



Legislation Text

File #: 21-1736, **Version:** 1

Department of Transportation recommending the Board:

- 1) Receive the workshop information on the Tahoe Regional Planning Agency's Project Impact Assessment Guidelines for the implementation of Senate Bill 743 (2013); and
- 2) Approve and authorize the Chair to sign Resolution **165-2021**, Adopting the Tahoe Regional Planning Agency's Project Impact Assessment Guidelines as El Dorado County Vehicle Miles Traveled Threshold of Significance and for Evaluation of Project Impacts in the Tahoe Basin Under the California Environmental Quality Act for implementation of Senate Bill 743 for projects in the unincorporated areas of the Tahoe Basin.

FUNDING: N/A

DISCUSSION / BACKGROUND

On September 27, 2013, the Governor signed into law Senate Bill (SB) 743, Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento. SB 743 was originally enacted to address transportation issues related to the development of the Golden One Center in downtown Sacramento.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; 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 California Environmental Quality Act (CEQA) Guidelines including the incorporation of SB 743 modifications. The CEQA 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."

The County has previously adopted Resolution 141-2020 and Resolution 088-2021 to define thresholds of significance for land use and transportation projects, respectively, on the West Slope, but has not yet defined similar thresholds of significance for projects in unincorporated areas of the Tahoe Basin.

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) has 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.

California Code of Regulations, Title 14, Chapter 3, Section 15064.7. Thresholds of Significance, section (a) states, “A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with means the effect normally will be determined to be less than significant.”

Tahoe Regional Planning Agency (TRPA) VMT Analysis Process Overview

As discussed in the Project Impact Assessment (PIA) Guidelines, not all projects will require a detailed VMT analysis. The following types of projects, which involve development in the Lake Tahoe Basin and affect the regional transportation system, may require a VMT analysis:

- Transportation infrastructure modification or expansion, including capital improvement projects on roads and highways
- Land use entitlements requiring a TRPA permit
- Adoption or amendment of area plans, community plans, or plan area statements
- Land use activities advanced by other agencies that are subject to TRPA review under the Bi-State Compact

Screening Criteria

Some project types are presumed to result in a less-than-significant VMT impact absent any evidence to the contrary. These projects are exempt, or “screened,” from further VMT analysis. These projects include:

- Deed-restricted affordable, moderate, and achievable housing;
- Low VMT generating projects;
- Certain kinds of transportation projects; and
- Projects fully analyzed in an area plan

TRPA PIA Guidelines - Comparison with OPR Guidance

Staff compared the TRPA PIA Guidelines with OPR Guidance and El Dorado County Resolutions 141-2020 and 088-2021, and identified areas that the TRPA Guidelines differ from OPR Guidance and our West Slope thresholds. As detailed in Attachment C - Board Memo, screening criteria related to the Low VMT Generating Projects address the legislative intent of SB 743 while eliminating the screen included in OPR guidance for projects located near high-quality transit corridors.

Thresholds of Significance

Thresholds for SB 743 need to be established in order to evaluate a project’s transportation impact related to VMT. Thresholds of significance for the proposed system have been determined based on analysis and guidance from OPR, input from stakeholders and the Transportation Technical Advisory Committee, and adapted for the needs of the Tahoe region:

- 15% below the sub-regional average VMT for residential uses (e.g. VMT/Resident for Residential and VMT/Tourist Accommodation Unit) and 15% below the sub-regional average VMT for Public Service projects (per thousand square feet of development)
- No-net increase in VMT for commercial, recreation and transportation projects

- Other projects will be determined on a case-by-case basis

The framework uses sub-regional (i.e. countywide) standards of significance for residential, tourist accommodation uses, and public service uses. These standards of significance are designed to encourage applicants to reduce VMT by locating projects in the most efficient parts of the county.

Where a project replaces existing VMT-generating land uses that lead to a net overall decrease in VMT, the project will lead to a less-than-significant transportation impact. If the project leads to a net overall increase in VMT, then the standards of significance apply.

Projects exceeding the thresholds of significance will be required to mitigate their impacts to reduce the VMT down to the threshold of significance.

Mitigation

Mitigation requirements are established in Subparagraph 65.2.4.C of the TRPA Code of Ordinances. The code requires payment of the mobility mitigation fee for all new unmitigated VMT. Fee revenue is used by the region's jurisdictions and implementing agencies to provide the transportation infrastructure necessary to implement VMT reduction policies in the Regional Plan.

Additional mitigation beyond payment of the mobility mitigation fee will be required of any project that (a) is not screened, and (b) generates more average daily VMT than the corresponding standard of significance. Non-screened projects that are above the defined standard of significance can be mitigated in two ways:

- Project-Level Mitigation
- Additional Contribution to the Mobility Mitigation Fund

Appendix D of the PIA Guidelines provides a list of sample mitigation measures. Additional studies and compilations of mitigation measures are ongoing and should be considered as they become available. The transportation analyst may identify, and TRPA may approve, other additional strategies if supported by substantial evidence. As data and research continue, emerging strategies may be applied at TRPA's discretion.

ALTERNATIVES

The Board could choose not to authorize the Chair to sign the resolution adopting the TRPA PIA Guidelines and direct staff to make edits to the resolution and return for approval.

PRIOR BOARD ACTION

On October 6, 2020 (Item 16, Legistar 20-1059 v2), the Board adopted Resolution 141-2020, the El Dorado County Vehicle Miles Traveled Thresholds of Significance for Purposes of Analyzing Transportation Impacts Under the California Environmental Quality Act, for land use projects.

On July 20, 2021 (Item 13, Legistar 21-0701), the Board adopted Resolution 088-2021, the El Dorado County Vehicle Miles Traveled Threshold of Significance for Evaluation of Transportation Project Impacts Under the California Environmental Quality Act, for transportation projects.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Tahoe Regional Planning Authority

Planning and Building Department
County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on the resolution.
- 2) The Clerk of the Board will provide a copy of the executed resolution to Transportation, attn.: Lindsay Tallman.

STRATEGIC PLAN COMPONENT

Infrastructure, Public Safety

CONTACT

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