



March 15, 2018

Christopher Calfee, Deputy Secretary and General Counsel  
 California Natural Resources Agency  
 1416 Ninth Street, Suite 1311  
 Sacramento, CA 95814

**RE: Comments on Amendments and Addition to the State CEQA Guidelines on the Evaluation of Transportation Impacts**

Dear Mr. Calfee:

On behalf of the undersigned organizations, we thank you for the opportunity to provide comments on the CEQA evaluation of transportation impacts. Our organizations are committed to successful development and implementation of these Guidelines, and we have been engaged closely at every step of the process for developing new CEQA guidelines under SB 743. With other states looking to California as they consider similar changes to environmental laws, it is critical to get these guidelines right to set a good precedent for the rest of the nation.

We strongly support the statewide replacement of Level of Service with Vehicles Miles Traveled and want to reiterate our support for the following changes in the Guidelines, many of which are already incorporated in the policies enacted by Pasadena, San Francisco, Oakland, and San Jose:

- Promoting public health, environmental justice, and climate goals
- Providing guidance that active transportation projects will cause a less than significant impact
- Providing guidance that development within a half-mile of transit stations cause less than significant transportation impacts
- Promoting consistency with adopted Sustainable Communities Strategies when calculating project level VMT
- Providing flexibility and guidance depending on the community, including urban and rural areas
- Allowing jurisdictions to set more stringent VMT standards than what is recommended as a minimum
- Focusing safety considerations to discourage road capacity expansion in the name of safety
- Requiring SCS consistency when using city-wide VMT to analyze transportation impacts

However, we have concerns with the the proposed language, and recommend the following to strengthen and clarify the guidelines, as well as to help further advance social equity:

**1) Apply a VMT-based approach to all projects, including road capacity projects.**

We are sorely disappointed that the proposed Section 15064.3(b) exempts roadway capacity projects from using a VMT-based measure of transportation-related environmental impacts. With the proposed rulemaking, the State has determined that the best approach to measuring transportation-related environment impacts is vehicle miles traveled; yet, at the same time, the State has exempted projects with arguably the greatest impact on the environment from using that metric. To close this loophole that threatens California’s environment and public health, we will be recommending that Caltrans commit to applying the VMT metric when they are the responsible agency.

**2) Strengthen the VMT threshold over time to align with long range climate goals.**

We recognize the hard work that went into determining the proper threshold for measuring the significance of an increase in vehicle miles traveled. We appreciate the alignment of the metric with other State and regional goals, including the currently adopted SB 375 regional targets; Caltrans’ Strategic Management Plan; CAPCOA research; and ARB’s Scoping Plan. However, each of these benchmarks will be updated over time. To ensure consistency with the State’s climate goals and policy framework, the State should commit to regularly updating the threshold in the Technical Advisory to ensure it is aligned with the statewide VMT reductions needed to meet California’s climate goals. Specifically, we recommend that the VMT threshold align with ARB’s most current Scoping Plan. The 2017 Scoping Plan is based on a 15 percent reduction in total light-duty VMT from the business-as-usual VMT in 2050.

**3) Further advance social equity by including additional measures to protect against potential gentrification and displacement.**

The replacement of LOS with VMT will improve transit service and walkability, benefiting low-income households who are more likely to take transit and walk. In addition, the proposed guidelines will help streamline the development process of housing in low-VMT and transit-oriented locations, thereby helping increase the supply of housing options in areas with low transportation costs. However, as neighborhoods change and property values increase with new investment and development, there is risk of gentrification and displacement. Research shows that preserving affordability and avoiding such displacement while building more infill housing avoids increases in VMT.<sup>1</sup> We see a need for OPR's Technical Advisory to recognize the relationship between income and VMT and to address this risk of increased VMT. We recommend the following to be added to OPR's Technical Advisory to encourage affordable housing in infill locations and reduce the risk of displacement:

- Provide high-level recommendations on mitigating the risk of displacement, including best practices from communities across California that have confronted these issues while building more infill and TOD.
- Add a presumption of "less than significant" for all projects that are 100 percent affordable in infill locations, consistent with SB 226.
- Add an additional exception from the presumption of "less than significant" for projects within a half-mile of transit for projects that result in a net reduction in the number of affordable rental units. "Affordable rental units" includes rental dwelling units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households.<sup>2</sup>

#### **4) Monitor implementation to see if the guidelines are meeting intended results.**

We recognize a lot of time and commitment has been put into these guidelines, and many communities and stakeholders alike would like to see real on-the-ground change. We encourage the State to regularly monitor the implementation of these guidelines and OPR's Technical Advisory to see if they are actually working, and if not, to recommend concrete changes. The Governor's Office of Planning and Research Annual Planning Survey provides an opportunity for ongoing monitoring. For example, the State should track regional VMT per capita, city-wide VMT per capita for the major cities, commonly used thresholds of significance, and VMT mitigation strategies. In addition, the State could track the number of new developments, active transportation projects, and road capacity projects that are built as a result of these revised guidelines, potentially through a survey of local jurisdictions.

#### **5) Clarify how to determine "consistency" with SCS.**

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<sup>1</sup> Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy, <<http://www.transformca.org/sites/default/files/CHPC%20TF%20Affordable%20TOD%20Climate%20Strategy%20BOOKLET%20FORMAT.pdf>>; Developing a New Methodology for Analyzing Potential Displacement, <<https://www.arb.ca.gov/research/apr/past/13-310.pdf>>

<sup>2</sup> This definition of "affordable rental units" is consistent with the Density Bonus Law.

We support that OPR's Technical Advisory promotes consistency with Sustainable Communities Strategies (SCS) for both land use projects and land use plans. However, more guidance is needed on what constitutes "consistency." For example, the "Recommendations Regarding Land Use Plans" in the Technical Advisory states that a "plan may have a significant impact on transportation if it is not consistent with the relevant RTP-SCS." If a land use plan allows for new residential development on a greenfield site that is not planned for development in the SCS, but the land use plan promotes compact development within the site, is it consistent with the SCS? We recommend that the Technical Advisory provide further guidance in determining consistency with an SCS. For example, determining consistency should include a comparison between the land use plan and the SCS regarding the 1) conversion of agricultural or natural lands, 2) density of development, 3) mixture of uses, 4) transportation network, and 5) timing or phasing of the land use and transportation investments.

**6) Clarify how to determine "low VMT areas" in map-based screening approach.**

We support streamlining projects with VMT reductions, and the map-based screening approach in OPR's Technical Advisory is a simple and effective method for identifying projects with low VMT. However, this approach needs further clarification to ensure it is consistent with the rest of the Technical Advisory. For example, the same indicators of high VMT for projects within a half-mile of transit could be applied to projects within low VMT areas--if a project locates in a low VMT area but has an FAR less than 0.75, more parking than is required by the jurisdiction, or is inconsistent with the RTP-SCS, then the presumption of less than significant may not be appropriate. In addition, we recommend further guidance on how to determine that a project has "similar features" to other development in the low VMT area.

Thank you again for allowing us the opportunity to comment on the guidelines. The revisions have the potential to transform the planning processes and development decisions in many communities in the state and create safe, healthy, walkable and equitable neighborhoods for people of all ages, incomes and abilities.

Sincerely,

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