

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS - LAND USE  
WEDNESDAY, FEBRUARY 09, 2022**

**MINUTE ORDER NO. 7**

**SUBJECT: CONTINUED ITEM FROM 01/26/2022 (06):  
UPDATE ON OPTIONS TO IMPLEMENT VEHICLE MILES TRAVELED  
ANALYSIS DURING ENVIRONMENTAL REVIEW IN THE  
UNINCORPORATED REGION AND OPTIONS ON OTHER COUNTY  
PROGRAMS THAT RELATE TO VEHICLE MILES TRAVELED AND LAND  
USE (DISTRICTS: ALL)**

**OVERVIEW**

On January 26, 2022 (06), the Board of Supervisors continued the item to February 9, 2022.

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). SB 743 identified Vehicle Miles Traveled (VMT) as the standard to evaluate a project's transportation-related environmental impacts. VMT replaces motorist delay and associated level of service (LOS) as the metric for analysis under CEQA. 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, such as walking and biking.

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 for projects in the unincorporated area beginning July 1, 2020. In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and the Sierra Club filed suit, alleging adoption of the TSG violated CEQA and SB 743.

On May 19, 2021 (1), the Board received information on how VMT implementation was progressing nearly a year after adoption of the County's TSG and options for potential updates to how the County analyzes transportation impacts of proposed projects under CEQA. The Board directed staff to explore 13 items related to VMT for projects in the unincorporated areas, including more opportunities for infill development, creation of transit accessible areas, opportunities for affordable housing, and VMT mitigation programs.

In its 2018 guidance, the Governor's Office of Planning and Research (OPR) recommended that, for projects in the unincorporated area, the lead agency compare a project's VMT to "the region's" average VMT. However, at that time, the OPR Technical Advisory did not define a region and did not make any specific recommendations on the boundary that should be established for the unincorporated area to analyze VMT.

On June 29, 2021, OPR clarified that the unincorporated area of counties should use a threshold based on the regional average VMT (rather than an unincorporated area average), which includes the entire San Diego region. This change to the geography reduces the VMT efficient areas within the unincorporated area. VMT efficient areas are locations that meet the threshold to allow projects to move forward without VMT analysis. Projects located outside VMT efficient areas must perform VMT analysis and are required to mitigate for, or offset, any VMT-related impacts. Currently, there is no mitigation program in place for these impacts and mitigating on a project-by-project basis is challenging and costly. This reduces the feasibility of development outside of VMT efficient areas. Based on an unincorporated VMT average, there are approximately 45,444 acres that are VMT efficient, which is approximately six percent of the unincorporated area under the County's land use jurisdiction and does not include State, federal, or tribal land. When using a regional VMT average, the VMT efficient area is reduced to approximately 2,467 acres, or 0.34 percent of the unincorporated area. In light of the clarification from OPR that unincorporated areas should use a VMT threshold based on a regional average, on September 15, 2021 (1), the Board adopted a resolution to rescind the current TSG, which had relied on an unincorporated area average for VMT. Based on the Board's action, the petitioners agreed to dismiss their lawsuit.

As directed by the Board on May 19, 2021, staff investigated 13 items related to VMT for projects in the unincorporated area, including more opportunities for infill development, creation of transit accessible areas, opportunities for affordable housing, VMT mitigation programs, as well as other directed items, in this report. Based on the analysis from the 13 items, staff has identified options for the Board's consideration. The Board can receive the report and take no action today, or direct staff to conduct further research, or implement the options and return to the Board in the future for consideration and adoption

While VMT is used to evaluate transportation impacts under CEQA, it plays a critical role in land use planning, as it can also affect a jurisdiction's ability to achieve other State goals and requirements related to housing like the Regional Housing Needs Assessment (RHNA). RHNA is a State mandate that quantifies the need for housing within each jurisdiction, including the unincorporated area. A challenge with VMT implementation is how to implement VMT as recommended by OPR, while meeting other State requirements like RHNA, which will make it more costly and challenging to develop within most of the unincorporated area, since 99.7 percent is located in a VMT inefficient area based on guidance from OPR. As part of the 6th Cycle Housing Element (2021 - 2029), adopted by the Board on July 14, 2021, and certified by the State on November 2, 2021, staff found that there were insufficient sites with the densities needed to meet the County's RHNA requirement that were within VMT efficient areas. For projects proposed outside VMT efficient areas, it becomes challenging and costly to mitigate VMT, and in many cases, it is infeasible due to the cost to mitigate. If a property is located in a VMT inefficient area, there is often a need to prepare an Environmental Impact Report (EIR), which can take 24 to 36 months to process and is costly. Often at the end of the process, the costs associated with mitigating for VMT make it infeasible to develop the property based on current market rates.

After exploring the 13 items related to VMT directed by the Board, staff has developed options and a phased approach to implement VMT within the unincorporated area, allowing projects to move forward within infill areas, excluding very high fire hazard severity zones. Staff has also included a recommendation to begin the process of updating the General Plan through the development of a sustainable land use framework. An update to the General Plan could refocus growth in locations that are VMT efficient, achieve other Board directed priorities related to sustainability, and still allow the County to achieve the State's housing goals.

Staff recommendations are provided for the Board’s consideration and described in detail in the Background section. They include a phased approach to implement VMT in the unincorporated area. Phase one includes the preparation of a revised TSG based on a regional geography as recommended by OPR, including adoption of screening criteria for infill areas that would allow projects to move forward in these areas without VMT analysis, including a “village” buffer option incorporating the geographic boundaries of the surrounding “village” as identified in the General Plan (excluding areas mapped as Very High Fire Hazard Severity Zones), small projects and affordable housing projects, and adoption of a Local Mobility Analysis (LMA). Phase two includes longer term items that require the preparation of a programmatic Environmental Impact Report (EIR) and includes exploring a regional VMT Mitigation Program with the San Diego Association of Governments and/or other local jurisdictions that incorporates adoption of screening criteria for Transit Opportunity Areas, which are areas that do not currently have transit service, but due to their location can support increased densities in anticipation of future transit service. A VMT Mitigation Program would also require the preparation of a nexus study in order to establish the fees for the program and would take approximately 30 to 36 months to complete.

While phases one and two are underway, staff also recommends the Board direct staff to prepare options for further direction to initiate the development of a sustainable land use framework for a General Plan Update, factoring in VMT efficient areas based on the regional average, infill areas and surrounding villages, and Transit Opportunity Areas. Framework options would include at a minimum the following: identification of principles for sustainable development that could inform future land use decisions and associated areas suitable for sustainable development based on these principles; and identification of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, and a focused General Plan Update or a comprehensive General Plan Update. Staff also recommends the Board wait to implement specific options until a sustainable land use framework is developed for a General Plan Update.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Receive the presentation and overview of the 13 items and provide direction on options as outlined in Attachment F (Action Sheet) and Attachment G (VMT Cost Estimate) to implement analysis of transportation impacts of proposed projects under CEQA using Vehicle Miles Traveled, including the following:
  - Category A: Opportunities for Infill Development, Transit, By-Right Development, and Land Use Changes (Items 1, 2, 4, 6 and 12)
  - Category B: Opportunities for VMT Mitigation (Item 3)
  - Category C: Opportunities to Prepare a Revised Transportation Study Guide (TSG) (Items 5, 7, 8, 9, 10, 11 and 13)
3. The following summarizes the recommendations by phase:
  - A. Phase One - Return within six months with a cost of \$100,000
    1. Prepare a revised TSG using a regional geography (Option 7-A), circulate it for a 30-day public review and return to the Board within six months for consideration. The Revised TSG should also include the following:

- a. New VMT screening criteria for projects within infill areas (Option 1-A) and any surrounding “village” as identified in the General Plan, excluding areas mapped as Very High Fire Hazard Severity Zones. The screening criteria will allow projects located in infill areas and any surrounding “village” to move forward without VMT analysis or mitigation. This option would allow up to 8,755 homes to move forward without VMT analysis based on the General Plan. Projects located outside these areas will need to conduct a VMT analysis and propose mitigation to reduce their impacts.
  - b. Adopt the 110 average daily trips small project screening criteria (Option 7-B).
  - c. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis (Option 7-C).
  - d. Require an LMA (Option 7-E). The LMA for discretionary projects would be used to evaluate road operations, safety, and access that has been reduced from the previous type of traffic analysis done based on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to a few intersections around the project with the primary focus of safety and not traffic.
2. Direct staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update.

B. Phase Two - Return within 30-36 months with a cost of \$1,250,000

1. Work with SANDAG, Metropolitan Transit System (MTS), and North County Transit District (NCTD) to develop a regional VMT Mitigation Program (Option 3-A) and work with the City of San Diego and/or other local jurisdictions to develop a joint program or join an existing program like the city program (Option 3-B), prepare the required nexus study and programmatic Environmental Impact Report (EIR) and return to the Board in 30 to 36 months for consideration. In the interim, allow projects on a case-by-case basis to work with transit agencies in the region to identify VMT mitigation for individual projects. As part of the mitigation program, include options where a developer can choose to opt in or out of the program and require a portion of the fees collected are spent to reduce VMT within the unincorporated area, with a priority on underserved communities and ensuring that the mitigation fees are used to implement projects that reduce VMT and GHG emissions. As part of the VMT Mitigation Program, also develop a Transportation Demand Management (TDM) ordinance for the unincorporated area that includes measures to reduce vehicle trips from new development. TDM is a strategy implemented to reduce vehicle trips and VMT by incorporating measures such as telecommuting, walking, carshare, shuttles, and other options that reduce single occupant vehicle trips.

As part of the same EIR for the VMT Mitigation Program discussed above, prepare a Programmatic EIR (Option 2-A) to evaluate the impacts from screening out projects from VMT analysis within Transit Opportunity Areas (TOAs). The programmatic EIR would cover both items in one programmatic document and provide programmatic environmental coverage for future projects within TOAs so no additional VMT analysis would be required for future individual projects. A statement of overriding considerations may be required if the VMT impacts associated with development in these areas cannot be mitigated. A statement of overriding considerations is a term used in CEQA that allows a project to be

approved due to its benefit to the community despite the project's having significant impacts on the environment that cannot be mitigated. Examples of overriding considerations include the creation of housing, jobs, and other social and economic benefits.

### **EQUITY IMPACT STATEMENT**

An analysis of transportation impacts as measured by Vehicle Miles Traveled (VMT) will reduce environmental and health impacts associated with transportation, 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. One of the options considered in this Board Letter explores exceptions to the VMT thresholds for affordable housing projects at less than 100 percent affordable, including mixed income and various components of Area Median Income, which provides more opportunities for those with less income.

### **FISCAL IMPACT**

There is no fiscal impact associated with receiving the report presented today. Should the Board of Supervisors (Board) direct staff to further research or implement any of the options and return in the future for consideration and adoption, costs will be included as part of the Fiscal Year (FY) 2022-23 CAO Recommended Operational Plan.

Funds for this request are not included in the Fiscal Year 2021-22 Operational Plan. Depending on which option the Board selects, there are various fiscal impacts per recommendation as outlined in Attachment G (VMT Cost Estimate). If options are directed, this request will result in an estimated cost ranging from \$100,000 to \$4,965,000 in one-time costs beginning in Fiscal Year 2022-23 that will be referred to budget to establish appropriations and identify a funding source. The impact to net General Fund costs will depend on Board direction. There will be no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### **ACTION 7.1:**

A motion was made by Supervisor Fletcher, seconded by Supervisor Vargas, to take the following actions:

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Receive the presentation and overview of the 13 items and provide direction on options as outlined in Attachment F (Action Sheet) and Attachment G (VMT Cost Estimate) to implement analysis of transportation impacts of proposed projects under CEQA using Vehicle Miles Traveled, including the following:
  - Category A: Opportunities for Infill Development, Transit, By-Right Development, and Land Use Changes (Items 1, 2, 4, 6 and 12)

#### Item 1 – Infill Area Options

- Select Option 1-D: New VMT Screening Criteria for Infill Areas that are within Transit Opportunity Areas (TOAs)
  - Select Option 1-D-3: infill area plus the village option - minus High and Very High Fire Hazard Severity Zone.

## Item 2 – Transit Opportunity Area (TOA) Options

- Select Option 2-A: Programmatic Environmental Impact Report (EIR)
- Select Option 2-B: Use the TOAs as a Reason for Adopting a Statement of Overriding Considerations on a Project-by-Project Basis

## Item 4 – By-Right Process Options

- Select Option 4-C: Wait to Develop a By-Right Program until Consideration of the CAP Update and Smart Growth Alternatives

## Item 6 – Land Use Options

- Select Option 6-D: Direct Staff to Return with Options for a Sustainable Land use Framework and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

## · Category B: Opportunities for VMT Mitigation (Item 3)

### Item 3 – VMT Mitigation Program Options

- Select Option 3-A: Work with SANDAG, MTS and NCTD to Develop a Regional VMT Mitigation Program
- Select Option 3-B: Work with the City of San Diego and/or Other Local Jurisdictions to Develop a Joint Program or Join an Existing Program like the City Program
- Direct the Chief Administrative Officer to examine combining a community land trust with a VMT mitigation bank to create a path for EJ and VMT opportunities within those communities to take hold

## · Category C: Opportunities to Prepare a Revised Transportation Study Guide (TSG) (Items 5, 7, 8, 9, 10, 11 and 13)

### Item 7 through 11 – Revised Transportation Study Guide (TSG) Options

- Select Option 7-A: Prepare a Revised TSG using a Regional Geography
- Select Option 7-B: Adopt the 110 ADT Small Project Screening Criteria
- Select Option 7-C: Adopt OPR Recommendation to Screen Out Projects with 100 Percent Affordable Housing from VMT Analysis
- Select Option 7-E: Require an LMA, but in the long-term transition away from level of service review to VMT only

## 3. The following summarizes the recommendations by phase:

### A. Phase One - Return within six months with a cost of \$100,000

1. Prepare a revised TSG using a regional geography (Option 7-A), circulate it for a 30-day public review and return to the Board within six months for consideration. The Revised TSG should also include the following:
  - a. Adopt the 110 average daily trips small project screening criteria (Option 7-B).
  - b. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis (Option 7-C).

- c. Require an LMA (Option 7-E). The LMA for discretionary projects would be used to evaluate road operations, safety, and access that has been reduced from the previous type of traffic analysis done based on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to a few intersections around the project with the primary focus of safety and not traffic.
2. Direct staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.
- B. Phase Two - Return within 30-36 months with a cost of \$1,250,000
1. Work with SANDAG, Metropolitan Transit System (MTS), and North County Transit District (NCTD) to develop a regional VMT Mitigation Program (Option 3-A) and work with the City of San Diego and/or other local jurisdictions to develop a joint program or join an existing program like the city program (Option 3-B), prepare the required nexus study and programmatic Environmental Impact Report (EIR) and return to the Board in 30 to 36 months for consideration. In the interim, allow projects on a case-by-case basis to work with transit agencies in the region to identify VMT mitigation for individual projects. As part of the mitigation \ program, include options where a developer can choose to opt in or out of the program and require a portion of the fees collected are spent to reduce VMT within the unincorporated area, with a priority on underserved communities and ensuring that the mitigation fees are used to implement projects that reduce VMT and GHG emissions. As part of the VMT Mitigation Program, also develop a Transportation Demand Management (TDM) ordinance for the unincorporated area that includes measures to reduce vehicle trips from new development. TDM is a strategy implemented to reduce vehicle trips and VMT by incorporating measures such as telecommuting, walking, carshare, shuttles, and other options that reduce single occupant vehicle trips.

As part of the same EIR for the VMT Mitigation Program discussed above, prepare a Programmatic EIR (Option 2-A) to evaluate the impacts from screening out projects from VMT analysis within Transit Opportunity Areas (TOAs). The programmatic EIR would cover both items in one programmatic document and provide programmatic environmental coverage for future projects within TOAs so no additional VMT analysis would be required for future individual projects. A statement of overriding considerations may be required if the VMT impacts associated with development in these areas cannot be mitigated. A statement of overriding considerations is a term used in CEQA that allows a project to be approved due to its benefit to the community despite the project's having significant impacts on the environment that cannot be mitigated. Examples of overriding considerations include the creation of housing, jobs, and other social and economic benefits.

*(A substitute motion was introduced.)*

## **ACTION 7.2:**

A substitute motion was made by Supervisor Anderson, seconded by Supervisor Desmond, to take the following actions:

1. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Receive the presentation and overview of the 13 items and provide direction on options as outlined in Attachment F (Action Sheet) and Attachment G (VMT Cost Estimate) to implement analysis of transportation impacts of proposed projects under CEQA using Vehicle Miles Traveled, including the following:
  - Category A: Opportunities for Infill Development, Transit, By-Right Development, and Land Use Changes (Items 1, 2, 4, 6 and 12)

### Item 1 – Infill Area Options

- Select Option 1-A: New VMT Screening Criteria for Infill Areas
- Select Option 1-A-3: infill area plus the village option

### Item 2 – Transit Opportunity Area (TOA) Options

- Select Option 2-A: Programmatic Environmental Impact Report (EIR)
- Select Option 2-B: Use the TOAs as a Reason for Adopting a Statement of Overriding Considerations on a Project-by-Project Basis

### Item 4 – By-Right Process Options

- Select Option 4-C: Wait to Develop a By-Right Program until Consideration of the CAP Update and Smart Growth Alternatives

### Item 6 – Land Use Options

- Select Option 6-D: Direct Staff to Return with Options for a Sustainable Land use Framework and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

- Category B: Opportunities for VMT Mitigation (Item 3)

### Item 3 – VMT Mitigation Program Options

- Select Option 3-A: Work with SANDAG, MTS and NCTD to Develop a Regional VMT Mitigation Program
- Select Option 3-B: Work with the City of San Diego and/or Other Local Jurisdictions to Develop a Joint Program or Join an Existing Program like the City Program
- Direct the Chief Administrative Officer to examine combining a community land trust with a VMT mitigation bank to create a path for EJ and VMT opportunities within those communities to take hold



- Category C: Opportunities to Prepare a Revised Transportation Study Guide (TSG) (Items 5, 7, 8, 9, 10, 11 and 13)

#### Item 7 through 11 – Revised Transportation Study Guide (TSG) Options

- Select Option 7-A: Prepare a Revised TSG using a Regional Geography
- Select Option 7-B: Adopt the 110 ADT Small Project Screening Criteria
- Select Option 7-C: Adopt OPR Recommendation to Screen Out Projects with 100 Percent Affordable Housing from VMT Analysis
- Select Option 7-E: Require an LMA, but in the long-term transition away from level of service review to VMT only

#### 3. The following summarizes the recommendations by phase:

##### A. Phase One - Return within six months with a cost of \$100,000

1. Prepare a revised TSG using a regional geography (Option 7-A), circulate it for a 30-day public review and return to the Board within six months for consideration. The Revised TSG should also include the following:
  - a. Adopt the 110 average daily trips small project screening criteria (Option 7-B).
  - b. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis (Option 7-C).
  - c. Require an LMA (Option 7-E). The LMA for discretionary projects would be used to evaluate road operations, safety, and access that has been reduced from the previous type of traffic analysis done based on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to a few intersections around the project with the primary focus of safety and not traffic.
2. Direct staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

##### B. Phase Two - Return within 30-36 months with a cost of \$1,250,000

1. Work with SANDAG, Metropolitan Transit System (MTS), and North County Transit District (NCTD) to develop a regional VMT Mitigation Program (Option 3-A) and work with the City of San Diego and/or other local jurisdictions to develop a joint program or join an existing program like the city program (Option 3-B), prepare the required nexus study and programmatic Environmental Impact Report (EIR) and return to the Board in 30 to 36 months for consideration. In the interim, allow projects on a case-by-case basis to work with transit agencies in the region to identify VMT mitigation for individual projects. As part of the mitigation program, include options where a developer can choose to opt in or out of the program and require a portion of the fees collected are spent to reduce VMT within the unincorporated area, with a priority on underserved communities and ensuring that the mitigation fees are used to implement projects that reduce VMT and GHG emissions. As part of the VMT Mitigation Program, also develop a Transportation Demand Management (TDM)

ordinance for the unincorporated area that includes measures to reduce vehicle trips from new development. TDM is a strategy implemented to reduce vehicle trips and VMT by incorporating measures such as telecommuting, walking, carshare, shuttles, and other options that reduce single occupant vehicle trips.

As part of the same EIR for the VMT Mitigation Program discussed above, prepare a Programmatic EIR (Option 2-A) to evaluate the impacts from screening out projects from VMT analysis within Transit Opportunity Areas (TOAs). The programmatic EIR would cover both items in one programmatic document and provide programmatic environmental coverage for future projects within TOAs so no additional VMT analysis would be required for future individual projects. A statement of overriding considerations may be required if the VMT impacts associated with development in these areas cannot be mitigated. A statement of overriding considerations is a term used in CEQA that allows a project to be approved due to its benefit to the community despite the project's having significant impacts on the environment that cannot be mitigated. Examples of overriding considerations include the creation of housing, jobs, and other social and economic benefits.

AYES: Anderson, Desmond

NOES: Vargas, Lawson-Remer, Fletcher

*(Motion failed due to lack of majority vote.)*

**ACTION 7.3:**

ON MOTION of Supervisor Fletcher, seconded by Supervisor Vargas, the Board of Supervisors took the following actions:

1. Found in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that this action is exempt because it has no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.
2. Received the presentation and overview of the 13 items and provided direction on options as outlined in Attachment F (Action Sheet) and Attachment G (VMT Cost Estimate) to implement analysis of transportation impacts of proposed projects under CEQA using Vehicle Miles Traveled, including the following:
  - Category A: Opportunities for Infill Development, Transit, By-Right Development, and Land Use Changes (Items 1, 2, 4, 6 and 12)

Item 1 – Infill Area Options

- Selected Option 1-D: New VMT Screening Criteria for Infill Areas that are within Transit Opportunity Areas (TOAs)
- Selected Option 1-D-3: infill area plus the village option - minus High and Very High Fire Hazard Severity Zone.

Item 2 – Transit Opportunity Area (TOA) Options

- Selected Option 2-A: Programmatic Environmental Impact Report (EIR)
- Selected Option 2-B: Use the TOAs as a Reason for Adopting a Statement of Overriding Considerations on a Project-by-Project Basis

#### Item 4 – By-Right Process Options

- Selected Option 4-C: Wait to Develop a By-Right Program until Consideration of the CAP Update and Smart Growth Alternatives

#### Item 6 – Land Use Options

- Selected Option 6-D: Direct Staff to Return with Options for a Sustainable Land use Framework and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

#### · Category B: Opportunities for VMT Mitigation (Item 3)

##### Item 3 – VMT Mitigation Program Options

- Selected Option 3-A: Work with SANDAG, MTS and NCTD to Develop a Regional VMT Mitigation Program
- Selected Option 3-B: Work with the City of San Diego and/or Other Local Jurisdictions to Develop a Joint Program or Join an Existing Program like the City Program
- Direct the Chief Administrative Officer to examine combining a community land trust with a VMT mitigation bank to create a path for EJ and VMT opportunities within those communities to take hold

#### · Category C: Opportunities to Prepare a Revised Transportation Study Guide (TSG) (Items 5, 7, 8, 9, 10, 11 and 13)

##### Item 7 through 11 – Revised Transportation Study Guide (TSG) Options

- Selected Option 7-A: Prepare a Revised TSG using a Regional Geography
- Selected Option 7-B: Adopt the 110 ADT Small Project Screening Criteria
- Selected Option 7-C: Adopt OPR Recommendation to Screen Out Projects with 100 Percent Affordable Housing from VMT Analysis
- Selected Option 7-E: Require an LMA, but in the long-term transition away from level of service review to VMT only

#### 3. The following summarizes the recommendations by phase:

##### A. Phase One - Return within six months with a cost of \$100,000

1. Prepare a revised TSG using a regional geography (Option 7-A), circulate it for a 30-day public review and return to the Board within six months for consideration. The Revised TSG should also include the following:
  - a. Adopt the 110 average daily trips small project screening criteria (Option 7-B).
  - b. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis (Option 7-C).
  - c. Require an LMA (Option 7-E). The LMA for discretionary projects would be used to evaluate road operations, safety, and access that has been reduced from the previous type of traffic analysis done based on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to a few intersections around the project with the primary focus of safety and not traffic.

2. Directed staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

B. Phase Two - Return within 30-36 months with a cost of \$1,250,000

1. Work with SANDAG, Metropolitan Transit System (MTS), and North County Transit District (NCTD) to develop a regional VMT Mitigation Program (Option 3-A) and work with the City of San Diego and/or other local jurisdictions to develop a joint program or join an existing program like the city program (Option 3-B), prepare the required nexus study and programmatic Environmental Impact Report (EIR) and return to the Board in 30 to 36 months for consideration. In the interim, allow projects on a case-by-case basis to work with transit agencies in the region to identify VMT mitigation for individual projects. As part of the mitigation program, include options where a developer can choose to opt in or out of the program and require a portion of the fees collected are spent to reduce VMT within the unincorporated area, with a priority on underserved communities and ensuring that the mitigation fees are used to implement projects that reduce VMT and GHG emissions. As part of the VMT Mitigation Program, also develop a Transportation Demand Management (TDM) ordinance for the unincorporated area that includes measures to reduce vehicle trips from new development. TDM is a strategy implemented to reduce vehicle trips and VMT by incorporating measures such as telecommuting, walking, carshare, shuttles, and other options that reduce single occupant vehicle trips.

As part of the same EIR for the VMT Mitigation Program discussed above, prepare a Programmatic EIR (Option 2-A) to evaluate the impacts from screening out projects from VMT analysis within Transit Opportunity Areas (TOAs). The programmatic EIR would cover both items in one programmatic document and provide programmatic environmental coverage for future projects within TOAs so no additional VMT analysis would be required for future individual projects. A statement of overriding considerations may be required if the VMT impacts associated with development in these areas cannot be mitigated. A statement of overriding considerations is a term used in CEQA that allows a project to be approved due to its benefit to the community despite the project's having significant impacts on the environment that cannot be mitigated. Examples of overriding considerations include the creation of housing, jobs, and other social and economic benefits.

AYES: Vargas, Lawson-Remer, Fletcher

NOES: Anderson, Desmond

State of California) §  
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



**Signed**  
by Andrew Potter

