



Agenda Report

Fullerton City Council

MEETING DATE: JUNE 2, 2020

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: MATT FOULKES, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

SUBJECT: POLICIES AND PROCEDURES FOR EVALUATING TRANSPORTATION IMPACTS AND EFFECTS IN RESPONSE TO SB 743 (2013)

SUMMARY

SB 743, signed by Governor Brown in 2013, changes the way transportation impacts are identified for environmental analysis purposes. Following the rulemaking process completed in December of 2018, the California Environmental Quality Act (CEQA) Guidelines identify that by July 1, 2020 all lead agencies must use Vehicle Miles Traveled as the new transportation metric for identifying impacts for land use projects, replacing auto delay, Level of Service (LOS) and other similar measures. SB 743 does not prevent the City from continuing to analyze delay or LOS outside of the CEQA review process for other transportation planning or analysis purposes.

RECOMMENDATION

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THRESHOLDS OF SIGNIFICANCE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15064(B)(2) AND 15064.7, TO ADDRESS A PROJECT'S POTENTIAL TO IMPACT TRANSPORTATION BY THE AMOUNT AND DISTANCE OF AUTOMOBILE TRAVEL ATTRIBUTABLE TO A PROJECT, REFERRED TO AS VEHICLE MILES TRAVELED (VMT) FOR LAND USE AND TRANSPORTATION PROJECTS; ADOPTING CRITERIA, PURSUANT TO THE FULLERTON PLAN, TO DETERMINE A PROJECT'S EFFECT ON TRANSPORTATION BY THE AMOUNT OF AUTO DELAY, REFERRED TO AS LEVEL OF SERVICE (LOS) FOR LAND USE AND TRANSPORTATION PROJECTS; AND ADOPTING THE *CITY OF FULLERTON*

TRANSPORTATION ASSESSMENT POLICIES AND PROCEDURES (TAPP) TO SET THE METHODS BY WHICH PROJECTS ARE EVALUATED AND ANY IMPACTS OR EFFECTS ARE ADDRESSED IN RESPONSE TO SB 743 (2013)

2. Make a finding that project is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3).

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Infrastructure and City Assets
- Fiscal and Organizational Stability.

FISCAL IMPACT

There are no specific fiscal impacts from this action. However, in adopting the TAPP, it establishes that when it is determined that a discretionary project creates an effect on transportation, the project will be conditioned to contribute a fair share towards the intersection improvement or construct the improvement if warranted and appropriate. Previously, a project would have been responsible for the same costs, but through a mitigation measure. By establishing the LOS-based assessment process, the City will continue to receive funding from projects when an intersection is impacted/effected.

DISCUSSION

Thresholds of Significance for Vehicle Miles Traveled

Vehicle miles traveled is the amount and distance of automobile travel attributable to a project. As a result of SB 743, CEQA Guidelines 15064.3 establish that VMT rather than automobile delay, also referred to as Level of Service, is the most appropriate basis for determining environmental impacts regarding traffic commencing no later than July 1, 2020. This change is intended to assist in balancing 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. While the CEQA Guidelines already encourage a public agency to develop local thresholds, the implementation of SB 743 specifically identifies in CEQA Guidelines 15064.3 that a lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT.

In anticipation of the change to VMT, seven North Orange County Cities (Fullerton, La Habra, Brea, Buena Park, Orange, Placentia and Yorba Linda) formed a collaborative and are currently completing the North Orange County Cities (NOCC) SB 743 Implementation Study (Study) to assist with answering important implementation questions about the methodology, thresholds and mitigation approaches for VMT impact analysis. Through this collaboration, the cities have been able to share the professional services cost for Fehr & Peers to perform this work. A key work product of the Study is NOCC+, a spreadsheet tool that the City will use to review projects that are not exempt from CEQA to determine if a VMT analysis is required based on the location of the project or its proposed land use. This tool will also help quantify the benefits of a menu

of mitigation options to help project applicants and the City determine which mitigation measures will be most effective.

The Implementation Study was designed to provide information to all North Orange County cities so that each can adopt their own methodology and significance thresholds for use in CEQA compliance. Specifically, CEQA Guidelines 15064.7 encourages each public agency “to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects” where a threshold is “an identifiable quantitative, qualitative, or performance level of a particular environmental effect...”.

The City is therefore proposing the following project level and cumulative level thresholds:

A land use project would result in a potentially significant project-generated VMT impact if either of the following conditions are satisfied:

- 1. The project-generated average total daily VMT per service population in the baseline year¹ exceeds the City of Fullerton General Plan Buildout average total daily VMT per service population calculated with Origin / Destination VMT.*
- 2. The project-generated average total daily VMT per service population in the horizon year² exceeds the City of Fullerton General Plan Buildout average total daily VMT per service population calculated with Origin / Destination VMT.*

The key components of these thresholds and the substantial evidence for their selection are as follows:

- The VMT methodology of Origin / Destination is selected because it provides a more complete capture of all travel (car and truck trips) within the study area, including trips that may begin or end outside of the study area.
- VMT per service population is utilized to normalize VMT into a standard unit for comparison purposes while accounting for the population and/or employment in a given area.
- The comparison value is general plan buildout because the general plan was adopted through a public process to reflect the goals and values of the City. The general plan (The Fullerton Plan), adopted in 2012, includes policies and actions to facilitate infill development, a multi-modal transportation network, energy and resource efficient practices and a reduction of greenhouse gas emissions. While accounting for growth in both population and employment, implementation of The Fullerton Plan reduces the average total daily citywide VMT per service population from 29.9 to 29.4³. Therefore, when a project generates a VMT per service population that exceeds the general plan buildout VMT in either the baseline year or horizon year, there is a significant impact.

¹ “Baseline year” is the year in which the CEQA analysis for the project commenced.

² “Horizon year” is a year in the future corresponding to the forecast used for modeling purposes.

³ Source: Fehr & Peers

A land use or transportation project's⁴ effect on VMT would be considered potentially significant for purposes of determining a cumulative impact if either of the following conditions are satisfied:

- 1. The addition of the project in the baseline year causes an increase in the citywide average total daily VMT per service population calculated with Boundary Method VMT⁵.*
- 2. The addition of the project in the horizon year causes an increase in the citywide average total daily VMT per service population calculated with Boundary Method VMT⁶.*

The key components of these thresholds and substantial evidence for their selection are as follows:

- The VMT methodology of Boundary Method VMT is selected because it captures all trips, including those trips that do not begin or end in the City (i.e. cut-through traffic) and/or displaced traffic, on the City's roadway network.
- VMT per service population is utilized to normalize VMT into a standard unit for comparison purposes while accounting for the population and/or employment in a given area.
- The comparison value is citywide VMT because of its comprehensive geography and appropriateness for a City-wide analysis.

CEQA Guidelines 15064.7 provides that local thresholds of significance be developed through a public review process, however CEQA Guidelines are silent on the details of such a process. Therefore, a *Notice of Availability of Proposed Threshold of Significance Concerning Vehicle Miles Traveled (Notice)* was posted on the City website on April 29, 2020 on both the Public Notices repository page as well as the Community and Economic Developments SB 743 page. As with other public notices, copies were also posted on April 29, 2020 outside of City Hall, the Library Main Branch, the Fullerton Museum Center and Maintenance Services. The Notice was posted by the Orange County Clerk Recorder with CEQA notices on its web site on May 1 and published in the Fullerton Tribune on May 7. Staff has also consulted with other traffic engineers working on or reviewing VMT analysis regarding the applicability of these thresholds.

Effects on Transportation for Level of Service

Level of Service is a qualitative measure of describing operational conditions of an intersection in terms of congestion or delay experienced by traffic. As part of the former general plan adopted in 1996, the City established criteria by which LOS is determined unacceptable. This criteria had been the basis for the CEQA transportation analysis until the recent change in law to VMT, although not specifically identified in The Fullerton Plan, the comprehensive update to the City's general plan, adopted in 2012.

⁴ For a long-range planning project such as a general plan, only the cumulative impact analysis of the project's effect on VMT is required.

⁵The appropriate VMT methodology for transportation projects will be considered on a case by case basis.

⁶The appropriate VMT methodology for transportation projects will be considered on a case by case basis.

The Fullerton Plan does, however, include an Action to monitor private development projects adjacent to the street intersections / segments with substandard (deficient) right-of-way, as analyzed to accommodate multi-modal transportation infrastructure and facilitate dedication in accordance with City regulations (Table 13, Action 5.6) in support of the goal for a balanced system promoting transportation alternatives that enable mobility and an enhanced quality of life (Goal 5). The Fullerton Plan also includes policies that support regional and sub-regional efforts such as the Master Plan of Arterial Highways, the Orange County Congestion Management Plan, Signal Synchronization Master Plan and the Growth Management Plan (P5.1) and operating and maintaining a comprehensive network of arterial highways and local roads supporting safe and efficient movement of people, goods and services to, through and within the City (P5.6). Furthermore, State and Federal laws require the correlation of building intensities and traffic capacity in a General Plan. Additionally, SB 743 does not prevent the City from continuing to analyze delay or LOS outside of CEQA review for other transportation planning or analysis purposes unrelated to CEQA traffic impacts such as land use adjacency, general plan consistency, safety, community benefits and/or public health pursuant to the City's existing general plan (The Fullerton Plan) goals.

The City is therefore proposing the following criteria to determine a project's effect on transportation unrelated to its environmental impact pursuant to CEQA:

The City of Fullerton's definition of acceptable operating conditions for signalized and unsignalized intersections is LOS D; unacceptable operations is LOS E and LOS F except, based on the historic context in which they are developed, LOS E is acceptable and LOS F is unacceptable at the following intersections:

- Harbor Boulevard / Chapman Avenue
- Harbor Boulevard / Commonwealth Avenue.

Therefore, an effect on transportation occurs if any of the following criteria are satisfied:

1. *The project causes a signalized or unsignalized intersection operating at or above an acceptable operating condition to degrade to an unacceptable condition.*
2. *The project causes a signalized or unsignalized intersection operating at an unacceptable operating condition to further degrade and for a signalized intersection the change is:*
 - a. *From LOS E to LOS F*
 - b. *An increase of at least 4 seconds for an LOS E intersection or*
 - c. *An increase of at least 2 seconds for an LOS F intersection.*

City of Fullerton Transportation Assessment Policies and Procedures (TAPP)

The City wishes to formally adopt the requirements pertaining to the preparation of a Transportation Assessment. Prior to SB 743, it was a common best practice for a City to have Traffic Impact Analysis Guidelines or Transportation Impact Study Guidelines to aid in the preparation of the LOS and related project evaluations for CEQA. The

Transportation Assessment is crafted as a policy-level document that does the following:

- (1) Establishes the methods by which evaluation of discretionary applications will occur from the transportation perspective and identifies the required content of the corresponding assessment.
- (2) Publishes the adopted criteria relevant to LOS effects on transportation and thresholds of significance relevant to potential impacts to VMT.
- (3) Identifies the process through conditions of approval for a project to complete or fund as appropriate the necessary intersection improvements to address effects on transportation.
- (4) Provides the framework for the application of mitigation measures and the quantification of VMT reductions.

This document, once approved, will be made available to project applicants and provided to the traffic consultants to provide early, clear and consistent direction on the City's Policies and Procedures for Transportation Assessment as it relates to both VMT analysis pursuant to CEQA and LOS analysis pursuant to General Plan goals and policies.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Draft Resolution No. 2020-XX