



January 7, 2021

Amy Roberts, Chair
Monterey County Planning Commission
1441 Schilling Place, South 2nd Floor, Salinas, CA 93901
Email: maganas@co.monterey.ca.us

Subject: Vehicle Miles Traveled Thresholds

Dear Chair Roberts and Members of the Planning Commission:

The Legislature mandated in SB 743 that local agencies evaluate traffic impacts in CEQA documents using thresholds of significance based on Vehicle Miles Travelled (VMT) rather than congestion measurements such as Level of Service (LOS). The goals of SB 743 are to improve public health and address the climate emergency, specifically to “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 (GHG).”

To implement these requirements, County planning staff are asking the Planning Commission for direction in the adoption of VMT-based significance threshold. Staff proposes two options:

- (1) a single significance threshold based on the countywide average VMT ;or
- (2) multiple significance thresholds based on the differing local average VMT levels in each traffic impact fee zone.

LandWatch recommends that the planning Commission direct staff to pursue a single countywide threshold unless staff provide substantial evidence that use of multiple localized VMT thresholds will attain statewide GHG reduction goals and be consistent with the region’s Sustainable Community Strategy as SB 375 requires.

LandWatch expects that use of multiple significance thresholds based on localized VMT averages would frustrate the SB 375 and SB 743 objectives of encouraging future development in urbanized areas where VMT levels are naturally lower.

Discussion

The California Air Resources Board (CARB) explains that VMT reductions in land use projects are necessary in order to meet the statewide GHG reduction goals because mobile source GHG reductions from other strategies are insufficient.¹ The primary land use strategy for VMT reduction is the implementation of the SB 375 Sustainable Community Strategies. CARB sets SB 375 GHG reduction targets to assist in attaining statewide GHG reductions for each

¹ California Air Resources Board, California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals, Jan. 2019, available at <https://ww2.arb.ca.gov/resources/documents/carb-2017-scoping-plan-identified-vmt-reductions-andrelationship-state-climate>.

Metropolitan Planning Organization (MPO), including AMBAG. The MPOs then develop Regional Transportation Plans/Sustainable Community Strategies (RTP/SCS) to meet those targets. However, the RTP/SCS GHG reduction targets are not sufficient in themselves to meet statewide GHG reduction targets. CARB finds that an “RTP/SCS that meets the applicable SB 375 targets alone will not produce the GHG emissions reductions necessary to meet state climate goals in 2030 nor in 2050.”²

CARB explains that reductions in mobile source emissions will also be attained through mandated cleaner fuels technology. However, “reductions in curbing growth in VMT are also necessary to meet climate targets.”³

Accordingly, CARB has determined what level of additional VMT reduction attained through local land use permitting is necessary to meet climate targets. CARB’s analysis determines that an approximately 15% reduction in per capita VMT represents the additional “fair share” of VMT reductions needed from land use projects.⁴

The Office of Planning and Research (OPR) has developed guidance for setting VMT-based CEQA significance thresholds consistent with SB 743. In that guidance, OPR has identified CARB’s 15% per capita VMT reduction as the necessary and sufficient reduction: “achieving 15 percent lower per capita (residential) or per employee (office) VMT than existing development is both generally achievable and is supported by evidence that connects this level of reduction to the State’s emissions goals.”⁵

However, OPR provides that existing VMT per capita should be measured either as “regional VMT per capita,” presumably for projects in unincorporated areas, or as “city VMT per capita,” presumably for projects in incorporated areas. OPR does not provide any guidance for, or endorse, the approach by which the County might adopt multiple VMT thresholds based on different average VMT levels in each traffic impact fee area of the County⁶ rather than using a single “regional VMT per capita” baseline.

Thus, if the County intends to adopt multiple VMT thresholds based on different average VMT levels in different areas of the county, it cannot simply rely on the OPR and CARB analyses for a safe harbor. Instead, the County must independently develop substantial evidence to support that approach. The CEQA Guidelines encourage public agencies to develop and publish generally applicable thresholds of significance to be used in determining whether impacts are significant. (14 CCR §15064.7(b).) However, the Guidelines require agencies to follow specific procedures when adopting generally applicable thresholds of significance. The thresholds must be adopted by ordinance, resolution, rule, or regulation. In setting a threshold of significance, agencies may consider thresholds previously adopted or recommended by other public agencies or recommended by experts, as long as the ultimate threshold decision is supported by substantial evidence. (14 CCR §15064.7(c).) All generally applicable thresholds must be

² Id. at 4.

³ Id. at 6.

⁴ Id. at 8-10 [per-capita light-duty vehicle travel would need to be approximately 16.8 percent lower than existing levels, and overall per-capita vehicle travel would need to be approximately 14.3 percent lower than existing levels].

⁵ OPR, Technical Advisory On Evaluating Transportation Impacts in CEQA, Dec. 2018, pp. 11-12. available at https://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

⁶ Presumably County staff propose to use traffic impact fee areas as the basis for multiple VMT thresholds because those are the areas for which aggregate VMT data are available.

developed through a public review process and must be supported by substantial evidence. (14 CCR §15064.7(b).)

The substantial evidence that would be required to justify multiple VMT thresholds would be evidence that each of these thresholds would ensure that land use projects do their fair share in meeting statewide GHG reduction goals. County staff acknowledge that they are “still in the process of determining if the County has substantial evidence to warrant different thresholds for consideration locally.”⁷

There are a number of reasons to believe that the multiple VMT threshold approach would not attain the needed VMT reductions or support consistency with the Sustainable Community Strategy. First, staff apparently assume without analysis that the same 15% reduction could be applied to the different local VMT averages. As noted, the OPR guidance supports the 15% reduction only if it is a reduction from a city-wide or regional average. There is no apparent support for the proposition that applying the 15% reduction to localized VMT averages will ensure that the needed statewide VMT reductions will be met.

Second, assuming that the County did apply a uniform percentage reduction to each of the local VMT averages, the effective easing of mitigation burdens would be to make it easier to permit projects located in high VMT areas and the effective increase in mitigation burdens would make it harder to permit projects in low-VMT area. Staff admit that by using a single regional VMT threshold, based on a uniform reduction from the regional average VMT, it would be more difficult to permit North County, South County, and Carmel Valley projects than Peninsula and Greater Salinas area projects because the existing average VMT is higher in those more rural areas.⁸ But the goal of both SB 375 and SB 743 is to encourage land use agencies to locate projects in lower VMT areas, not to make it easier to locate them in high VMT rural areas.

For example, the OPR guidance proposes that agency may use a map-based screening process for residential and office projects whereby projects located in lower average VMT areas would not need to prepare a detailed VMT analysis.⁹ The point of this approach is to encourage and streamline CEQA review of projects in lower VMT areas.

Or, for example, CARB notes that there are synergistic co-benefits of locating development in lower VMT areas:

Further, lower VMT is associated with additional co-benefits such as placemaking (creation of quality public spaces) that leads to local economic development, overall economic growth, reduction in other air pollutant emissions and water pollution, reduction in traffic congestion, and improvements in safety and public health, among others.¹⁰

If the County creates dis-incentives to locate development in lower VMT areas by adopting multiple thresholds, attainment these co-benefits will be frustrated. Indeed, the AMBAG

⁷ Planning Commission Staff Report, Jan. 13, 2021, Agenda Item 2, p. 4.

⁸ Planning Commission Staff Report, Jan. 13, 2021, Agenda Item 2, pp. 1, 2-3.

⁹ OPR, Technical Advisory On Evaluating Transportation Impacts in CEQA, Dec. 2018, pp. 12-13.

¹⁰ CARB, California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals, Jan. 2019, p. 6.

Sustainable Community Strategy provides that meeting statewide GHG targets depends on “focusing housing and employment growth in urbanized areas.”¹¹

In sum, the Planning Commission should direct staff to focus on a single regional per capita VMT significance threshold, using the existing analyses by CARB and OPR as the required substantial evidence. If the Commission wishes to consider the proposed alternative of multiple VMT thresholds, then staff must be directed to engage expert assistance to develop and justify multiple VMT standards for different areas of the County.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. DeLapa". The signature is stylized and cursive.

Michael D. DeLapa
Executive Director

¹¹ AMBAG, 2040 MTP/SCS, p. 4-36, available at https://ambag.org/sites/default/files/2019-12/AMBAG_MTP-SCS_Final_EntireDocument_PDFA.pdf.