

The City recognizes that local safety is an important component of transportation analysis. The City’s Transportation Impact Studies qualitatively assess pedestrian and bicycle safety and we expect to continue with this practice. Further, the City has been working towards increasing safety through the implementation of many pedestrian and bicycle project. That is why we strongly support OPR’s guidance on how to analyze transportation projects (see comments on page 4).

The City requests that a number of changes be made to the draft Guidelines to help clarify the appropriate parameters of assessing safety impacts under CEQA.

1. The draft Guidelines list the following factor that may be relevant to assessing a local safety impact, “(A) Increase exposure of bicyclists and pedestrians in vehicle conflict areas (i.e., remove pedestrian and bicycle facilities, increase roadway crossing times or distances, etc.).”

An increase in exposure could potentially result from an increase in the number of pedestrians and cyclists not just vehicles. An increase in pedestrians and cyclists is a desired outcome so it is important to ensure that it would not be treated as potentially resulting in significant environmental effects. Further, an increase in roadway crossing times or distances is sometimes necessary given the many competing needs of a multimodal transportation system and may not lead to substantial safety concerns for bicyclists and pedestrians. Accordingly, this language appears to be too specific to include in statewide guidance. The City proposes the following edits to the language.

“Substantially iincrease exposure of bicyclists and pedestrians in vehicle conflict areas as a result of an increase in vehicles miles traveled~~(i.e., remove pedestrian and bicycle facilities where alternative facilities are not available, or involve other activities that would compromise bicycle and/or pedestrian safety increase roadway crossing times or distances, etc.).~~”

A possible example of where such an impact could be considered significant includes a situation where a large parking facility is proposed to have ingress/egress across a major pedestrian thoroughfare or a designated bicycle facility.

2. The City is concerned that example (B) would unfairly burden infill development that is within close proximity to off-ramps. San Francisco, as well as other urban areas, has numerous projects proposed in close proximity to state facilities off-ramps. The queuing on freeway off-ramps is caused by *all* development in the region contributing to the overall volumes on state facilities. Not modifying the language below would have the unintended consequence of punishing the project that ‘comes in the door last’, which is one of the major flaws of LOS analysis, as acknowledged in the [Preliminary Evaluation of Alternative Methods of Transportation Analysis](#). The City recommends removing this example from the draft Guidelines. If OPR keeps this example, perhaps the freeway off-ramp analysis should only be completed for projects of Statewide, Regional or Areawide significance. The following edits are proposed if the example is kept:

“(B) Increases in regional vehicle miles travelled that lead to ~~Contribute to~~ substantial increased queuing on freeway off-ramps where queues extend onto the mainline.”

3. The City is concerned that example (C) may have unintended consequences. For instance, the creation of BRT, HOV or transit-only lanes could result in speed differentials. The City strongly recommends deleting the example. If OPR keeps this example, the following edits are proposed.

“(C) Substantially cContribute to speed differentialsof greater than 15 miles per hour between adjacent travel lanes.”

4. The City recommends the following edits to the last two examples (D) and (E).

“(D) Substantial iincreases in motor vehicle speeds that would increase exposure of vulnerable road users (i.e., pedestrians and cyclists).”

“(E) Substantially iincrease distance between pedestrian and bicycle crossings.”

Section 15064.3(c) Alternatives and Mitigations

Overall, the City is in agreement with most of the examples of mitigation measures proposed in Appendix F of the *CEQA Guidelines*. OPR appropriately draws on the California Air Pollution Control Officers Association’s guide on [Quantifying Greenhouse Gas Mitigation Measures](#) because that document relied on peer-reviewed research and provides substantial evidence that the measures are likely to lead to reductions in VMT. Further, the City also agrees that deletion of previously adopted mitigation measures imposed solely to address automobile delay should not require any additional environmental review. However, the City recommends that rather than listing the examples of mitigation measures and alternatives in Appendix F, OPR provides them in a ‘technical advisory’.

Section 15064.3(c) Methodology

No recommended changes.

Section 15064.3(d) Applicability

No recommended changes.

Appendix F

As suggested on 8, please consider listing examples of mitigation measures and alternatives in a ‘technical advisory’ document rather than in Appendix F. Further, please consider amending the introduction to Appendix F to make clear that it applies to all types of environmental documents, as appropriate, not just Environmental Impact Reports. Finally, please consider removing from the list of potential mitigation measures “incorporating neighborhood electric vehicle network”. While this may be a greenhouse gas-reducing measure it is not a VMT-reducing one.

Appendix G

The City does not oppose the proposed criterion (b), subject to the comments made above on page 4. In thinking about what other significance standards could be used, OPR could potentially consider the following:

Would the project cause vehicle miles traveled (per capita, per service population, or other appropriate measure) to impede the region’s goal for vehicle miles traveled reductions?

OR

Would the project cause vehicle miles traveled (per capita, per service population, or other appropriate measure) to impede the region’s goal for reductions of carbon dioxide emissions from cars and light-duty trucks?

The City is not advocating for the above significance standards but is simply providing them for considerations as alternatives to the regional average.

## **Clarification Questions and Suggestions**

The City is seeking clarifications on the following issues.

1. Please confirm that there is a presumption of a less-than-significant impact for projects qualifying for a statutory or categorical exemption.
  - a. Please see the discussion about Class 32 exemptions on page 6 of this letter. The City would prefer that projects qualifying for a Class 32 exemption be excluded from the presumption of less-than-significant impacts.

2. The City recommends amending language of Section 15332(d) of the *CEQA Guidelines* as follows:
  - a. “Approval of the project would not result in any significant effects related to transportation traffic, noise, air quality, or water quality.”
3. Please confirm that there is in *no* presumption of a less-than-significant impact for projects qualifying for Community Plan Exemptions (Section 15183 of the *CEQA Guidelines*).
4. Please provide some guidance on how Community Plan Exemptions should be processed going forward since all of the City’s plan-level environmental review to-date include LOS analysis. The City would like to work with OPR on establishing this guidance.
5. The draft language states that, “Land use plans, such as specific plans or general plans, might be considered to have a less than significant effect at the plan level if they are consistent with an adopted sustainable communities strategy.” The City would like clarification as to what constitutes being consistent with an adopted SCS.
6. Section 15064.3(b)(2) references transit lanes in two different contexts. First it says, “Also, new managed lanes (i.e., tolling, high-occupancy lanes, *lanes for transit* or freight vehicles only, etc.), or short auxiliary lanes, that are consistent with the transportation projects in a Regional Transportation Plan and Sustainable Communities Strategy, and for which induced travel was already adequately analyzed, generally would not result in a significant transportation impact.” The section then goes on to say that, “transportation projects (including lane priority for transit, bicycle and pedestrian projects) that lead to net decreases in vehicle miles traveled, compared to existing conditions, may also be considered to have a less than significant impact.” What is the difference between ‘lanes for transit’ and ‘lane priority for transit’? Please clarify whether implementation of a new transit-only lane would necessitate an analysis of induced travel demand. Would this also be true for transit-only lanes that are being created as a result of converting existing mixed-flow lanes to transit-only lanes?
7. The City would like some guidance on how cumulative transportation impacts should be addressed? One option would be to allow jurisdictions to adopt a ‘target’ or ‘goal’ VMT rate that represents an improvement over the existing regional average.
8. The City would like to work with OPR on establishing guidance for how to address construction-related traffic impacts. Specifically, the City is the Lead Agency for numerous infrastructure projects within our jurisdictional boundaries as well as in other California cities and counties. Such projects include, but are not limited to, the *SFPUC Water System Improvement Program*, the *Calaveras Dam Replacement Project*, and the *Peninsula Pipelines Seismic Upgrade Project*. Evaluating construction-related traffic impacts using the proposed VMT rate standard does not seem appropriate. It is strongly recommended that OPR work with the City (including the San Francisco Public Utilities Commission) and other entities routinely delivering large infrastructure projects to establish a uniform methodology for how construction-related traffic impacts are addressed.
9. The City would like some clarity on what is intended when the draft Guidelines direct the lead agency to not confine its evaluation to its own political boundaries (see Section 15064.3((b)(4)). Could OPR please provide an example of when the City should not confine its evaluation to its own political boundaries. One approach would be to specify that this provision applies to projects of Statewide, Regional, or Areawide Significance per Section 15206 if there is a reasonable possibility that the project would have an adverse impact on the environmental outside the local jurisdiction.
10. Please confirm that while VMT analysis would not apply to otherwise categorically exempt projects, Section 15300.3(c) would still be applicable as it relates to ‘unusual circumstances’.

11. In specifying that the project would have to result in lower VMTs than the regional average by land use type, we would appreciate if OPR provides some guidance as to level of detail that is envisioned in categorizing land use types. For instance, retail is a land use type but there are many different kinds of retail – there is the local 1,000-square-foot clothing store and then there is the 300,000-square-foot retail mall. Similarly, there is the local school institutional use and then there is the new museum as a regional destination institutional use. Can the local MPOs provide details as to the regional average for an institutional use, for instance? Would this same average be used for a local school *and* a museum? The City strongly suggests that OPR give jurisdictions the option to define land use types as would be appropriate for the jurisdiction. This option should allow jurisdictions the flexibility to simply define land uses as “residential” and “non-residential” which would result in the most straightforward VMT calculations.
12. Please provide some guidance on how should parking structures be treated? Parking structures themselves are not trip-generating but they do have an effect on whether people drive or take other modes to their ultimate destination. The City would like to work with OPR on establishing this guidance.
13. It would be helpful if OPR confirmed that the proposed new standard of significance does not constitute a change in circumstances or substantial new information (see Section 15162 of the *CEQA Guidelines*).
14. Please clarify that references to VMT explicitly mean daily VMT (as opposed to peak-period or peak-hour VMT). Daily VMT (i.e. VMT over a 24 hour period on a typical weekday) is the best metric to account for overall environmental performance, and is also a common metric that is familiar to existing transportation models and research.
15. On page 10 of the [Updating Transportation Impacts Analysis in CEQA Guidelines](#), OPR states that “projects that are primarily designed to improve safety or operations would not typically be expected to create significant impacts. The same is true of pedestrian, bicycle and transit projects, including those that require reallocation or removal of motor vehicle lanes.” The City recommends that OPR add ‘removal or reduction of on-street parking spaces’ to the explanation above.

## Conclusion

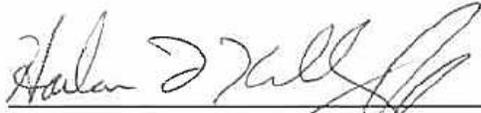
While the City has a number of questions and requests certain clarifications and amendments to the proposed language of Section 15064.3 of the *CEQA Guidelines*, overall, we strongly support OPR’s selection of VMT as the alternative metric to LOS. We also strongly support the proposed approach to the analysis of transportation projects, because it helps achieve the stated goals of developing a multimodal network and reducing greenhouse gases.



Edward D. Reiskin, Director of Transportation  
San Francisco Municipal Transportation Agency

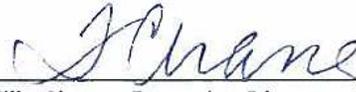


John Rahaim, Director  
San Francisco Planning Department



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Harlan L. Kelly, Jr, General Manager  
San Francisco Public Utilities Commission



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Tilly Chang, Executive Director  
San Francisco County Transportation Authority



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Mohammed Nuru, Director  
San Francisco Department of Public Works