



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

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Second District

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Third District

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Fourth District

JIM DESMOND
Fifth District

DATE: September 15, 2021

01

TO: Board of Supervisors

SUBJECT

CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE UNINCORPORATED REGION (DISTRICTS: ALL)

OVERVIEW

In 2013, the State of California passed Senate Bill 743 (SB 743), which changed how jurisdictions, including the County of San Diego (County), analyze transportation impacts from privately and publicly initiated projects under the California Environmental Quality Act (CEQA). The CEQA analysis can no longer use level of service (LOS) when analyzing transportation impacts. LOS focuses on road congestion by measuring average amount of delay experienced by vehicle drivers during the most congested time of day. SB 743 noted that while automobile delay explains how projects will affect drivers, it does not consider how projects and plans will change the number and length of driving trips and the corresponding effects on the environment.

Therefore, instead of using LOS, SB 743 identified Vehicle Miles Traveled (VMT) as the standard to evaluate a project's environmental impacts. VMT measures the amount and distance people drive to destinations, and the number of trips specific types of land uses will generate. The intent behind SB 743 was to balance the needs of congestion management (traffic) with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted the Transportation Study Guide (TSG), a technical guide for analyzing transportation impacts using VMT. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses beginning July 1, 2020. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a LOS D (stable flow of traffic with an acceptable level of delay) or better and ensure the safe operations of the roadways for all users.

In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and Sierra Club filed suit, alleging adoption of the TSG violated CEQA and SB 743. The case was most recently on the Closed Session agenda on September 1, 2021 (Item 21H). The case is pending and no decision has been issued.

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On May 19, 2021 (1), the Board received an overview of options as part of the County's implementation of SB 743 and adoption of its TSG for VMT. The Board directed staff to explore 13 subject matter areas or items, and to track guidance from the California Governor's Office of Planning and Research related to VMT (Attachment B – May 19, 2021 Board of Supervisors Minute Order).

In its 2018 guidance, the Governor's Office of Planning and Research (OPR) recommended that, for projects in unincorporated county areas, the lead agency compare a project's VMT to "the region's" average VMT. However, the OPR Technical Advisory did not define a region and did not make any specific recommendations on the boundary that should be established for unincorporated areas to analyze VMT. On June 29, 2021, OPR clarified that unincorporated areas of counties should use a threshold based on the regional average VMT, which includes the entire San Diego county region.

In light of the clarification from OPR that unincorporated areas should use a threshold based on the regional average VMT for the entire San Diego county region, today's request is for the Board to adopt a resolution to rescind the current TSG, which had relied on an unincorporated area average for VMT.

The Board can receive the report and take no action today, which would leave the currently adopted TSG in place, or adopt the recommended actions to rescind the current TSG.

Today's action also includes direction for staff to return to the Board in January 2022 with additional information on the 13 items the Board directed staff to analyze related to VMT on May 19, 2021, including more opportunities for infill development, creation of transit accessible areas, opportunities for affordable housing, and VMT mitigation programs, and consider preparation of a revised TSG.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find and determine that the recommended action is not subject to the California Environmental Quality Act (CEQA) because it is an administrative activity of a local government that will not result in direct or indirect changes to the environment pursuant to CEQA Guidelines sections 15060(c)(2) and 15378(b)(5).
2. Adopt the Resolution titled RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING THE TRANSPORTATION STUDY GUIDE DATED JUNE 2020 INCLUDING THE TRANSPORTATION CEQA THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED.
3. Direct staff to return to the Board in January 2022 with additional information on the 13 items related to VMT that the Board directed staff to analyze on May 19, 2021.

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EQUITY IMPACT STATEMENT

An analysis of transportation impacts as measured by Vehicle Miles Traveled will reduce environmental and health impacts associated with traffic, including noise, air pollution and safety, and help accomplish the goals of Senate Bill 743 to balance the needs of congestion management with goals related to infill development, promotion of public health, and reduction of greenhouse gas emissions.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund costs and no additional staff years. Vehicle miles traveled analysis will continue to be conducted for publicly or privately initiated projects. Private development costs will be paid for by the private sector through the entitlement process. Public project costs will be identified during project development and funded in future Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

In 2013, the State of California passed Senate Bill 743 (SB 743), which changes how jurisdictions, including the County of San Diego (County), are required to analyze transportation impacts from projects under the California Environmental Quality Act (CEQA). CEQA was enacted in 1970 in response to growing awareness that environmental impacts associated with proposed publicly and privately initiated projects should be disclosed to the public. The CEQA review process mandates that the public be provided with an objective analysis of immediate and long-range impacts of a proposed project on its surrounding physical environment and that decision-makers consider these impacts.

SB 743 required local jurisdictions to shift their transportation impact analysis from using traffic congestion or "level of service" (LOS) to Vehicle Miles Traveled (VMT) starting July 1, 2020. The intent was to balance the needs of congestion management with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation. SB 743 does not require local agencies to adopt guidelines or to establish a threshold for VMT; however, agencies may adopt guidelines and thresholds after public review, and these guidelines and thresholds must be supported by substantial evidence. If an agency does not adopt guidelines or thresholds, each project must develop a specific threshold to determine whether the project's impacts will be significant.

The Governor's Office of Planning and Research (OPR) prepared the Technical Advisory document to assist local agencies when developing their own guidelines for the assessment of VMT, thresholds of significance, and mitigation measures. OPR stated that lead agencies have the discretion to set or apply their own thresholds of significance. The OPR Technical Advisory document is intended to provide advice and recommendations.

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On June 24, 2020 (6), the Board adopted a Transportation Study Guide (TSG) for the unincorporated area, a technical guide for analyzing transportation impacts using VMT. The TSG describes the process and procedures for project applicants and their consultants to use when preparing transportation analyses. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for an LOS D (which is considered a stable flow of traffic with an acceptable level of delay) or better and ensure the safe operations of the roadways for all users.

On May 19, 2021 (1), the Board received an overview of the options as part of the County's implementation of SB 743 and adoption of its TSG for VMT, including the geographic boundary to calculate average VMT (unincorporated, regional, and sub-regional), the significance threshold used to evaluate projects (15% below the average VMT), establishing the criteria for which projects must prepare a VMT analysis (110 Average Daily Trips), and whether to establish a Local Mobility Analysis. The Board provided direction to explore 13 items related to VMT:

1. Assess and explore the process by which infill development can be done in a manner to ensure no VMT mitigation is necessary.
2. Explore the potential creation of transit accessible areas and look at the intersection between VMT efficient areas or lower thresholds in accordance with the areas that do not require further analysis. Explore the potential transit corridors and look at the SANDAG Regional Transportation Plan, Metropolitan Transit System (MTS), North County Transit District (NCTD), and other possible areas and how that may impact VMT efficient areas or areas covered by the exemption.
3. Explore programmatic or plan-level mitigation opportunities for VMT, including the concept of a regional mitigation bank.
4. By-right process for development in VMT efficient areas.
5. Further exploration of exceptions to the VMT thresholds for affordable housing projects at less than 100% affordable, including mixed income and various components of Area Median Income (AMI), along with exploring the possibility of exceptions for middle income or workforce housing, local hire, and agriculture type projects that might have a net impact of lowering VMT.
6. Explore land use density of land that is in VMT efficient areas.
7. Continue to track guidance from the California Office of Planning and Research (OPR), along with other governing body efforts, including the SANDAG Regional Transportation Plan.
8. Monitor the progress of other jurisdictions as it relates to their adoption, along with what unique programs, exemptions, or opportunities they may be exploring that the County may want to consider.
9. Consider a phase-in timeline to allow for a transition into a regional geography.
10. Consider compliance options for projects that have already been proposed or are in the process now.
11. Conduct an analysis of the options to remove the Local Mobility Analysis.
12. Inform the Board regarding updates on development of the Smart Growth component of the Climate Action Plan (CAP) SEIR to ensure it is integrated and aligned with efforts around VMT.

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13. Conduct an analysis of proposed housing projects designated for individuals under 60% AMI and under 80% AMI and the potential cost impact of switching to a regional geography.

Staff from the Departments of Planning & Development Services (PDS), Public Works, and Parks and Recreation, and consultants from MBI, Fehr & Peers, and Chen Ryan Associates (working group) are evaluating these 13 items listed above and will present their findings to the Board in January 2022.

The adopted TSG technical guidance document currently utilizes the unincorporated area average to determine whether a project has significant traffic impacts. On June 29, 2021, OPR advised that, “as used in the VMT Technical Advisory, ‘regional’ refers to the full geography within the jurisdictional borders of a metropolitan planning organization (MPO) or a regional transportation planning agency (RTPA).” For San Diego county, this is the San Diego Association of Governments (SANDAG) region, which includes the entire county.

Due to this updated guidance from OPR, staff is recommending the Board rescind the adopted TSG until after the Board has considered and provided further direction on the 13 items listed above.

Rescinding the current TSG will allow staff to evaluate the clarification from OPR to use a regional average for VMT while also researching and evaluating the 13 items and return to the Board with options, including preparation of a revised TSG.

PROJECT ANALYSIS

When using the SANDAG region as a geographic area, the number and length of vehicle trips within the unincorporated area of the county and cities are considered when determining the average Vehicle Miles Traveled (VMT) for the unincorporated area. This has the effect of lowering the average VMT for the unincorporated area to 21.85 miles per capita for residential projects, a reduction in increased amount of Greenhouse Gas (GHG) reductions emissions with more General Plan compliant projects subject to a higher level of CEQA analysis for traffic and higher mitigation requirements for General Plan compliant projects in the unincorporated area.

As of August 23, 2021, six proposed residential projects and one proposed mixed-use project that are currently going through the County’s discretionary process meet the unincorporated average but would not meet a regional average. In-process projects will have to develop their own project threshold and provide substantial evidence before they can move forward in project processing. Currently there are no residential projects in process that are located in a VMT efficient area when using the SANDAG regional average.

Public Input

On May 19, 2021 (1), the Board received an overview of the options as part of the County’s implementation of SB 743 and directed staff to explore 13 items. As part of the development of the options that were directed by the Board in May 2021 to implement California Senate Bill 743 (SB 743), PDS staff held meetings with, and sought input from, the Community Planning &

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Sponsor Groups, community groups, and non-governmental organizations. Public outreach for the 13 items is underway and will be ongoing until staff returns to the Board for direction in January 2022.

ENVIRONMENTAL STATEMENT

This action to rescind the Transportation Study Guide is not subject to the California Environmental Quality Act (CEQA) because it is an administrative activity of a local government that will not result in a direct or reasonably foreseeable indirect physical change in the environment under CEQA Guidelines sections 15060(c)(2) and 15378(b)(5).

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's actions support the Operational Excellence Strategic Initiative in the County of San Diego's 2021-2026 Strategic Plan by pursuing policy and program changes to impact residents positively.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS RESCINDING THE TRANSPORTATION STUDY GUIDE DATED JUNE 2020 INCLUDING THE TRANSPORTATION CEQA THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED

Attachment B – COUNTY OF SAN DIEGO BOARD OF SUPERVISORS - LAND USE WEDNESDAY, MAY 19, 2021 MINUTE ORDER NO. 1

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

May 19, 2021 (1) Update on Implementing Vehicle Miles Traveled Analysis During Environmental Review in the Unincorporated Region and Provide Direction on Possible Updates to the Analysis of Transportation Impacts on the Environment; June 24, 2020 (6), Options to Comply with Senate Bill 743 and Implementing Vehicle Miles Traveled in Local Planning and Environmental Review; February 14, 2018 (1), County of San Diego Climate Action Plan; October 31, 2018 (1), County of San Diego Active Transportation Plan; August 3, 2011 (1), Comprehensive update of the General Plan; Certification of Final Environmental Impact Report; an Ordinance Changing Zoning Classification of Certain Property; an Ordinance Amending the Zoning Ordinance related to Conservation Subdivisions; and an Ordinance Amending the Subdivision Ordinance, Resource Protection Ordinance, and Groundwater Ordinance related to the General Plan update.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Planning & Development Services

OTHER CONCURRENCE(S): Department of Public Works
 Department of Parks and Recreation

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