

PLANNING COMMISSION AGENDA REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: February 4, 2021

SUBJECT: **CEQA PROCEDURES, TDM ORDINANCE AMENDMENTS AND VMT GUIDELINES ADOPTION (PLN20-355):** Public hearing to consider a recommendation to the City Council to (1) amend the Richmond Municipal Code Article 15.04.612 Transportation Demand Management ("TDM"), (2) repeal and replace City Council Resolution 125-03 regarding Guidelines and Procedures for the Implementation of the California Environmental Quality Act ("CEQA"), and (3) adopt the 2020 Contra Costa Transportation Authority ("CCTA") Vehicle-Miles Traveled ("VMT") Methodology for application within Richmond.

PREPARED BY: Lina Velasco, Community Development Director
Jonelyn Whales, Senior Planner

CONSULTANT: Placeworks, Inc.

PROJECT LEAD: City of Richmond Planning Division

CEQA: The proposed action, Adoption of Municipal Code Amendments regarding TDM, Replacement of the CEQA Procedures, and Adoption of the CCTA VMT Methodology, is exempt from the California Environmental Quality Act ("CEQA") pursuant to California Code of Regulations Chapter 14, Section 15308, Actions by Regulatory Agencies for the Protection of the Environment.

STATEMENT OF THE ISSUE:

First created in the 1990s, the City's Guidelines and Procedures for the Implementation of the California Environmental Quality Act ("CEQA") document has not been updated since 2008, and the City's TDM ordinance was most recently adopted in 2016. California Senate Bill 743 now requires cities to apply new methods for measuring environmental impacts related to traffic, including the use of VMT as the primary metric for determining potential transportation impacts due to proposed development. In addition, 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.

RECOMMENDED ACTION:

1. HOLD a public hearing; and
2. ADOPT Resolution No. 20-01 recommending to the City Council (1) approval of amendments to Article 15.04.612 of the Richmond Municipal Code related to Transportation Demand Management, (2) repeal and replacement of City Council Resolution 125-03 regarding Guidelines and Procedures for the Implementation of the CEQA and (3) adopting the 2020 CCTA VMT Methodology for application within Richmond, as shown in Exhibits A, B, and C.

DISCUSSION:

Senate Bill (SB) 743 (Steinberg, 2013) and subsequent amendments to the CEQA Guidelines (§15064.3, amended December 2018) require the use of vehicle-miles traveled (VMT) as the metric for the assessment of impacts in the CEQA Transportation section. SB 743 also removes congestion based metrics such as Level of Service (LOS) from CEQA consideration for land use projects, as “a project’s effect on automobile delay shall not constitute a significant environmental impact” (§15064.3(a)). The provisions of SB 743 and CEQA guidelines §15064.3 apply statewide as of July 1, 2020. In accordance with state law, City staff has prepared thresholds of significance applicable to land use projects for consideration and recommendation to the City Council by Planning Commission (See Exhibit A to Attachment 1).

The shift from LOS to VMT 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.

CEQA analysis typically requires the use of thresholds of significance to determine if a project’s effect in a given environmental topic area rises to the level of requiring mitigation. As the City has not performed VMT analysis for the purposes of CEQA Transportation analysis, the City has not yet developed generally applicable thresholds of significance using VMT as the metric. CEQA Guidelines §15064.7 govern several principles behind thresholds of significance, including the following provisions:

- §15064.7(b): Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).
- §15064.7(c): When adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.

The Contra Costa Transportation Authority (CCTA) has provided guidance to its member agencies on the metrics, methods, thresholds of significance, screening criteria and mitigation approaches. This information has been provided by CCTA to its member agencies to aid in their SB 743 VMT adoption processes.

Pursuant to SB 743, lead agencies in California are expected to use VMT in CEQA Transportation section analyses by July 1, 2020. CEQA Guidelines Section 15064.7(c) notes that "When adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

The City of Richmond has been applying the recommended screening methodology and thresholds set forth in Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (dated December 2018) for any new project applications since July 1, 2020.

Since 2020, PlaceWorks, Inc. has been under contract with the City to assist with the transition from LOS to VMT. PlaceWorks is also part of the selected CCTA consultant team advising CCTA on regional SB 743 implementation efforts. CCTA has been providing member agencies with guidance on potential threshold options for use in CEQA Transportation analyses, with suggested (non-binding) thresholds and methods to be documented for City consideration in late summer 2020. It is likely that the recommended thresholds will be derived using the CCTA travel demand model; it is OPR's strong recommendation that a travel demand model be used in the calculation of VMT, as a model captures the interactions between land uses in the City and region as a whole.

Staff recommends that the draft significance thresholds established by CCTA be adopted now, in an effort to streamline the development review process. The CCTA draft thresholds are consistent with OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA (dated December 2018).

ANALYSIS:

Metrics and Methods. Metrics and methods relate to what types of VMT are relevant for transportation analysis purposes, and how VMT should be calculated. Because SB 743

focuses on VMT generated by the amount and distance of automobile travel attributable to a project (i.e. reducing the amount of driving by residents and commuters), a full VMT metric has not been recommended by CCTA. Further, because SB 743 focuses on the review of the efficiency of travel resulting from a land use project, VMT estimates are divided by the number of residents, employees, etc. to calculate a per capita metric. This approach is consistent with other jurisdictions in California, and is largely consistent with the Technical Advisory. The suggested metrics developed by CCTA (see Attachment 1) by project type are as follows:

- Residential: Home-based VMT per resident
- Employment (i.e. office): Home-work “commute” VMT per employee
- Regional-serving (i.e. retail): Total VMT per service population¹
- Mixed-use projects: Analyze each component of project per the metrics above, or analyze the dominant land use in the mix of uses
- Non-standard projects: Analyze each component of travel generated by the project per the metrics above (i.e. for a hospital project, measure VMT by employees per the employment metric above, and measure VMT for patients using the regional-serving metric above)

The calculation of VMT generally requires information regarding the number of trips and the length of trips. CCTA recommends the use of the CCTA Contra Costa Countywide Travel Demand Model for use in the calculation of VMT. The model covers the entirety of the City of Richmond, as well as other areas in the nine-county Bay Area, and generally accounts for the full length of trips (a key consideration for SB 743 VMT analysis). For non-standard land uses, or other land uses that may not be reflected well in the CCTA model, “Big Data” (companies that aggregate large sets of traffic data) can be used to supplement, confirm or replace trip length estimates from the CCTA model. However, the CCTA model will be used to establish baseline VMT information for CEQA purposes.

Thresholds of Significance. Thresholds of significance identify whether a project’s effect on VMT rises to the level of requiring mitigation. The State Office of Planning and Research (OPR) in its Technical Advisory has noted that a threshold of 15% below a baseline value would be reasonable; this threshold varies based on the baseline chosen. Similar to the metrics, the thresholds of significance also vary by project type. The suggested thresholds of significance by CCTA by project type are as follows:

A significant impact occurs when:

- Residential: Baseline project-generated home-based VMT per resident is higher than 85% of the existing County-wide average.
- Employment (i.e. office): Baseline project-generated home-work VMT is higher than 85% of the existing nine-county Bay Area-wide average.
- Regional-serving (i.e. retail): Baseline project-generated total VMT per service population is higher than 85% of the existing Countywide average.
- Mixed-use projects: Analyze each component of project per the thresholds above, or analyze the dominant land use in the mix of uses.
- Non-standard projects: Analyze each component of travel generated by the project per

¹ Service population is generally defined as the number of residents plus employees in a study area.

the thresholds above (i.e. for a hospital project, measure VMT by employees per the employment threshold above, and measure VMT for patients using the regional-serving threshold above).

The baseline for the thresholds should be set at the time that the Notice of Preparation for the CEQA analysis is released. Projects resulting in a significant and unavoidable impact versus the baseline require a cumulative scenario VMT analysis.

Screening Thresholds. In addition to the selection of thresholds of significance, the shift from LOS to VMT provides new screening options whereby projects meeting the criteria may not be required to perform a VMT analysis. These screening criteria are baselines and are subject to evaluation by City staff (i.e. City staff can deny the use of screening criteria if substantial evidence suggests that the project is not appropriate for screening) as part of the adoption process. The screening criteria developed by CCTA with input from City staff include the following:

- CEQA Exemption: Any project that is exempt from CEQA is not required to conduct a VMT analysis.
- Small Projects: Small projects can be presumed to cause a less-than-significant VMT impact. "Small Projects" are defined as having 10,000 square feet or less of non-residential space or 20 residential units or less, or otherwise generating less than 836 VMT per day.²
- Local-Serving Uses: Projects that consist of Local-Serving Uses can generally be presumed to have a less-than-significant impact absent substantial evidence to the contrary, since these types of projects will primarily draw users and customers from a relatively small geographic area that will lead to short-distance trips and trips that are linked to other destinations. Local serving retail projects less than 30,000 square feet can be presumed to cause a less-than significant VMT impact. Drive-thru uses cannot take any exemptions as part of the screening criteria.
- Projects Located in Transit Priority Areas (TPAs): Projects located within a TPA can be presumed to have a less-than-significant impact absent substantial evidence to the contrary.

This exemption would not apply if the project:

- Has a Floor Area Ratio (FAR) of less than 0.75;
- Includes more parking for use by residents, customers, or employees than required by;
- the lead agency (if the agency allows, but does not require the project to supply a
- certain amount of parking);

² This threshold ties directly to the OPR Technical Advisory which notes that CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2).) Using statewide average data from the California Statewide Household Travel Survey (CHTS), the amount of daily VMT associated with 10,000 square feet of non-residential space is 836 VMT. Also using statewide average CHTS data, this level of VMT is associated with 20 housing units. Therefore, absent substantial evidence to the contrary, it is reasonable to conclude that the addition of 20 housing units or 10,000 square feet of non-residential space will not create a significant impact.

- Is inconsistent with the applicable Sustainable Communities Strategy (SCS) (as determined by the lead agency, with input from the Metropolitan Transportation Commission (MTC)); or
- Results in a net reduction in multi-family housing units.
- Projects Located in Low VMT Areas: Residential and employment-generating projects located within a low VMT-generating area can be presumed to have a less-than-significant impact absent substantial evidence to the contrary. A low VMT area is defined as follows:
 - For housing projects: Cities and unincorporated portions within CCTA's five subregions that have existing home-based VMT per capita that is 85% or less of the existing County-wide average.
 - For employment-generating projects: Cities and unincorporated portions of CCTA's five subregions that have existing home-work VMT per worker that is 85% or less of the existing regional average.
 - There is no definition of a low VMT area for Regional-Serving and Other Projects, since these projects always require a VMT analysis (unless they are screened out using other criteria).
 - Mixed-use projects may qualify for the use of this screening criterion if they include only housing, employment-generating uses and local-serving uses, and can reasonably be expected to generate VMT per resident and/or per worker that is similar to the existing land uses in the low VMT area.
- Affordable Housing: Projects that provide affordable housing can be presumed to have less than-significant impact absent substantial evidence to the contrary. This exemption would apply if the project provides 100% affordable housing. It should be noted that an additional screening threshold recommended by CCTA that accounts for density of development in a Transit Priority Area (TPA) has not been included as part of the screening criteria. This metric has not been used yet by other agencies nor is it included in the *Technical Guidance*. This screening threshold may be considered in the future at a time when revisions to the Local Guidelines are necessary.

Mitigation Options. SB 743 does not change laws and regulations related to the General Plan, and the City may still require analysis of a project's effects on the circulation system to evaluate consistency with General Plan goals and policies (as part of a non-CEQA, informational analysis). Similarly, SB 743 does not change the City's AB 1600 traffic impact fee program, whereby fees are charged to land use projects to fund circulation system improvements. However, the shift from LOS to VMT for environmental analysis will fundamentally alter how mitigation measures related to CEQA Transportation analysis are defined and analyzed.

Instead of providing improvements that reduce congestion (e.g. a new turn lane), mitigation measures under VMT are designed to reduce the number of automobile trips generated or to reduce the distance driven by trips. These Transportation Demand Management (TDM) strategies include strategies related to parking, transit usage, encouraging a mix of uses onsite, and promoting active transportation. The effectiveness of TDM applied at a project-by-project level is difficult to quantify; however, the City has developed a Citywide TDM Ordinance

(RMC Article 15.04.612). Other longer-term, regional mitigation strategies include participation in a future CCTA VMT impact fee program, or participation in a future CCTA mitigation exchange/banking program.

TDM Ordinance Amendments:

The City TDM ordinance (Article 15.04.612) was adopted in 2016 as part of the Comprehensive Zoning Update. Amendments are being proposed to the TDM Ordinance (See Exhibit B to Attachment 1) to reflect current best practices, new State law requirements, and emerging TDM options as encompassed in the new CCTA VMT methodology. The combined adoption of the CCTA guidance and the changes to City CEQA and TDM standards is intended to reduce VMT and therefore vehicular congestion, to promote transit-oriented development (“TOD”) and access to transit (especially for transit-dependent community members), and to encourage active, safe, and equitable transportation modes in Richmond such as walking, biking, and wheelchair and motorized chair travel. The TDM Ordinance revisions specifically update the current project screening criteria to match the CCTA screening criteria as a clear and understandable project-approval option to GreenTRIP certification, including new emphasis on easing travel (lowering “travel stress”) for pedestrians and bicyclists.

Amendment to City Guidelines and Procedures for the Implementation of CEQA

First created in the 1990s, the City’s Guidelines and Procedures for the Implementation of the California Environmental Quality Act (“CEQA”) document has not been updated since 2008. The Guidelines are being amended to reflect current CEQA streamlining provisions, including by:

- Acknowledging new State allowance for Accessory Dwelling Units;
- Clarifying that the Planning Commission and City Council are the decision-making authorities for CEQA determinations;
- Adding a definition for CEQA Streamlining;
- Adding a series of CEQA Exemptions that have been adopted since the last update of the City’s Guidelines;
- Establishing that VMT is now the State-mandated metric for Transportation Impact Analysis;
- Adding new State requirements regarding Greenhouse Gas Modeling and Native American Consultation;
- Clarifying the processes for recirculating a Negative Declaration and for utilizing Staged and Program EIRs; and
- Defining when, how, and by whom CEQA determinations may be appealed.

CONCLUSION:

Staff recommends that the Planning Commission adopt draft Resolution No. 21-01 (Attachment 1) recommending that the City Council adopt the proposed amendments to Article 15.04.612 of the RMC, adopt the 2020 CCTA VMT Methodology, and repeal and replace the City’s Guidelines and Procedures for the Implementation of the California Environmental

Quality Act.

ATTACHMENTS:

Attachment 1: Resolution No. 21-01

Exhibit A: 2020 CCTA VMT Methodology

Exhibit B: Proposed Amendments to Article 15.04.612 of the Richmond Municipal Code
(redline)

Exhibit C: Proposed Replacement Guidelines and Procedures for the Implementation of CEQA
(redline)

CC: RNCC

Zoning Update Notify-Me List (email notification only)

PUBLIC NOTICE AND APPEAL PERIOD:

Public notification consisted of publishing a legal notice in the local newspaper. Please be advised that this is a recommendation item and cannot be appealed.

RESOLUTION NO. 21-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RICHMOND
RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF RICHMOND:
APPROVE AMENDMENTS TO MUNICIPAL CODE ARTICLE 15.04.612
TRANSPORTATION DEMAND MANAGEMENT; REPEAL AND REPLACE THE
CITY'S GUIDELINES AND PROCEDURES FOR THE IMPLEMENTATION OF THE
CEQA; AND ADOPT THE 2020 CONTRA COSTA TRANSPORTATION AUTHORITY
VEHICLE-MILES TRAVELED METHODOLOGY FOR APPLICATION WITHIN
RICHMOND**

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, the Planning Commission finds 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, 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 has 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, as set forth in this Resolution and the applicable provisions of the Richmond Municipal Code ("the Record").

WHEREAS, on the basis of the proposals, materials, and testimony at or before the public hearing, the Planning Commission adopts the following findings and statements of fact as required by Section 15.04.814.050 in recommending approval of 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 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, BE IT RESOLVED that the Planning Commission of the City of Richmond hereby recommends to the City Council 1) adoption of the 2020 CCTA VMT Methodology as CEQA thresholds for VMT for the City; 2) adoption of the zoning text amendment to Article 15.04.612, attached hereto as Exhibit B; and 3) Adoption of revised Guidelines and Procedures for the Implementation of CEQA in Exhibit C, based on the following additional findings:

1) The proposed Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15308 of the California Code of Regulations, which exempts from CEQA Actions by Regulatory Agencies for the Protection of the Environment as noted in Finding C above; and

2) The Project is consistent with the General Plan, Richmond Municipal Code, and applicable federal and state law as noted in Finding A above; and

3) The facts set forth in the recitals in this Resolution are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the agenda report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Resolution; and

4) The Project will advance the public interest, health, safety, convenience or welfare as noted in Finding B above.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council adopt the zoning text amendment to Article 15.04.612 of the Richmond Municipal Code related to Transportation Demand Management, repeal and replace the City Guidelines and Procedures for the Implementation of CEQA (City Council Resolution No. 125-03), and adoption of the 2020 CCTA VMT Methodology for application within Richmond, as shown in Exhibits A, B, and C attached to this Resolution.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of Richmond at a regular meeting held on February 4, 2021 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

David Tucker,
Planning Commission Chair

Approved as to Form:

James Atencio,
Senior Assistant City Attorney

Exhibit A: 2020 CCTA VMT Methodology

Exhibit B: Proposed Amendments to Article 15.04.612 of the Richmond Municipal Code

Exhibit C: Proposed Replacement Guidelines and Procedures for the Implementation of CEQA

FEHR & PEERS

Technical Memorandum

Date: July 9, 2020

To: Matt Kelly, CCTA

From: Julie Morgan, Fehr & Peers
David Early and Carey Stone, PlaceWorks

**Subject: VMT Analysis Methodology for Land Use Projects in Contra Costa,
GMTF Review Draft**

WC19-3664

This memorandum describes CCTA's recommended methodology for compliance with the requirements of Senate Bill 743 (SB 743) regarding analysis of vehicle miles traveled (VMT) for land use projects that are subject to the California Environmental Quality Act (CEQA). This guidance is intended to assist lead agencies in their CEQA VMT analysis consistent with new requirements of the CCTA Growth Management Program (GMP). The lead agency¹ will determine which projects are subject to CEQA and will oversee the VMT analysis. Figure 1 illustrates the CCTA CEQA VMT analysis process described in Sections 3, 4, and 5.

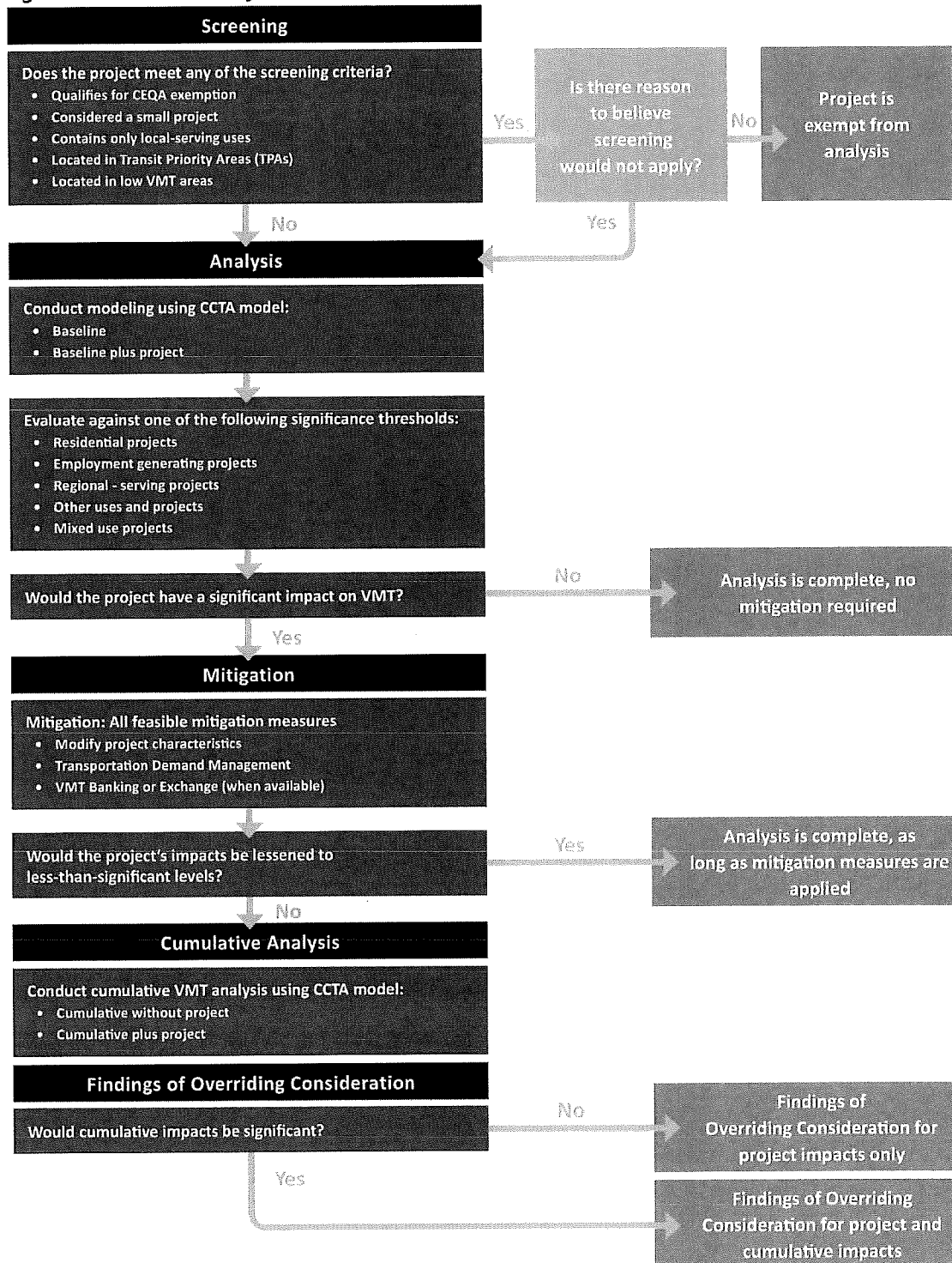
Compliance with the requirements of this document is mandatory as part of fulfillment of local jurisdictions' requirements under the CCTA GMP. Jurisdictions will be considered to be in compliance so long as they follow the procedures outlined here, regardless of whether these procedures result in exemption of a project from VMT analysis, a finding that a project would have no significant VMT impact, mitigation of a project to achieve less-than-significant levels of impact, or findings of significant unavoidable impacts accompanied by findings of overriding consideration.

Local jurisdictions may choose to apply methods and thresholds that are more stringent than those outlined in this document, and would still be considered to be in compliance with CCTA GMP requirements. Lead agencies have the ultimate responsibility for determining the most appropriate way to comply with CEQA when conducting environmental review of their projects;

¹ As explained in the definitions, Lead agency refers to the 19 incorporated jurisdictions in Contra Costa County, the County of Contra Costa, or any other agency overseeing and certifying a CEQA document.



Figure 1 – CCTA VMT Analysis Process





nothing in this memorandum should be construed as legal advice nor should it take the place of consultation with the lead agency's CEQA experts.

The methodology and thresholds contained in this memorandum, including the Target VMT Reduction of 85% of baseline levels (which is the same as 15% below baseline levels), are based largely on guidance from the Governor's Office of Planning and Research (OPR) entitled *Technical Advisory on Evaluating Transportation Impacts in CEQA* (also referred to as the Technical Advisory), dated December 2018. CCTA staff may amend this methodology, including the Target VMT Reduction, if there is new guidance from OPR or other relevant agencies and/or if new substantial evidence indicates that a reduction of more than 15% of existing baseline is needed in order to achieve the State's greenhouse gas reduction goals. Analysts implementing this methodology for individual project assessments should clearly document the assumptions, procedures, and methods used to reach conclusions about the VMT analysis.

The methods outlined in this memorandum primarily rely on the CCTA travel demand forecasting model (referred to in this document as the "CCTA Model" and sometimes also referred to as "The Countywide Model") to generate estimates of trip length and VMT for different land use types in different locations. Simple single-use projects may not require a new application of the CCTA model and may only need to refer to maps and tables of model outputs available from CCTA. Most projects will require the application of the model to represent the proposed a project's land use and location characteristics and to prepare a robust analysis of a project's effect on VMT.

The guidance contained in this memorandum is intended to apply to the VMT evaluation of land use projects. Evaluating the VMT effects of land use plans should be directed by each lead agency, following the same concepts and principles outlined in this memorandum.

The evaluation of VMT impacts is also required as part of the CEQA review of transportation projects, which is not addressed in this memorandum. Each lead agency should develop methods and thresholds to apply to the environmental review of transportation projects for which that agency is responsible. The OPR Technical Advisory contains guidance (see pages 19-25 of the OPR Technical Advisory) on conducting environmental analysis of transportation projects, including a list of project types that are considered to be unlikely to lead to substantial or measurable increases in VMT. Another source of guidance for lead agencies will come from Caltrans, which is in the process of developing guidance to address the evaluation of VMT impacts of projects on the State Highway System (see *Draft Transportation Analysis Framework: Induced Travel Analysis*, dated March 2020, and *Draft Transportation Impacts Analysis under CEQA for Projects on the State Highway System*, dated March 2020).



1. Definitions

Analyst refers to the person conducting the VMT impact analysis, usually a lead agency staff person or a transportation or CEQA consultant.

Baseline year. The base year of the CCTA model that is used to represent existing conditions. Note that the model is not updated every year, so there may be a discrepancy between the base year of the model and the current year. CCTA may provide VMT metrics that are interpolated between different model years in order to match the current year more closely. In all cases, CEQA requires using the best data that is currently available.

CCTA Model. CCTA maintains a travel demand model for use in producing forecasts of future transportation system usage. The model is a four-step, trip-based model that encompasses the entire nine-county Bay Area region, with additional zonal and network detail within Contra Costa County. CCTA maintains a detailed database of land use and demographic data that is used in the model, based on census-tract-level forecasts prepared by the Association of Bay Area Governments (ABAG). Analysts should refer to Chapter 5 of the CCTA Technical Procedures for a complete description of the model and how to acquire and apply it. Analysts may also contact CCTA for additional guidance. A new script has recently been developed for the CCTA Model in order to extract the VMT metrics described in this document. In addition, adjustments have recently been made to account for the portion of trip length that occurs outside of the nine-county Bay Area region that is covered by the CCTA model. These adjustments were needed to comply with the OPR guidance to account for the full lengths of all trips and not truncate trips at the model boundary. Similar adjustments should continue to be applied whenever the CCTA model is updated or when other alternative methods are used to produce VMT estimates, to ensure that the full length of each trip is captured.

CEQA. The California Environmental Quality Act. This statute requires identification of any significant environmental impacts due to certain state or local actions including approval of new development or infrastructure projects. The process of identifying these impacts is typically referred to as the environmental review process.

Employment Generating Uses/Projects. Office, industrial, logistics or other land uses where most of the activity at the site is related to employment functions.²

Home-based VMT. VMT for trips that begin or end at a residence.

² Analysis of non-employee trips (such as those made by trucks) is not required for Employment-Based Uses since it is assumed that these trips are either 1) incidental compared to employee trips and/or 2) constitute trips to and from way points along a trip from a product's ultimate origin to its ultimate destination.



Home-work VMT. VMT associated with commute trips between a residence and an employment-generating use, also referred to as home-based-work trips.

Horizon year. The planning horizon year used for cumulative analysis. Currently, the horizon year of the CCTA model is 2040.

Lead Agency. The 19 incorporated Contra Costa jurisdictions in Contra Cost County, the County of Contra Costa, or another government agency responsible for preparing and certifying a given CEQA document.

Level of Service (LOS). A metric that assigns a letter grade to transportation network performance. The most common application of LOS in jurisdictions has been to measure the average amount of delay experienced by vehicle drivers along a roadway segment or at an intersection during the most congested time of day and to assign a rating that ranges from LOS A (fewer than 10 seconds of delay) to LOS F (more than 80 seconds of delay). Per the requirements of SB 743, LOS and other measures of vehicle delay are no longer to be used in determining significant impacts under CEQA.

Local-Serving Uses/Projects. Land uses that are expected to draw users from a local area, typically no more than a 2- to 3-mile radius. The definition of local-serving uses may vary by jurisdiction. These uses may generally include local-serving public facilities such as a branch library, a police or fire station, neighborhood-based schools, and local-serving retail businesses such as grocery stores, coffee shops or dry cleaners.

Low VMT Areas. Jurisdictions and unincorporated portions of the subregions that have existing VMT that is 85% or less of the countywide average (for home-based VMT) or of the Bay Area region-wide average (for work-based VMT). A list of these jurisdictions and areas is available on the CCTA website. The Analyst should confirm that these maps are up to date and represent the latest available information.

Mixed Use Projects/Uses: Projects that consist of a mix of uses otherwise described in this document.

Other Uses/Other Projects: Uses and projects which do not qualify as Residential, Employment-Generating, Local-Serving, or Regional-Serving (all of which are defined in this document).

Physical Design Measures. VMT reduction strategies that involve changes to the built environment. Examples include changes to the density or mixture of land uses, or the installation of new pedestrian or bicycle facilities.

Regional-Serving Uses/Projects. Land uses that are expected to draw users from a region that is larger than that for "local-serving uses," meaning a radius that is typically up to 3 miles. The definition of regional-serving uses may vary by jurisdiction. These uses may generally include



regional-serving public facilities such as a regional library or museum, private schools and colleges, hospitals, movie theaters and other entertainment, and regional retailers such as furniture stores, shopping malls and big box retailers.

Residential Uses/Projects: Uses and projects consisting solely of residential units such as single-family and multi-family units.

Target VMT Reduction. The level of VMT reduction defined by the lead agency as being necessary to avoid a significant VMT impact. Consistent with OPR recommendations, the target reduction in this document is being set at 15% below the existing VMT (equivalent to 85% of existing VMT).

Total VMT. All of the VMT from all types of vehicles and for all trip purposes.

Traffic Analysis Zone (TAZ). A geographic polygon somewhat similar to a Census block group that is used in a travel model to represent an area of relatively homogenous travel behavior.

Transit Priority Area (TPA). An area of close proximity to a significant transit mode, defined as a one-half mile area around an existing major transit stop or an existing stop along a high-quality transit corridor. Public Resources Code, § 21064.3 defines major transit stop as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of 15 minutes or less during the morning and afternoon peak commute periods. Public Resources Code, § 21155 defines a 'high-quality transit corridor' as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Locations of the Transit Priority Areas (TPAs) in Contra Costa County can be found in maps available on the CCTA website.³ The Analyst should confirm these maps are up to date and represent the latest available information.

Transportation Demand Management (TDM). Strategies that are intended to reduce vehicular travel through programs and projects that maximizes traveler choices through information, encouragement and incentives geared toward modifying travel behavior and choices.

Truck Trips. Trips made by heavy vehicles. Per the OPR recommendations and their interpretation of Public Resources Code, §15064.3, VMT analysis for transportation impact purposes can focus solely on automobile travel and can exclude truck trips. Truck trips are included in the analysis of other environmental topic areas, such as air quality, noise, and greenhouse gas.

Vehicle Miles Traveled (VMT). A metric that captures the total amount of vehicular travel through measuring the number of vehicle trips generated and the length or distance of those trips. For transportation impact analysis purposes, VMT is usually measured on a typical weekday,

³ <https://ccta1.maps.arcgis.com/apps/webappviewer/index.html?id=4135020bb272458f824152fedb78a088>



and can be expressed in several ways, such as total VMT, total VMT per service population (residents plus employees), home-based VMT per resident, and home-based work VMT per employee.

VMT Reduction Strategies: Strategies intended to reduce VMT, including TDM and physical design measures.

VMT Study Area. A geographic area over which the project's effect on total VMT will be evaluated. The study area should be defined such that it captures the reasonably foreseeable VMT changes associated with the project, but not so large that the effects of the project get swamped by broader economic and land use changes. In many instances, a city boundary would be a reasonable study area; in cases where a project is located at the edge of a city or in an unincorporated area, or if the project is very large such that it is likely to affect travel patterns in neighboring cities, then a subregion of the County or even the entire County might be a more appropriate study area.

2. Project Screening

There are five screening criteria that lead agencies can apply to screen projects out of conducting project-level VMT analysis. Even if a project satisfies one or more of the screening criteria, lead agencies may still require a VMT analysis if there is evidence that the project has characteristics that might lead to a significant amount of VMT.

2.1: CEQA Exemption. Any project that is exempt from CEQA is not required to conduct a VMT analysis.

2.2: Small Projects. Small projects can be presumed to cause a less-than-significant VMT impact. Small projects are defined as having 10,000 square feet or less of non-residential space or 20 residential units or less, or otherwise generating less than 836 VMT per day.⁴

2.3: Local-Serving Uses. Projects that consist of Local-Serving Uses can generally be presumed to have a less-than-significant impact absent substantial evidence to the contrary, since these

⁴ This threshold ties directly to the OPR Technical Advisory which notes that CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2).) Using statewide average data from the California Statewide Household Travel Survey (CHTS), the amount of daily VMT associated with 10,000 square feet of non-residential space is 836 VMT. Also using statewide average CHTS data, this level of VMT is associated with 20 housing units. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 20 housing units or 10,000 square feet of non-residential space could be considered not to lead to a significant impact.



types of projects will primarily draw users and customers from a relatively small geographic area that will lead to short-distance trips and trips that are linked to other destinations.

2.4: Projects Located in Transit Priority Areas (TPAs). Projects located within a TPA can be presumed to have a less-than-significant impact absent substantial evidence to the contrary. This exemption would not apply if the project:

1. Has a Floor Area Ratio (FAR) of less than 0.75;
2. Includes more parking for use by residents, customers, or employees than required by the lead agency (if the agency allows but does not require the project to supply a certain amount of parking);
3. Is inconsistent with the applicable Sustainable Communities Strategy (SCS) (as determined by the lead agency, with input from the Metropolitan Transportation Commission (MTC)); or
4. Results in a net reduction in multi-family housing units.

2.5: Projects Located in Low VMT Areas. Residential and employment-generating projects located within a low VMT-generating area can be presumed to have a less-than-significant impact absent substantial evidence to the contrary.

A low VMT area is defined as follows:

- For housing projects: Cities and unincorporated portions within CCTA's five subregions⁵ that have existing home-based VMT per capita that is 85% or less of the existing County-wide average.
- For employment-generating projects: Cities and unincorporated portions of CCTA's five subregions that have existing home-work VMT per worker that is 85% or less of the existing regional average.

There is no definition of a low VMT area for Regional-Serving and Other Projects, since these projects always require a VMT Analysis as described in Section 3 of this memo (unless they are screened out under Criteria 2.1 through 2.4).

⁵ The five CCTA subregions include SWAT Lamorinda (Lafayette, Moraga and Orinda), SWAT Tri-Valley (Danville, San Ramon, and the Tri-Valley area of Alameda County (note that Alameda County jurisdictions are not subject to the CCTA GMP requirements and thus are not subject to the VMT methods outlined in this document)), TRANSPAC (Clayton, Concord, Martinez, Pleasant Hill, and Walnut Creek), TRANSPLAN (Antioch, Brentwood, Oakley, and Pittsburg), and WCCTAC (El Cerrito, Hercules, Pinole, Richmond, and San Pablo).



Mixed-use projects may qualify for the use of this screening criterion if they include only housing, employment-generating uses and local-serving uses, and can reasonably be expected to generate VMT per resident and/or per worker that is similar to the existing land uses in the low VMT area.

3. Projects Requiring VMT Analysis

A project not excluded from VMT analysis through the screening process described above shall be subject to a VMT analysis to determine if it has a significant VMT impact.

Analysis Scenarios

The following scenarios should be addressed in the VMT analysis:

- Baseline conditions: The most current version of the baseline CCTA model should be used to determine the baseline VMT for the TAZ in which the project is to occur. This information is available from the VMT screening maps on the CCTA website.
- Baseline plus project: If the project is a simple, single-use project that is very similar to other developments that already exist in that TAZ, then the analyst may conclude that the project generated home-based VMT per capita or the home-work VMT per worker will be the same as the existing VMT per capita or per worker in that TAZ; in that instance, a separate Baseline plus project model run would not be required. However, if the project contains one or more uses, or a mix of uses, the does not exist in the TAZ, then a model run is required. In this case, the proposed land use(s) should be added to the baseline condition for the relevant TAZ, or a separate TAZ should be created in the CCTA model to contain the project land uses. A full baseline model run should then be performed. The analyst should review the model output to confirm reasonableness of the results and to check production and attraction balancing to ensure that the project's effect is being captured.

VMT Metrics and Significance Thresholds

The output from each model run will include total VMT per service population, home-based VMT per capita, and home-work VMT per worker, which should be analyzed as described below. In addition, to calculate the total study area VMT, the analyst would define a VMT study area and the VMT occurring on all network links inside that study area should be summed.



The following describes the specific VMT metrics and significance thresholds that should be used in evaluating different project types:⁶

Residential Projects should use the home-based VMT per capita metric to evaluate their project generated VMT. The project generated home-based VMT per resident constitutes a significant impact if it is higher than 85% of the home-based VMT per resident in the subject municipality or unincorporated CCTA subregion (for areas outside of municipalities) or 85% of the existing County-wide average home-based VMT per resident, whichever is less stringent.

Employment-Generating Projects should use the home-work VMT per worker metric for their project generated VMT estimates. The project generated home-work VMT per worker constitutes a significant impact if it is higher than 85% of the home-work VMT per worker in the subject municipality or unincorporated CCTA subregion (for areas outside of municipalities) or 85% of the existing Bay Area region-wide average home-work VMT per worker, , whichever is less stringent.

Regional-Serving Projects should use the metric of total study area VMT and should define a VMT study area over which to evaluate that metric. The project generated VMT constitutes a significant impact if the baseline project generated total VMT per service population is higher than 85% of the existing countywide average total VMT per service population.

Other Uses and Projects need to be analyzed using a methodology developed by the lead agency specifically for the project, prepared and documented based on available data and taking into account the specific methodologies and thresholds identified in this document.

Mixed-Use Projects may be analyzed using a combination of techniques described above, as follows:

- Mixed use projects that contain a combination of housing, employment-generating and regional-serving uses may choose to evaluate each use separately using the metrics and significance thresholds described above for those uses.
- Mixed use projects that include a local-serving component may ignore that component for analysis purposes, and analyze only the remaining uses. Note that it may be more beneficial to the project to conduct a full analysis that takes account of on-site local-

⁶ The metrics of "home-based VMT per capita" and "home-work VMT per worker" are taken from the production-attraction trip matrices in the CCTA model, which is a stage of the modeling process in which trips are still categorized by purpose. This stage of the modeling process does not yet include truck trips so these VMT metrics do not include the VMT associated with trucks. This is consistent with the guidance from the OPR Technical Advisory, in which it interprets the Section 15064.3 language referring to automobile VMT as being focused on light-duty passenger vehicles. The "total VMT per service population" metric is taken from the final origin-destination trip matrices in the CCTA model and therefore it does include the VMT associated with trucks. Per the OPR guidance it is acceptable to include truck VMT when needed for modeling convenience, as long as the Analyst ensures there is an apples-to-apples comparison by using the same vehicle types in each step of the analysis process.



serving uses, since this analysis can take credit for reductions in trips resulting from the on-site mix.

In all cases, the *analyst should consider whether that approach will effectively capture the likely interactions between the different uses*. Other analytical options that would capture interactions between different uses are to analyze the project by conducting a full run of the CCTA model, or to use a sketch planning tool designed to estimate the trip generation effects of a mixed-use project.

4. VMT Mitigation Strategies

If the conclusion is that the project would have the potential to cause a significant VMT impact per one or more of the significance thresholds defined above, then mitigation is required. CEQA requires that all feasible measures be implemented to reduce identified impacts to less-than-significant levels.

Method of Calculating Mitigation Reductions

The analyst, working with the lead agency and applicant, shall specify a series of mitigation measures, each of which shall have a specific percent level of VMT reduction assigned to it. Reduction levels may be taken from Appendix 1 (described further below) or from other defensible sources. In each case, the analyst shall explain the basis for the reduction applied, and shall also consider any interactions among the mitigation measures that make them cumulatively less effective than they are by themselves.

Each reduction shall be applied to the overall VMT associated with the project, until the total VMT is reduced to a less-than-significant level or all feasible mitigation reductions have been applied.

Required Levels of Mitigation

In order to reduce impacts to less-than-significant levels, the proposed mitigation measures must reduce VMT to the relevant threshold as defined in Section 3 above.

Types of Mitigation

To mitigate VMT impacts, the following actions could be taken:

- Modify the project's characteristics to reduce VMT generated by the project. This might involve changing the density or mixture of land uses on the project site, or changing the project's location to one that is more accessible by transit or other travel modes. The effectiveness of such changes should be modeled using the analysis techniques described in Part 3, above.
- Implement transportation demand management (TDM) or physical design measures to reduce VMT generated by the project. A description of such options is included below.



- Participate in a CCTA-approved VMT impact fee program and/or VMT mitigation exchange/banking program. CCTA will be developing such a program in Contra Costa County in the near future.

VMT Reductions from TDM and Physical Design Measures

TDM and physical design measures that could potentially be applicable in Contra Costa County are summarized in Appendix 1. It should be noted that the understanding of the availability, applicability, and effectiveness of VMT mitigation measures is continuing to evolve and the evaluation of TDM measures should be updated periodically. Any evaluation of the effectiveness of VMT reduction measures should recognize that many TDM strategies are dependent on things that are likely to change over time, such as the level of priority a building tenant places on achieving trip reductions, or the frequency of nearby transit services. As such, actual real-time VMT reduction cannot be reliably predicted and ongoing monitoring should be considered to ensure that mitigation expectations are being met.

The effectiveness of each strategy shown in Appendix 1 will vary depending on the context in which it is implemented and the types of trips to which it applies. It is the analyst's responsibility to review the available research and suggest a level of VMT reduction that is reasonable to apply to the project being studied, taking into account the project's specific characteristics and the context in which it would be constructed.

It should also be noted that the incremental benefit of each VMT reduction strategy will diminish as strategies are combined together. Therefore, the analyst should carefully document how the interaction between TDM strategies is accounted for. The California Air Pollution Control Officers Association (CAPCOA) report *Quantifying Greenhouse Gas Mitigation Measures* provides guidance on how to account for combinations of strategies.

5. Significant and Unavoidable Impacts, Cumulative Analysis and Findings of Overriding Consideration

Findings of Overriding Consideration

If the lead agency includes all feasible measures described in Section 4 above and those measures are not sufficient to fully mitigate the impact, then the VMT impact will be classified as significant and unavoidable. The lead agency may still approve the project, as allowed by CEQA, by making a finding of overriding consideration.



Before making such a finding and approving the project, the lead agency must also conduct a cumulative VMT analysis for the project, as described below.⁷

Cumulative Analysis

Projects that are unable to mitigate their project-specific VMT impacts to less-than-significant levels require a Cumulative VMT analysis.

The cumulative analysis of a project involves understanding the project's effect on overall VMT within its study area. This analysis is needed to address circumstances where an individual project might affect travel patterns from other developments in the broader area; this might happen for a variety of reasons, such as that the project offers different housing, employment or other opportunities than would otherwise exist in the area and that causes other users to change their travel decisions, or because the drivers and transit users generated by the project take up available system capacity and cause other users to change their travel routes or modes.

The project's effect on VMT should be measured by defining a VMT study area and calculating the total VMT occurring on all network links inside that study area, in both the cumulative without project and cumulative with project scenarios. To allow for a reasonable comparison between those two scenarios, the total study area VMT should be normalized in some fashion to reflect that there are different numbers of people within the study area (i.e., because the project has added people to the study area as compared to the without project scenario). If the project adds residents to the study area, then it would be reasonable to present the VMT results as total study area VMT divided by number of study area residents. If the project adds employees to the study area, then it would be reasonable to use total study area VMT divided by number of study area employees. The exact method for normalizing the VMT number is not critical; what is essential is that the same method be used for both the cumulative without project and the cumulative with project scenarios, to allow for an apples-to-apples comparison between the two scenarios.

Specific steps in the process are defined below:

Model Runs. The Cumulative VMT analysis will be based on two CCTA Model runs:

- Cumulative without project: The most current version of the horizon year of the CCTA model. If development similar to that found in the proposed project is already foreseen in the subject TAZ in the "cumulative without project" model, this development should be subtracted from the "cumulative without project" scenario before this model run is conducted.

⁷ As per OPR's guidance, cumulative VMT analysis is not necessary for projects that are found to have a less-than-significant impact on VMT at the project level.



- Cumulative plus project: Unless development similar to that found in the proposed project is already foreseen in the subject TAZ in the "cumulative without project" model, the proposed land use(s) should be added to the "cumulative without project" condition for the TAZ, or a separate TAZ should be created to contain the proposed land use(s). The Analyst should also consider whether it would be advisable to offset the addition of these proposed land uses by lessening projected increases in development in other TAZs, particularly if the proposed project is substantial in size such that it might change the distribution of future developments. This recognizes that individual land use projects will generally not change the regionwide totals for population and employment growth, but will influence localized land use and VMT impacts.

Cumulative Threshold. Cumulative VMT impacts should be considered significant if there is a net increase in the total study area VMT normalized to the number of people within the study area, when comparing cumulative no project to cumulative plus project conditions.

Additional Significant Impact and Findings of Overriding Consideration. If the Cumulative VMT Analysis finds a significant impact, this impact shall be considered to be significant and unavoidable, and must therefore be called out in the project's EIR and subject to the Finding of Overriding Consideration described earlier in this section.



Appendix 1. Summary of Potential VMT Reduction Strategies

	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.

Further Description of VMT Reduction Strategies

Project-Scale Strategies

1. Increase land use diversity – This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
2. Implement ride-sharing program – This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants, which depends on the ultimate building tenants; this should be a factor in considering the potential VMT reduction.
3. Subsidize or discount transit passes – This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by incentivizing individuals to use transit for their daily commute. This strategy depends on the ultimate building tenants and may require monitoring. This strategy also relies on local transit providers continuing



to provide similar or better service throughout the County, in terms of frequency and speed.

4. Incentivize telework and alternative schedules – This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. The effectiveness of the strategy depends on the ultimate building tenants and the nature of work done by tenants' employees (can the work be done remotely in the first place?); two factors that should be considered for potential VMT reduction. Effectiveness may also be limited in more rural areas of the County with limited broadband internet access.
5. Price and manage parking – Parking management strategies focus on the management of parking to influence vehicle travel. Free and ubiquitous parking supply tends to increase vehicle use while reducing parking supply and pricing spaces can help reduce vehicle travel. A reduction in parking supply can also be used to incentivize infill development and higher density development by reducing the cost of building parking spaces. This strategy may be less effective in suburban settings such as Contra Costa County but will depend on the specific project site and the surrounding parking supply.

Community-Scale Strategies

6. Improve the pedestrian network – This strategy focuses on creating a pedestrian network within the project and connecting to nearby destinations. Projects in Contra Costa County tend to be small so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program (discussed in more detail below) or benefit/assessment district targeted to various areas in the County designated for improvements through local or regional plans. Implementation of this strategy may require regional or local agency coordination and may not be applicable for all individual land use development projects.
7. Implement traffic calming measures and low-stress bicycle facilities – This strategy combines the CAPCOA research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One potential change in this strategy over time is that e-bikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy. Implementation options are similar to strategy 2 above. Implementation of this strategy may require regional or local agency coordination and may not be applicable for all individual land use development projects.



8. Increase transit service frequency – This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given land use density in Contra Costa County, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations or require new forms of demand-responsive transit service. The demand-responsive service could be provided as subsidized trips by contracting to private TNCs or taxi companies. Alternatively, a public transit operator could provide the subsidized service but would need to improve on traditional cost effectiveness by relying on TNC ride-hailing technology, using smaller vehicles sized to demand, and flexible driver employment terms where drivers are paid by trip versus by hour. Implementation of this strategy would require regional or local agency implementation and/or substantial changes to current transit practices, and therefore would not likely be applicable to individual development projects.
9. Implement neighborhood or community-wide car-sharing programs – This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Note that implementation of this strategy would require regional or local agency implementation and coordination.
10. Coordinate SchoolPools – This strategy helps families share in the responsibilities of getting kids to school and back via carpooling, walking, biking, or riding the school bus together. Effectiveness of this program depends on the extent to which resident schoolchildren are already walking, biking, and riding the school bus to school.

Appendix 1: Detailed TDM Strategies Assessment

Relevant Strategies for Implementation in Contra Costa Jurisdictions

CAPCOA Category	CAPCOA #	CAPCOA Strategy	CAPCOA Estimate of VMT Reduction	Strength of Evidence for Application in CEQA?	Applicable to Individual Land Use Projects?	New Information Since CAPCOA was Published in 2010	
						New Information	New Estimate of VMT Reduction
Land Use/Location	3.1.3	LUT-3 Increase Diversity of Urban and Suburban Developments	9%-10% VMT reduction due to mixing land use within a single development	Adequate	Yes	1) VMT reduction due to mix of land uses within a single development; 2) Reduction in VMT due to regional change in entropy index of diversity.	1) 8%-12% 2) 0.3%-4%
							1) Ewing, R. and Cervero, R. (2010). Travel and the Built Environment - A Meta-Analysis. Journal of the American Planning Association, 76(3), 265-294. Cited in California Air Pollution Control Officers Association. (2010). Quantifying Greenhouse Gas Mitigation Measures. Retrieved from: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf Frank, L., Greenwald, M., Kavay, S. and Devlin, A. (2013). An Assessment of Urban Form and Pedestrian and Transit Improvements as an Integrated GHG Reduction Strategy. WSDOT Research Report WA-RD 765.1. Washington State Department of Transportation. Retrieved from: http://www.wsdot.wa.gov/research/reports/hdlreports/765.1.pdf Nasir, A. and Zhang, L. (2012). Impact of Metropolitan-Level Built Environment on Travel Behavior. Transportation Research Record: Journal of the Transportation Research Board, 2323(1), 75-79. Sadek, A. et al. (2011). Reducing VMT through Smart Land-Use Design. New York State Energy Research and Development Authority. Retrieved from: https://www.nyserda.ny.gov/divisions/engineering/technical-services/trans-r-and-d-repository/C-08-25%20Final%20Report_December%202019_2019%202529.pdf Sporn, S. et al. (2018). Impacts of Land Use Mix on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/b375/policies/policies.htm 2) Zhang, Weiguo et al. "Short- and Long-Term Effects of Land Use on Reducing Personal Vehicle Miles of Travel"
Neighborhood Site Enhancements	3.2.1	SDT-1 Provide Pedestrian Network Improvements	0%-2% reduction in VMT for creating a connected pedestrian network within the development and connecting to nearby destinations	Adequate	No - this strategy would require a project to integrate into a larger overall network of pedestrian facilities that would require local and/or regional agency coordination to implement. Current research supports city and neighborhood level VMT reductions, but none of the literature reviewed evaluates project-specific reductions.	VMT reduction due to provision of complete pedestrian networks.	0.5%-5.7%
							Handy, S. et al. (2014). Impacts of Pedestrian Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/b375/policies/policies.htm
Neighborhood Site Enhancements	3.2.2	SDT-2 Provide Traffic Calming Measures	0.25%-1% VMT reduction due to traffic calming on streets within and around the development	Adequate	Potentially yes - The requirements for the project-level definition must be met. In general, this strategy would require a project to integrate into a larger overall network of bicycle facilities that would require local and/or regional agency coordination to implement.	Reduction in VMT due to building out a low stress bike network; reduction in VMT due to expansion of bike networks in urban areas.	0.9%-1.7%
							1) California Air Resources Board. (2016). Greenhouse Gas Quantification Methodology for the California Transportation Commission Active Transportation Program Greenhouse Gas Reduction Fund Fiscal Year 2016-17. Retrieved from: https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/ctc_atp_finalgm_16-17.pdf. 2) Zahabi, S. et al. (2016). Exploring the link between the neighborhood typologies, bicycle infrastructure and commuting cycling over time and the potential impact on commuter GHG emissions. Transportation Research Part D: Transport and Environment, 47, 89-103.
Parking Pricing	3.3.1	PDF-4 Limit Parking Supply	5%-12.5% VMT reduction in response to reduced parking supply vs. ITE parking generation rate	Weak - not recommended. Fehr & Peers has developed new estimates for residential projects only that may be used.	Yes - evidence is only available to support taking these reductions in high-transit urban areas.	CAPCOA reduction range derived from estimate of reduced vehicle ownership, not supported by observed trip or VMT reductions. Evidence is available for mode shift due to presence/absence of parking in high transit urban areas; additional investigation ongoing.	Up to 30% reduction in suburban centers with high transit availability.
							Fehr & Peers estimated a linear regression formula based on observed data from multiple locations. Resulting equation produces maximum VMT reductions for residential land use only of 30% in suburban locations and 50% in urban locations based on parking supply percentage reductions.
Parking Pricing	3.3.2	PDF-2 Undeveloped Parking Costs from Property Costs	2.6%-13% VMT reduction due to decreased vehicle ownership rates	Adequate - conditional on the agency not requiring parking minimums and pricing/managing on-street parking (i.e., residential parking permit districts, etc.).	Yes - however, the project must be in a location that does not require parking minimums and has priced or permitted on-street parking.	Reduction in VMT, primarily for residential uses, based on range of elasticities for vehicle ownership in response to increased residential parking fees. Does not account for self-selection. Only applies if the city does not require parking minimums and if on-street parking is priced and managed (i.e., residential parking permit districts).	2%-12%
							Victoria Transport Policy Institute (2009). Parking Requirement Impacts on Housing Affordability. Retrieved March 2010 from: http://www.vtpi.org/park-hou.pdf.

Appendix 1: Detailed TDM Strategies Assessment

Relevant Strategies for Implementation in Contra Costa Jurisdictions

CAPCOA Category	CAPCOA #	CAPCOA Strategy	CAPCOA Estimate of VMT Reduction	Strength of Evidence for Application in CEQA?	Applicable to Individual Land Use Projects?	New Information Since CAPCOA was Published in 2010	
						New Information	Literature or Evidence Cited
Parking Pricing	3.3.3	POT-3 Implement Market Price Public Parking	2.8%-5.5% VMT reduction due to "park once" behavior and disincentive to driving	Adequate	Yes - however, the VMT reductions would only apply to visitor or customer trips.	Implement a pricing strategy for parking by pricing all central business district/employment center/retail center on-street parking, to encourage "park once" behavior. The benefit of this measure above that of paid parking at the project site only is that it deters parking spillover from the project to other public parking nearby. It may also generate sufficient area-wide mode shifts to justify increased transit service to the area. VMT reduction applies to VMT from visitor/customer trips only. Reductions higher than top end of range from CAPCOA report apply only in conditions with highly constrained on-street parking supply and lack of comparably-priced off-street parking.	2.8%-14.5% Clinch, J.P. and Kelly, J.A. (2003). Temporal Variance Of Revealed Preference On-Street Parking Price Elasticity. Dublin: Department of Environmental Studies, University College Dublin. Retrieved from: http://www.ucd.ie/geop/research/workingpapers/2004/04-02.pdf . Cited In Victoria Transport Policy Institute (2017). Transportation Elasticities: How Prices and Other Factors Affect Travel Behavior. Retrieved from: http://www.vtpi.org/adm/admt1.htm Hensher, D. and King, J. (2009). Parking Demand and Responsiveness to Supply, Price and Location in Sydney Central Business District. Transportation Research A, 35(3), 177-196. Millard-Ball, A. et al. (2013). Is the curb 80% full or 20% empty? Assessing the impacts of San Francisco's parking pricing experiment. Transportation Research Part A, 63(2014), 76-92. Shoup, D. (2010). The High Cost of Free Parking. APA Planners Press, p. 290. Cited in Pierce, G. and Shoup, D. (2013). Getting the Prices Right. Journal of the American Planning Association, 79(1), 67-81.
Commute Trip Reduction	3.4.3	TRT-3 Provide Ride-Sharing Programs	7%-15% commute VMT reduction due to employer ride share coordination and facilities	Adequate - Effectiveness is highly dependent on participation of individual building tenants.	Yes - however, the effectiveness of the ride-sharing programs is building tenant specific and may require monitoring to evaluate the program's effectiveness.	Commute vehicle trips reduction due to employer ride-sharing programs	2.5%-6.3% Victoria Transport Policy Institute. (2015). Ridesharing: Carpooling and Vanpooling. Online TDM Encyclopedia. Retrieved from: http://vtpi.org/adm/adm34.htm
Commute Trip Reduction	3.4.4	TRT-4 Implement Subsidized or Discounted Transit Program	0.3%-20% commute VMT reduction due to transit subsidy of up to \$6/day	Adequate - Effectiveness is highly dependent on participation of individual building tenants.	Yes - however, the effectiveness of a transit subsidy program would be building tenant specific and may require monitoring to evaluate the program's effectiveness.	1) Reduction in vehicle trips in response to reduced cost of transit use, assuming that 10-30% of new bus trips replace vehicle trips; 2) Reduction in commute trip VMT due to employee benefits that include transit; 3) Reduction in all vehicle trips due to reduced transit fares system-wide, assuming 25% of new transit trips would have been vehicle trips.	1) 0.3%-14% 2) 0-16% 3) 0.1% to 6.9% 1) Victoria Transport Policy Institute. (2017). Understanding Transport Demands and Elasticities. Online TDM Encyclopedia. Retrieved from: http://www.vtpi.org/adm/admt1.htm 2) Carolina, F. et al. (2016). Do Employee Commuter Benefits Increase Transit Ridership? Evidence from the NY-NJ Region. Washington, DC: Transportation Research Board, 96th Annual Meeting. 3) Handy, S. et al. (2013). Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/b375/policies/policies.htm
Commute Trip Reduction	3.4.6	TRT-6 Encourage Telecommuting and Alternative Work Schedules	0.07%-5.5% commute VMT reduction due to reduced commute trips	Adequate - Effectiveness is highly dependent on participation of individual building tenants.	Yes - however, the effectiveness of telecommuting and alternative work schedules is building tenant specific and may require monitoring to evaluate the program's effectiveness.	VMT reduction due to adoption of telecommuting	0.2%-4.5% Handy, S. et al. (2013). Policy Brief on the Impacts of Telecommuting Based on a Review of the Empirical Literature. California Air Resources Board. Retrieved from: https://www.arb.ca.gov/cc/b375/policies/telecommuting/telecommuting_brief120313.pdf
Commute Trip Reduction	3.4.9	TRT-9 Implement Car-Sharing Program	0.4% - 67% VMT reduction due to lower vehicle ownership rates and general shift to non-driving modes	Adequate	No - this strategy would require local and/or regional agency coordination to implement.	Vehicle trip reduction due to car-sharing programs; assumes 1%-5% program participation rate. Car-sharing effect on VMT is still evolving due to TNC effects. UCD research showed less effect on car ownership due to car sharing participation and an uncertain effect on VMT.	0.3%-1.6% Lowjoy, K. et al. (2013). Impacts of Carsharing on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/b375/policies/policies.htm Crowder, Regina R. and Mishra, Goutam Shankar. (2017). Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States. UC Davis, Institute of Transportation Studies. Research Report - UCD-ITS-RR-17-07.

Appendix 1: Detailed TDM Strategies Assessment

FEHR + PEERS

Relevant Strategies for Implementation in Contra Costa Jurisdictions

CAPCOA Category	CAPCOA #	CAPCOA Strategy	CAPCOA Estimate of VMT Reduction	Strength of Evidence for Application in CEQA?	Applicable to Individual Land Use Projects?	New Information Since CAPCOA was Published in 2010		
						New Information	New Estimate of VMT Reduction	Literature or Evidence Cited
Commuter Trip Reduction	3.4.30	TBT-10 Implement a School Pool Program	7.2%-15.8% reduction in school VMT due to school pool implementation	Adequate - School VMT only	Not applicable, unless if the project being evaluated is a school.	Limited new evidence available, not conclusive	7% - 15%	Transportation Demand Management Institute of the Association for Commuter Transportation. TDM Case Studies and Commuter Testimonials. Prepared for the US EPA. 1997. (p. 10, 36-38) WayToGo 2015 Annual Report. Accessed on March 12, 2017 from http://www.wyotogo.org/sites/default/files/attachments/waytogo-annual-report-2015.pdf
Transit System	3.5.4	TST-4 Increase Transit Service Frequency/Speed	0.02%-2.5% VMT reduction due to reduced headways and increased speed and reliability	Adequate	No - increasing the quality of transit service would require local and/or regional agency coordination to implement.	Reduction in vehicle trips due to increased transit frequency/decreased headway.	0.3%-6.3%	Handy, S. et al. (2013). Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: http://arb.ca.gov/carbon375/policies/policies.htm

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 with 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 any 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: <i>Quantifying Greenhouse Gas Mitigation Measures</i> , 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 carpoolers and vanpoolers 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. **Information Boards/Kiosks.** ~~Display of the following information in a prominent location, maintained by a designated TDM contact: transit routes and schedules; carpooling and vanpooling information; bicycle lanes, routes and paths and facility information; and alternative commute subsidy information.~~
- Q. **Promotional Programs.** ~~Promotion and organization of events for the following programs: new tenant and employee orientation packets on transportation alternatives; flyers, posters,~~

~~brochures, and emails on commute alternatives; Spare the Air (June through October); Rideshare Week (October); and trip planning assistance routes and maps.~~

- 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. ~~**Other Measures.** Additional measures not listed in this Article, such as child care facilities or an in-lieu TDM fee established by the City Council to provide funding for multi-modal access facilities and services, and/or transportation and parking demand management programs.~~

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. ³¹
- 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.

Richmond

**CITY OF RICHMOND
GUIDELINES AND PROCEDURES
FOR THE IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

ADOPTED SEPTEMBER 23, 2003

Resolution No. 125-03

Replacing Resolution No. 63-96

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CITY OF RICHMOND CEQA GUIDELINES

Section 1: Introduction, history, authority, consistency, applicability, scope and revisions

1.1 INTRODUCTION

The State of California has adopted the California Environmental Quality Act (CEQA) in order to:

- Maintain a quality environment now and in the future
- Provide a high-quality environment that is healthful and pleasing
- Clarify the relationship between a high-quality ecological system and the general welfare of the people of the state
- Identify critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent those thresholds from being reached
- Make it clear that every citizen has a responsibility to contribute to the preservation and enhancement of the environment
- Inform government decision makers and the public about the potential, significant environmental effects of proposed activities;
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.2 HISTORY

- Congress adopted the National Environmental Policy Act (NEPA) in 1969.
- The California Legislature adopted the California Environmental Quality Act (CEQA) to create environmental regulations tailored to the needs of California in 1970.
- CEQA is codified in Sections 21000 through 21178 of the Public Resources Code.
- The CEQA Guidelines were prepared to provide guidelines for implementing CEQA and are codified in Sections 15000 through 15387 of the California code of Regulations, Division 6, Title 14, Chapter 3.
- Section 21082 of CEQA requires the City of Richmond to adopt "objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to this division."

- Section 15022 of the Guidelines requires the City of Richmond to adopt "objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents" and sets forth detailed requirements.

1.3 AUTHORITY

These Guidelines are adopted by Resolution No. 1⁻²-5-03 of the Richmond City Council to:

- Implement Section 21082 of the Public Resources Code hereinafter referred to as the California Environmental Quality Act of 1970, or "CEQA".
- Implement Section 15022 of the CEQA Guidelines.

1.4 CONSISTENCY

These rules and procedures are consistent with, and are intended to supplement, the Guidelines to CEQA (Division 6, Title 14, Section 15000 et. seq. of the California Code of Regulations). The Guidelines are hereby incorporated by reference; a copy of the Guidelines is on file in the Richmond Planning Department. These rules and procedures are intended to tailor the general provisions of the Guidelines to the activities of the City of Richmond. If any portion of these rules and procedures conflicts with any provision of, or amendment to, CEQA or the Guidelines, the provisions of CEQA and the Guidelines shall control.

1.5 APPLICABILITY

CEQA applies to ~~governmental~~ actions ("projects") subject to discretionary approval including and with the potential to result in a direct or indirect physical change to the environment, including:

- Activities directly undertaken by a governmental agency,
- Activities financed in whole or in part by a governmental agency,
- Private activities which require one or several discretionary approvals from a government agency.

1.6 SCOPE

These rules and procedures shall apply to the City of Richmond and all departments, agencies, and districts governed by the City Council of the City of Richmond. The requirements of these rules and procedures shall apply to all projects, both public and private, ~~which requires~~ subject to city discretionary approval.

1.7 REVISIONS

The Planning Director may, from time to time, revise these rules and procedures when ~~he/she~~the Director determines that such revisions are necessitated by amendments to CEQA and the State Guidelines or when the revisions are essentially technical in their nature, and conform to CEQA and the State Guidelines. All other revisions, such as changes to accommodate the goals and objectives of the City Council, shall be approved by the City Council.

Section 2: Definitions

The following definitions are intended to clarify and supplement, but not replace or negate, the definitions contained in the Guidelines. In the event of inconsistency, the Guidelines shall control.

Approval: The decision by a public agency such as the City Council, a city agency or city advisory body which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary permit, contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

Advisory Body: The public body or administrative official required by State Law or City Ordinance or Resolution to consider and make recommendations on a specific type of project. The Planning Commission is the advisory body for legislative approvals of the City Council. The Design Review Board is the advisory body to the Planning Commission.

Categorical Exemptions: An exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

City: City means the City of Richmond which includes all departments, commissions, boards, the City Council and the Redevelopment Agency.

Council: Council means the City Council of the City of Richmond.

County Clerk: County Clerk is the County Clerk for Contra Costa County.

Decision-Making Body: The decision-making body shall be only the City Council, ~~or~~ the Planning Commission or the Design Review Board for the purposes of these Guidelines.

Department: Department means any agency of the City of Richmond, any division of any agency, any department of the City of Richmond not included in one of its agencies, or any special district governed by the City of Richmond City Council.

Discretionary Project: A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a

particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. Examples include: general plan amendments, rezonings, variances, conditional use permits, tentative subdivision maps, and parcel maps.

Guidelines: Guidelines means the State Guidelines for the Implementation of the California Environmental Quality Act (Division 6, Title 14, Section 15000 et. seq. of the California Administrative Code of Regulations).

Lead Agency: The public agency that has the principal responsibility for carrying out or approving a project. The lead Agency will decide whether an EIR or a Negative Declaration will be prepared for a project and will cause the document to be prepared.

Ministerial: Ministerial describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Examples of ministerial decisions are:

- Issuance of building, plumbing or electrical permits.
- Issuance of business licenses.
- Approval of final subdivision maps.
- Approval of individual utility service connections and disconnections.
- All code compliance and zoning determination reviews.
- Issuance of encroachment permits.
- Development of Accessory Dwelling Units (ADUs)

Mitigation: Mitigation includes:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Planning Commission: Planning Commission means a commission appointed by the Mayor subject to City Council confirmation to make recommendations and take actions concerning the City of Richmond.

Planning Department: The Planning Department of the City of Richmond. The

environmental review process is initiated and implemented by the Planning Department. The environmental review is completed by staff and is then reviewed and considered by the ~~City body that makes the final decision on the project (such as the City Council, or Planning Commission, Design Review Board, Planning Director, or other commission or administrative official of the City of Richmond who approves, conditionally approves, or disapproves a project).~~

Planning Director: Planning Director means the director of the Planning Department for the City of Richmond or his/her the Director's designee.

Project: The whole of an action that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of General Plans or elements thereof.
- An activity undertaken by a person that is supported in whole or in part through public agency contracts, grants, subsidies, loans or other forms of public assistance from one or more public agencies.
- An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

Responsible Agency: A responsible agency is a public agency other than the Lead Agency which has discretionary approval power over a project.

Significant Effect on the Environment: A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including, land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Streamlining: Shortening the project approval process for eligible projects by exempting them from the CEQA process or limiting the topics subject to environmental review.

Substantial Evidence: Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts that do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions

predicated upon facts, and expert opinion supported by facts.

Staff Planner: The staff planner, who makes determinations and recommendations on the potential environmental impacts of projects and who manages the environmental review process for project applications assigned by the Planning Director.

Trustee Agency: A state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state of California. Trustee Agencies relevant to the City of Richmond include, among others, the Department of Fish and Game and the State Department of Parks and Recreation.

Section 3: Application Procedures

3.1 CEQA PROCESS SUMMARY (§15002(K))

The Environmental Review Process consists of three basic steps:

1. Lead Agency examines the project to determine whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any further. The Agency may prepare a Notice of Exemption.
2. If the project is not exempt, the Lead Agency conducts an Initial Study to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the Lead Agency prepares a Negative Declaration or Mitigated Negative Declaration.
3. If the Initial Study shows that the project may have a significant effect, the Lead Agency prepares an Environmental Impact Report.

3.2 PRE-APPLICATION PROCESS

Staff will meet with applicants to discuss potential development projects before a formal application is submitted. If more than five staff hours are required for this process, the applicant will be required to submit a deposit, as determined by the

Planning Director pursuant to the City's cost recovery procedures, to defray the costs of the pre-application process. During this process, if the Planning Director or staff planner determines that the proposed project would have potentially significant effects on the environment ~~he/she~~ the Director shall direct that studies be undertaken to determine the significance of those impacts. This process will ensure that potential impacts are determined at the earliest date and that the environmental review process will be conducted in a timely manner.

3.3 DETERMINING IF APPLICATIONS ARE COMPLETE

~~30-Day~~ Time Limit. A Lead Agency is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the agency should be alert for environmental issues that might

require preparation of an EIR (or MND) or that may require additional explanation by the applicant. Accepting an application as complete does not limit the authority of the Lead Agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application. (§15060(a))

Checklist. Once a project application has been submitted, it will be checked to determine if it contains the required information prior to acceptance by the Planning Department. A checklist of required items for each type of application is available at the Planning Department. It is the responsibility of the applicant to ensure that all required information is provided. Projects shall not be deemed received for processing until an application requesting approval for the project is accepted as complete by the staff planner. The process for establishing completeness is:

A. Complete Applications. When the staff planner determines that an application is complete, the applicant shall be notified in writing, within 20 days of the submittal. The staff planner will make reasonable efforts to complete an initial review of application completeness and notify the applicant of project status with a Letter of Completeness within ten days of the application submittal date.

B. Incomplete Applications. When the staff planner determines that an application is incomplete, the applicant shall be notified in writing, within 20 days of the submittal with a Letter of Incompleteness, specifying the areas which were found to be incomplete, and what is needed to complete the application.

C. Complete Resubmitted Applications. When the staff planner determines that a formerly incomplete application that has been resubmitted is **complete**, the applicant shall be notified in writing with a Letter of Completeness, within 20 days of the submittal.

3.4 DETERMINING IF THE PROJECT IS SUBJECT TO CEQA

The Planner should determine if the project is an activity that is:

- Being approved and is subject to one or more discretionary governmental approvals.
- Involving the issuance to a person of a lease, permit, license, certificate or other entitlement for use by one or more public agencies.
- Directly undertaken by a public agency such as public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of General Plans or elements thereof.
- Undertaken by a person that is supported in whole or in part through public agency contracts, grants, subsidies, loans or other forms of public assistance.

Determination. If a project does not meet the above criteria, and/or is clearly a ministerial act, it is not subject to CEQA. ~~[EP: Since the document states this here, for clarity we could repeat this above, where I noted]~~ If a project does meet the above

criteria, processing should continue pursuant to CEQA.

Section 4: Exemption Process

4.1 EXEMPTION DETERMINATION

Exempt. After the staff planner has determined that a project is complete and pursuant to CEQA, ~~he/she~~the staff planner will complete an initial review of application exemption status and notify the applicant of project status within seven (7) days of the determination that the application is complete. The planner will evaluate the project to determine if the following apply to the project:

A. Projects Common Sense Exemptions (projects with no possibility of significant effect, per (Section 15061.b.3). This determination shall be based on Planning staff's judgment as to whether it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and shall be made in accordance with the provisions of the **Guidelines**.

B. Statutory Exemptions. See Article 18 (Sections 15260 - 15285).

C. Categorical Exemptions. See Article 19 (Sections 15300 - ~~15329~~15333).

D. Residential projects undertaken pursuant to a specific plan which meet the requirements of Section 15182 of the Guidelines.

E. Small Infill Exemption. See Section 15332

F. ADU Exemption. See Section 15268 of the Guidelines and PRC Section 21080(b)(1)

G. Affordable Housing Exemption. See CCR Section 15194(b)-(d)

H. Residential Consistent with Specific Plan Exemption. See CCR Section 65457

I. Specific Plan Exemption. See CCR Section 21155.4(2)

J. Community Plan Exemption. See PRC Section 21083.3

K. Infill Project Exemption. Section 15183.3

L. Transit Priority Project Exemption. See PRC Section 21155.1

Determination. If any of the above applies to the project, the planner shall determine that the project is exempt from CEQA and continue processing the project in anticipation of filing a Notice of Exemption after approval. If none of the above applies to the project the planner shall continue processing the project pursuant to CEQA.

Preparation of Initial Study even if exempt. If the staff planner determines that an activity or type of project listed below may have a significant effect on the environment, regardless of whether or not the project may qualify for an exemption under the Guidelines, he/she will prepare an Initial Study under the provisions of Section 5 of

these regulations. In the event the project may qualify for an exemption, but it is found that mitigation measures will be necessary to comply with the Guidelines, the applicant may agree (by formal written and authorized acknowledgement) to implement certain mitigation measures.

4.2 FILING OF A NOTICE OF EXEMPTION

Following approval of an exempt project by the decision-making body, a Notice of Exemption (Appendix A) may be filed as follows:

A. Public projects. The staff planner may file a Notice of Exemption in accordance with Section 15061 (d) of the Guidelines within 10 working days of the project's approval. Any filing fees shall be paid by the sponsoring public agency. The State encourages the City to post notices in electronic form on its website.

B. Private Projects. The staff planner will not file a Notice of Exemption for private projects, but forms will be available at the Planning Department and the applicant should be encouraged to do so to shorten the statutory challenge period provided in CEQA, Section 15062 (d): If the Notice of Exemption is filed with the County Clerk, a 35 day statute of limitations period on challenges is allowed; if a Notice is not filed, the statute of limitations is 180 days. Any filing fees shall be paid by the project applicant. The State encourages the City to post notices in electronic form on its website.

Section 5:Initial Study Procedures

An Initial Study is a preliminary analysis prepared by the Lead Agency to determine the appropriate level of environmental review for a project: either a Negative Declaration (ND) or an Environmental Impact Report (EIR).

5.1 HIRE CONSULTANT

If the conduct of the Initial Study will involve complex studies or unusual technical background(s), the staff planner shall hire a consultant or consultants to prepare the Initial Study. The cost of the consultant services shall be borne by the applicant and paid for out of the account maintained by the City for this project pursuant to the City's cost recovery program.

5.2 CONDUCT OF THE INITIAL STUDY

An Initial Study shall be prepared for all public and private projects, to determine if the project may have a significant effect on the environment, which are not exempt from CEQA according to Section 4 of these Guidelines, unless it has been determined by the staff planner that an EIR will be required and the applicant agrees. All initial studies shall be conducted in accordance with Section 15063 of the Guidelines and should be completed within 20 days upon determination of application completeness.

5.3 CONSULTATION

The staff planner must consult with and solicit recommendations from all responsible and trustee agencies (see Sections 15063 (g) and 15083 of the Guidelines), and City Departments. Appendix B lists agencies with special expertise in various subject areas that may be used to solicit comments in the review of environmental documents. For most projects, this consultation can be adequately satisfied by a telephone call to the appropriate member of the agency's staff. The comments and recommendations of the responsible or trustee agency and City Departments shall be reflected in the Initial Study.

5.4 EVALUATING PROJECTS

A. Initial Study Checklist. Planning staff shall evaluate projects for their effect on the environment by using the Initial Study Checklist (refer to Appendix C) and by calling upon various sources of information, including the general plan, specific plans, previously completed EIR's and other environmental studies.

1. **Projects with no previous environmental documents.** For projects with no previous environmental documents, or previously prepared documents found to be inadequate because changes have been made to the project or project setting, the analysis shall focus on the identification of significant effects according to Sections 15064, 15064.5 and 15065 of the Guidelines. These sections describe the criteria and mandatory findings for establishing whether a project may have a significant adverse effect on the environment.
2. **Projects with previous environmental documents.** For projects with previous environmental documents, the analysis shall focus upon the criteria contained in Sections 15162, 15163, 15164, and 15182, and 15183 of the Guidelines which describe the procedures to follow if there have been substantial changes in the project or project setting since the original environmental documents were prepared.

B. Archaeological/historical study. For projects subject to archaeological/historical study, the applicant shall submit to the Planning Department, in conjunction with the project application, an archaeological/historical survey report and conform to the requirements of Section 15064.5.

C. Transportation Impact Analysis. For projects that could substantially increase vehicle trips, the applicant shall submit a Transportation Impact Analysis (TIA) that uses Vehicle Miles Traveled (VMT) as the primary metric to assess the transportation impacts of the project, per the Senate Bill 375 and Sections 15064.3. For determining whether a project's vehicle trips would constitute a substantial increase, the City of Richmond will apply the Contra Costa County Transportation Analysis Guidelines.

D. Greenhouse Gas Modeling. Per Section 15064.4, the applicant shall complete a "good faith" effort using scientific techniques to calculate the amount of greenhouse gases resulting from the project. The analysis should focus on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change.

B. Native American Consultation. The City shall assess the potential for the project to disturb Tribal Cultural Resources (PRC 21074 (a)(1)(A)-(B)). Per Assembly Bill 52, staff shall provide written notification of the CEQA process to all Native American Tribes on the City's Tribal notice list within 14 days of a decision to undertake a project or determination that a project application is complete. Notification letters shall offer the opportunity to consult on the environmental review process.

C.E. Outside review. If additional outside review is required to determine the potential significant effects of a project, (e.g., a study of potential traffic transportation impacts) it shall be accomplished by consultants selected from the City's list of certified consultants under the supervision of the staff planner. Any fees for this outside study shall be borne by the applicant pursuant to the City's cost recovery program.

D.F. Transmit completed Initial Study to applicant. Upon completion of the Initial Study, the staff planner shall transmit it along with their preliminary determination to the applicant. If it is found that insufficient information exists to determine whether a project will have a significant effect on the environment, additional information from the applicant or additional studies shall be required.

E.G. Meet with applicant. After a preliminary determination that a project may have a significant effect on the environment, the staff planner should meet with the applicant in an attempt to reach agreement on acceptable mitigation measures and/or project alternatives which would lessen or avoid the significant effects outlined in the Initial Study. Where agreement is reached, the staff planner shall revise the Initial Study to incorporate the changes, alternatives and/or mitigation. Changes to the project or mitigation measures shall be agreed to in writing by the applicant and documented in the Initial Study.

F.H. Determination. The staff planner, on the basis of the environmental analysis, other information contained in the Initial Study and substantial evidence in the public record, shall make one of the following preliminary determinations outlined below within 20 days, but, no later than 30 calendar days after accepting the application as complete: (NOTE: This deadline may be extended an additional 15 days upon the consent of the Planning Director and the project applicant as provided in Section 15102 of the Guidelines):

1. If there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the lead agency shall prepare:

- a. A **Negative Declaration**, where there is no possibility that the proposed project may have a significant effect on the environment (proceed to Section 6, Negative Declaration process) OR
 - b. A **Mitigated Negative Declaration**, where it can be shown that, although the proposed project could have a significant effect on the environment, there will not be a significant effect, in this case, because revisions in the project plans made by or agreed to by the applicant and/or mitigation measures have been incorporated into the project would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the City that the project, as revised, may have a significant effect on the environment then a mitigated Negative Declaration shall be prepared (proceed to Section 6, Negative Declaration Process). This determination should be made in cases where the mitigation measures are readily apparent and can be agreed to by the staff planner and the applicant. The City shall prepare a Reporting and Monitoring Program pursuant to Section 21081.6 of the Public Resources Code for any mitigation measures incorporated into the project to ensure compliance, as set forth in Section 12 of these guidelines.
2. If there is substantial evidence that any aspect, either individually or cumulatively, may cause a significant effect on the environment, the lead agency shall:
- a. Prepare an **Environmental Impact Report** because the project may have a significant effect on the environment, pursuant to section 15064 of the Guidelines. Proceed to Section 7 of these rules and procedures;
 - b. Use a previously prepared EIR which the lead agency determines would adequately analyze the project at hand, because pursuant to Section 15153 of the Guidelines, an EIR has already been prepared which adequately evaluates the projects' potential effects, and no additional document is needed. Proceed to Section 7 of these rules and procedures; or
 - c. Determine, pursuant to a Program EIR, tiering, or another appropriate process, which of a project's effects was adequately examined by an earlier EIR or negative declaration or whether to use a Master EIR.

G.I. Mandatory Findings of Significance. The City shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where any of the following conditions occur:

- 1. The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species,

cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in Section 15130.
4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

5.5 NOTIFY APPLICANT OF DETERMINATION OF THE PLANNING DIRECTOR.

As soon as the staff planner, in consultation with the Planning Director, has determined that a Negative Declaration, Mitigated Negative Declaration, EIR, Addendum, Subsequent, supplement, Staged, Program or Master EIR is required, the staff planner shall notify the applicant in writing. A copy of the Initial Study, if one was prepared, and a preliminary request for any additional information needed for the preparation of the EIR (if appropriate) shall also be forwarded to the applicant.

Section 6: Negative Declaration Process

A Negative Declaration is a written statement by the Lead Agency briefly describing reasons that a proposed project will not have a significant adverse effect on the environment and therefore does not require the preparation of an EIR.

6.1 PREPARATION OF A DRAFT NEGATIVE DECLARATION

As soon as the staff planner determines that a project will not have a significant effect on the environment, planning staff shall prepare a Draft Negative Declaration (Appendix D) in accordance with Section 15071 of the Guidelines.

6.2 REVISIONS TO PROJECT REQUIRE REVISIONS TO NEGATIVE DECLARATION

If revisions to the project are proposed during its review process, the project should be compared to the original project and environmental review to determine whether changes or additions to the mitigation measures are required. Changes in the project description which are designed to mitigate significant

environmental effects shall be completed before the Draft Negative Declaration is released for public review as required by Section 15070 (b)(1) of the Guidelines.

6.3 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION (NOI)

A. Public Review Period. The City shall publish a NOI to provide a public review period pursuant to Section 15105 of not less than 20 days. When a proposed Negative Declaration or Mitigated Negative Declaration and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than **30** days (or as long as the review period established by the State Clearinghouse), unless a shorter period is approved by the State Clearinghouse under Section 15105(d).

B. NOI contents. The NOI should contain the following:

1. **Description.** A brief description of the proposed project.
2. **Starting and ending dates for the review period.** The starting and ending dates for the review period during which the City will receive comments on the proposed Negative Declaration or Mitigated Negative Declaration.
3. **Date, time, and place of any scheduled public meetings.** The date, time, and place of any scheduled public meetings or hearings to be held by the City on the proposed project.
4. **Where available for review.** The address or addresses where copies of the proposed negative declaration or Mitigated Negative Declaration including the revisions developed under Section 15070(b) and all documents referenced in the proposed negative declaration or Mitigated Negative Declaration are available for review. This location or locations shall be readily accessible to the public during the City's normal working hours.
5. **Hazardous waste sites.** If the project site is on any of the lists shown under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.
6. **Other information.** Other information specifically required by statute or regulation for a particular project or type of project.

C. Recipients of Notice of Intent. The City shall mail a Notice of Intent (NOI) to adopt a negative declaration or mitigated negative declaration to:

1. **All organizations and individuals who have previously requested the notice** in writing and by **all** of the following:
 - a. Publication at least one time by the City in a newspaper of general circulation in the area affected by the proposed project.

- b. Posting of notice by the City on and off the site in the area where the project is to be located.
 - c. Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is based. Owners of such property shall be identified as shown on the latest equalized assessment roll.
 - d. Posting on the Planning Department's website.
2. **Responsible agencies** (including a copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study).
 3. **Trustee agencies** (including a copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study)
 4. **Every other public agency with jurisdiction by law** over resources affected by the project (including a copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study).
 5. **The State Clearinghouse** where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance (see Sections 15206 and 15207 of the Guidelines) (including a copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study). Staff should ask consult the State Clearinghouse website or contact State Clearinghouse staff for the numbers of copies to send, mailing addresses, timelines and delivery methods prior to sending the copies for applicable submittal requirements.
 6. **The Association of Bay Area Governments (ABAG)** where the project is of statewide, regional, or areawide environmental significance (including a copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study).
 7. **Commenting agencies.** Any public agency which has commented on a proposed Negative Declaration or Mitigated Negative Declaration.
 8. **Person requesting a copy.** Any person requesting a copy of the NOI and the Negative Declaration, Mitigated Negative Declaration or Initial Study.
 9. **Richmond Neighborhood Coordinating Council** and the neighborhood council in which the project is located.
 10. **Main Richmond Public Library** and the library nearest the project.
 11. **Planning Department.**
 12. **County Clerk.**
- D. Public Hearings.** The Planning Director may hold a public hearing on the Draft Negative Declaration as provided by Section 15202 of the Guidelines, for the

purpose of gaining public input for the public record.

6.4 COMPLETING THE NEGATIVE DECLARATION

A. No comments received. If no comments are received during the 20-day review period (30 days for State Clearinghouse review) the Negative Declaration may be accepted as complete.

B. Comments received. If comments are received; the Planning Director shall, within 30 calendar days of the close of the review period, review the comments and after giving them consideration, make one of the following determinations:

1. **EIR.** That an EIR should be prepared because the comments:

- a. Fairly argue that on the basis of substantial evidence, the project may have a **significant effect** on the environment; OR
- b. Indicate there is **serious public controversy** concerning the environmental effects of the project, which is supported by substantial evidence. (Controversy not related to an environmental issue does not require the preparation of an EIR.) OR

2. **Negative Declaration.** That the Negative Declaration should be accepted as complete because the comments do not provide the basis for requiring an EIR, as outlined above, or recirculation as outlined below. The Planning Director may, however, revise the Negative Declaration and Initial Study in response to comments received (not substantial revisions), before accepting it as complete. The City may use the response to comment format to clarify the reasons for accepting the Negative Declaration as complete OR

3. **Recirculate Negative Declaration.** If, during the 20-day public review period, the Negative Declaration is found to require substantial revisions, including significant revisions to the project description and new avoidable significant impacts requiring new mitigation measures, the document must be recirculated for a second public review period, pursuant to Section 15073.5

4. ~~(including the project description and/or any recommended mitigation measures), must be substantially revised in response to comments received during the 20-day review period, the revised document must be recirculated for another 20-day public review period pursuant to Section 15073.5 of the Guidelines. Substantial revisions includes: a new, avoidable significant effect and the mitigation measures or project revisions that must be added in order to reduce the effect to insignificance; and/ or the a City determines determination that the proposed mitigation measures or project revisions will not reduce potential effects to less than significant and that new measures or revisions must be required.~~

NOTE: The Negative Declaration must be completed and approved within 180 days from the date the application was determined to be complete. (Section

15107)

C. Notify applicant. The Planning Director shall notify the applicant of the determination to either: require an EIR, accept the Negative Declaration as complete or recirculate the Negative Declaration.

6.5 APPROVAL OF THE NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The decision-making body shall be only the City Council, or Planning Commission ~~or the Design Review Board~~ for the purposes of these Guidelines. Before approving a project for which a Negative Declaration or Mitigated Negative Declaration (and associated Mitigation Monitoring Program) has been prepared, the final decision-making body shall review and consider and adopt or deny the Negative Declaration or Mitigated Negative Declaration. Where a conflict arises between advisory and/or the decision-making bodies regarding the Negative Declaration or Mitigated Negative Declaration, the Negative Declaration or Mitigated Negative Declaration shall be referred to the City Council for final determination.

6.6 APPEAL

An appeal of this decision may be filed pursuant to Section 11 of these Guidelines.

6.7 TIMELY COMPLIANCE

A Negative Declaration shall be completed and adopted not more than 180 calendar days after an application has been accepted as complete (Section 15107), except in the following instances and as allowed by law:

1. The time period has been suspended because of unreasonable delay caused by the applicant (Section 15109).
2. Where a project is subject to the National Environmental Policy Act (NEPA) (Section 15110).
3. Where the project requires approval of other applications not subject to statutory deadlines such as annexations and sphere of influence amendments (Section 15110).
4. When the applicant requests a time extension pursuant to Section 21100.2 and 21151.5 of the Public Resources Code, an extension may be granted for a maximum of six months after an application is deemed complete. The applicant may in this case, and under certain circumstances, request a waiver of the 180 day time period for a Negative Declaration or the one year time limit for an EIR (see Section 15110 of the Guidelines which deals with projects for which a combined EIR and EIS are required).

6.8 NOTICE OF DETERMINATION.

After the decision-making body has made a decision to carry out a project for which a Negative Declaration, Mitigated Negative Declaration, EIR, Supplemental EIR, Subsequent EIR or an Addendum to an EIR (if significant) or previous EIR has been approved or certified, the staff planner shall, as soon as possible but no later than 5 calendar days following approval of the project, prepare a Notice of Determination (Appendix E) in accordance with Section 15075 or 15094 of the guidelines. Staff shall file the NOD with the county clerk for all projects proposed by the City. The applicant shall be responsible for filing his/her NOD with the County Clerk. The applicant shall be responsible for paying all filing fees, including Department of Fish and Game-Wildlife fees if applicable, at the time the notice is filed. The project will not be operative, vested or final until the filing of the Notice of Determination with the county clerk. If the project requires a discretionary approval from any state agency the City will also file the NOD with the Office of Planning and Research (OPR) in the State Clearinghouse. The State encourages the City to post notices in electronic form on its website.

Section 7: Environmental Impact Report Process

7.1 HIRE CONSULTANT

The staff planner shall hire a consultant or consultants to prepare the EIR (if it has not already occurred). The cost of the consultant services shall be borne by the applicant

and paid for out of the account maintained by the City for this project pursuant to the City's cost recovery program.

7.2 NOTICE OF PREPARATION

At the time it is determined that an EIR is required, the staff planner shall complete and distribute a Notice of Preparation (Appendix F) to OPR, trustee and responsible agencies, any federal agencies involved in approving or funding the project, City departments and nearby cities and counties (if affected by the project) and begin consultations with the applicant and qualified consultants as provided by Sections 15082 of the Guidelines.

A. Contents. The NOP should contain the following:

1. Description of the project.
2. Location of the project.
3. Possible environmental effects of the project.

B. Notice. Notice shall be sent by certified mail.

C. Response to Notice of Preparation. Within 30 days after receiving the notice of preparation each trustee agency, responsible agency, applicable federal agency, City Department and nearby city or county will provide the City with specific detail about the scope and content of the environmental information related to the responsible agency's area of statutory responsibility which must be included in the Draft EIR. The response should identify:

1. Significant environmental issues and reasonable alternatives and mitigation measures which the responsible agency will need to have explored in the Draft EIR.
2. Whether the agency will be a responsible agency or trustee agency for the project.

D. If no comments are received. If the recipients of the Notice of Preparation fails by the end of the 30-day period to provide the City with either a response to the notice or a well-justified request for additional time, the City may presume that the recipients have no response to make.

E. Meetings. The City, a responsible agency, a trustee agency or the applicant may request one or more meetings to assist the City in determining the scope and content of the environmental information which the responsible agency or trustee agency may require. Such meetings shall be convened by the City within 30 days after the meetings were requested.

F. State Clearinghouse. When one or more state agencies will be a responsible agency or trustee agency, the City shall send a NOP to the State Clearinghouse in OPR. OPR will then assign an identification number to the EIR.

7.3 SCOPE OF EIR

Based on the results of the Initial Study, information received in response to the Notice of Preparation, and/or other review of the project, the staff planner, under consultation of the Planning Director, shall determine the scope of the EIR. Prior to completing the Draft EIR, a meeting may also be held with responsible agencies, trustee agencies, persons concerned with the environmental effects of the project, other persons identified in Section 15086 of the State Guidelines, and/or representatives from other City departments to determine the scope of the EIR. The scope shall include a listing of all technical reports (~~traffic~~transportation, noise, biology, and so forth) as well as any other special analyses that will be required. The scope should be written in a narrative rather than a checklist format to make it clear and easy to understand. See Appendix H for types of Environmental Impact Reports.

7.4 PREPARATION OF THE DRAFT, SUBSEQUENT OR SUPPLEMENTAL EIR OR ADDENDUM TO AN EIR

- A. Consultant prepares EIR.** The consultant shall prepare the EIR in consultation with the project planner and with Responsible and Trustee agencies.
- B. Costs of Preparation.** Costs associated with the preparation, printing, and distribution of EIR's and addenda and supplements for private projects shall be borne by the applicant. Prior to the City contracting with the consultant to prepare the EIR, the applicant shall deposit funds in a City account pursuant to the City's cost recovery procedures sufficient to pay for the required EIR ~~in a City account~~. These funds shall be released by the City to the EIR consultant according to the cost recovery process of the City. The applicant shall also be required to pay the hourly costs for any additional staff time required to review the document from the funds in the account maintained by the City for this project.
- C. Contents and Format.** The EIR shall contain all of the elements specified in Sections 15120 through 15132 of the Guidelines for Draft EIR's and/or Sections 15160 to 15179.5 of the Guidelines for Subsequent, Supplemental, Addendum, Staged, Program and Master EIR's and any additional information required by the City. The EIR may also contain additional studies and/or requirements as noted in the initial environmental study that is pertinent to the project. In some cases, the EIR may be limited to focused items, also as identified in the Initial Study (refer to Section 5 of these guidelines).
- D. Consultant interaction with applicant.** During the preparation of the environmental impact report, the City's consultant should be allowed free access to the applicant, provided that the staff planner shall be notified ahead of time of any meetings between the applicant and the consultant, and that no meeting be held without the knowledge and consent of the staff planner. No information or conclusions should be released by the consultant to the applicant prior to notification to, and approval of, the staff planner of such information.

7.5 PROCESSING THE DRAFT EIR (INCLUDING SUBSEQUENT AND SUPPLEMENTS)

A. Screencheck Draft EIR. The consultant preparing the Draft EIR shall submit a Screencheck Draft EIR for review by the staff planner within the time allowed by the EIR contract. The consultant shall revise the Screencheck Draft EIR and shall generally submit the Draft EIR within two weeks of receipt of comments from staff.

B. Notice of Completion (also Notice of Availability (NOA)). As soon as the staff planner, under consultation with the Planning Director, determines that the Draft EIR is properly completed, and is appropriate for distribution and processing, the EIR consultant shall complete a Notice of Completion and file it with the Office of Planning Research (OPR) in accordance with Section 15085 of the Guidelines (refer to Appendix G) and shall mail-submit a copy to the Applicant.

C. Public Notice. Planning staff shall provide public notice of the completion of the Draft EIR in accordance with Section 15087 of the Guidelines at the same time the Notice of Completion is filed. CEQA provides that public notice that a Draft EIR has been completed, and is available for public review (including places where the document is available and the time available for making comments) shall be mailed to all organizations and individuals who have previously requested such notice in writing and by all of the following procedures:

1. Publication at least once in a newspaper of general circulation in the area affected by the proposed project.
2. Posting on the City Hall bulletin board and on the project site.
3. Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is based. Owners of such property shall be identified as shown on the latest equalized assessment roll.
4. Posting on the Planning Department's website.

D. Distribution. The staff planner shall distribute, as provided in Sections 15086 of the Guidelines and below, the Draft EIR when complete, and request written comments during the review period:

1. Where a project is of statewide, regional or area wide significance according to Section 15206 of the Guidelines, the Draft EIR shall be sent to the State Clearinghouse and Association of Bay Area Governments (ABAG).
2. Draft EIR's prepared for a general plan, general plan element, or amendment, and EIR's prepared pursuant to the National Environmental Policy Act shall be distributed to the State Clearinghouse.
3. Distribution to the State Clearinghouse where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance (see Sections 15206 and 15207 of the Guidelines) (including a

copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study). Staff should consult the State Clearinghouse website or contact State Clearinghouse staff for applicable submittal requirements. Staff should ask State Clearinghouse staff for the number of copies to send, mailing addresses, timelines and delivery methods prior to sending the copies.

4. Copies shall also be distributed to members of the advisory and decision-making bodies for the project, affected neighborhood councils, any organizations or individuals who have filed a written request to receive a copy of the DEIR, the City Manager, City project staff, other appropriate staff and the applicant.
5. Copies of the DEIR shall be made available for review at the main Richmond library and at the library nearest the project, and at the Planning Department where loan copies shall be available. Any person wanting a copy of the DEIR other than those to whom they have been distributed shall be charged a fee not to exceed the actual cost of reproduction.

E. Review. The review period shall begin following the distribution of Public Notices and DEIR documents by the staff planner, and shall be not less than 30 days nor longer than 90 days. If a state agency is the Lead Agency or a Responsible Agency, the review period for a Draft EIR shall be not less than 45 days unless the State Clearinghouse approves a shorter time period.

F. Public Meetings. The City may hold public meetings to receive input on the Draft EIR.

G. Evaluation of Comments and Preparation of Responses. As comments are received, the staff planner and/or EIR consultant, in consultation with the Planning Director, shall evaluate the comments and have responses prepared. The EIR consultant under advisement of the staff planner and/or Planning Director may prepare such responses. Responses to comments shall be sent to the commenterscommenters at the end of the public review period. Comments and responses to comments shall be included in the Final EIR as per Sections 15088 and 15132 of the Guidelines. Such responses to comments should fully address comments and questions and make reference to the EIR where appropriate. If significant new information is added to the EIR, the EIR shall be recirculated as required by Section 15088.5 of CEQA.

7.6 PREPARATION AND PROCESSING OF THE FINAL EIR

A. Preparation. The EIR consultant, in consultation with the staff planner and the Planning Director shall prepare a proposed Final EIR. If the EIR is prepared by staff, the staff planner in consultation with the Planning Director shall prepare the Final EIR. Costs of preparation shall be borne by the applicant.

B. Contents. The contents of the proposed Final EIR shall be as specified by Sections 15132 of the CEQA Guidelines and as required by the City.

- C. Format.** Generally, when comments are received they shall be attached to the Draft EIR with responses. However, where the staff planner, under consultation with the Planning Director, determines that responses to comments will require numerous or substantial revisions to the Draft EIR text, they shall be entered into the text of the existing Draft EIR text to comprise the Final EIR
- D. Distribution.** The staff planner shall distribute the proposed Final EIR as soon as complete to the advisory or decision-making body holding meetings on the project. The proposed Final EIR shall also be forwarded to recipients of the Draft EIR, those who commented on the Draft EIR plus required agencies.
- E. Checklist for Processing the EIR.** The staff planner shall maintain a checklist in the main project file, to document processing steps of the EIR, such as dates of issuance of the notice of preparation, request for proposal, execution of the consultant's contracts, completion of the Draft and Final EIR, and issuance of the notice of determination.

7.7 PROCESSING OF AN ADDENDUM TO AN EIR (OR A NEGATIVE DECLARATION)

Preparation. The City may prepare an addendum to a previously certified EIR or Negative Declaration if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a Subsequent EIR have occurred. An addendum need not be circulated for public review but can be included in or attached to the Final EIR or Negative Declaration.

Distribution/processing. The staff planner, under consultation with the Planning Director, may distribute an Addendum to an EIR to any agency or individual he/she/the staff planner feels is qualified to review the document. If the staff planner finds the Addendum to be significant, the Addendum shall be processed consistent with Section 7.5 of these Guidelines and Procedures. Circulation of the Addendum is not required, but should be accomplished if there are agencies with expertise that could provide input on its contents. Copies shall also be transmitted to members of the advisory and decision-making bodies for the project, the City Manager, City project staff, and the applicant.

7.8 ACTION.

The decision-making body certifies the EIR, approves the project and adopts findings on feasibility of reducing or avoiding significant environmental effects.

7.9 APPEAL

An appeal of this decision may be filed pursuant to Section 11 of these Guidelines.

7.10 NOTICE OF DETERMINATION.

After the decision-making body has made a decision to carry out a project for which a

Negative Declaration, Mitigated Negative Declaration, EIR, Supplemental EIR, Subsequent EIR or an Addendum to an EIR (if significant) or previous EIR has been approved or certified, the staff planner shall, as soon as possible but no later than 5 calendar days following approval of the project, prepare a Notice of Determination (Appendix E) in accordance with Section 15075 or 15094 of the guidelines. Staff shall file the NOD with the County Clerk for all projects proposed by the City. The applicant shall be responsible for filing ~~his/her~~their NOD with the County Clerk. The applicant shall be responsible for paying all filing fees, including Department of Fish and Game-Wildlife fees if applicable, at the time the notice is filed. No The project deemed subject to CEQA review will ~~not~~ be operative, vested or final until the filing of the Notice of Determination with the county clerk. If the project requires a discretionary approval from any State agency, the City will also file the NOD with the State Clearinghouse in Office of Planning and Research (OPR) in the State Clearinghouse. The State encourages the City to post notices in electronic form on its website.

Section 8: Staged and Program Environmental Impact Report Process

8.1 GENERAL

A staged EIR is one prepared to assess large capital projects that require multiple discretionary approvals, at least one of which will occur more than two years before construction will begin. Staged EIRs evaluate projects in light of current and contemplated plans to produce informed estimates of environmental impacts (Section 15167)

A program EIR is one which may be prepared on a series of actions that can be characterized as one large project, expected to be built over a long period of time, and which meet the requirements of Sections ~~15167 and~~ 15168 of the Guidelines.

8.2 USE WITH LATER ACTIVITIES

When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project. Information available at the time of the later approval would permit consideration of additional environmental impacts.

In the case of a program EIR, later actions that are part of the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared. If an action would have effects that were not examined in the program EIR, a new Initial Study must be prepared, leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152. If it is concluded that a subsequent EIR is required, the activity can be approved as within the scope of the original program EIR and no new CEQA document needs to be prepared. Subsequent activities that are proposed under Staged or Program EIR's must be examined with an Initial Study to determine if an additional environmental document is necessary as set forth in Sections 15167 and 15168 of the Guidelines respectively. If no new effects could occur or no new mitigation measures are required pursuant to Section 15162 of the Guidelines, no new

~~environmental document may be required.~~

~~Public noticing of CEQA documents that are subsequent to staged and program EIRs e must follow the same protocol as their counterparts not associated with later environmental review. shall be given when the City proposes to approve an activity within the program and to rely on the program EIR for CEQA compliance. The notice shall include a statement that the activity is within the scope of the program approved earlier and the program EIR adequately evaluates the activity for the purposes of CEQA. In such cases, planning staff shall prepare a "Notice of Use of a Program EIR"~~

Section 9: Project Review Process

9.1 GENERAL

To the extent possible, continued processing activities by staff, and advisory and decision-making bodies, short of project approval by the decision-making body, shall continue during preparation and review of environmental documents.

9.2 PUBLIC NOTICES

All public notices which are normally used as part of the decision-making process shall note the existence of an environmental document, and shall state where the document is available for public inspection. For projects which will rely on a program EIR for CEQA compliance, notice will include statements that the activity is within the scope of the Program EIR approved earlier, and the program EIR adequately describes the activity for the purposes of CEQA (see Section 15168 (e) of the Guidelines).

9.3 CONSIDERATION OF ENVIRONMENTAL DOCUMENTS BY ADVISORY BODIES

The role of an advisory body in the City's CEQA process is for its members to provide comments, as appropriate, to City staff during the public review period so the comments may be made part of the final environmental document to be considered by the decision-making body. Significant environmental issues raised by the advisory body require the staff planner and/or Planning Director to provide appropriate responses for their review and consideration in the final environmental document.

9.4 CONSIDERATION OF ENVIRONMENTAL DOCUMENTS BY DECISION-MAKING BODIES

- A. General.** The decision-making body shall be only the City Council, or Planning Commission, or the Design Review Board for the purposes of these Guidelines. Prior to approval or disapproval of a project, the decision-making body shall review and certify the document along with information contained in the final environmental document together with any comments received during the public

review process.

B. Exempt Projects. For projects exempt from CEQA, the following shall apply:

1. The decision-making body shall make the following finding as part of any ordinance or document approving the project: "That the project is exempt from CEQA, in that (basis for exemption), and therefore, no environmental documents are required."
2. The decision-making body may conclude that an exemption is not supported by the facts and disapprove it. In such cases, the staff planner shall immediately proceed with an Initial Study for the project (See Section 5).

C. Projects with Negative Declarations. For projects with Negative Declarations, the following shall apply:

1. The Draft Negative Declaration shall be completed and approved within 180 days of the date that the application was certified as complete.
2. The decision-making body shall make one of the following findings as part of any document or ordinance approving the project: "A Negative Declaration has been prepared, processed, and considered according to CEQA and (either)
 - a. It is found that the project cannot or will not have a significant effect on the environment"; or
 - b. It is found that, although the proposed project may have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures specified in the Negative Declaration and added to the description of the project."
3. The decision-making body may conclude that the Negative Declaration is not supported by the facts, or that there is serious public controversy concerning the environmental effects of the project, and disapprove it. In such an event, the staff planner shall immediately proceed with preparation of an EIR (See Section 7.).

D. Projects with Previous Environmental Documentation. For projects with a previous environmental document, the following shall apply:

1. The decision-making body shall make the appropriate findings in accordance with Sections 15153 and 15091 and 15093 of the Guidelines, if necessary.
2. The decision-making body may conclude that the previous environmental document is not adequate for the project under the criteria of the above mentioned sections of the Guidelines. In such an event, a majority of the decision-making body shall also determine whether a Negative Declaration or an additional EIR shall be prepared.

E. Projects with a Final or Supplemental EIR or an Addendum to an EIR.

1. The Final, Supplemental or Addendum to an EIR shall be completed and ready for approval and certification/final action on the project shall occur within one year of the date the application was certified as complete or extended by waiver of deadline by the applicant as agreed to by the Planning Director.
2. The decision-making body may conduct a public hearing on the Final EIR, supplement or Addendum in accordance with Section 15202 concurrent with or before its hearing on the proposed project. No proposed Final, Supplemental, or Addendum EIR shall be considered for certification by a decision-making body unless consideration of the document has been properly placed on the agenda of the decision-making body and the public review period for the EIR has ended.
3. The decision-making body shall solicit public testimony pursuant to any EIR, supplement, or Addendum on its agenda. Significant environmental issues raised during these meetings, and responses shall be added to the Final, Supplemental or Addendum EIR prior to certification.
4. Findings

- a. For any project with a Final, Supplemental, or Addendum EIR, the decision-making body shall make the following finding as part of any resolution approving the project:

"That the Final EIR (and supplement or Addendum) has been completed in compliance with CEQA and the State Guidelines and the City's procedures, and that the decision-making body having final approval authority over the project has reviewed and considered the information contained in the EIR (and supplement or Addendum) and found it adequately discusses the environmental effects of the proposed project."

- b. The decision-making body may still approve a project for which one or more significant effects have been identified upon making certain findings that either 1) the impact has been substantially lessened through changes in the project, 2) the changes in the project are the responsibility of a public agency other than the agency making the finding, and/or 3) the mitigation measures or project alternatives are infeasible (see Section 15091 of the Guidelines).

5. Statement of Overriding Considerations

Where the decision-making body allows the occurrence of significant effects which are identified in the Final, Supplemental, or Addendum EIR, but are not mitigated, the decision-making body must adopt a statement of overriding considerations in accordance with Section 15093 of the Guidelines.

Section 10: Procedures for the City as a Responsible Agency

10.1 GENERAL

This section identifies the special duties of the City of Richmond when acting as a Responsible Agency under the provision of Section 15096 of the Guidelines.

10.2 RESPONSE TO CONSULTATION

The Planning Director or ~~his/her~~their representative shall respond to consultation requests by a Lead Agency according to Section 15096 (b) of the Guidelines.

10.3 MEETINGS

The Planning Director or ~~his/her~~their representative shall attend meetings requested by the Lead Agency as provided in Section 15096 (c) of the Guidelines.

10.4 COMMENTS ON DRAFT EIR'S AND NEGATIVE DECLARATIONS

The Planning Director or his/her representative should review and comment on Draft EIR's and Negative Declarations as provided by Section 15096 of the Guidelines. Where ~~he/she~~the Director or their representative feels appropriate, ~~he/she~~they may place the document on the agenda of the Planning Commission for public review and comment or, upon consent of the City Manager, refer the item for comment by the City Council. Copies of the City's comments sent to the Lead agency will be provided to the City Manager and appropriate City Departments and bodies.

10.5 NOTICE OF DETERMINATION

This notice shall be filed in the manner provided under section 7.8 of these procedures and Section 15096 (g) (1) (i) of the Guidelines.

Section 11: Appeal Process

11.1 WHAT DECISIONS MAY BE APPEALED

AppealAny decision approving, certifying, denying approval, or denying certification of an EIR, ND or MND, a determination that a project is exempt from CEQA pursuant to a statutory or categorical exemption, a subsequent or supplemental EIR, ND, or MND, addenda to a previously prepared CEQA document, master EIRs, focused EIRs, joint CEQA and NEPA documents, CEQA findings, CEQA statements of overriding considerations, or CEQA mitigation monitoring and reporting programs may be appealed.

11.2 WHO MAY APPEAL A CEQA DECISION

Any member of the public, including the project applicant or elected official, may appeal a CEQA decision.

11.2 PROCEDURES

A. Appeal bodies.

City Council. The environmental determinations of the Planning Commission or Design Review Board may be appealed to the City Council by filing an appeal with the City Clerk and shall be decided by the City Council.

B. Time Limits for Appeals.

Appeal of the approval of an ND or MND or the certification of an EIR. Any person(s) making an appeal must have objected to the approval or certification of the CEQA document during either the public comment period or prior to the close of the final public hearing. Provided this condition is met, a Appeals of the approval of an ND or MND by a decision-making body or the certification of an EIR by a decision-making body shall be filed within ten (10) calendar days of the date final action is taken approving the ND or MND or certifying the EIR. When the period for an appeal ends on a weekend or City holiday, the last day to file the appeal shall be extended to the next working day.

C. Filing. Appeals made pursuant to this section shall be submitted in writing on a form provided by the City to the City Clerk for decisions made by the Planning Commission ~~or Design Review Board~~. The appellant shall state specifically why the determination or interpretation is not in accord with the provisions of the California Environmental Quality Act and what the specific reasons are for the assertion that there was an error or abuse of discretion by the Planning Commission ~~or Design Review Board~~.

D. Notification of the parties of appeal. All interested parties shall be notified when the Planning Director or City Clerk receives an appeal pursuant to this section.

E. Effect on Decisions. Decisions that are appealed shall not become effective or final until the appeal is resolved.

F. Hearing date. An appeal shall be scheduled for a hearing before the appellate body within 60 days of the City's receipt of an appeal unless both applicant and appellant agree to a later date.

G. Notice. A public hearing shall be held if the decision being appealed or reviewed requires a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or as set forth in Section 15.04.970 (Notices) of the Richmond Municipal Code.

H. Hearing. At the hearing, the City Council shall review the record of the decision and hear the testimony of the appellant, the applicant, and any other interested party. The appellate body shall consider only decisions and issue(s) raised by the appeal.

I. Decision. The City Council shall affirm, modify, or reverse the original

decision. When a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal. Decisions on appeals shall be rendered within 30 days of the close of the hearing.

1. If the decision to require an ND or MND is reversed, an EIR shall be prepared.
2. If a decision to prepare an EIR is reversed an ND or MND shall be prepared.
- 2.3. If a determination is made to modify an ND or MND, it shall be modified. If minor revisions to an ND or MND are made a NOI shall be published as shown in Section 6.3 of this document. Substantial revisions (see CEQA Section 15073.5) to an ND or MND shall require recirculation of the document.
- 3.4. If a determination is made to modify an EIR, it shall be modified. If minor revisions to an EIR are made it shall be returned to the decision-making body for consideration. If significant new information is added to an EIR or if significant changes are required, the EIR shall be revised and recirculated (as required by Section 15088.5 of CEQA) as a Draft EIR and a NOP prepared and as shown in Section 7.2 of this document.
- 4.5. 5. In making its decision, the City Council shall be guided by the objectives and criteria established by the State CEQA Guidelines.

J. Effective Date. A decision by the City Council regarding an appeal shall become final 10 days after the date of the decision.

K. Cost. The cost of the appeal shall be borne by the Applicant and paid for out of the account maintained by the City for this project pursuant to the City's cost recovery program.

Section 12: Mitigation Monitoring

12.1 GENERAL

The Mitigation Monitoring process is intended to:

- A. Ensure that required mitigation measures are implemented;
- B. Allow the City and interested citizens to verify compliance before, during and after project construction; and
- C. Generate information on the effectiveness of mitigation measures, to improve their effectiveness in future applications.

12.2 APPLICABILITY

The mitigation monitoring program is established to comply with Section 15097 of the Guidelines when findings have been made pursuant to Section 15091 (where an EIR was approved with significant effects and changes to the project have been required

to avoid or lessen the significant environmental effects identified in the EIR, or the mitigation measures of project alternatives are infeasible) or when a Mitigated Negative Declaration was adopted in conjunction with approving a project.

Mitigation monitoring shall be required for all non-exempt discretionary projects for which mitigation measures have been identified through a Negative Declaration, environmental impact report, or ~~Supplemental~~ supplemental reports.

12.3 PROCEDURES

A. Mitigation Monitoring Checklist. The City shall ensure that project revisions and mitigation measures are implemented by adopting a program monitoring or reporting checklist on the revisions which it has required in the project and the measures it has ~~imposed~~ undertaken to mitigate or avoid significant environmental effects.

After a non-exempt discretionary project is approved with conditions of approval that includes mitigation measures identified through a Negative Declaration, EIR or supplement, these mitigation measures shall be incorporated into a checklist. Each measure will be identified separately on the checklist, with various spaces for monitoring the progress and effectiveness of each measure as it is implemented. This checklist is the basis of the monitoring program and a copy shall be distributed to all ~~d~~Departments that supplied mitigation measures for them ~~ir~~ to use in their monitoring efforts.

B. Contents of Mitigation Monitoring Checklist. The checklist shall contain sections addressing:

1. The relative responsibilities of various departments within the agency for various aspects of monitoring or reporting, including lead responsibility for administering typical programs and support responsibilities.
2. The responsibilities of the project applicant.
3. Agency guidelines for preparing monitoring or reporting programs.
4. General standards for determining project compliance with the mitigation measures or revisions and related conditions of approval.
5. Enforcement procedures for noncompliance, including provisions for administrative appeal.
6. A process for informing staff and decision-makers of the relative success of mitigation measures and using those results to improve future mitigation measures.

C. Monitoring Program. In most cases, mitigation measures can be monitored through the City's plan check process. Therefore, when an approved project with mitigation measures is submitted for plan check through the City, each plan checker will have a copy of the monitoring checklist. As each plan checker reviews the plans, the plans will be checked for compliance with each mitigation

measure.

1. **Project Design Mitigation Measures (Project Specific).** A project design mitigation measure is one that is to be incorporated into project design to mitigate an impact, such as the provision of a retention basin or acoustical barrier. These mitigation measures will normally be shown on the building plans. These plans will be reviewed for each specific mitigation measure, and as each mitigation measure is shown, it will be noted on the Checklist and signed off. If a mitigation measure is not shown, the plans will be sent back for corrections. **Plans will not be approved until each project design mitigation measure has been incorporated into the project design.** After the plans are approved, and before final inspection of the building for occupancy, the project proponent shall submit proof that each mitigation measure shown on the plans has been installed or incorporated into the constructed project. Verification of compliance will then be noted on the monitoring form and signed off, thereby completing the process for a particular mitigation measure.
2. **Ongoing Mitigation Measure (Project Specific).** An ongoing mitigation measure is one that is associated with the project over a period of time, such as dust control or maintenance of landscaping. Monitoring this type of mitigation measure will be similar to that of a project specific mitigation measure noted above, except that the status of each mitigation measure will be noted at various times until the measure(s) have been satisfactorily completed. An example would be hydroseeding until a project is constructed. The project proponent may be required to submit periodic reports on the status of these types of mitigation measures. The staff planner, under consultation of the Planning Director, may charge inspection fees or deduct the costs from the account maintained by the City for this project to defray the City's and/or consultant's cost for monitoring ongoing mitigation measures.

D. Outside Consultants. For cases in which compliance with mitigation measures that cannot be verified through the plan check process, requires specialized expertise, or is of the magnitude that city staff does not have sufficient resources to administer, an outside consultant may be hired. The City will hire the consultant and will deduct the costs from the account maintained by the City for this project. For projects involving EIR's, the EIR shall include a mitigation monitoring program that includes separate procedures for monitoring.

E. Other Agencies. It will be the responsibility of other agencies to monitor mitigation measures requested by these other agencies. The City shall notify these agencies of what mitigation measures of theirs they suggested have been included in the project approval, and these agencies shall submit a proposed program to the City which outlines their proposed monitoring program. These agencies shall inform the City in writing when each of their mitigation measures has been complied with.

F. Completed Mitigation Monitoring Checklists. Completed mitigation monitoring forms shall be retained in the project file, and will be available for public review upon

proper request.

G. Mitigation Monitoring Program Fees. The staff planner, under consultation of the Planning Director, may charge and collect from the proponent of any proposed project an amount to defray the actual costs to the City for monitoring all mitigation measures for a project as described in Section 12 of these rules and procedures. A deposit pursuant to the City's cost recovery procedures may be required by the Planning Director to be applied towards this fee. Any unused portion of the deposit will be refunded.

H. Project of statewide, regional, or areawide importance. When a project is of statewide, regional, or areawide importance, any transportation information generated by a required monitoring or reporting program shall be submitted to the Metropolitan Transportation Commission.