



Department of Conservation and Development

County Planning Commission

Wednesday, May 13, 2020 – 6:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Senate Bill (“SB”) 743 (Steinberg, 2013) Implementation
County File(s):	n/a
Applicant/Owner:	Contra Costa County Department of Conservation and Development (Applicant & Owner)
General Plan:	Countywide
Zoning:	n/a
Site Address/Location:	Countywide
California Environmental Quality Act (CEQA) Status:	Exempt under CEQA Section 15061(b)(3): The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA
Project Planner:	Jamar Stamps, AICP, Senior Planner, (925) 674-7832
Staff Recommendation:	Approve (See Section II for Complete Recommendation)

I. PROJECT SUMMARY

County staff will present an overview of Senate Bill (“SB”) 743 (Steinberg), including Vehicle Miles Traveled (“VMT”) as the metric for evaluating transportation impacts of proposed projects under the California Environmental Quality Act (“CEQA”).

II. RECOMMENDATION

ACCEPT report on Senate Bill (“SB”) 743 (Steinberg, 2013) regarding VMT as the metric for evaluating transportation impacts of proposed projects under CEQA.

IV. PROJECT DESCRIPTION

County staff will present an overview of SB 743, the updated CEQA Guidelines for evaluating transportation impacts. Per SB 743, delay-based metrics (e.g. Level of Service or “LOS”) are no longer considered significant impacts under CEQA. The Governor’s Office of Planning Research (“OPR”) recommends using VMT for evaluating transportation impacts. VMT is calculated as the total amount (miles) of vehicular travel.

III. **BACKGROUND**

In 2013, Governor Brown signed SB 743, which created a process to change the way transportation impacts are analyzed under CEQA. Automobile delay metrics (e.g. Level of Service or “LOS”) will no longer be considered a significant impact under CEQA and OPR recommends that jurisdictions instead use the VMT metric. December 2018, OPR adopted a Technical Advisory containing methodologies and thresholds for VMT, but the Technical Advisory is not regulatory. Statewide implementation of SB 743 will be mandatory by July 2020.

OPR will allow jurisdictions to retain their congestion-based standards (i.e. LOS) for project planning purposes. Developers may therefore be required to perform two different traffic analyses. Consistent with State/local (Contra Costa Transportation Authority) guidance and industry best practices, staff will propose updated procedures for using congestion-based standards for operational analysis.

VMT and Greenhouse Gas Emissions Reduction¹

Senate Bill 32 (Pavley, 2016) requires California to reduce greenhouse gas (“GHG”) emissions 40 percent below 1990 levels by 2030, and Executive Order B16-12 provides a target of 80 percent below 1990 emissions levels for the transportation sector by 2050. The transportation sector has three major means of reducing GHG emissions: increasing vehicle efficiency, reducing fuel carbon content, and reducing the amount of vehicle travel.

The California Air Resources Board (“CARB”) has provided a path forward for achieving these emissions reductions from the transportation sector in its 2016 Mobile Source Strategy. CARB determined that it will not be possible to achieve the State’s 2030 and post-2030 emissions goals without reducing VMT growth. Further, in its 2018 Progress Report on California’s Sustainable Communities and Climate Protection Act, CARB found that despite the State meeting its 2020 climate goals, *“emissions from statewide passenger vehicle travel per capita [have been] increasing and going in the wrong direction,”* and *“California cannot meet its [long-term] climate goals without curbing growth in single-occupancy vehicle activity.”* CARB also found that *“with emissions from the transportation*

¹ State of California Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018)

sector continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, California will not achieve the necessary greenhouse gas emissions reductions to meet mandates for 2030 and beyond without significant changes to how communities and transportation systems are planned, funded, and built.”

To achieve the State’s long-term climate goals, California needs to reduce per capita VMT, which would occur under CEQA through VMT mitigation. Half of California’s GHG emissions come from the transportation sector, therefore, reducing VMT is an effective climate strategy, which can also result in co-benefits². According to CARB, without early VMT mitigation, the state may follow a path that meets GHG targets in the early years, but finds itself poorly positioned to meet more stringent targets later. For example, in absence of VMT analysis and mitigation in CEQA, lead agencies might rely upon verifiable offsets for GHG mitigation, ignoring the longer-term climate change impacts resulting from land use development and infrastructure investment decisions. As stated in CARB’s 2017 Scoping Plan: *“California’s future climate strategy will require increased focus on integrated land use planning to support livable, transit-connected communities, and conservation of agricultural and other lands. Accommodating population and economic growth through travel- and energy-efficient land use provides GHG-efficient growth, reducing GHGs from both transportation and building energy use. GHGs can be further reduced at the project level through implementing energy efficient construction and travel demand management approaches.”*

In light of this, the 2017 Scoping Plan describes and quantifies VMT reductions needed to achieve our long-term GHG emissions reduction goals, and specifically points to the need for statewide deployment of the VMT metric in CEQA: *“Employing VMT as the metric of transportation impact statewide will help to ensure GHG reductions planned under SB 375 will be achieved through on-the-ground development, and will also play an important role in creating the additional GHG reductions needed beyond SB 375 across the State. Implementation of this change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting sustainable community strategies developed under SB 375.”*

V. DISCUSSION

VMT is a measure of the total amount of (miles) vehicular travel. For example, one vehicle traveling ten miles would equal 10 VMT. Four vehicles traveling ten miles would equal 40 VMT. Typically, development located at greater distance from other land uses or in areas

² Fang et al. (2017) Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled. *“...reductions in VMT produce many other potential benefits... reductions in other air pollutant emissions, water pollution, wildlife mortality, and traffic congestion, as well as improvements in safety and health, and savings in public and private costs.”*

with few transportation options generates more vehicle trips and trips of greater length (and therefore more VMT) than development located in close proximity to other uses or in areas with many transportation choices.

OPR's Technical Advisory contains recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures as a resource for the public to use at their discretion. OPR indicates their guidance is only advisory, not mandatory. County staff has relied on this guidance, as well as information from various other sources (e.g. Fehr & Peers (transportation planning and engineering firm), Contra Costa Transportation Authority, other local agencies, articles and published research, etc.) to develop recommendations for VMT assessment, thresholds of significance, and mitigation measures for the unincorporated County.

Department of Conservation and Development ("DCD") and Public Works Department ("PWD") staff along with County Counsel and Fehr & Peers formed an interdepartmental working group ("working group") for SB 743 implementation. The working group meets bi-weekly to discuss development of policies, methodology, procedures and implementation of VMT. The working group was also tasked with determining how the County will continue to use LOS as an evaluation tool for certain transportation facility operations.

Statewide Implementation Efforts

Despite SB 743 being a new paradigm shift in transportation planning and most agencies in the midst of the implementation process, a few public agencies across the state have already implemented SB 743 policies. Most of these agencies consist of larger metropolitan cities (e.g. San Francisco, Oakland, Los Angeles, etc.) with transportation infrastructure and land use contexts that generally fit the spirit of SB 743. San Bernardino County is the only known unincorporated jurisdiction thus far that has fully implemented SB 743. Attachment A includes a summary of early adopter agencies.

County General Plan

The County is undergoing a comprehensive update to the General Plan. The Growth Management Element and Transportation/Circulation Element both contain congestion and delay related policies for transportation evaluation, such as CEQA impact significance criteria. SB 743 implementation will include updates to these policies.

The Table 1 shows a summary of existing General Plan policies from the Growth Management and Transportation/Circulation elements referencing LOS in the context of CEQA that may be amended or deleted prior to adoption of the new General Plan:

TABLE 1		
	Existing General Plan Language	Action
Growth Management Element	4-3. Table 4-1 shows the performance standards which shall apply to development projects. In the event that a signalized intersection on a Basic Route exceeds the applicable level of service standard, the County may approve projects if the County can establish appropriate mitigation measures...	SB 743 no longer considers LOS impacts under CEQA, however County will retain LOS as an operational standard only.
	4-5. For the purpose of applying the Traffic Level of Service standards consistent with Measure C-1988 only, unincorporated areas subject to the growth management standards of this Element shall be characterized as Central Business District, Urban, Suburban, Semi-rural and Rural as depicted in Figure 4-2.	Language will be consistent with Measure J.
	4-d. Require that during the review of development proposals, the traffic impact analysis shall determine whether a project could cause a signalized intersection or freeway ramp to exceed the applicable standard and shall identify mitigations/fees such that the intersection or ramp will operate in conformance with applicable standards. Development proposals shall be required to comply with conditions of approval detailing identified mitigation measures and/or fees. In no event shall Local Road Improvement and Maintenance Funds replace development mitigation fee requirements, pursuant to Measure C-1988.	SB 743 no longer considers LOS impacts under CEQA.
	4-e. Establish through application to the Contra Costa Transportation Authority, and in conjunction with the regional committees, a list of Routes of Regional Significance and Intersections proposed for Findings of Special Circumstances. Proposed projects affecting these routes and/or intersections will require alternate mitigation as specified in Action Plans to be adopted by the Transportation Authority, but in this respect only, shall not be subject to LOS Performance Standards.	SB 743 no longer considers LOS impacts under CEQA.
	4-f. In the event that any Basic Route does not meet adopted standards the County shall consider	SB 743 no longer considers LOS impacts under CEQA.

	amendments to either its General Plan Land Use Element, Zoning, Capital Improvement program or other relevant plans or policies in order to attain the standards. If this is not feasible for the reasons specified in the Transportation Authority's "Implementation Guide: Traffic Level of Service Standards and Programs for Routes of Regional Significance" application for findings of special circumstances shall be made to the Transportation Authority. Such application shall include alternative proposed standards and mitigation measures.	
Transportation and Circulation	5-E. To permit development only in locations of the County where appropriate traffic level of service standards are ensured.	County will retain LOS as an operational standard only and should not be the sole basis for denying a project.
	5-1. Cooperation between the cities and the County shall be strongly encouraged when defining level of service standards.	County will retain LOS as an operational standard only.

County Transportation Analysis Guidelines

Government Code Section 65102 (California Planning and Zoning Laws) states “a legislative body may establish for its planning agency any rules, procedures, or standards which do not conflict with state or federal laws.” The working group is developing transportation analysis guidelines that will implement SB 743 and VMT metrics for evaluating transportation impacts of proposed projects under CEQA in the unincorporated area. The intent of these guidelines is to aid in the preparation of traffic analysis for project applicants and staff, as well as establish a uniform approach, methodology, and tool set to evaluate the impacts of land use decisions and related transportation projects on the County transportation system. This will be a “living document” and updated periodically to reflect newly acquired data and relevant policies.

The County will continue to maintain LOS as a tool to evaluate the operations of transportation infrastructure (e.g. signalized intersections) in concert with new VMT policies for CEQA review. The County’s new General Plan will reference the County’s transportation guidelines for VMT and LOS standards. Developer fees will continue to be required as a condition of project approval if a proposed project results in operational deficiencies on the transportation system³.

³ Government Code Section 66001(a), when imposing a fee as a condition of approval of a development project, the local agency shall identify the use/purpose of the fee. That identification may, but need not, be made by reference to

Given statewide implementation of SB 743 will be mandatory by July 2020, final adoption of the County's new transportation CEQA policies and standards will precede adoption of the updated General Plan.

VI. CONCLUSION

SB 743 has fundamentally changed the way local agencies evaluate transportation impacts under CEQA. County staff will develop proposed policies and procedures for implementation of SB 743 in the unincorporated area. The County is also undergoing a comprehensive General Plan update that will reflect these changes. However, the County's proposed SB 743 implementation will be executed prior to completion of the County's comprehensive General Plan update in order to meet the July 2020 mandatory statewide implementation deadline.

Attachments:

- A. Early Adopters Chart
- B. Presentation

a capital improvement program, general or specific plan requirements, or may be made in other public documents that identify public facilities for which the fee is charged.

Attachment A

Jurisdiction	Threshold	LOS Maintained?	CEQA for Implementation
City/County of San Francisco	<u>Residential</u> : 15% below regional VMT per capita <u>Office</u> : 15% below regional VMT per employee <u>Retail</u> : 15% below regional VMT per retail employee <u>Mixed-Use</u> : Evaluate each land use independently	No	
City of Oakland	<u>Residential</u> : 15% below regional VMT per capita <u>Office</u> : 15% below regional VMT per employee <u>Retail</u> : 15% below regional VMT per retail employee	Yes	Not a "project" under CEQA*
City of Elk Grove	<u>All Land Use Types</u> : 15% below city's 2015 baseline VMT of similar land uses	Yes	
City of Los Angeles	Project VMT should be no higher than the existing average VMT in the relevant Planning Area. Existing VMT ranges from 6.0 to 9.4 VMT per capita, and from 7.6 to 15.0 VMT per employee, depending on the Planning Area.	Yes	Not a "project" under CEQA*
City of San Jose	<u>Residential</u> : More stringent of: 1) 15% below citywide VMT per resident or 2) 15% below regional VMT per resident <u>General Employment</u> : 15% below existing regional VMT per employee <u>Industrial Employment Uses</u> : No higher than existing regional VMT per employee <u>Retail Uses</u> : Net increase in the total regional VMT <u>Mixed-Use</u> : Each land use component to be analyzed independently	Yes	
City of Woodland	10% reduction in VMT per capita or VMT per service population compared to the General Plan 2035 VMT performance, or a 10% reduction compared to similar land uses	Yes	
CSU System (23 campuses)	15% below regionwide average VMT	Yes	
San Bernardino County	4% below existing average VMT per service population in unincorporated county (based on maximum achievable TDM reduction)	Yes	
West Riverside Council of Governments	Projects located within a transit priority area (TPA) may be presumed to have a less-than-significant VMT impact. Projects located within a low VMT generating traffic analysis zone (TAZ) may be presumed to have a less than significant VMT impact.	Yes	

*Both the City of Oakland (2016) and Los Angeles (2018) invoke CEQA section 21080(b)(1) indicating the action is not a proposed project as defined by CEQA, and section 15061(b)(3) stating the action is covered by the common sense exemption that CEQA only applies to projects.

Attachment B

CONTRA COSTA COUNTY SENATE BILL 743 IMPLEMENTATION

Contra Costa County Planning Commission
Conservation and Development, Public Works
Departments

Wednesday, May 13, 2020

AGENDA

- What is Senate Bill (“SB”) 743?
- What is Vehicle Miles Traveled (“VMT”)?
- Statewide Implementation Efforts
- Contra Costa County Implementation
- Sample Project Evaluations
- Schedule/Next Steps
- Questions/Discussion

SENATE BILL (“SB”) 743 LEGISLATIVE BACKGROUND

Assembly Bill
 (“AB”) 32
 (Nunez, 2006)

SB 743 (Steinberg,
 2013)

Mandatory
 Statewide
 (July 1,
 2020)

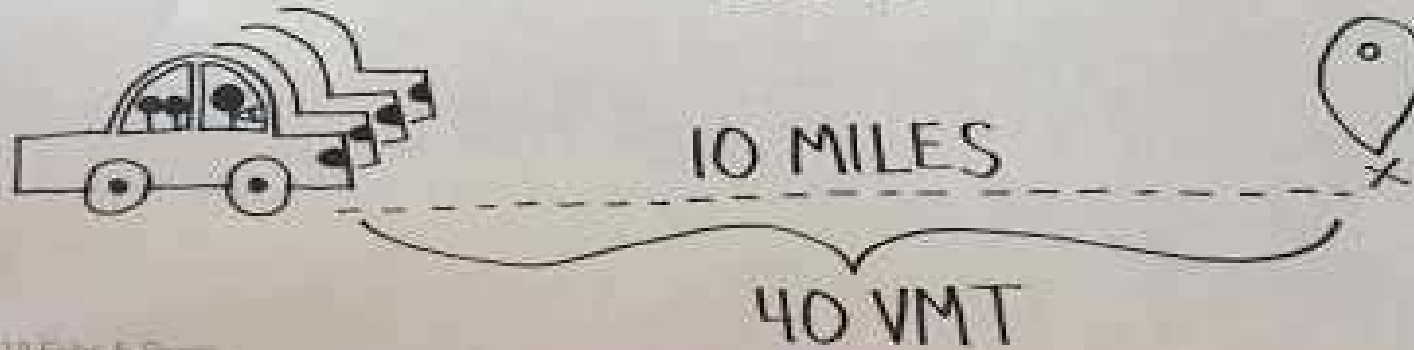
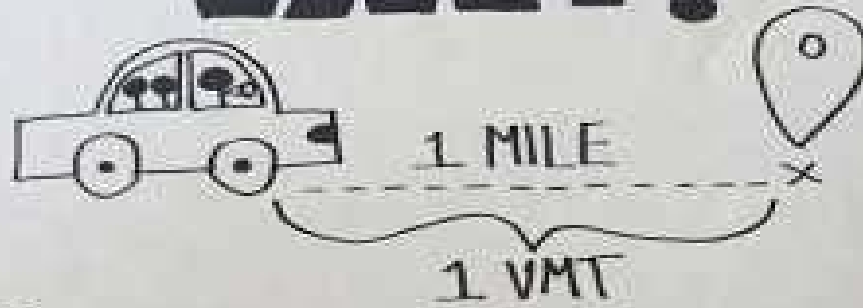
Senate Bill
 (“SB”) 375
 (Steinberg,
 2008)

SB 32 (Pavley,
 2016)

WHAT IS SENATE BILL (“SB”) 743?

- Governor Brown signed Senate Bill (SB) 743 (Steinberg, 2013).
- CEQA Guidelines amend to provide an alternative to LOS for evaluating transportation impacts.
- “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.”
- Auto delay will no longer be considered a significant impact under CEQA.
- SB 743 also amended congestion management law to allow cities and counties to opt out of LOS standards within certain infill areas.
- Governor’s Office of Planning and Research (“OPR”) identified vehicle miles traveled (“VMT”) as the most appropriate metric to evaluate a project’s transportation impacts.

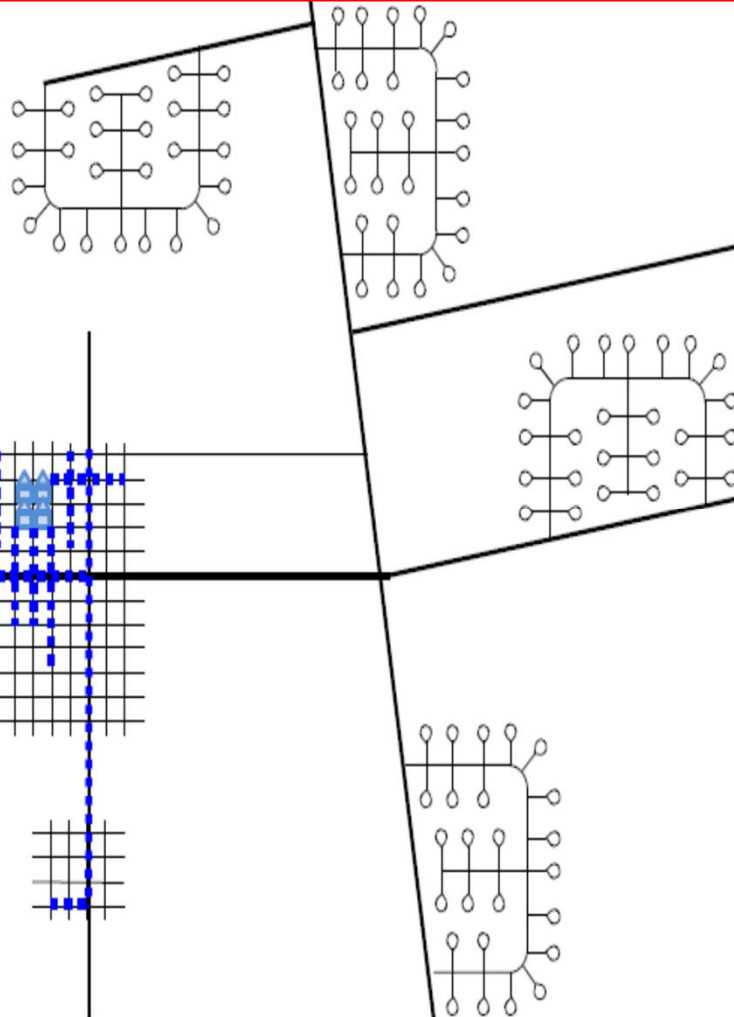
VMT?



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Analysis of infill development using LOS

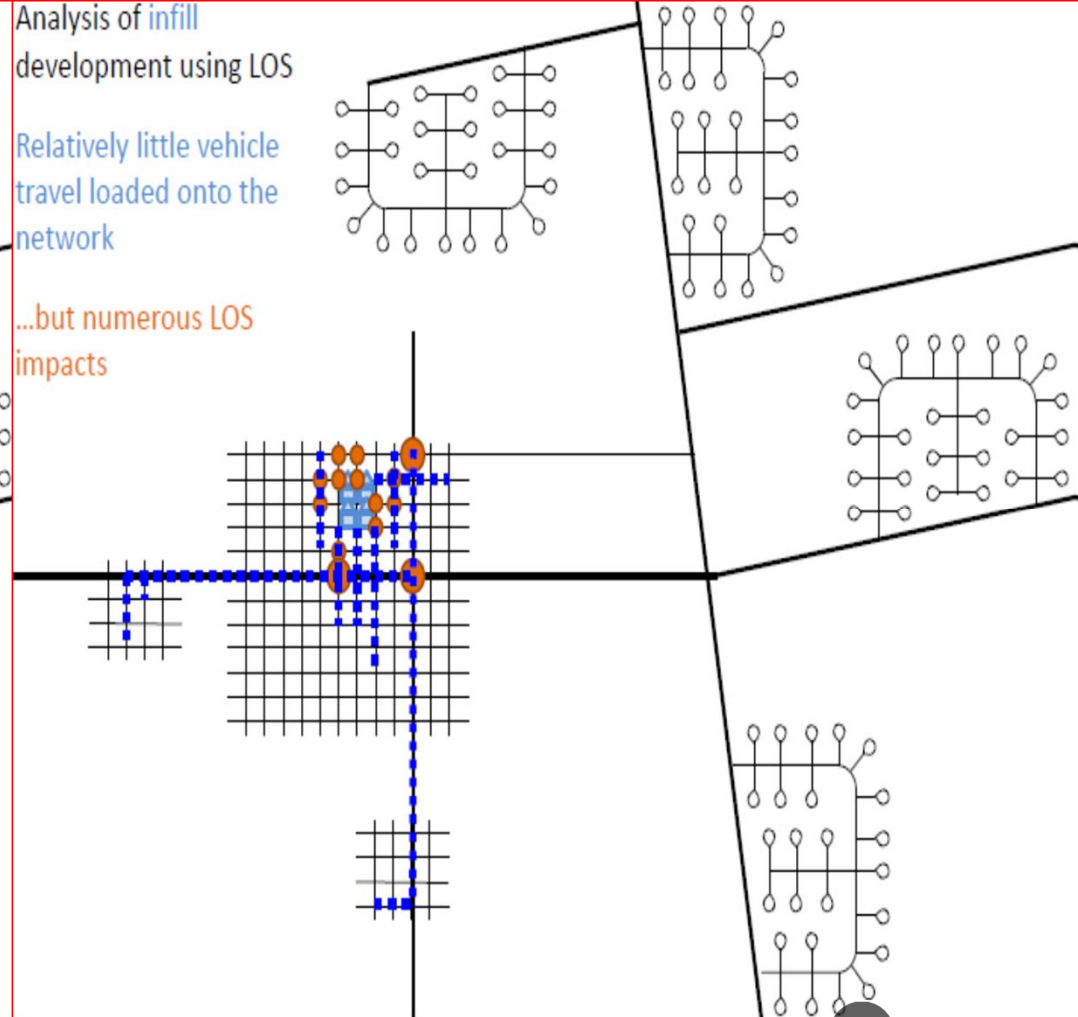
Relatively little vehicle travel loaded onto the network



Analysis of infill development using LOS

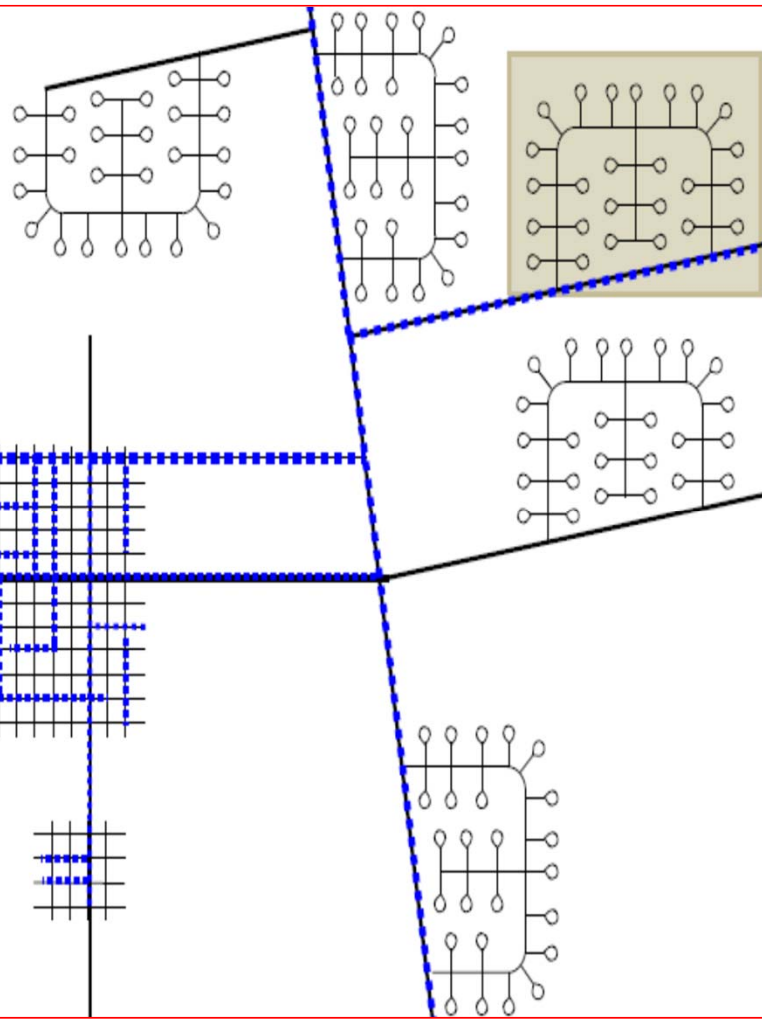
Relatively little vehicle travel loaded onto the network

...but numerous LOS impacts



Analysis of greenfield development using LOS

Typically three to four times the vehicle travel loaded onto the network relative to infill development

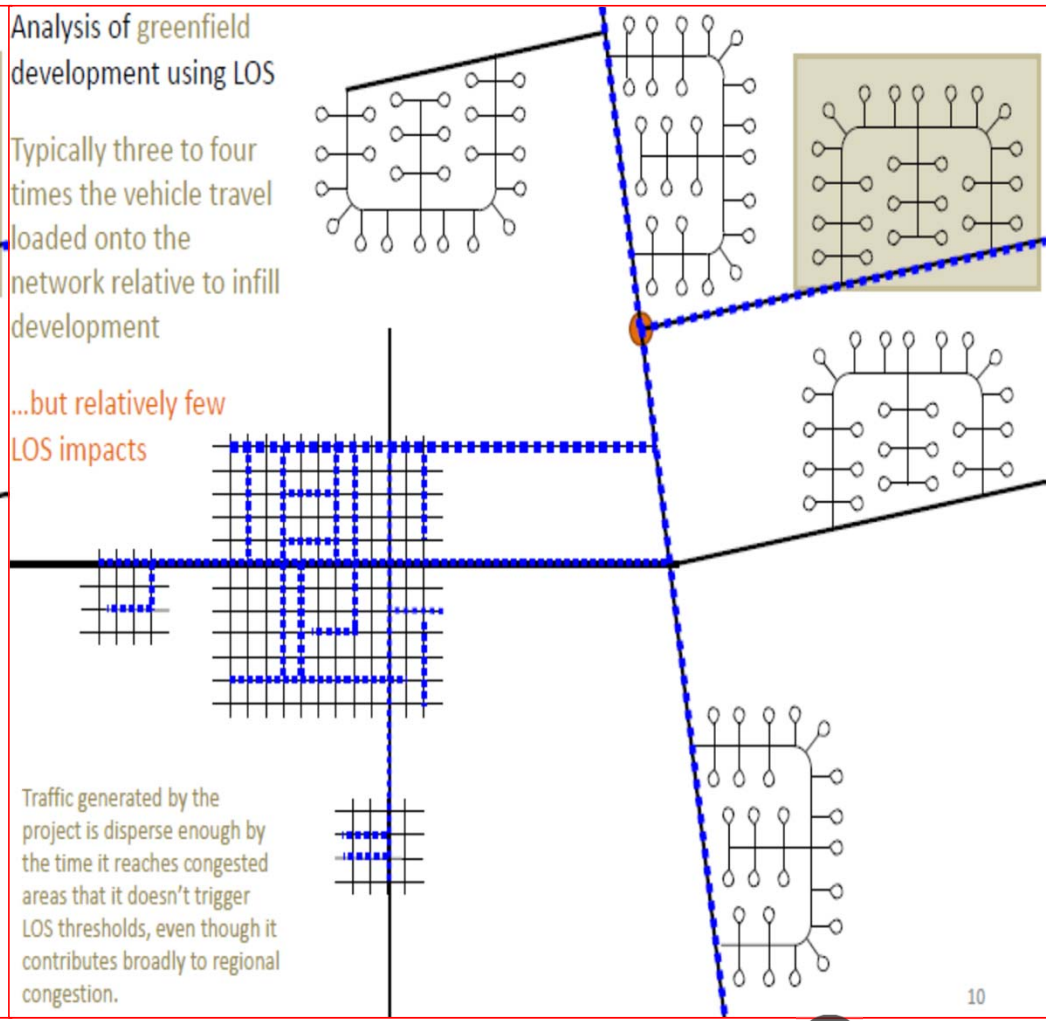


Analysis of greenfield development using LOS

Typically three to four times the vehicle travel loaded onto the network relative to infill development

...but relatively few LOS impacts

Traffic generated by the project is disperse enough by the time it reaches congested areas that it doesn't trigger LOS thresholds, even though it contributes broadly to regional congestion.



STATEWIDE IMPLEMENTATION EFFORTS

- OPR Technical Advisory on Evaluating Transportation Impacts (2018)
 - Assessment of VMT, thresholds of significance, and mitigation measures.
 - Resource for public to use at their discretion.
 - Recommendations are advisory, not required.
- Bay Area Metro: Key SB 743 Implementation Steps for Land Use Projects
- Contra Costa Transportation Authority (“CCTA”)
 - Growth Management Task Force

STATEWIDE IMPLEMENTATION EFFORTS

- OPR Technical Advisory on Evaluating Transportation Impacts (2018)
 - Thresholds of Significance:
 - OPR recommends that a per capita or per employee VMT that is 15 percent below that of existing development may be a reasonable threshold.
 - Why 15 percent?
 - Various legislative mandates and state policies establish quantitative greenhouse gas emissions reduction targets.
 - Consistent with SB 743's direction to OPR to select a threshold that will help the State achieve its climate goals.

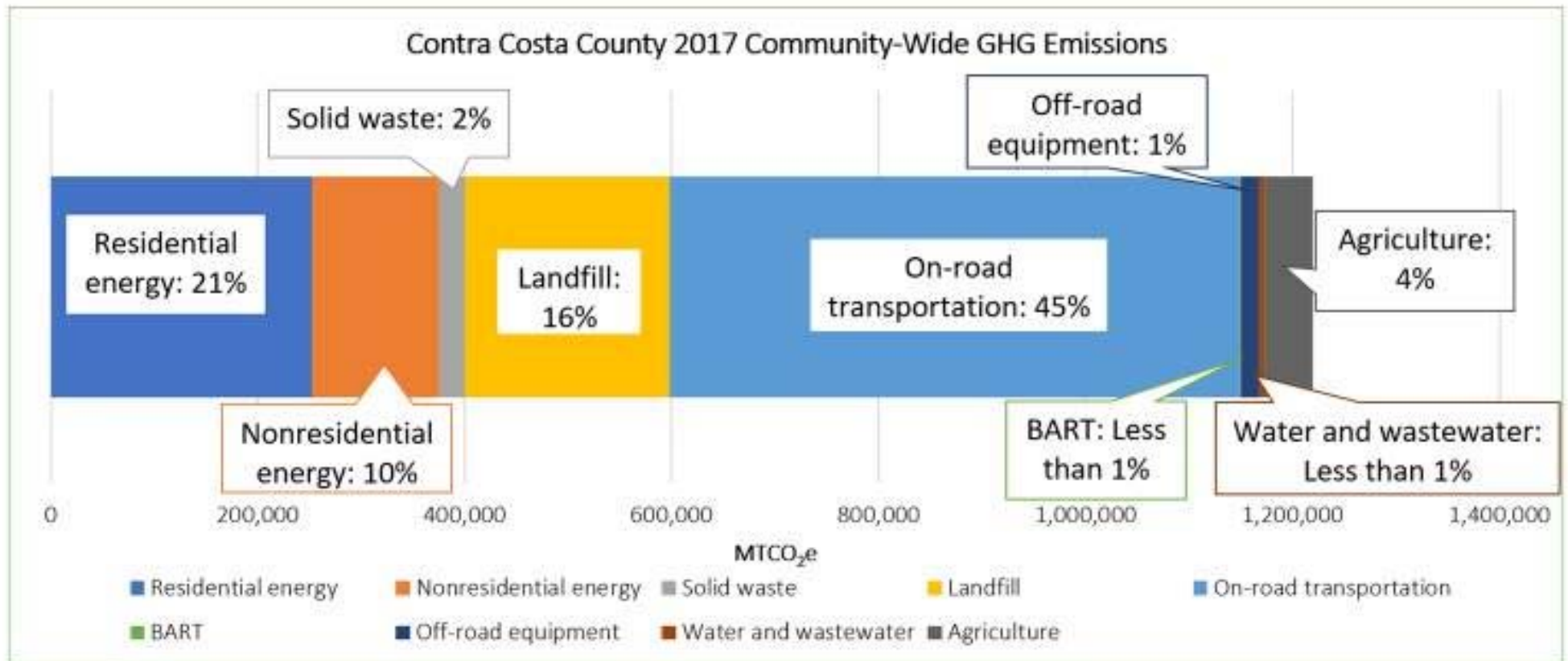
STATEWIDE IMPLEMENTATION EFFORTS

- City/County of San Francisco
- City of Elk Grove
- City of San Jose
- CSU System (23 campuses)
- West Riverside Council of Governments
- City of Oakland
- City of Los Angeles
- City of Woodland
- San Bernardino County
- City of Concord (in progress)

IMPLEMENTATION FOR THE UNINCORPORATED COUNTY

- County General Plan Update
 - Transportation/Circulation Element
 - Growth Management Element
- County Climate Action Plan (“CAP”)
 - Consistency with CAP Goals
- Land Development Review
 - Transportation Analysis Guidelines

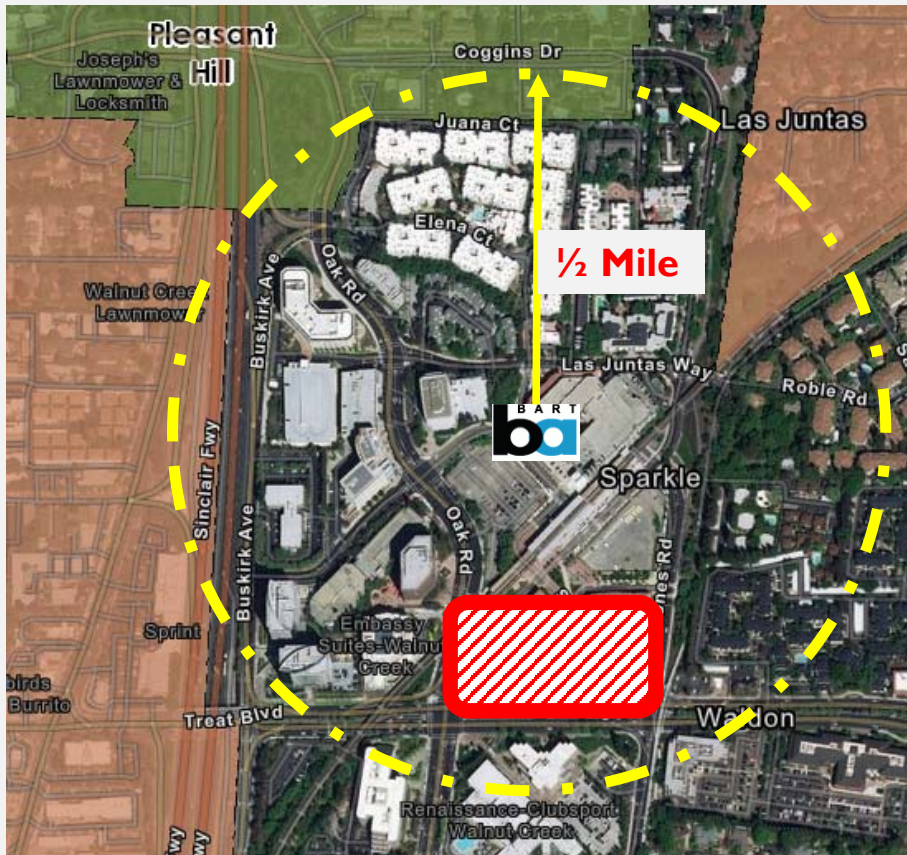
Community Inventory Results



PROJECT EVALUATION

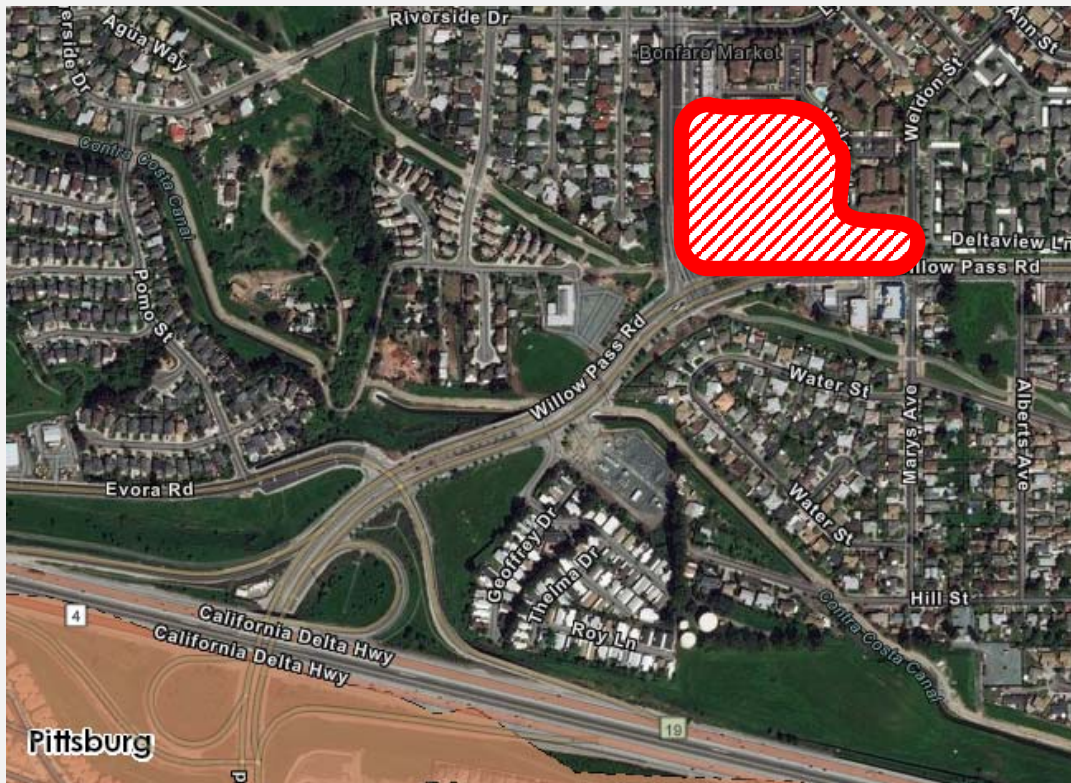
- CEQA evaluation for land development projects:
 - Presumption of less than significant impact within ½ mile of transit stations
 - 15% below VMT per capita (regional or jurisdiction)
 - A proposed project exceeding a level of 15% below existing VMT per capita may indicate a significant transportation impact

EXAMPLE I: TRANSIT STATION AREA (SCREENING)



- **Avalon Walnut Creek at Contra Costa Centre (Contra Costa Centre)**
- 200+ Multi-Family Residential/Mixed-Use
- Within 1/2 mile of Contra Costa Centre/Pleasant Hill BART Station
- Less-than-significant VMT impacts

EXAMPLE 2: RESIDENTIAL PROJECT



- **Bay Point Family Apartments (Bay Point)**

- 195-unit Multi-Family Residential
- 21.4 average VMT per capita (Traffic Analysis Zone)
- 27.7 VMT = 15% below RTPC (unincorporated area) VMT per capita (32.6 VMT)
- Less-than-significant VMT impacts

EXAMPLE 3: NON-RESIDENTIAL PROJECT



- **500 Pittsburg Ave. Warehouse (North Richmond)**
 - 493,000 square-foot Warehouse/Distribution Center
 - 19.7 average VMT per worker (Traffic Analysis Zone)
 - 14.8 VMT = 15% below RTPC (unincorporated area) VMT per capita (17.4 VMT)
 - Significant VMT impacts

NEXT STEPS/SCHEDULE

<u>Implementation Steps</u>	2019			2020						
	<u>October</u>	<u>November</u>	<u>December</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>
Monitor CCTA SB743 Implementation										
Develop transition plan for LOS to VMT										
VMT Mapping										
Develop Baseline VMT data and metrics/thresholds of significance for Contra Costa County										
Evaluate VMT estimation tools for land use project evaluation										
Develop VMT analysis guidance										
County staff VMT analysis training										
Meetings: <ul style="list-style-type: none"> • Internal DCD Staff (every other week) • DCD/PWD Coordination Meetings (as needed) 					★	★	★	★	★	★
Policy Body Meetings (CPC★, TWIC★, BOS★)							★	★	★	★
SB743 Mandatory Statewide Adoption										★

THANK YOU

Questions/Discussion