



November 20, 2014

Director Ken Alex
Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Re: Comments on the Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743

Dear Mr. Alex,

I submit these comments on behalf of the Council of Infill Builders, a statewide organization of developers and other real estate professionals committed to improving California through infill development. Our organization thanks you for the opportunity to provide input on the Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (Steinberg, 2013).

The Council of Infill Builders applauds the State of California and the Office of Planning and Research (OPR) for replacing the Level of Service (LOS) analysis for determining a project's transportation impacts under the California Environmental Quality Act (CEQA) with a Vehicle Miles Traveled (VMT) metric. LOS disproportionately burdens infill projects and related infrastructure by privileging automobile traffic over pedestrians, bicyclists, and transit riders. VMT represents a far more accurate measure to determine regional transportation impacts and will ensure that CEQA review going forward aligns with the state's larger environmental and energy policy goals. We believe that this one change has the potential to significantly improve development patterns, traffic, and air pollution in California.

To improve the excellent draft CEQA Guidelines implementing SB 743, we suggest the following changes:

Section 15064.3(b)(1): Vehicle Miles Traveled and Land Use Projects. We recommend that OPR tighten the presumption of no significant transportation impacts for projects located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor by replacing the word "may" with "shall," before the clause "be considered to have a less than significant transportation impact." Because we acknowledge the risk that VMT-inducing projects may still locate within one-half mile these transit locations, we recommend that OPR include an additional simple parking metric for projects to qualify for this area of exemption. Any parking ratios that OPR proposes as a metric should be designed to discourage VMT and encourage transit-oriented projects that minimize the need for on-site parking.

Section 15064.3(b)(3): Local Safety. We recommend that OPR remove this section entirely from the guidelines. Including this provision could provide a perverse incentive for lead agencies to encourage project developers to pay for automobile-accommodating mitigation measures to the detriment of pedestrians and cyclists.

Section 15064.3(c): Alternatives and Mitigation. We recommend that OPR move the suggested measures in this section and place them in an accompanying Technical Assistance document, in order to provide greater flexibility to update them and to encourage local innovation on mitigation measures. In addition, we suggest that OPR add more detailed information on the various mitigation measures, such as information on when they are most appropriate and effective.

Section 15064.3(d): Applicability. We recommend that these guidelines apply statewide in the first instance, possibly with a longer preparation period if necessary, in order to ensure an equal playing field for infill development across the state.

We look forward to continuing to engage with you in the development of these important guidelines and appreciate the opportunity to comment here. Please let me or my colleagues know if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "Curt Johansen", with a long, sweeping horizontal line extending to the right.

Curt Johansen
Chairman, Council of Infill Builders