



Legislation Text

File #: 20-0981, **Version:** 1

Department of Transportation recommending the Board:

- 1) Receive the workshop information on implementation of Senate Bill 743 which was intended to ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act;
- 2) Provide direction on the County's application of the methodology, significance thresholds, mitigation measures and exemptions; and
- 3) Approve and authorize the Chair to sign the letter to Governor Newsom, requesting an extension of two years to implement SB 743.

FUNDING: Road Fund.

DISCUSSION / BACKGROUND

On September 27, 2013 the Governor signed into law Senate Bill 743 (SB 743). SB 743 was originally enacted to address transportation issues related to the development of the Golden One Center in downtown Sacramento. The legislative intent of SB 743 was to 1) ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act (CEQA); and 2) more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

In January 2019, the Natural Resources Agency finalized updates to the CEQA Guidelines including the incorporation of SB 743 modifications. The guidelines' changes were approved by the Office of Administrative Law and are now in effect. Specific to SB 743, Section 15064.3(c) states, "A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide."

SB 743 changes how transportation impacts are measured under CEQA, from using vehicle level of service (LOS) to using vehicle miles traveled (VMT). The State Office of Planning and Research (OPR) have determined that the appropriate metric for the change is VMT. This change is intended to capture the impacts of driving on the environment compared to the impact on drivers. LOS or other delay metrics may still be used to evaluate the impact of projects on drivers as part of the County's land use entitlement reviews and impact fee programs. However, LOS will no longer be allowed to be used as the metric for evaluating transportation impacts under CEQA. As part of SB 734, Public Resources Code section 21099(b)(2) now provides that "level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment" for purposes of CEQA. To implement SB 743, lead agencies will need to determine appropriate VMT methodologies, thresholds, and feasible mitigation measures.

At the behest of County and City staff, the El Dorado County Transportation Commission (EDCTC) secured funding to assist the member agencies with implementation of SB 743. EDCTC contracted with the firm Fehr & Peers to prepare the *El Dorado County and City of Placerville SB 743*

Implementation Plan. The purpose of this project was to help EDCTC partner agencies understand the specific questions that need to be addressed when making these determinations and to provide research, analysis, and other evidence to support their final SB 743 implementation decisions. EDCTC has facilitated Fehr & Peers working in direct partnership with El Dorado County and the City of Placerville transportation staff and traffic engineers to review the existing General Plan policies, travel demand model metrics, and other technical elements.

To complete the implementation plan, Fehr & Peers had prepared several technical memoranda which addressed the following key questions that the EDCTC partner agencies need to consider when conducting VMT assessments.

1. Methodology - What VMT metric is preferred, and what methodology should be used to forecast 'project generated VMT' and the 'project's effect on VMT' under baseline and cumulative conditions? Additionally, how does the selection of a threshold influence the methodology decision?
2. Thresholds - What threshold options are available to each jurisdiction and what substantial evidence exists to support the selection of a specific VMT threshold?
3. Mitigations - What would constitute feasible mitigation measures for a VMT impact given the land use and transportation context of El Dorado County and the City of Placerville?

The details of each of the technical memoranda are included in the Board memo from the June 30, 2019 workshop (Item 36).

Exemptions or Screening Thresholds

The OPR Technical Advisory, beginning on page 12, lists "screening thresholds" to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study. The technical advisory suggests that lead agencies may screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing.

1. *Project Size*

The Technical Advisory indicates that absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.

Staff would recommend the threshold be 100 trips per day to be consistent with General Plan Policy TC-Xe.

2. *Maps*

The Technical Advisory indicates that residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. The maps created with VMT data from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT.

Staff would recommend creating such maps from the updated El Dorado County Travel Demand Model (TDM).

3. *Transit Stations*

CEQA Guideline Section 15064.3, subdivision (b)(1), states that lead agencies generally

should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT. A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning or afternoon peak commute periods.

At this time El Dorado County does not and cannot meet the definition of a major transit stop. El Dorado Transit Authority staff would like the proposed County Line Multi-Modal Transit Center to eventually meet the definition in the future.

4. *Affordable Housing*

The Technical Advisory states that adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Additionally, it states that evidence supports a presumption of less-than-significant impact for a 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations.

Staff would recommend exempting 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations from performing a VMT analysis for purposes of CEQA. However, it would not exempt them from addressing the LOS requirements in General Plan Policy TC-Xa, TC-Xc, TC-Xd, TC-Xe, TC-Xf, TC-Xg, or TC-Xh.

At the June 30, 2019 workshop, the Board requested additional case study information and the summary of the results are included in the power point presentation. Additionally, the Board directed staff to return to the Board with a letter addressed to Governor Newsom requesting a two-year extension for El Dorado County for implementation of Senate Bill 743 for their consideration.

RECOMMENDATION

Transportation staff recommends the Board give the following direction to staff, for incorporation into a Board Resolution, as follows:

Land Use Projects

Methodology: 1) use the appropriate efficiency metric for the transportation analysis (VMT/resident, VMT/employee or VMT/service population); 2) concur with the use of the updated El Dorado County TDM for VMT analysis and the use of the tool specifically created for El Dorado County and the City of Placerville for screening purposes and smaller land use projects; and 3) use the VMT analysis process flow chart for land use projects.

Thresholds: 1) set the thresholds consistent with the County's General Plan Community Region Boundaries and the County average for rural regions for the portions of the County not in Community Regions; 2) the actual percentage decrease that will be required of new land use projects should begin with the OPR recommendations of 15 percent below the projected rate for residential and office projects; and no net increase for retail projects; 3) the proposed reductions should be monitored and adjusted as data is collected to support the change.

Mitigations: use the mitigation measures outlined in the staff report, as applicable, and potentially

incorporate new mitigation measures as they become appropriate for use in El Dorado County.

Exemptions: 1) project size - absent substantial evidence indicating that a project would generate a potentially significant level of VMT or inconsistency with the El Dorado County General Plan, a project that generates less than 100 trips per day is generally expected to cause a less-than significant impact without conducting a detailed study; 2) maps - residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. The maps created with VMT data from the El Dorado County TDM, can illustrate areas that are currently below threshold VMT; 3) affordable housing - evidence supports a presumption of less-than-significant impact for 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations and therefore a detailed study is not required for VMT, however, it does not exempt them from addressing the LOS requirements in the General Plan TC-X policies.

NEXT STEPS

County staff will incorporate the direction from the Board and will return for adoption of the significance thresholds in August or September of 2020 if an extension is not granted by the Governor.

ALTERNATIVES

The Board could choose not to authorize the Chair to sign the letter to Governor Newsom as written and direct staff to make edits.

PRIOR BOARD ACTION

Outlined in the Discussion / Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Planning and Building Department
County Counsel

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board receive and file the workshop information and provide direction to staff.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this agenda item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure, Public Safety

CONTACT

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