



Town Council Agenda Report

Date: June 9, 2020 Item No. 13

To: Honorable Mayor and Town Council

Subject: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY REQUESTING THE DELAY OF SENATE BILL 743 IMPLEMENTATION FOR VEHICLE MILES TRAVELED THRESHOLDS

From: Douglas B. Robertson, Town Manager

Submitted by: Julie Ryan, Special Projects Manager
Town Manager's Office

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

That the Town Council adopt Resolution No. 2020-24, a Resolution of the Town Council of the Town of Apple Valley requesting the delay of Senate Bill (SB) 743 implementation to Title 14 of the California Code of Regulations, Section 15064.3 for vehicle miles traveled thresholds.

BACKGROUND

Senate Bill (SB) 743 (Steinberg, 2013) is an amendment to the California Environmental Quality Act that added Public Resources Code (PRC) Section 21099, "CHAPTER 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects." SB 743 represents a new paradigm in land use development and transportation planning across the state. The legislation removes vehicular congestion as the primary measure of transportation impacts of environmental significance and transportation impacts, typically measured by traffic level of service (LOS), and replaces it with vehicle-miles traveled (VMT).

Statutory changes were reflected in amendments to the State's CEQA Guidelines in 2018, better aligning CEQA with the State's climate and air quality goals. SB 743 changes the Environmental Impact Report (EIR) analysis of transportation impacts associated with both land development and infrastructure projects. In its place, SB 743 identifies vehicle miles traveled (VMT) as the key impact criterion under CEQA.

ANALYSIS

The adoption of the VMT threshold by the Town is a very complex matter and requires the services of expensive expert traffic engineers, tremendous staff time and resources and multiple public meetings to ensure public input on the adoption of the threshold. A one-year extension on the July 1, 2020, implementation date is prudent considering the Covid-19 pandemic is resulting in dramatic changes in transportation patterns such as the expansion of working from home, learning from home, and medical care from home via remote communication technologies, as well as a 90 percent decrease in public transit ridership.

In addition, the Town of Apple Valley is experiencing a decline in revenues, and unanticipated COVID-19 expenses that have been incurred including expenses related to disinfection of public facilities, purchase of personal protective equipment, new technology for remote operations, increased public safety costs (including overtime), increased personnel costs (including overtime), purchasing supplies for residents and financial support to residents and businesses.

Adoption of Resolution No 2020-24 recognizes the importance of the extension of SB 743 implementation of Title 14 of the California Code of Regulations, section 15064.3, until July 1, 2021, allowing time for meaningful public participation in the development of new regulations and proposed rules.

FISCAL IMPACT

There is no fiscal impact to approving this Resolution.

ATTACHMENTS

- A. Resolution No. 2020-24

RESOLUTION NO. 2020-24

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REQUESTING THE DELAY OF SENATE BILL 743 IMPLEMENTATION TO TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS, SECTION 15064.3 FOR VEHICLE MILES TRAVELED THRESHOLDS

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, the Town of Apple Valley is experiencing a decline in revenues, unanticipated COVID-19 expenses have been incurred including expenses related to disinfection of public facilities, purchase of personal protective equipment, new technology for remote operations, increased public safety costs (including overtime), increased personnel costs (including overtime), purchasing supplies for residents and financial support to residents and businesses; and

WHEREAS, the Town of Apple Valley is required by a new state law, Senate Bill 743 (Title 14 of the California Code of Regulations, section 15064.3) to adopt a threshold of significance for vehicle miles traveled (VMT), to be imposed on new housing development projects, among others; and

WHEREAS, the adoption of the VMT threshold is a very complex matter and requires the services of expensive expert traffic engineers, tremendous Town staff time and resources and multiple public meetings to ensure public input on the adoption of the threshold; and

WHEREAS, the COVID-19 pandemic is resulting in dramatic changes in transportation patterns such as the expansion of working from home, learning from home, and even receiving medical care from home via remote communication technologies, as well as 90 percent decreases in public transit ridership based on social distancing and related health priorities, the requested extension will allow for the informed consideration of VMT and other potential changes to CEQA.

Now therefore, be it resolved BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AS FOLLOWS:

Section 1. That the Town Council does hereby request that Governor Newsom extend the implementation date of Title 14 of the California Code of Regulations, section 15064.3 until July 1, 2021.

Be it further resolved by the town council of the town of apple valley as follows:

Section 1. That the action taken today by the Town Council be transmitted to Governor Newsom immediately.

Section 2. That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED by the Town Council of the Town of Apple Valley this 9th day of June 2020.

Scott Nassif
Mayor

ATTEST:

LaVonda M-Pearson
Town Clerk



June 1, 2020

RE: Request for One-Year Delay on Implementation of SB 743

Dear Mayor and City Council Members:

The Building Industry Association of Southern California (BIASC) writes to you to request your support in extending the implementation date of Senate Bill 743 by one year, to a new implementation date of July 1, 2021.

As one of the largest home building associations in the nation, BIASC is a leading advocate for thousands of building industry leaders who are committed to a better future by building communities, creating jobs, and ensuring housing opportunities for everyone.

The world has changed dramatically over the last several months, especially when it comes to how we live, work, and play. The term “social distancing” has been introduced to our collective lexicon and is sure to continue to influence our daily lives for years and decades to come. Just as residents and businesses have adapted to the dramatic changes brought about by the Coronavirus pandemic, we strongly believe that government must adapt as well.

Based on its current form, SB 743’s Vehicle Miles Traveled (VMT) regulations do not take into account the massive societal shift that has taken place as a result of the Coronavirus pandemic. SB 743’s disproportionate emphasis on costly high-density housing construction, along with the push towards increased use of overcrowded public transportation, are in direct conflict with the role that social distancing has played in flattening the infection curve. In addition, according to a recent Harris Poll, nearly one-third of Americans are considering moving to less densely populated areas because of the Coronavirus outbreak.

SB 743 also fails to take into consideration how the increase in remote working has proven to be a significant factor in how people have performed their jobs during the Coronavirus pandemic. Many business leaders anticipate that working remotely will continue to play a major role in the way businesses of all sizes operate in the future. This means that regardless of where they live, California’s workforce will most likely spend less time commuting in their cars or by public transportation. Additionally, BIASC has found inconsistencies among several local jurisdictions regarding the new VMT regulations. These inconsistencies include jurisdictions who have already adopted VMT and those who have not, along with how VMT will be utilized in concert with existing Level of Service measurements. Without a uniform approach by

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An Affiliate of the National Association of Home Builders and the California Building Industry Association

*Baldy View
LA/Ventura
Orange County
Riverside County*

local jurisdictions, it is extremely difficult for homebuilders to proceed with the construction of new housing in any sort of efficient manner.

And although the state agency adopting the VMT guidelines has recommended the imposition of a regional "VMT Fee" on new projects to "mitigate" VMT impacts, no such VMT Fee mitigation program exists. Funding for the establishment of a regional VMT program has not been approved, and no work on a VMT mitigation fee program has been completed by the Southern California Association of Governments for the region.

Finally, amid our public health crisis, California's housing crisis has not gone away. According to the California Association of Realtors, a staggering 69% of California households cannot afford to purchase a median-priced home. Regrettably, VMT regulations would only worsen the state's affordable housing crisis by substantially increasing fees on new home construction. This is especially true in suburban and rural areas of the state where land is available and more affordable to build on.

We appreciate your consideration regarding our request and thank you for your tremendous dedication during these challenging times.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Montejano", with a long horizontal flourish extending to the right.

Jeff Montejano
BIA of Southern California
Chief Executive Officer