ITEM #VII.D.

South Bay Cities Council of Governments

March 27, 2008

ADOPTED BY BOARD 3/27/08

TO: SBCCOG Board of Directors

FROM: Steering Committee

RE: Preliminary Comments to SCAQMD - Proposed Rule 2301

The AQMD is in the early stages of a rule making process that will require mitigation actions by development projects that produce more than the threshold level of certain pollutants. Emissions during the construction phase as well as operations once the building has been completed will be included. The following purpose of PR2301 has been taken from the Web site specifically established to facilitate stakeholder participation in the process:
http://www.aqmd.gov/rules/proposed/2301/index.html

THE PROPOSED RULE:

"The purpose of *Proposed Rule 2301 - Control of Emissions from New or Redevelopment Projects* is to mitigate emission growth from new residential, commercial, industrial and institutional development, and redevelopment projects. This proposed rule was previously referred to as Emission Growth Measure (EGM)-01 in the 2007 AQMP."

"New development projects produce new sources of air pollution from new vehicle trips, use of consumer products, landscape maintenance, new stationary source processes such as fuel combustion, as well as emissions generated during construction activities. Each day millions of vehicles travel the roads in the South Coast Air Basin and the length of vehicle trips is expected to increase as outlying areas continue to be developed. In addition, older residential, commercial and industrial areas may undergo major redevelopment involving construction activities, with emissions comparable to new development projects. Redevelopment projects may also generate additional vehicular traffic compared to the projects they replace because redevelopment projects often involve increasing population density compared to the previous use. Redevelopment includes demolishing existing buildings, increasing overall floor area or building additional capacity on an existing property."

PROCESS
The SBCCOG is participating on the Stakeholder Working Group (SWG) which the AQMD has convened to advise on formulation of PR2301. The Web site provides the following information:

"The objective of the *stakeholder working group* is to solicit comments and suggestions regarding the development of Proposed Rule 2301 to develop an approach that will work toward the clean air goals for the region. Input and feedback from this group will directly effect the development of this new rule. The group will seek to address our public and private stakeholder concerns and discuss the parameters that would lead to a regulatory approach that address the region's air quality issues.

We anticipate that this group will convene on a regular basis in 2008 through early 2009 as part of the rule development process."

While the stakeholder working group is currently considering an initial draft of PR 2301, we expect that each succeeding draft will provide additional opportunities for comment over the next year.

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PROPOSED SBCCOG COMMENTS

The South Bay Cities Council of Governments (SBCCOG) is pleased to have the opportunity to comment on the SCAQMD's proposed mitigation measures under Proposed Rule 2301. The SBCCOG and its member cities support the Air District's goals regarding emissions reduction. In fact, the SBCCOG is a regional leader in conservation and environmental protection through its Green Task Force and the South Bay Energy Savings Center.

At the same time we, along with the AQMD, want to ensure that the mitigation measures that will be applied in the South Bay do not further discourage redevelopment of old, poorly maintained or obsolete buildings; do not impinge on local control of land use; do not result in accusations of inverse condemnation should the mitigation measures have the effect of restricting entitled land uses; and do not increase the difficulty of developing low income housing. Most importantly, whatever changes to the built environment are encouraged need to produce in practice the desired reduction of carbon emissions and other pollutants.

The proposed transportation mitigation measures are based on an ideal model of urban form referred to statewide as *smart growth* and in the SCAG region as the *2% Strategy*. This model essentially consists of developing pockets of "walkable" urban density connected by public transit service, especially rail. Assumptions about the benefits of density and proximity to rapid transit are presumably incorporated into the URBEMIS computer model.

The SBCCOG has recently begun studying its urban form and how it performs from a transportation perspective. This research has been funded by SCAG under its Overall Work Program since 2004 and most recently by the LACMTA.

We have found that much of the South Bay is already reasonably dense, the sub-region has poor public transit service, and many intersections currently operate at Level of Service D and F. While the research won't be complete until 2009, we have tentatively

found that the "3Ds" of smart growth don't work as expected in the South Bay -- density, good design, and diverse land uses do not necessarily lead to more walking and transit use and less automobile use. Developments that conform to the proposed mitigation measures will, under these circumstances, increase congestion, air pollution and carbon emissions.

Based on those observations, our general comment is:

The model being used by SCAQMD to identify the mitigation measures may not fit the particular circumstances of areas like the South Bay which are essentially built-out and will see development primarily in the form of re-development. Furthermore, the mitigation measures may not be suitable where robust public transit options do not exist.

As a result, we recommend that:

The SCAQMD consider adopting an approach that helps each sub-region assess the characteristics of its own built environment and develop sub-regionally relevant strategies and transportation mitigation measures that will more successfully address the emission control goals of Rule 2301. At the very least the proposed mitigation measures need to be fine tuned to reflect the various differences of the built environment in each sub-region.

As a first step the SBCCOG would like to open a dialogue with the URBEMIS modelers about how to incorporate the findings from the South Bay research.

At this time we are commenting on only the operational emissions, transportation-related measures. We may in the future comment on other categories of mitigation measures as well as the proposed applicability thresholds.

Quantifiable Mitigation Measures: Residential

In general, our research suggests that transportation outcomes are affected by a complex pattern of conditions so that, to be effective, the adopted mitigation measures will need to be more nuanced than those in the existing draft.

- C1 Mixed-Use (A). All residential units are within ¼ mile of retail, parks, schools, or other civic uses.

The intent of this mitigation measure is to ensure new homes are within a short walking distance of important destinations. Four destination types are named – however parks, schools, and civic functions do not generate a significant number of trips compared to retail and employment (which are not mentioned). Encouraging location adjacent to public amenities and services surely contributes to quality of life but contributes too little to transportation savings to be included in a mitigation measure.

While retail is an important destination category, our research was very clear that an unspecified retail mix will not capture a high percentage of trips, but that the "right" mix of jobs and retail, especially "neighborhood retail" will. The problem is that the "right" mix will vary according to the characteristics of the residents and so cannot be specified in advance. Our research found there is a difference between walk-able and walk-actual.

We recommend that this mitigation measure specify proximity to neighborhood retail (which should then be defined, e.g., grocery, drug store, video rental, bakery, etc.) and could possibly propose a research methodology for determining the complete mix for capturing the most trips. Delete the other destination categories and, if Neighborhood Electric Vehicles (NEVs) are implemented on a wide scale (see comment below), extend the range to at least .5 mile and possibly as much as one or two miles. Were the .25 mile standard applied retroactively, most of the South Bay housing would not be in compliance.

- C1 Mixed-use (B). Office, commercial, and residential are combined into a single building or a single site.

Although the mixed-use building of housing over retail seems to replicate an historic small town, our research specifically was unable to find any transportation benefits from vertical mixed-use in the South Bay.

The research findings suggested that the unit of concern should be the neighborhood and not the proposed development. In other words, the question is how does the new development fit with what is already within the existing neighborhood? Does the project help create the balance inherent in a "complete neighborhood," or does it add to the imbalance? A 100% residential building will work well if it is developed in the context of the "right" mix of jobs and retail.

- C2 Project provides high-density residential development

This mitigation measure specifically needs much more detail to be effective in practice. There are most likely density thresholds in each particular context for capturing the benefits and probably also a limit to density beyond which the benefits decline.

The scale of density should also be addressed. Adding one 10 story building with 75 units will have quite a different impact than adding 10 of those buildings, or adding 1 where there are already 2.

There are certainly diminishing returns as density and scale increase. This mitigation measure needs to be more developed and perhaps calibrated by each sub-region for itself.

- C3 Neighborhood Shuttles: Shuttle or bus rental program for transport to special event centers of other attractions.

Intra-neighborhood circulation should be encouraged comprehensively. This mitigation measure seems to imply that developers or significant residential projects should provide shuttle service to specific locations desired by the tenants of that building. If some sort of shuttle mitigation measure is eventually adopted. the measure should provide the option for the developer to contribute to a fund that would provide neighborhood transportation for everyone in that neighborhood.

- D1 Parking Strategies: Additional reductions if located near transit station

For now and the foreseeable future there will not be more than a few rail transit stations serving the South Bay – currently along its northern edge. If this measure is intended to apply to bus transit stations then it should be amended to include some tests that ensure transit-adjacent living will translate into actual transit-use. Also, the minimum frequency of transit service needs to be considered. Infrequent service is not an effective transit option.

- E3 Innovations in VMT Reduction: Implement strategy that reduces vehicle emissions or VMT

This is an under-specified alternative that should, at least, suggest categories by which VMT can be reduced (e.g. by adopting demand reduction strategies such as neighborhood shuttles or by becoming bike and NEV "friendly") as well as the means for verifying the reduction. One of the chronic problems with the smart growth strategy is that its outcomes are almost never tracked and evaluated. Claims of potential savings are easy to make; documenting them is both essential and more difficult.

Non-Quantifiable Operational Mitigation Measures: Residential

- C2 NEV Access: Project is designed to accommodate NEVs

In practice, few projects in the South Bay will be so large as to create a "campus" within which NEVs can be deployed. This measure should have 3 dimensions: project makes NEVs available, ensures the neighborhood offers the "right" mix of jobs and retail, and helps the neighborhood accommodate comprehensive use of NEVs.

- C4 Bike Lanes: A biking network is completed to connect at least 50% of the project to diverse uses within 3 miles

This measure should require "slow speed" lanes that would accommodate NEVs as well as bicycles. The cities of Lincoln and Palm Desert, California have a network of such dual-use lanes.

- C6 Walkable Neighborhood: Multiple Options

Walk-able usually refers to the conditions within a center that encourage visitors to walk around while in the center. This environment for strolling is good for businesses and

aesthetics but has few transportation benefits so long as those visitors drive cars to those walk-able centers.

In addition, our research found there is a difference between walk-able and walk-actual. This measure should focus on encouraging visitors to actually walk to their nearby commercial centers rather than drive.

Finally, the propensity to walk to a center drops off dramatically and at a predictable rate as the distance from the center increases. There is therefore a relatively low distance threshold beyond which walking is unlikely except for recreational purposes. This is another reason why the focus within the ideal model should shift toward the use of neighborhood vehicles. Traffic calming modifications will not be required in neighborhoods with a high penetration of NEVs.

RECOMMENDATION

The Steering Committee recommends that the Board of Directors approve the SBCCOG comments on the initial draft of the mitigation measures for submission to the AQMD.

APPROVED BY UNANIMOUS VOTE