

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, SEPTEMBER 28, 2022**

MINUTE ORDER NO. 6

**SUBJECT: NOTICED PUBLIC HEARING:
TRANSPORTATION STUDY GUIDE TO
IMPLEMENT VEHICLE MILES TRAVELED ANALYSIS DURING
ENVIRONMENTAL REVIEW IN THE UNINCORPORATED AREAS, UPDATE
ON THE PARCEL-BY-PARCEL ANALYSIS, AND UPDATES TO FIRE
SAFETY GUIDELINES AND STANDARDS (DISTRICTS: ALL)**

OVERVIEW

In 2013, the State of California passed Senate Bill 743 (SB 743), which changed how jurisdictions throughout the state, 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 is 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.

While VMT is used to evaluate transportation impacts under CEQA, it plays a critical role in land use planning. One of the goals of VMT as the metric for analyzing transportation impacts under CEQA is to incentivize development in higher density areas near transit with a diverse mix of uses, and disincentivize it in lower density areas that are seen to be more distant from jobs, services, and transit. For more rural or lower density jurisdictions, VMT can affect their ability to achieve other State goals and requirements related to housing, such as the Regional Housing Needs Assessment (RHNA). RHNA is a State mandate that quantifies the need for housing, including market rate and affordable units, within each jurisdiction, including the unincorporated area.

On February 9, 2022, staff presented to the Board an overview of the 13 items directed by the Board in May 2021 related to VMT and identified options for the Board's consideration for analysis of transportation impacts of proposed projects under CEQA using VMT. The Board directed a phased approach to implement VMT in the unincorporated area using a VMT threshold based on a regional average, which includes the entire San Diego region. This direction aligns with State guidance from June 2021 that the unincorporated areas of counties should use a regional average for VMT rather than an unincorporated area average.

The first phase of VMT implementation includes the preparation of a revised TSG based on a regional geography to identify VMT Efficient Areas, as well as adding "Infill Areas" where no VMT analysis or VMT mitigation would be required. Infill Areas are locations within the unincorporated area that have higher densities and a greater mix of land uses and are located in close proximity to existing and planned transit. Additional screening criteria for defined Infill Areas include a "Village" buffer option

incorporating the geographic boundaries of the surrounding “Village” as identified in the General Plan. The revised TSG would also not require VMT analysis or VMT mitigation for projects that include 100 percent affordable housing regardless of their location, which provides more opportunities for affordable housing development in the unincorporated area.

The second phase for implementing VMT in the unincorporated areas includes the development of a VMT mitigation program in potential partnership with SANDAG or other transit agencies and local jurisdictions. The second phase will involve the development of a programmatic Environmental Impact Report (EIR) potentially combining efforts with a VMT mitigation program, as well as further VMT environmental analysis of “transit opportunity areas” located near existing or planned high frequency transit. This programmatic VMT effort will also coordinate with the Board’s direction on February 9, 2022 to develop a Sustainable Land Use Framework for the unincorporated areas that will further study, among other things, opportunities to consider land use and zoning changes and potentially update the General Plan, as well as incentivize and streamline processes for affordable housing.

In addition, the Board directed staff to develop an approach on “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”. The parcel-by-parcel analysis would look more closely at the additional considerations that could facilitate development in VMT exempted areas, such as addressing infrastructure needs, increasing development potential or addressing other factors that may limit development in these areas today.

The Board selected additional criteria for screening out or exempting from additional VMT analysis projects located within Infill and General Plan Village Areas near existing or potential transit services, excluding any areas designated as Very High and High Fire Hazard Severity Zones (V/HFHZ). Projects located within either VMT Efficient Areas, or the defined Infill Areas that are within Transit Opportunity Areas (TOAs) would be considered to have a less than significant impact for VMT; however, projects would still be required to conduct environmental review pursuant to the California Environmental Quality Act (CEQA) for other topic areas.

The Board also directed as part of a revised TSG to continue to include a Local Mobility Analysis (LMA) component for discretionary projects, which would be used to evaluate road operations, traffic safety, and access issues outside of CEQA and continue to comply with the General Plan requirement to address road users’ safety and road capacity.

Today's request is for the Board to adopt the TSG that aligns with State guidance and establishes a threshold based on the regional average VMT (rather than an unincorporated area average), which includes the entire San Diego region. The TSG also identifies Infill Areas where no VMT analysis or VMT mitigation would be required for future development projects.

Several public comment letters have been received that address the infill threshold specifically. Some stakeholders contend that the areas identified by the State as High and Very High Fire Hazard Severity (V/HFSZ) should not be excluded from the Infill Areas; while others argue the infill threshold should not be adopted because it was not part of OPR’s technical guidance. In response to these comments, the Board can decline to adopt the TSG, adopt the TSG that was circulated for public review and presented to the Planning Commission, adopt a revised TSG without the infill screening threshold or its V/HFSZ

carve-out, or adopt a revised TSG without the V/HFSZ carveout to the infill screening threshold, and direct PDS and County Fire Authority staff to return with updates to the County's CEQA Wildfire and Fire Protection Guidelines to address fire safety.

If a TSG is adopted, projects could use the TSG immediately as the basis to address the transportation effects of projects.

In addition, today's item includes an update on the status of the parcel-by-parcel analysis.

**RECOMMENDATION(S)
PLANNING COMMISSION**

On July 22, 2022, the County of San Diego Planning Commission considered staff's recommendation to adopt the Transportation Study Guide (TSG) to establish Vehicle Miles Traveled as a methodology for California Environmental Quality Act (CEQA) transportation analysis in compliance with Senate Bill (SB) 743 and establish a Local Mobility Analysis. The Planning Commission made the following recommendations to the Board of Supervisors:

1. Return to using an unincorporated VMT average when evaluating new projects instead of using a regional average that includes VMT from the incorporated cities.
2. Reconsider the threshold recommended by the State Office of Planning and Research that new projects should produce 15% less VMT than the regional average and consider using only the regional average as the threshold for VMT (not 15% below the regional threshold).
3. Only exclude very high fire severity hazard zones from the Infill Areas (keep high fire hazard areas in Infill Areas).
4. Define affordable housing in the TSG as 120% area median income (AMI).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services recommends adopting the Transportation Study Guide as proposed, without the revisions proposed by the Planning Commission. PDS recommends that the Board take the following actions:

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.
2. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that providing direction on the parcel-by-parcel analysis and on potential updates to the County's fire safety guidelines 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.

3. Recommend that the Board of Supervisors adopt the TSG (Attachment B) and revisions included in Attachment C by the following Resolution:
RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE TRANSPORTATION STUDY GUIDE ESTABLISHING A TRANSPORTATION THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED (*Staff Recommendation*)
4. Direct staff to update the County’s California Environmental Quality Act (CEQA) Wildfire and Fire Protection Guidelines (Fire Guidelines) and other fire standards that include the following (*optional but recommended if the changes in Attachment C are adopted with the Revised TSG*):
 - a. Return to the Board within 2-4 months with focused updates to identify specific requirements within High and Very High Fire Hazard Severity Zones (V/HFSZ), including the mandatory requirement for a Fire Protection Plan and require that any exceptions to the State Fire Code, as adopted by the County, are required to be mitigated through an alternative that has the same practical effect. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved.

This option would remove flexibility by requiring a Fire Protection Plan in V/HFSZs and require mitigation for any projects that do not meet standards. Due to the timeframe, this option would have limited stakeholder outreach. Additional stakeholder outreach would add 3-4 months for a total of 5-7 months (*Staff Recommendation*); and
 - b. Return to the Board within 12-14 months with a comprehensive update to the Fire Guidelines to update all the requirements of a Fire Protection Plan, including water supply, access, fuel modification, and construction standards. The comprehensive update would bring the Fire Guidelines up to current standards, incorporate changes to the Fire Code and revisions to the V/HFSV maps, but would not include any requirements related to evacuation. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved (*Staff Recommendation*); and
 - c. Return to the Board within 18-24 months with an update to the Fire Guidelines after a 30-day public review, best practices research, stakeholder outreach, and development of an evacuation methodology, with updates to the requirements for a Fire Protection Plan noted in Option 2 (water supply, access, fuel modification, and construction standards), and adding a requirement that new development projects in V/HFSV provide evacuation plans using the adopted methodology that includes standards for road capacity, roadside fuel modification, and intersection controls. (*Staff Recommendation*)
5. Receive the update on the parcel-by-parcel analysis.

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. The Transportation Study Guide for VMT would allow projects with 100

percent affordable housing to move forward without VMT analysis or VMT mitigation regardless of their location, which provides more opportunities for affordable housing development in the unincorporated areas.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to adopt a Transportation Study Guide (TSG) for Vehicle Miles Traveled (VMT) will reduce greenhouse gas (GHG) emissions by encouraging infill development as well as improve public health through more active transportation, such as walking and biking. The TSG will reduce VMT by encouraging infill development within VMT efficient and Infill Areas, allowing up to 5,870 housing units to move forward without VMT analysis or VMT mitigation due to their proximity to existing and planned transit. By encouraging infill development, the TSG will reduce VMT and GHG within the unincorporated area helping to meet the State and County's climate, health, and mobility goals through implementation of Senate Bill 743. Extensive community engagement was conducted to develop the TSG, including public meetings and workshops with staff, the Planning Commission, and Board of Supervisors, as well as a 30-day public review.

FISCAL IMPACT

There is no fiscal impact associated with receiving the report presented today. If directed by the Board, the update to the County's California Environmental Quality Act (CEQA) Wildfire and Fire Protection Guidelines (Fire Guidelines) will result in total costs of \$350,000 for consulting services, reimbursable staff time, and other project expenses. Funds for the updated Fire Guidelines are included in the Fiscal Year (FY) 2022-23 Operational Plan in Planning & Development Services (PDS). Funding source is one-time General Purpose Revenue. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION 6.1:

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

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.
2. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that providing direction on the parcel-by-parcel analysis and on potential updates to the County's fire safety guidelines 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.

3. Recommend that the Board of Supervisors adopt the TSG (Attachment B) and revisions included in Attachment C by the following Resolution:
RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE TRANSPORTATION STUDY GUIDE ESTABLISHING A TRANSPORTATION THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED.

4. Direct staff to update the County’s California Environmental Quality Act (CEQA) Wildfire and Fire Protection Guidelines (Fire Guidelines) and other fire standards that include the following:
 - a. Return to the Board within 2-4 months with focused updates to identify specific requirements within High and Very High Fire Hazard Severity Zones (V/HFSZ), including the mandatory requirement for a Fire Protection Plan and require that any exceptions to the State Fire Code, as adopted by the County, are required to be mitigated through an alternative that has the same practical effect. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved.

This option would remove flexibility by requiring a Fire Protection Plan in V/HFSZs and require mitigation for any projects that do not meet standards. Due to the timeframe, this option would have limited stakeholder outreach. Additional stakeholder outreach would add 3-4 months for a total of 5-7 months; and

- b. Return to the Board within 12-14 months with a comprehensive update to the Fire Guidelines to update all the requirements of a Fire Protection Plan, including water supply, access, fuel modification, and construction standards. The comprehensive update would bring the Fire Guidelines up to current standards, incorporate changes to the Fire Code and revisions to the V/HFSV maps, but would not include any requirements related to evacuation. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved; and
- c. Return to the Board within 18-24 months with an update to the Fire Guidelines after a 30-day public review, best practices research, stakeholder outreach, and development of an evacuation methodology, with updates to the requirements for a Fire Protection Plan noted in Option 2 (water supply, access, fuel modification, and construction standards), and adding a requirement that new development projects in V/HFSV provide evacuation plans using the adopted methodology that includes standards for road capacity, roadside fuel modification, and intersection controls.

5. Receive the update on the parcel-by-parcel analysis.

(Substitute motion was introduced.)

ACTION 6.2:

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

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA

Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

2. Find in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that providing direction on the parcel-by-parcel analysis and on potential updates to the County's fire safety guidelines 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.
3. Return to the unincorporated VMT for new projects instead of the regional VMT and reconsider the threshold by the State Office of Planning and research that new projects should produce no more than the VMT of the unincorporated average; and, also include an affordable housing in the TSG as 120% area median income (AMI).
4. Direct staff to update the County's California Environmental Quality Act (CEQA) Wildfire and Fire Protection Guidelines (Fire Guidelines) and other fire standards that include the following:
 - a. Return to the Board within 2-4 months with focused updates to identify specific requirements within High and Very High Fire Hazard Severity Zones (V/HFSZ), including the mandatory requirement for a Fire Protection Plan and require that any exceptions to the State Fire Code, as adopted by the County, are required to be mitigated through an alternative that has the same practical effect. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved.

This option would remove flexibility by requiring a Fire Protection Plan in V/HFSZs and require mitigation for any projects that do not meet standards. Due to the timeframe, this option would have limited stakeholder outreach. Additional stakeholder outreach would add 3-4 months for a total of 5-7 months; and

- b. Return to the Board within 12-14 months with a comprehensive update to the Fire Guidelines to update all the requirements of a Fire Protection Plan, including water supply, access, fuel modification, and construction standards. The comprehensive update would bring the Fire Guidelines up to current standards, incorporate changes to the Fire Code and revisions to the V/HFSV maps, but would not include any requirements related to evacuation. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved; and
 - c. Return to the Board within 18-24 months with an update to the Fire Guidelines after a 30-day public review, best practices research, stakeholder outreach, and development of an evacuation methodology, with updates to the requirements for a Fire Protection Plan noted in Option 2 (water supply, access, fuel modification, and construction standards), and adding a requirement that new development projects in V/HFSV provide evacuation plans using the adopted methodology that includes standards for road capacity, roadside fuel modification, and intersection controls.
5. Receive the update on the parcel-by-parcel analysis.

AYES: Anderson, Desmond

NOES: Vargas, Lawson-Remer, Fletcher

(Substitute motion failed due to lack of majority vote.)

ACTION 6.3:

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

1. Found that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.
2. Found in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines that providing direction on the parcel-by-parcel analysis and on potential updates to the County's fire safety guidelines 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.
3. Recommend that the Board of Supervisors adopt the TSG (Attachment B) and revisions included in Attachment C by the following Resolution No. 22-144 entitled: RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE TRANSPORTATION STUDY GUIDE ESTABLISHING A TRANSPORTATION THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED.
4. Directed staff to update the County's California Environmental Quality Act (CEQA) Wildfire and Fire Protection Guidelines (Fire Guidelines) and other fire standards that include the following:
 - a. Return to the Board within 2-4 months with focused updates to identify specific requirements within High and Very High Fire Hazard Severity Zones (V/HFSZ), including the mandatory requirement for a Fire Protection Plan and require that any exceptions to the State Fire Code, as adopted by the County, are required to be mitigated through an alternative that has the same practical effect. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved.

This option would remove flexibility by requiring a Fire Protection Plan in V/HFSZs and require mitigation for any projects that do not meet standards. Due to the timeframe, this option would have limited stakeholder outreach. Additional stakeholder outreach would add 3-4 months for a total of 5-7 months; and

- b. Return to the Board within 12-14 months with a comprehensive update to the Fire Guidelines to update all the requirements of a Fire Protection Plan, including water supply, access, fuel modification, and construction standards. The comprehensive update would bring the Fire Guidelines up to current standards, incorporate changes to the Fire Code and revisions to the V/HFSV maps, but would not include any requirements related to evacuation. If adopted, the Fire Guidelines would apply to all new projects and in-process projects that have not yet been approved; and
 - c. Return to the Board within 18-24 months with an update to the Fire Guidelines after a 30-day public review, best practices research, stakeholder outreach, and development of an evacuation methodology, with updates to the requirements for a Fire Protection Plan noted in Option 2 (water supply, access, fuel modification, and construction standards), and adding a requirement that new development projects in V/HFSV provide evacuation plans using the adopted methodology that includes standards for road capacity, roadside fuel modification, and intersection controls.
- 5. Received the update on the parcel-by-parcel analysis.
 - 6. Directed the Chief Administrative Officer to explore options to help create new VMT efficient areas.
 - 7. Directed the Chief Administrative Officer to expand study plans for new and expanded wineries if they would not increase VMT.

AYES: Vargas, Anderson, Lawson-Remer, Fletcher
NOES: 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

