

ORDINANCE NO. 03-21 N.S.

**ORDINANCE OF THE CITY OF RICHMOND AMENDING ARTICLE 15.04.612 OF
THE MUNICIPAL CODE OF THE CITY OF RICHMOND REGARDING
TRANSPORTATION DEMAND MANAGEMENT**

WHEREAS, pursuant to Article XI, section 7 of the California Constitution and sections 36931 et seq. of the California Government Code, the City may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the general plan is the City's constitution for future development and any decision by a City affecting land use and development must be consistent with the general plan; and

WHEREAS, the City of Richmond California Environmental Quality Act (CEQA) procedures have not been updated since 2008, and the City's Transportation Demand Management (TDM) ordinance was adopted in 2016 as part of the comprehensive Zoning Update; and

WHEREAS, California Senate Bill 743 now requires cities to apply new methods for measuring environmental impacts related to traffic, including the use of Vehicle-Miles Traveled (VMT) as the primary metric for determining potential transportation impacts due to proposed development, as established in Section 21099 of Division 13 of the California Public Resources Code; and

WHEREAS, the Contra Costa Transportation Authority (CCTA) adopted VMT Methodology in July 2020 with the intent that those provisions also be adopted by all jurisdictions in Contra Costa County so that traffic impacts can be addressed consistently on a countywide basis; and

WHEREAS, on February 4, 2021, the Planning Commission held a duly and properly noticed public hearing to consider a recommendation to the City Council on (1) the amendments to Section 15.04.612 of the Richmond Municipal Code incorporated herein by reference, (2) repeal and replacement of City's Guidelines and Procedures for the Implementation of the California Environmental Quality Act, and (3) adoption of the 2020 CCTA VMT Methodology for application within Richmond; and

WHEREAS, the Planning Commission found that the amendments to Article 15.04.612 of the Richmond Municipal Code regarding TDM, revised City's Guidelines and Procedures for the Implementation of the California Environmental Quality Act ("CEQA") document, and adoption of the 2020 CCTA VMT Methodology ("Project) are consistent with the purposes of the General Plan, the purposes of the Richmond Municipal Code, and other applicable City ordinances; and

WHEREAS, the Planning Commission considered the agenda report, all public comments, the amendments to Article 15.04.612, the revised City's Guidelines and Procedures for the Implementation of the California Environmental Quality Act ("CEQA") document, and the 2020 CCTA VMT Methodology, and the applicable provisions of the Richmond Municipal Code ("the Record") and voted to recommend approval to the City Council.

WHEREAS, on the basis of the proposals, materials, and testimony at or before the public hearing, the City Council adopts the following findings and statements of fact as required by Section 15.04.814.050 in adopting the proposed zoning text amendment to Article 15.04.612:

A. The proposed amendment is consistent with the General Plan.

Supporting Statement of Fact: The proposed amendment is consistent with General Plan Circulation Element Policies CR1.1., CR1.4., and CR1.5 related to balancing modes of travel, expanded and affordable public transit, and safe and convenient walking and biking and Climate Change and Energy Element Policies EC1.C, EC2.3, and EC2.4 related to reducing greenhouse

gas emission from transportation by shifting travel mode away from single occupancy vehicles to walking, biking, and transit use.

B. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.

Supporting Statement of Fact: The proposed amendment will benefit the public by shifting from Level of service to Vehicle-Miles Traveled which, focuses on regional traffic patterns and reducing greenhouse gas (GHG) emissions, rather than vehicle delays on local roadway networks. Reliance upon a VMT metric for evaluating environmental impacts is intended to:

- Streamline CEQA review for projects that improve pedestrian, bicycle and transit facilities.
- Facilitate residential, commercial and mixed-use infill projects close to transit.
- Shift the focus of mitigation measures from improvements that benefit vehicles to improvements that enhance access, safety and usability for pedestrians, bicyclists and transit users.
- Promote policies that:
 - Minimize GHG emissions from transportation by shifting travel modes away from single occupancy vehicles.
 - Encourage development of safe, walkable, and pedestrian-scale communities.
 - Enhance sustainability and resilience by reducing vehicle trips and length.
 - Discourage urban/suburban sprawl.

C. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

Supporting Statement of Fact: The adoption of ordinance amendments to Article 15.04.612 to reflect current best practices, new State law requirements, and emerging TDM options as encompassed in the new CCTA VMT methodology, and adoption of updated City guidelines and procedures for implementing CEQA does not constitute a “project” pursuant to Public Resources Code Section 21065, and CEQA Guidelines Sections 15060(c)(2), 15061 (b)(3), and 15378. However, if this ordinance was determined to be a project, the proposed amendments to the Richmond Municipal Code are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the California Code of Regulations, which exempts from CEQA Actions by Regulatory Agencies for the Protection of the Environment.

D. For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

Supporting Statement of Fact: The proposed Zoning Text Amendments will not change the Zoning maps; therefore, finding is not applicable.

NOW, THEREFORE, the Council of the City of Richmond, California, do ordain as follows: Article 15.04.612 of the City of Richmond Municipal Code is hereby amended as shown in Exhibit A (~~strikeout text indicates deletion~~; underline text indicates insertion), incorporated herein by reference.

Section 3. California Environmental Quality Act.

Pursuant to California Environmental Quality Act (“CEQA”) Guidelines § 15378 and California Public Resources Code § 21065, the amendments to Article 15.04.612 are not a “project” because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Even if the amendments to

Article 15.04.612 qualified as a “project” subject to CEQA, and pursuant to CEQA Guidelines § 15060(c)(2) and 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. However, if this ordinance was determined to be a project, the proposed amendments to the Richmond Municipal Code are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the California Code of Regulations, which exempts from CEQA Actions by Regulatory Agencies for the Protection of the Environment. The proposed ordinance amends the Richmond Municipal Code to reflect current best practices, new State law requirements, and emerging TDM options as encompassed in the new CCTA VMT methodology, and does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for new development projects that would be subject to the TDM ordinance would be subject to additional environmental review on a case-by-case basis. The foregoing determination is made by the City Council in its independent judgment.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause, or phrase.

Section 5. Effective Date. This Ordinance shall become effective 30 days after its adoption.

Exhibit A: Amendments to Article 15.04.612

First introduced at a regular meeting of the City Council of the City of Richmond held March 16, 2021, and finally passed and adopted at a regular meeting held April 6, 2021, by the following vote:

AYES: Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 03-21 N.S.** passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 6, 2021.



Pamela Christian, City Clerk of the City of Richmond

ARTICLE 15.04.612 - TRANSPORTATION DEMAND MANAGEMENT

15.04.612.010 - Purpose.

The specific purposes of this Article are to promote maximum efficiency in the existing transportation system, and to further the transportation goals of the Measure C and Measure J Growth Management Program, Contra Costa's Countywide Transportation Plan and Congestion Management Program, and the San Francisco Bay Area Clean Air Plan, including reducing total vehicle miles traveled (VMT), while enhancing access and expanding mobility by:

- A. Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours and telecommuting as alternatives to solo driving;
- B. Incorporating these objectives into the development review process;
- C. Developing proactive programs and/or projects either alone or in conjunction with other jurisdictions, the Contra Costa Transportation Authority (CCTA), and/or the West Contra Costa Transportation Advisory Committee (WCCTAC), to support countywide planning efforts;
- D. Considering the incorporation of appropriate technology designed to facilitate traffic flow, provide transit and highway information, provide trip generation alternatives, and incorporate related technology into the transportation system;
- E. Cooperating with other jurisdictions, the private sector, and transit operators in planning and implementing transportation programs;
- F. Promoting the more efficient utilization of existing transportation facilities and ensuring that new developments are designed in ways to maximize the potential for people and goods to arrive/depart by walking, cycling, riding public transportation, or traveling in a high occupancy vehicle; and
- G. Establishing an ongoing monitoring and enforcement program to ensure that the City's desired alternative mode use percentages are achieved.

15.04.612.020 - Applicability.

The requirements of this Article apply to:

- A. New multi-unit development of ten units or more;
- B. New nonresidential development of 10,000 square feet or more; and
- C. Establishment of a new use, change of use, or change in operational characteristics in a building that is 10,000 square feet or more in size that results in an average daily trip increase of more than 10 percent of the current use, based on the most recent Institute of Traffic Engineers (ITE) trip generation rates.

15.04.612.030 - Performance Requirements.

- A. All projects subject to the requirements of this Article shall incorporate measures to reduce to the extent feasible single-occupant vehicle trip generation rates 15 percent below the standard rates as established in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual by promoting walking, cycling, public transit, and ridesharing/vanpooling, and/or discouraging single-occupant vehicle travel, ensure that the average Vehicle Miles Traveled (VMT) by residents or workers in the development, or students or workers in schools, is less than the average citywide VMT. This performance target is consistent with the General Plan and the version of Plan Bay Area effective in 2016.
- B. **GreenTRIP Certification.** Residential developments that obtain GreenTRIP Certification from TransForm, or other equivalent certification, prior to issuance of a certificate of occupancy, shall be deemed to have met this performance requirement.

15.04.612.040 - Vehicle Trip Reduction Measures.

All projects subject to the requirements of this Article that do not have GreenTRIP Certification shall implement a combination of the following measures and/or the strategies presented in the CCTA 2020 VMT Methodology (as summarized in the following table and further described in the VMT Methodology technical memorandum), to achieve the required VMT reduction and promote use of non-auto and shared mobility options.

Strategy		Types of Trips Affected	Range of Potential VMT Reduction for Affected Trips
Project-Scale Strategies			
1	Increase land use diversity through greater mix of uses on site	All	0% - 12%
2	Implement ride-sharing program	Primarily commute trips	2.5% - 8.3%
3	Subsidize or discount transit passes	Primarily commute trips	0.1% - 16%
4	Incentivize telework and alternative schedules	Commute trips	0.2% - 4.5%
5	Price and manage parking	All	2% - 30%
Community-Scale Strategies			
6	Improve the pedestrian network	All	0.5% - 5.7%
7	Implement traffic calming and low-stress bicycle facilities	All	0% - 1.7%
8	Increase transit service frequency	All	0.3% - 6.3%
9	Implement neighborhood or community-wide car-sharing programs	All	0.3% - 1.6%
10	Coordinate school pools	School	7% - 15%

Source: *Quantifying Greenhouse Gas Mitigation Measures*, CAPCOA, 2010, supplemented with new research review by Fehr & Peers, 2019.

- A. **Passenger Loading Zones.** Passenger loading zones for carpool and vanpool drop-off located near the main building entrance (eligible for VMT reduction percentages of CCTA Strategy 6).
- B. **Direct Route to Transit.** A well-lighted path or sidewalk utilizing the most direct route to the nearest transit or shuttle stop from the building (eligible for VMT reduction percentages of CCTA Strategy 6).
- C. **Pedestrian Connections and Network Improvements.** Safe, convenient pedestrian connections provided from the project to surrounding public streets and, if applicable, trails building (eligible for VMT reduction percentages of CCTA Strategy 6).
- D. **Bicycle Connections and Low-Stress Bicycle Facilities.** If a site is abutting a bicycle path, lane or route, provision of a bicycle connection close to an entrance to the building on the site. Traffic calming that reduces vehicle speeds and volumes to reduce stress on bicyclists (eligible for VMT reduction percentages of CCTA Strategy 6).

- E. **Land Dedication for Transit/Bus Shelter.** Where appropriate, land dedicated for transit or a bus shelter provided based on the proximity to a transit route (eligible for VMT reduction percentages of CCTA Strategy 6).
- F. **Long-Term Bicycle Parking** (eligible for VMT reduction percentages of CCTA Strategy 6). Covered and secure long-term bicycle parking located within seventy-five feet of a main entrance. Long-term bicycle parking must be in at least one of the following facilities:
 - 1. An enclosed bicycle locker;
 - 2. A fenced, covered, locked or guarded bicycle storage area; or
 - 3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.
- G. **Short-Term Bicycle Parking.** Secure short-term bicycle parking located within fifty feet of a main entrance to the building (eligible for VMT reduction percentages of CCTA Strategy 6).
- H. **Free Preferential Carpool and Vanpool Parking.** Ten percent of vehicle spaces reserved for carpools or vanpools, with a minimum of one space required. The preferential parking spaces shall be provided free of charge (eligible for VMT reduction percentages of CCTA Strategy 2).
- I. **Showers/Clothes Lockers.** Shower and clothes locker facilities free of charge (eligible for VMT reduction percentages of CCTA Strategy 6).
- J. **Transportation Management Association (TMA).** Participation in or requirement for tenant to participate in a local or citywide TMA or a similar organization approved by the Director of the Department of Transportation, that provides ongoing administration of and support for non-auto and shared mobility commute incentives, facilities, and services (eligible for VMT reduction percentages of CCTA strategies assignable to individual TMA measures committed at construction and for life of project).
- K. **Paid Parking at Prevalent Market Rates.** Parking provided at a cost equal to the prevalent market rate, as determined by the City based on a survey of paid parking in the City and adjacent communities (eligible for VMT reduction percentages of CCTA Strategy 5).
- L. **Alternative Commute Subsidies/Parking Cash Out.** Provide employees with a subsidy, determined by the applicant and subject to review by the Department of Transportation, if they use transit or commute by other alternative modes (eligible for VMT reduction percentages of CCTA Strategy 5).
- M. **Carpool and Vanpool Ride-Matching Services.** Matching of potential carpools and vanpools by administering a carpool/vanpool matching program or participating actively in such a program administered by a local or citywide TMA, the City, or other public agency (eligible for VMT reduction percentages of CCTA Strategy 2).
- N. **Guaranteed Ride Home.** Guaranteed rides home in emergency situations for carpool, vanpool and transit riders. Rides shall be provided either by a transportation service provider (taxi, rental car, or services provided by transportation network/ride sharing companies) or an informal policy using company vehicles with designated employee drivers (eligible for VMT reduction percentages of CCTA Strategy 9).
- O. **Shuttle Program.** Provision of a shuttle program or participation in an existing shuttle program approved by the Department of Transportation and subject to any fees for the existing program (eligible for VMT reduction percentages of CCTA Strategy 8).
- P.
- R. **Compressed Work Week.** Allow employees or require tenants to allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce the number of days per week employees are expected or required to be on-site, thereby reducing the number of vehicle trips to the worksite (eligible for VMT reduction percentages of CCTA Strategy 4).

- S. **Flextime.** Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours, such that a substantial share of employees regularly arrive at and depart from the worksite before or after the a.m. and p.m. peak periods for vehicle travel (eligible for VMT reduction percentages of CCTA Strategy 6).
- T. **On-Site Amenities.** One or more of the following amenities provided on site: day care, cafeteria, limited food service establishment, dry cleaners, exercise facilities, convenience retail, post office, or on-site transit pass sales (eligible for VMT reduction percentages of CCTA Strategy 1).
- U. **Telecommuting.** Provide or require tenants to provide opportunities and the ability for employees to work off site (eligible for VMT reduction percentages of CCTA Strategy 4).
- V.

15.04.612.050 - Submittal Requirements.

All projects subject to the requirements of this Article shall submit a transportation demand management plan in conjunction with the development application. These plans must demonstrate that, upon implementation, they will achieve the performance requirement and shall include the following.

- A. **Checklist.** A completed checklist of the trip reduction measures chosen by the applicant pursuant to Section 15.04.612.040 (Vehicle Trip Reduction Measures).
- B. **Trip Generation.** Estimated daily trip generation for the proposed use based on the ITE trip generation rates and the reductions anticipated with implementation of the measures proposed. The Director of the Department of Transportation, a citywide TMA, or a consulting traffic engineer retained by the City at applicants' expense shall maintain guidelines and checklists for evaluation of trip reduction potential of proposed measures and make these available to applicants. ³ [U](#)
- C. **Implementation Plan.** A description of how the performance requirements will be achieved and maintained over the life of the project.
- D. **Project-Designated TDM Contact.** Designation of an employee or resident as the official contact for the transportation demand management program. The City shall be provided with a current name and phone number of the project-designated TDM contact who administers carpool and vanpool ride-matching services and promotional programs, updates information on the information boards/kiosks, and is the official contact for the administration of the programs.
- E. **Site Plan.** A site plan that designates transportation demand management design elements including, as applicable, the location and layout/design of:
 1. *External:* preferential parking areas, paid parking areas, bicycle connections, bicycle parking, location of on-site amenities, passenger loading areas, land dedicated for transit facilities and bus shelters, direct route to transit, and pedestrian connections.
 2. *Internal:* showers/lockers, information boards/kiosks, ATM, dry cleaners, day care, convenience retail, post office, cafeteria, limited food service establishment, exercise facilities, and on-site transit pass sales.

15.04.612.060 - Required Findings.

Prior to approval of a project subject to the requirements of this Article, the Zoning Administrator or the Planning Commission, whichever has approval authority, shall make both of the following findings based on recommendations of the Department of Transportation:

- A. The proposed trip reduction measures are feasible and appropriate for the project, considering the proposed use or mix of uses and the project's location, size, and hours of operation; and

- B. The proposed vehicle trip reductions will ensure that the performance targets of this Article will be achieved and maintained.

15.04.612.070 - Modifications and Changed Plans.

- A. **Minor Modifications.** The Director of the Department of Transportation may approve minor modifications to an approved transportation demand management plan that are consistent with the original findings and conditions approved by the review authority and would result in the same target minimum alternative mode use.
- B. **Changed Plans.** A proposed change in an approved project subject to the requirements of this Article that would result in a 10 percent increase in the number of average daily vehicle trips shall be accompanied by a statement of what modifications or additions to the approved transportation demand management plan will be made to ensure the same target alternative mode use. The Director may conditionally approve such a change, subject to annual monitoring to confirm that the program's objectives are being met.

15.04.612.080 - Monitoring and Reporting.

A report, documenting the TDM activities undertaken and their results or an affidavit confirming that the requirements of this Section have been met, shall be submitted to the Department of Transportation or citywide TMA by the designated TDM contact. If the TDM measures consist of solely measures that would be performed once, this report must be submitted at the completion of the implementation of those measures. For measures that are ongoing commitments, this report must be submitted annually. If the annual report shows compliance for three consecutive years, no further annual reports are required. A five-year review may be required by the Director of the Department of Transportation or citywide TMA to evaluate the overall effectiveness of all of the TDM activities and may suggest new or modified activities or substitute activities to meet the program's objectives, per the Department of Transportation's or TMA's review and approval. The Director of the Department of Transportation may impose reasonable changes to assure the program's objectives will be met.

The Appendix includes a sample TDM checklist, which will be maintained and periodically updated by the Department of Transportation.