



City of Mission Viejo

Office of the Mayor and City Council

Brian Goodell
Mayor

Trish Kelley
Mayor Pro Tem

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Council Member

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Council Member

June 12, 2020

The Honorable Gavin Newsom
Governor of California
State Capitol
1303 10th Street, Suite 1173
Sacramento, CA 95814

Re: Request for Two-Year Extension On SB 743 Implementation

Dear Governor Newsom:

The City of Mission Viejo respectfully seeks your consideration to extend the implementation of the new SB 743 Vehicle Miles Traveled (VMT) environmental analysis and mitigation requirements by two years, from July 1, 2020 to July 1, 2022.

We concur with the concerns raised by bi-partisan representatives of our State Legislature, fellow local jurisdictions, and the business and development communities, that a pause in the implementation of more new regulation is in order.

The unexpected COVID-19 pandemic has significantly impacted our city revenues, calling upon us to do more with less, while ensuring that the way we provide services and facilities is safe for our employees and residents. And our business community is suffering from extensive income loss, as the State and our counties marshal towards safe re-openings of government, business, and retail operations.

Thus, as voiced by letters to your office from chambers of commerce, the Southern California Leadership Council, builders and businesses, the State needs to urgently act to pause non-essential state regulations that have not yet taken effect and which are not critical to protect public health. SB 743 is one such regulation that should be paused.

SB 743 is tasking our development community to incur more costs in the submittal of their residential, retail and industrial applications to local government, by requiring a new transportation analysis – VMT generation and mitigation – at a time when the critical issue of how to effectively mitigate VMT have not had the opportunity for more thoughtful discussion, due to the social distancing requirements of the COVID-19 pandemic.

And such a discussion is critical. SB 743 requires the development community to have their projects reduce the amount of miles driven by future residents and employees. But research has already recognized that VMT mitigation cannot be accomplished on site and



by the project itself. VMT mitigation requires projects and programs at the city, county or state levels. Yet nowhere – at the State, regional, or county levels – has any statewide or areawide proposal to reduce VMT been approved, that would allow a developer to rely on such a program to reduce the environmental impacts of its projects. Whether this be a VMT fee or a VMT reduction program, what is clear is that the discussions and actions have not taken place, to have any such VMT mitigation program approved and in effect by July 1, 2020, when SB 743 is set to be effective for CEQA analysis.

It is prudent in these times of income losses, that we be sensitive to the impacts of our actions. We should all strive to have VMT mitigation programs agreed to and in effect before we require SB 743 implementation, so that our development community partners are not halted in their tracks and suffer additional economic losses, in the absence of any VMT mitigation solutions that would allow their projects to move forward.

Thus, we believe the pause in SB 743 implementation will be time well spent. The pause will allow stakeholders, including the development community and all levels of government, to resume discussion on VMT mitigation approaches.

For these reasons, the City of Mission Viejo respectfully seeks your concurrence on the delay of SB 743 implementation, and your guidance and leadership in encouraging VMT mitigation approaches to be back on the table for discussion.

Sincerely,



Brian Goodell
MAYOR

cc:

City of Mission Viejo City Council
City Manager, Dennis Wilberg
Orange County State Senators
Orange County State Assemblypersons
Elaine Lister, Director of Community Development
Mark Chagnon, Director of Public Works
Larry Longenecker, Planning Manager
Rich Schlesinger, City Engineer
Philip Nitollama, City Traffic Engineer
Kome Ajise, SCAG
Darrell Johnson, Orange County Transportation Authority
Marnie O'Brien Primmer, OCCOG
Steve LaMotte, BIASC

