

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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November 21, 2014

### VIA E-MAIL

Christopher Calfee, Senior Counsel  
Governor's Office of Planning and Research (OPR)  
1400 Tenth Street  
Sacramento, CA 95814

### RE: Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743

Dear Mr. Calfee:

Thank you for providing an opportunity for the City/County Association of Governments of San Mateo County (C/CAG) to comment on the *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743*. C/CAG is a joint powers agency that represents all 21 local jurisdictions in San Mateo County, including every city, town, and the county, and is designated as the county's congestion management agency. We appreciate OPR's work to develop a preliminary draft of changes to the CEQA guidelines implementing Senate Bill 743.

C/CAG staff reviewed the draft and participated in public workshops and discussions of the proposed changes to the CEQA guidelines sponsored by OPR and public agencies in the San Francisco Bay Area. In general, we support the goal of modifying the CEQA guidelines to promote a reduction of greenhouse gases and facilitate infill development. We offer the following comments for your consideration in refining the proposed updates to the CEQA guidelines.

- **Defer statewide implementation of the updated CEQA guidelines until further study of the application of the vehicle miles traveled (VMT) metric in transit corridors is completed.** Page 11 of the preliminary discussion draft suggests that changes to the CEQA guidelines will be phased to "allow OPR to continue studying the application of vehicle miles traveled in the environmental review process, and to propose further changes to this section if necessary." However, the proposed text of Section 15064.3(d) on Page 15 indicates that the changes to the CEQA guidelines will apply statewide after January 1, 2016, notwithstanding the results of any further study. We recommend that the implementation of changes to the CEQA guidelines be phased such that statewide application of the VMT metric is made contingent upon further study of the metric in areas where the guidelines are immediately applied.
- **Provide technical examples that show how updates to the CEQA guidelines would be applied for various project types.** Several agencies in San Mateo County have raised concerns about the apparent focus of the updates on a narrow range of impacts associated with land development projects and the lack of concrete examples demonstrating how changes to the CEQA guidelines would be applied to a wider range of project types. For example, what type of analysis and mitigation measures would be appropriate for an interchange reconfiguration or roadway operational improvement project? How might a lead agency demonstrate that a land use plan or transportation project is consistent with a Sustainable Communities Strategy (SCS)? We

recommend that OPR develop case studies that demonstrate how updates to the CEQA guidelines would be applied in practice for various project types and make these examples available in a standalone document outside the formal CEQA guidelines.

- **Consider analysis exemptions for some project types.** Several project types by definition promote the reduction of greenhouse gases, such as bicycle and pedestrian facilities, transit enhancement facilities, and non-capacity increasing roadway operational improvements. We request that OPR consider developing an exemption process for projects that can demonstrate consistency with an appropriate SCS.
- **Specify that sub-regional averages may be appropriate thresholds of significance in addition to the regional average.** The changes to the CEQA guidelines highlight the use of the regional average for the land use type as a potential threshold of significance for determining a project's transportation impacts. Given the large variance in VMT within a diverse region such as the San Francisco Bay Area, a sub-regional average (i.e. countywide average) may also be an appropriate indicator of significance. We recommend that OPR specify that sub-regional averages, such as countywide averages, may also be appropriate thresholds of significance for determining a project's transportation impacts in the CEQA guidelines.
- **Address the potential for conflict between transportation impact analyses conducted under CEQA and those performed to comply with local plans and policies that are based on level of service (LOS).** While the preliminary discussion draft indicates that changes to the CEQA guidelines will not limit public agencies from analyzing and requiring mitigation for congestion impacts based on local general plans and zoning codes, the changes to the CEQA guidelines may create the potential for conflict at the local level. For example, local policies based on LOS may require project sponsors to implement mitigations that have significant transportation impacts under CEQA. Given that lead agencies may choose to continue analyzing LOS impacts in accordance with local plans and policies, how might these conflicts be reconciled and addressed?
- **Clarify the impact of the changes to the CEQA guidelines on Congestion Management Program (CMP) implementation.** California Government Code Section 65089(b)(4) allows for the land use impact analysis program element of the CMP to be implemented under CEQA to avoid duplicative analysis. The preliminary discussion draft indicates that the existing reference to CMPs will be removed from Appendix G of the CEQA guidelines. This change may encumber compliance with CMP policies. We recommend that OPR clarify that the analyses required by CMPs may continue to be conducted during the environmental review process.

We appreciate the opportunity to comment on the changes to the CEQA guidelines proposed by OPR. In closing, we want to underscore the need for a phased approach toward implementation that provides for further evaluation of the VMT metric in areas where updates to the CEQA guidelines are immediately applied. At present, there is a high level of uncertainty about how the proposed changes to the CEQA guidelines will work in practice. Further study of the VMT metric in the environmental review process will support successful implementation of Senate Bill 743 statewide.

Thank you for your consideration.

Sincerely,

Sandy Wong, Executive Director