Module 2 – Advanced SB 743

ASSOCIATION OF BAY AREA GOVERNMENTS

METROPOLITAN TRANSPORTATION COMMISSION

NELSON NYGAARD

Cohort: Alameda

Presented by: Meghan Weir & Karina Macías

Date: 07/20/2022

Agenda

1 **Introduction & Review**

2 **Calculating VMT**

Break *(5 min)*

3 **Setting Thresholds & Screening**

4 **Questions and Feedback**

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Introduction

1

Ground Rules

- Be an active participant

- Keep your video on if possible

- Ask questions by using the raise hand function or use the chat

- Take turns speaking and give others a chance to speak up, please mute when not speaking

Remember, this is **not** a webinar, we want it to be interactive!

Module 2 Learning Objectives

- Understand how to apply SB 743 when accounting for local context and what to consider if deviating from OPRs recommendations

- Be able to formulate threshold and screening recommendations and prepare memoranda for your jurisdictions

- Understand concepts such that you can present this information to elected officials

- Introduce VMT mitigation, which will be covered in detail in Module 3

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Curriculum Overview

Phase 1a: Summer/Fall 2022 | **Phase 1b: Fall/Winter 2022**

1 Introduction to SB 743

- Overview of Technical Assistance
- Intro to SB 743 & VMT
- OPR Recommendations

2 Advanced SB 743

- Application of VMT metrics, thresholds, and screens to your jurisdiction
- Review VMT data
- Peer examples

3 VMT Mitigation

- VMT mitigation concepts
- Available tools
- Mitigation fees, banks, and exchanges

Implementation Support

- Non-CEQA transportation
- Jurisdiction support
- Adoption strategy and implementation considerations

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Module 1 Recap

- Overview of Technical Assistance
- Intro to SB 743 and VMT
- OPR Recommendations

Module 1 Recap – Summary of Questions

		Modules 4+ topics and order of sessions will be determined later		
Module 2 –Advanced SB 743	**Module 3 – VMT Mitigation**	**Potential Advanced+ SB 743**	**TIA Guidelines Support**	**Implementation and Other Policies**
How to pick appropriate thresholds and baselines	Mitigation is challenging!	Unique land uses (warehouses, tourism, schools, etc) deeper dive	How to incorporate level of service	Parking, other related policies
Unique land uses (warehouses, tourism, schools, rural, etc) intro	Banks, exchanges, other local or regional coordination options	COVID and evolving changes effect on existing and future VMT	Other CEQA checklist items – e.g., Safety / Hazards in TIA's	
Definition of screening criteria (high quality transit, affordable housing, retail size, low VMT areas, parking requirements) and how to leverage these in suburban / rural cases		Screening maps – how to ensure model reflects local context, and case studies where screening won't apply		
Relationship to CEQA guidelines and General Plan		Deeper dive on how to use CEQA guidelines and General Plan effectively		
Examples of other jurisdictions				

Memo 1 Template Review – Group Share

- Reminder of Purpose
  - Identify your jurisdiction's current transportation policies and CEQA thresholds to identify what needs to be updated.
  - Determine the process for updating, who needs to be involved, and the schedule.

- Participant questions:
  - Did this activity inspire any light bulb moments about SB 743 implementation?
  - Any successful outcomes during this activity, such as interdepartmental conversations that helped move your jurisdiction forward on VMT?
  - Any challenges that arose during this activity?

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Curriculum Overview

1	**Today** 2	Phase 1a: Summer 2022 3	Phase 1b: Fall 2022
Introduction to SB 743	**Advanced SB 743**	**VMT Mitigation**	**Implementation Support**
▪ Overview of Technical Assistance ▪ Intro to SB 743 & VMT ▪ OPR Recommendations	▪ Application of VMT metrics, thresholds, and screens to your jurisdiction ▪ Review VMT data ▪ Peer examples	▪ VMT mitigation concepts ▪ Available tools ▪ Mitigation fees, banks, and exchanges	▪ Non-CEQA transportation ▪ Jurisdiction support ▪ Adoption strategy and implementation considerations

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VMT Data & Calculations

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How is VMT measured?

Absolute Value

- The <u>total</u> amount of daily VMT to and from a place, or on a roadway

- Tends to be a "big" number

- Directly related to total **amount** of land use

- This can be further divided by **trip purpose**

Per Capita Rate

- Absolute VMT divided by the number of residents, workers, or other population

- Tends to be a "small" number

- Directly related to the **efficiency of the project location** and the **land use type**

- Can be divided by **trip purpose**

How is VMT measured?

Trip Purposes

- All Trips

- All Home-Based trips

- Home-Based Work

- Home-Based Other

- Non-Home-Based

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How is VMT measured? OPR recommendations

Land Use Projects

- **Residential *(and similar)*:** Home-Based VMT per Resident

- **Office/Employment *(and similar)*:** Home-Based <u>Work</u> VMT per Employee

- **Everything Else:** Discretion of jurisdiction, but consider *net change in total VMT*

How is VMT measured? OPR recommendations

Transportation Projects

- **Total VMT**
  - On Facility
  - In Region

Other CEQA Topics

- **Total VMT**
  - In study area (Air Quality)
  - In region (GHG)

Data Sources & Methods

- OPR Recommends using a **Travel Demand Forecasting Model** to prepare VMT estimates

- When available, model values should be used for setting baselines and for screening purposes, while always documenting the limitations of that particular model

- Available Models for Alameda County

  - MTC Travel Model 1.5

  - Alameda Countywide Travel Demand Model

  - Alameda CTC VMT Reduction Calculator Tool

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Baseline Geographies

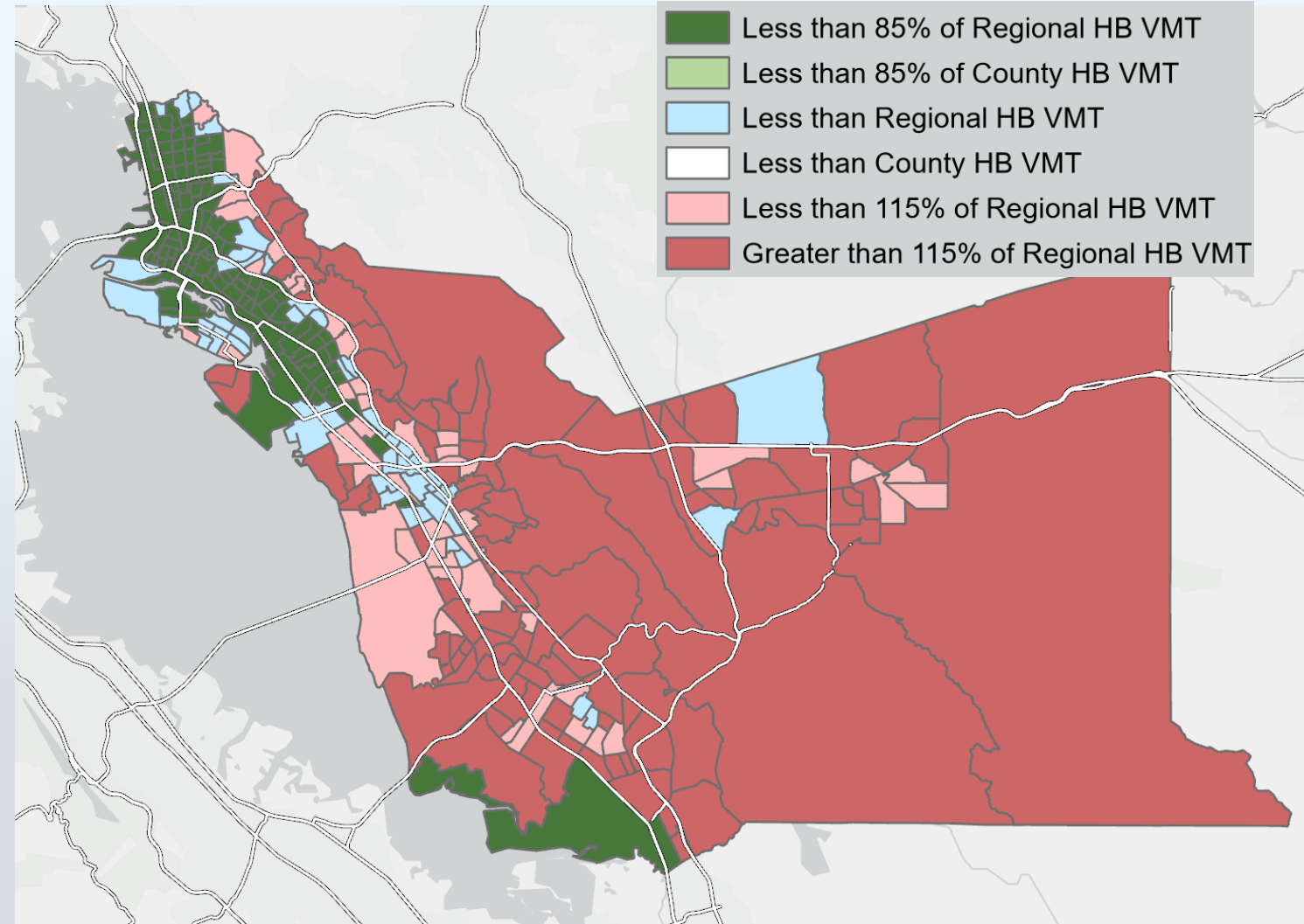Examples: Citywide, Countywide, or Regional geographies

OPR recommends:
- Employment: Compare to Regional Average VMT per capita
- Residential: Compare to Regional or City Average* VMT per capita

Generally, the region is defined as the 9-County Bay Area, as that most closely aligns with the GHG reduction goals on which thresholds are based; however, some jurisdictions define the regional average as countywide average.

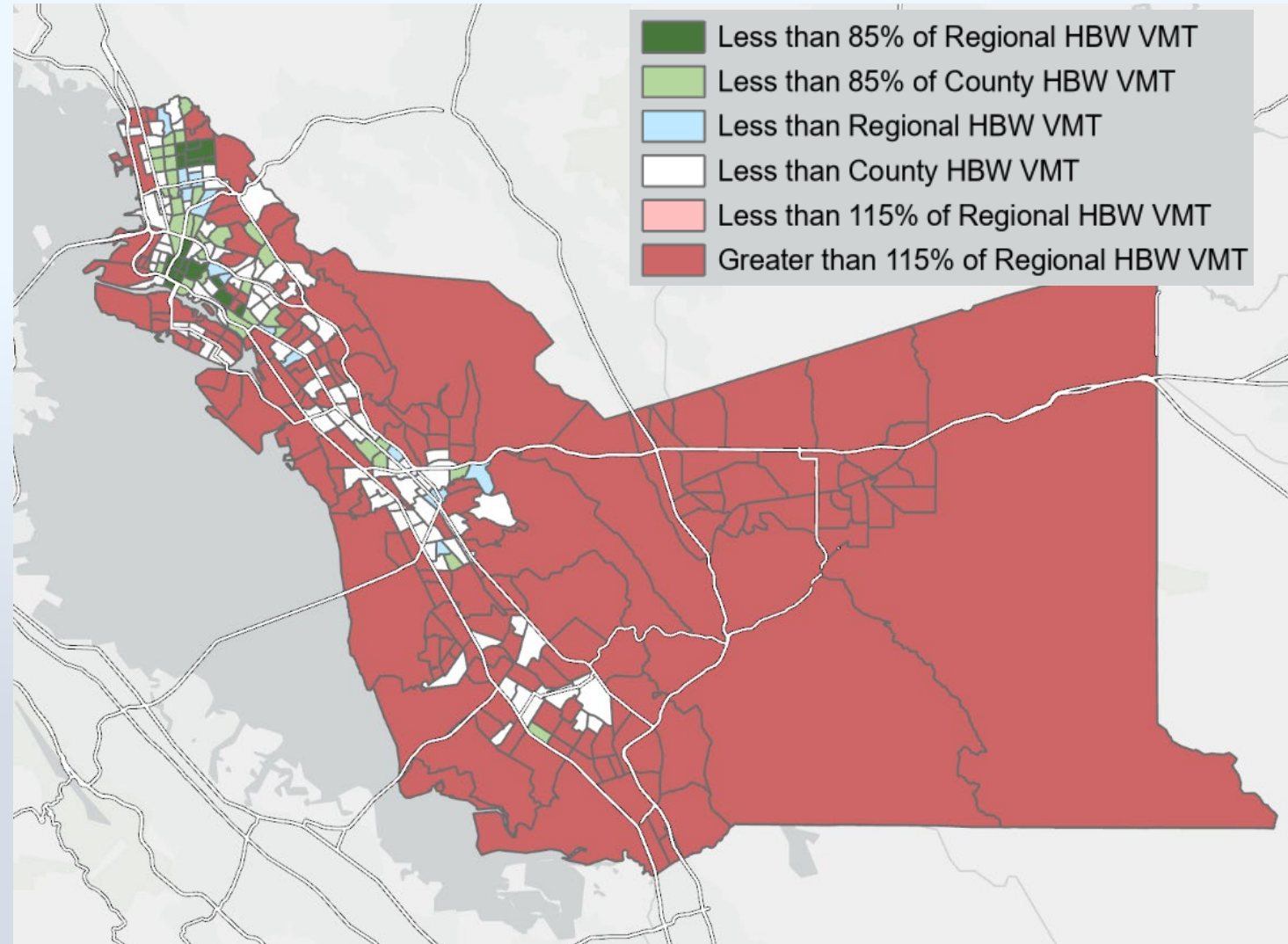*Note restrictions related to Plan Bay Area consistency

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Methods – MTC Model Home-Based VMT

Jurisdiction	HB VMT per Resident
Fremont	19.0
Dublin	18.9
Livermore	18.8
Newark	18.6
Union City	18.6
Unincorporated	17.9
Pleasanton	17.9
Hayward	16.6
San Leandro	15.4
Alameda County	**15.3**
Regional Average	**15.3**
Alameda	14.8
Piedmont	13.9
Albany	12.1
Oakland	11.6
Emeryville	9.6
Berkeley	9.4

Legend:
- Less than 85% of Regional HB VMT
- Less than 85% of County HB VMT
- Less than Regional HB VMT
- Less than County HB VMT
- Less than 115% of Regional HB VMT
- Greater than 115% of Regional HB VMT

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Methods – MTC Model Home-Based-Work VMT

Jurisdiction	HBW VMT per Resident
Pleasanton	25.4
Dublin	25.4
Unincorporated	25.3
Livermore	24.6
Fremont	22.3
Newark	21.5
Hayward	21.4
Union City	21.2
Alameda	21.1
Albany	20.6
San Leandro	20.4
Alameda County	**19.8**
Emeryville	19.2
Piedmont	18.6
Regional Average	**17.3**
Berkeley	16.0
Oakland	15.1

Legend:
- Less than 85% of Regional HBW VMT
- Less than 85% of County HBW VMT
- Less than Regional HBW VMT
- Less than County HBW VMT
- Less than 115% of Regional HBW VMT
- Greater than 115% of Regional HBW VMT

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Methods – ACTC Countywide Model

Jurisdiction	Home-Based VMT Per Resident	Home-Based Work VMT Per Employee
Bay Area Region	**19.8**	**18.1**
Alameda County	**19.4**	**15.9**
Berkeley	11.4	12.6
Fremont	23.7	17.6
Oakland	13.2	14.5
Piedmont	18.8	23.7
Pleasanton	28.4	14.6
Union City	23.7	15.4
Unincorporated Alameda County	24.0	24.0
Livermore	33.7	16.3
Newark	22.6	17.0
San Leandro	17.5	18.4
Albany	13.9	23.5
Dublin	26.1	13.0
Emeryville	10.3	14.4
Hayward	20.6	18.1
Alameda	15.8	18.5

How do we use VMT maps and tools?

Screening

- Low VMT areas allow for streamlined VMT analysis, and a presumption of less than significant impact

Project VMT estimates

- For most projects, project VMT per capita can be similar to existing VMT per capita in a TAZ, if the project's land uses are similar to existing uses
- If so, you can estimate a project's VMT with these maps

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Other Methods

When might I want to do a new project-specific model run?

- The Project land use or demographics is *very different* from the existing land use in the TAZ

- The Project represents a *large amount of growth* in a City or TAZ

- The Project is of *high regional significance*

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Other Methods

When will a qualitative assessment make sense?

- Models are not always sensitive to small land use changes
- For visitor-serving land uses (retail, hotel, tourism, recreational facilities), many cities use a qualitative assessment
  - Will the project create more demand, or serve existing populations?
  - Will the project "siphon" trips from a more distant land use serving the same purpose?
  - Can we estimate existing typical trip lengths as a proxy for VMT?

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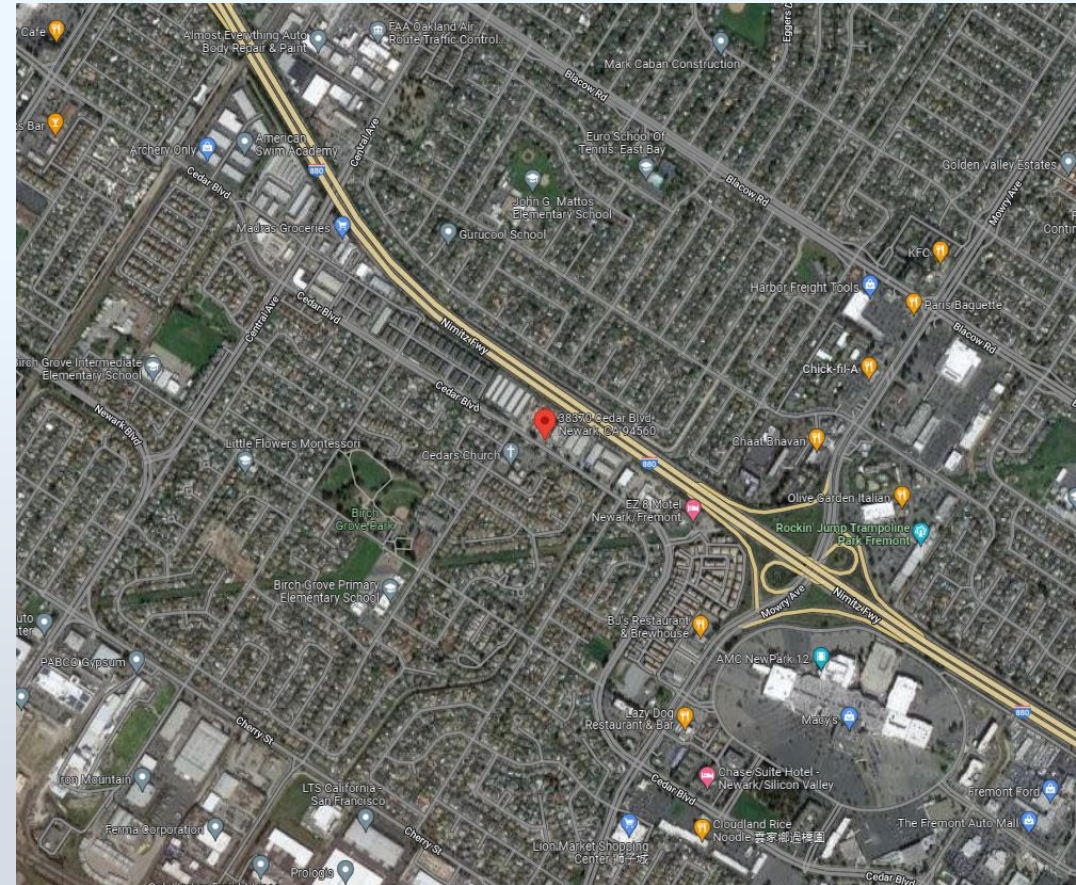METROPOLITAN TRANSPORTATION COMMISSION

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Practical Exercise

- Two "case studies" that represent land use projects typical to your county
- Break into small groups for a 10-minute discussion
- Discuss questions on following slide
- Return for 5-10 minute debrief

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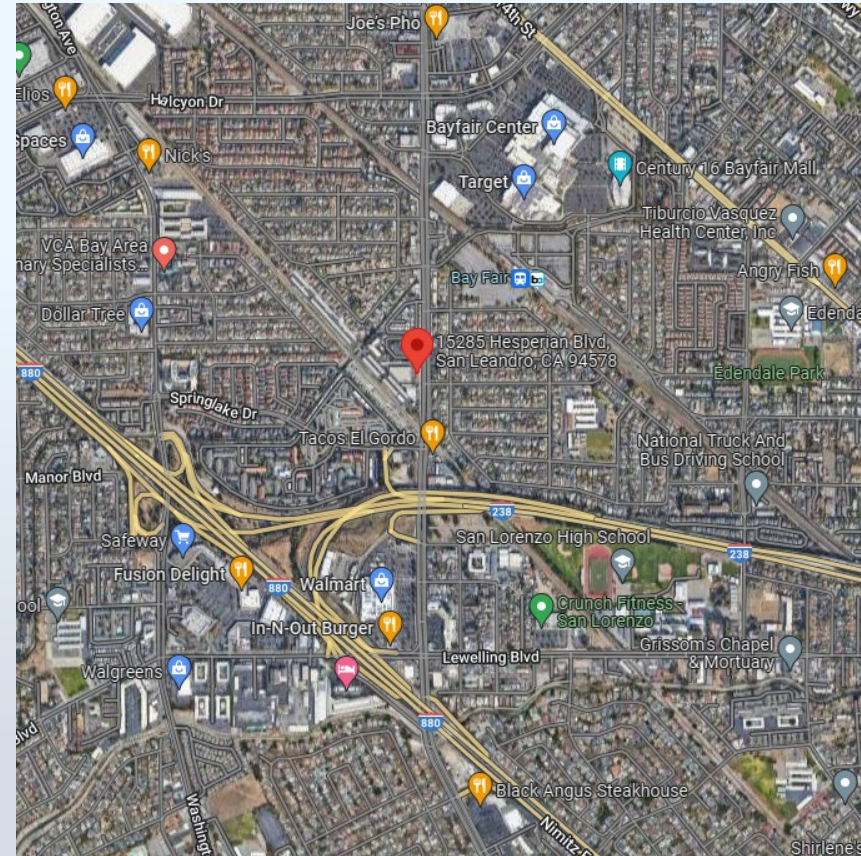FEHR PEERS

Practical Exercise – Case Study 1

- Mixed-used / Residential
- 126-unit subdivision comprised of single-family residences and duets on a 7.76-acre site
- 50,000 sf grocery store

Project Location: 38370 Cedar Blvd, Newark, CA 94560

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Practical Exercise – Case Study 2

- Employment
- 4-story, 41,425 sq. ft. office building on a 0.44-acre site

Project Location: 15285 Hesperian Blvd, San Leandro, CA 94578

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Practical Exercise

Questions to discuss in small group:

- Identify the appropriate methodology/metric for that project
  - What VMT metric will you use?
  - How will you estimate project VMT?
- Estimate Project VMT using a map / table
  - Check VMT maps for your area
  - Does the project qualify for location-based screening?
- Does this pass your "gut check"?
- Bonus - If time allows, discuss "typical" projects in your jurisdictions that could benefit from having streamlined VMT approach.

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Practical Exercise – Debrief

Aim for one minute recap per group.

- Identify the appropriate methodology/metric for that project
  - What VMT metric will you use?
  - How will you estimate project VMT?
- Estimate Project VMT using a map / table
  - Check VMT maps for your area
  - Does the project qualify for location-based screening?
- Does this pass your "gut check"?
- Bonus - If time allows, discuss "typical" projects in your jurisdictions that could benefit from having streamlined VMT approach.

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Break

(5 minutes)

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Thresholds and Screening

3

Review: OPR Recommendations

Thresholds

- Residential and office/employment projects should achieve a VMT per capita that is 15 percent below the <u>regional average</u>.

  - **Residential Only:** Projects can use <u>city average</u> as baseline instead, provided they do not exceed the cumulative number of housing units projected in Plan Bay Area and are SCS-compliant

- Retail and Transportation projects should not create an increase in regional VMT

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Review: OPR Recommendations

Screening

- Certain projects that can (generally) be assumed to have a less-than-significant VMT impact:
  - Very small projects (<110 daily trips)
  - Projects close to high quality transit
  - Projects in areas that already have low VMT
  - Retail and services that mostly attract local trips
  - Affordable housing

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Poll: What Three Topics Concern You Most?

- High Quality Transit (or lack thereof)
- Low VMT Areas (or lack thereof)
- Affordable Housing
- Local Serving Retail
- Thresholds: Baseline Comparison
- Thresholds: Percent Reduction
- Unique Land Uses
- "All of our projects will have significant impacts!"
- Other Local Concerns (Please Share!)

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Local Flexibility / Local Discretion

"OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold." (pg. 10 of OPR Technical Advisory)

- General CEQA Guidance about Thresholds:
  - Should be adopted by ordinance, resolution, rule, or regulation.
  - May consider thresholds of significance previously adopted or recommended by other agencies
  - Supported by **substantial evidence**

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Substantial Evidence

Substantial evidence includes:

1. Facts

2. Reasonable assumptions predicated upon facts

3. Expert opinions supported by facts

Overall, you must show enough <u>relevant information</u> and <u>reasonable inferences</u> from that information to support the reasons behind differing from OPR.

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Top Three Concerns

Screening: Affordable Housing

- OPR indicates that 100% affordable housing projects may be screened in infill locations
  - Cities may pursue a lower threshold based on evidence
  - Many definitions of "affordable" based on income ranges
  - Affordable housing is also a VMT mitigation measure

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Screening: Low VMT Areas

- Low VMT areas depend on baseline geography selected
- Suburban cities may not have many low VMT areas
  - Check underlying map data
- Potential deviations from OPR:
  - Housing – can use citywide average with restrictions to increase low VMT areas
  - Employment – select countywide if this can be supported by substantial evidence

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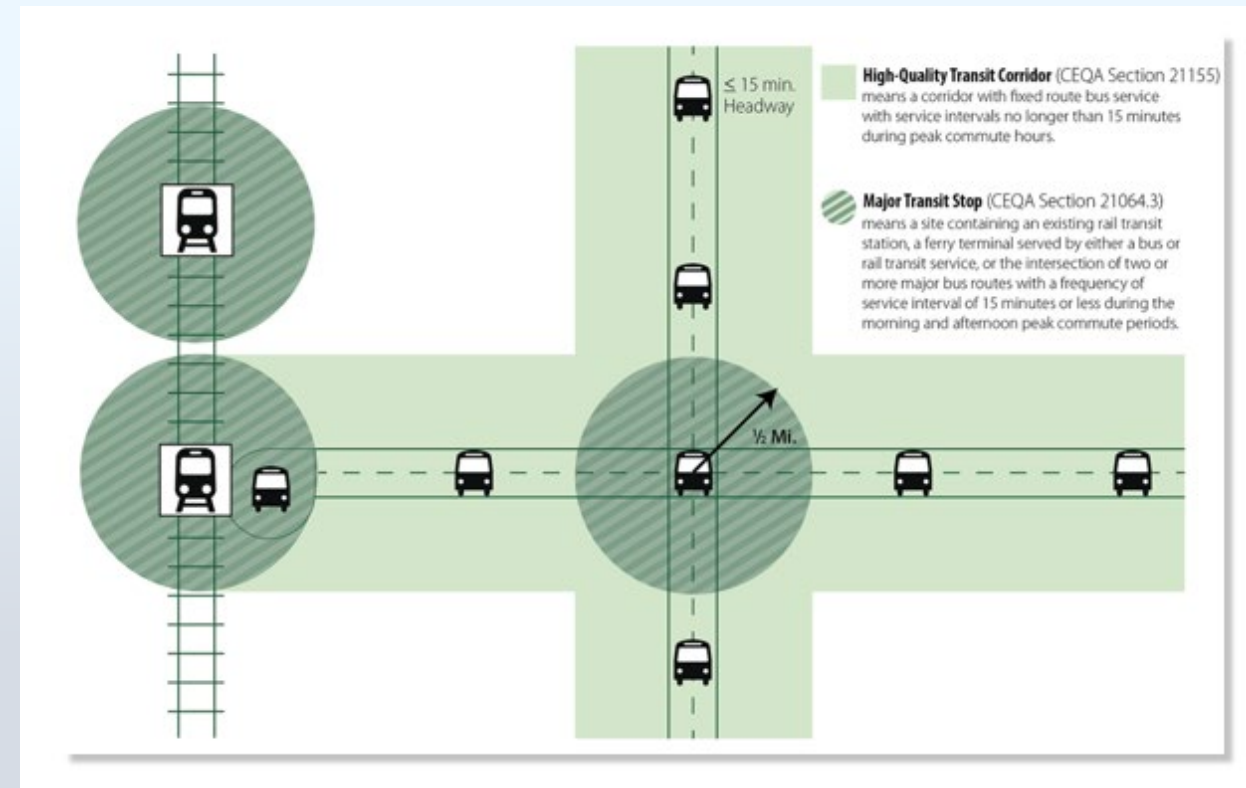METROPOLITAN TRANSPORTATION COMMISSION

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Thresholds: Unique Land Uses

- OPR does not mention thresholds for any specific land use other than residential, office, and retail.

- Options Used So Far:
  - Travel demand model for large or complex uses
  - Qualitative assessment of no net new VMT
  - VMT no greater than average VMT per "service population" for similar land uses
  - Assess based on home-based work VMT per employee

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Additional Topics

Screening: High Quality Transit

- Differences in *definitions* of high quality transit
  - 15 minutes on single line, or 15 minutes on a corridor with all routes combined?
  - Rail and ferry stations with highly infrequent service?
- Differences in *distance* to transit
  - ½ mile from rail; ¼ mile from bus (Redwood City)

High-Quality Transit Corridor (CEQA Section 21155) means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Major Transit Stop (CEQA Section 21064.3) means 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 service interval of 15 minutes or less during the morning and afternoon peak commute periods.

≤ 15 min. Headway

½ Mi.

Screening: Local Serving Retail

- OPR indicates that local serving retail of up to 50,000 square feet may be screened

  - Some cities are using smaller square footage (30,000 sf in Redwood City and Concord); some are allowing all retail regardless of size

  - Some cities have explicitly listed public-serving amenities as being covered by the same exemption (Redwood City, South San Francisco, Concord)

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Screening: General Eligibility

Parking and FAR requirements

- "Project must not provide more than <u>the required amount of parking</u>"

Drive-Throughs

- Petaluma and Walnut Creek both require any land use with a drive-thru, regardless of other screening eligibility, to analyze VMT

Low Trip Generation + Long Trips

- Destination hotels, wineries

Streamlining: Tiering From Adopted GP

- In general, adopting thresholds does not require a GP update
- If the GP EIR analyzes VMT thoroughly, then:
  - Subsequent projects consistent with the General Plan may be streamlined; for example, may be eligible for MND even if in a high VMT area
  - Programmatic mitigation of VMT impacts can be applied
- Could be a focused EIR solely to address VMT policy, or could be addressed in the Housing Element EIR; get advice from legal counsel

Group share opportunity – Any advice to the group on how you are using GP EIR's to streamline tiering opportunities, especially related to housing

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Thresholds: Baseline Geographies

Employment: Compare to Regional Average

Housing: Compare to Regional or City Average

Generally, the region is defined as the 9-County Bay Area, as that most closely aligns with the GHG reduction goals on which thresholds are based; but many jurisdictions define the regional average as countywide average.

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Thresholds: Percent Reduction

OPR recommends using a 15% reduction compared to a baseline for residential and employment-based projects

Other thresholds adopted by cities include:

- 22% below regional average (*Based on 2020 CARB Scoping Plan)*
- 16.8% below regional average *(Based on 2017 CARB Scoping Plan)*
- Below existing *(Not recommended by OPR)*

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"All Our Projects Will Have Impacts!"

- For some communities, SB743 will result in changes to which types of projects are required to produce an EIR.

- Some potential approaches to help streamline further:
  - Tier from a General Plan or Specific Plan EIR (*with GP or Housing Element update – see GP tiering slide*)
  - Develop programmatic / fee-based mitigation programs (*discussed in Module 3*)

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Discussion

- What is your biggest remaining question or concern about OPR guidance?

- What do you want the VMT analysis process to look like in <u>your</u> city?

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Questions, feedback, and work to prep for next session

4

What's Next

- **Practical exercises**
- **Feedback survey**
- **Office hours:** Wednesday, 08/03 from 10:00 AM to 12:00 PM
- **Module 3:** Sept 15, 9:30 AM – 11:30 AM

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Practical Exercises

- Review memorandum template, noting any deviations from OPR recommendations

  - Identify the baseline for different project types

  - Confirm the screening criteria and VMT thresholds

- Prepare case studies to test your recommendations

- Review potential VMT reduction strategies in preparation

Thank you!

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