



## MEMORANDUM

To: Sarah Fine, City of Oakland

From: Nelson\Nygaard Team

Date: September 9, 2016

Subject: Task 7A&B Define Thresholds of Significance and Impact Analysis Tools

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The City of Oakland is updating environmental review guidance in response to changes in state CEQA requirements and recommendations from the Governor's Office of Planning and Research (OPR).

### Background

In 2013, Governor Brown signed Senate Bill (SB) 743 (Steinberg), which created a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 required OPR to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Measurements of transportation impacts could include vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. Per SB 743, auto delay must no longer be considered a significant impact under CEQA. SB 743 also amended congestion management law to allow cities and counties to opt out of LOS standards within certain infill areas<sup>1</sup>.

In December 2013, OPR published a preliminary evaluation of possible metrics to replace "level of service" in transportation analyses and invited public comment on that evaluation. OPR reviewed all of the comments that it received on the preliminary evaluation to develop a preliminary discussion draft. In August 2014, OPR released a Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743 and a Frequently Asked Questions document, accepted comments, and provided a summary of those comments. The City of Oakland actively participated in the development of OPR's preliminary evaluation and preliminary discussion draft, submitting comment letters during the public comment period for both documents.

On January 20, 2016, the Governor's Office of Planning and Research (OPR) released for public review a revised proposal for changes to the CEQA Guidelines that will change the way that transportation impacts are analyzed under CEQA. Following this release, the City of San Francisco moved forward in updating its local CEQA Guidelines, reflecting the changes identified in OPR's revised proposal.

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<sup>1</sup> Amended Government Code Sections 65088.1 and 65088.4

## Updating Oakland's CEQA Guidelines

Per SB 743, vehicle level of service (LOS) may no longer be considered a significant impact under CEQA. Instead, OPR has recommended that lead CEQA agencies replace LOS with vehicle miles traveled (VMT) per capita to measure significant impacts for transportation. Reflecting OPR's guidance, the City of Oakland will update its CEQA Guidelines to replace LOS and instead identify per capita VMT as the metrics to evaluate environmental impacts related to transportation. The following text reflects the proposed revised transportation section of the City of Oakland's CEQA Thresholds of Significance Guidelines:

### **TRANSPORTATION**

*The project would have a significant impact on the environment if it would:*

### **PROJECT IMPACTS**

- 1. Conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay); or*
- 2. Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure)<sup>2</sup>; or*
- 3. Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e. by adding new mixed flow lanes) or by adding new roadways to the network.*

*The City of Oakland's Transportation Impact Study (TIS) Guidelines provide technical recommendations for evaluating transportation impacts in CEQA, including thresholds of significance and standard conditions of approval and/or mitigation measures. The TIS Guidelines also recommend and define other planning-related, non-CEQA analyses.*

The project impacts defined in the above text reflect the changes proposed in OPR's draft proposed guidelines. One additional project impact identified in the OPR draft proposed guidelines but not reflected here was "*Result in inadequate emergency access.*" The assessment of emergency access is included as part of the Hazards and Hazardous Materials section of the City's CEQA Thresholds of Significance Guidelines <sup>3</sup> and therefore not repeated in the Transportation section.

The above thresholds reflect the removal of LOS-based traffic load and capacity thresholds. While traffic safety is a key analysis factor in project development, the factors affecting safety are numerous and nuanced. Acknowledging this, OPR removed the safety provisions from the

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<sup>2</sup> Refer to the City's current Transportation Impact Study Guidelines (contained in a separate document) for technical guidance on vehicle miles traveled analysis.

proposed new section 15064.3 and identified that individual lead agencies should account for project-specific and location-specific factors. Given this guidance, traffic safety thresholds were excluded from Oakland's CEQA Guidelines and will be incorporated in greater detail in the project-level Transportation Impact Review Guidelines.

Finally, these CEQA Guidelines do not include specific thresholds for vehicle miles traveled analysis. Following OPR guidance, Oakland will issue this guidance in a separate technical appendix. This technical appendix will incorporate the screening thresholds and significance thresholds identified below.

## Screening Criteria

Many lead CEQA agencies develop screening thresholds to identify when detailed transportation analysis is necessary. Previously, the City of Oakland identified three categories (>50, >100, and 100+ vehicle trips per day) to determine the extent of transportation analysis that would be required. Per OPR's guidance, Oakland will incorporate the following VMT-based screening thresholds, to be articulated in a technical appendix (revised Transportation Impact Study Guidelines).

## Development Projects

Absent substantial evidence indicating that a project would generate a potentially significant level of vehicle miles traveled, each of the following presumptions apply:

### *Presumption of Less Than Significant Impact for Small Projects*

Projects that generate fewer than 100 vehicle trips per day generally may be assumed to cause a less than significant transportation impact.

### *Presumption of Less Than Significant Impact for Residential and/or Office Projects in Low-VMT Areas<sup>4</sup>*

Residential and office projects that locate in areas with low-VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Therefore, lead agencies can use maps illustrating areas that exhibit below threshold VMT (see recommendations below) to screen out residential and office projects which may not require a detailed VMT analysis. A travel demand model or survey data can provide the existing household or work tour (or home-based or home-based-work) VMT that would be illustrated on such a map. For projects that include both residential and office components, each map should be used to screen the respective portion of the project.

### *Presumption of Less Than Significant Impact Near Transit Stations*

Lead agencies generally should presume that residential, retail, and office projects, as well as mixed use projects which are a mix of these uses, proposed within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor will have a less than significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT. For example, the presumption might not be appropriate if the project:

- Has a Floor Area Ratio (FAR) of less than 0.75

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<sup>4</sup> Projects other than residential and office will be evaluated by the same criteria: small projects will be presumed less than significant for any use; large projects other than retail and office, such as schools, churches and warehouses, will be screened for proximity to transit and location-based VMT. The City may call for additional analysis or standard conditions of approval and/or mitigations as outlined in the TIS Guidelines.

- Includes more parking for use by residents, customers, or employees of the project than other typical nearby uses, or more than required by the City in areas where there is a parking minimum
- Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization)

If these exceptions to the presumption might apply, the lead agency should conduct a detailed VMT analysis to determine whether the project would exceed VMT thresholds (see below). In this case, the lead agency would determine whether an EIR is necessary, or if the impacts could be mitigated through standard conditions of approval and/or other measures defined in the TIS Guidelines, which would allow for a mitigated negative declaration.

### **Land Use Plans**

Consistency with an adopted sustainable community strategy establishes the screening criteria for land use plans, including General Plans, Area Plans, and Community Plans:

#### *Presumption of Less Than Significant Impact for Land Use Plans Consistent with Sustainable Community Strategy*

As with projects, agencies should analyze VMT outcomes of land use plans over the full area that the plan may substantively affect travel patterns, including beyond the boundary of the plan or jurisdiction geography. Analysis of specific plans may employ the same thresholds described for projects.

The following guidance for significance thresholds applies to General Plans, Area Plans, Specific Plans, and Community Plans. A land use plan may have a significant impact on transportation if it is not consistent with the relevant Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). For this purpose, consistency with the SCS means all of the following must be true:

- Development specified in the plan is also specified in the SCS (i.e. the plan does not specify developing in outlying areas specified as open space in the SCS); and
- Taken as a whole, development specified in the plan leads to VMT that is equal to or less than the VMT per capita and VMT per employee specified in the SCS

### **Transportation Projects**

Per OPR's guidance, other screening criteria are appropriate for transportation projects:

#### *Presumption of Less Than Significant Impact for Transit and Active Transportation Projects*

Transit and active transportation projects generally reduce VMT and therefore are presumed to cause a less than significant impact on transportation. This presumption may apply to all passenger rail projects, bus and bus rapid transit projects, and bicycle and pedestrian infrastructure projects. Streamlining transit and active transportation projects aligns with each of the three statutory goals by reducing GHG emissions, increasing multimodal transportation networks, and facilitating mixed-use development.

#### *Presumption of Significant Impact for Roadway Projects*

Reducing roadway capacity (i.e. a "road diet") will generally reduce VMT and therefore is presumed to cause a less than significant impact on transportation. However, most other roadway projects, including building new roadways, adding roadway capacity in congested areas, or adding roadway capacity to areas where congestion is expected in the future, typically induce additional vehicle travel. For the types of projects indicated

previously as likely to lead to additional vehicle travel, the project should not be presumed to have less than significant impacts. This means that an assessment of total VMT without the project, and an assessment with the project, should be made; the difference between the two is the amount of VMT attributable to the project.

### Significance Thresholds and Impact Analysis Tools

Oakland’s technical guidance proposes assessing VMT impacts using a location-based VMT approach recommended by OPR. A model developed for regional climate action planning and maintained by the Metropolitan Transportation Commission (MTC) will provide the analytic tool for impact assessment. This model draws on a number of geographic data to identify representative per capita VMT within each Transportation Analysis Zone (TAZ) for residents and employees. Therefore, for CEQA analysis purposes, a project’s transportation impact will be analyzed as a function of the current and cumulative VMT of the TAZ(s) where the project is located compared to the regional average VMT, defined as the average across the nine county MTC region.

Table 1: Significance Thresholds

Land Use Development Type	Significance Threshold
Residential	A project TAZ(s) exceeding both the existing average City household VMT per capita minus 15 percent <u>and</u> existing average regional household VMT per capita minus 15 percent
Office	A project TAZ(s) exceeding the existing average regional VMT per employee minus 15 percent
Retail and other project types <sup>5</sup>	A net increase in total VMT may indicate a significant transportation impact (because new retail typically redistributes trips, rather than generating additional trips, locally serving retail may reduce VMT; additional considerations and analysis details are provided within the TIS Guidelines)
Mixed Use	Evaluate each component of a mixed-use project independently, and apply the significance threshold for each project type included: <ul style="list-style-type: none"> <li>▪ Existing regional average household VMT per capita minus 15 percent</li> <li>▪ Existing regional average VMT per employee minus 15 percent</li> </ul>

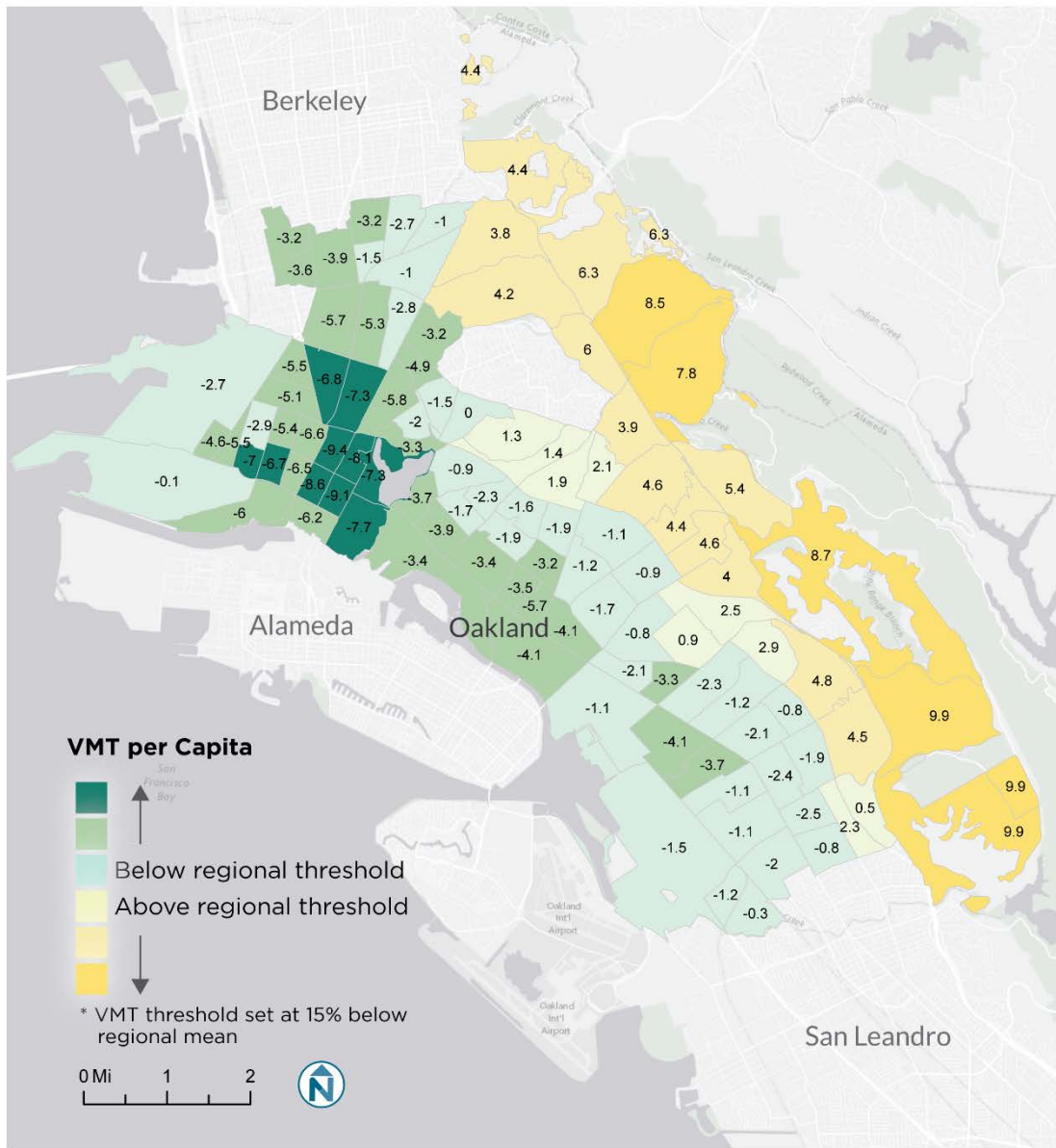
The exact thresholds of significance may change over time as local and regional VMT and greenhouse gas emissions goals shift in response to changes in population, air quality and transportation patterns. These changes will be managed administratively. As of this initial CEQA reform effort, the threshold of significance is defined *as any project located within a TAZ where VMT per capita or per employee is fifteen percent below the regional average.* Oakland’s TAZs

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<sup>5</sup> Because residential, office and retail projects tend to have the greatest influence on VMT, those thresholds are quantified for analysis and mitigation. All other project types (including churches, schools, and industrial) will be evaluated the same way retail is evaluated, based on net increase in total VMT; specific considerations will be provided within the TIS guidelines, and additional analysis may be requested on a case by case basis.

are mapped for residential and employment VMT in the following figures; green TAZs are below the regional threshold, and yellow are above the regional threshold.

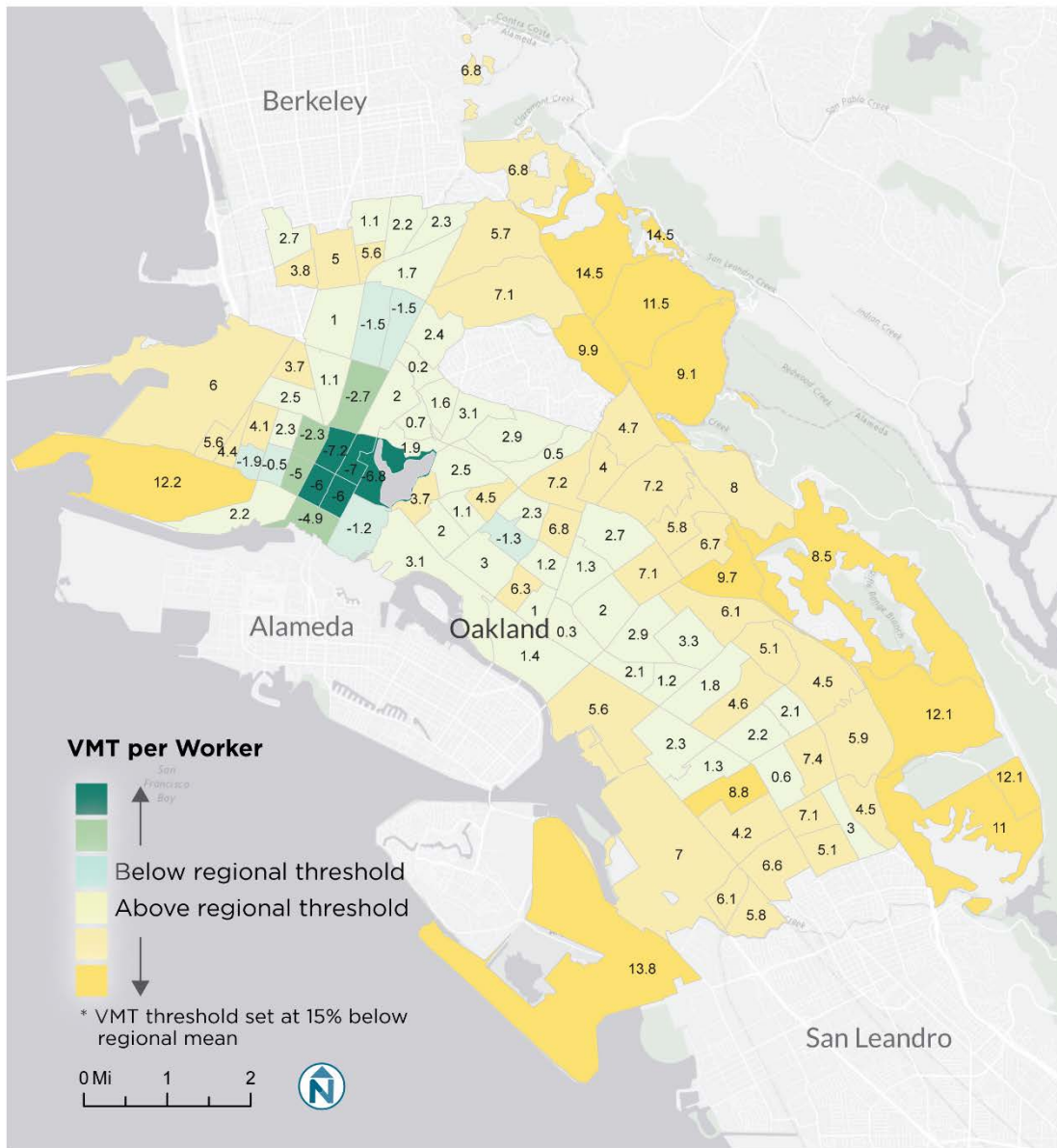
Figure 1 VMT per Capita - Residential Regional Threshold



Note: Above image is representative of the citywide map illustrating VMT per capita for each TAZ in relation to the regional average



Figure 2 VMT per Worker – Employment Regional Threshold



Note: Above image is representative of the citywide map illustrating VMT per worker for each TAZ in relation to the regional average

### Addressing Impacts

Transportation demand management (TDM) strategies are required as part of the standard conditions of approval for all projects. Projects with potentially significant impacts, such as land use development projects and plans located within an “above regional threshold” TAZ in the threshold maps, may mitigate VMT impacts by implementing transportation demand management measures that reduce vehicle miles traveled or by incorporating project alternatives that reduce vehicle miles traveled. A potential set of measures and alternatives, identified by OPR, are included in Table 2 below.

**Table 2: Standard Conditions of Approval and/or Mitigation Measures**

<p>Potential measures to <b>reduce vehicle miles traveled</b> include, but are not limited to:</p>	<ul style="list-style-type: none"> <li>• Improve or increasing access to transit.</li> <li>• Increase access to common goods and services, such as groceries, schools, and daycare.</li> <li>• Incorporate affordable housing into the project.</li> <li>• Incorporate neighborhood electric vehicle network.</li> <li>• Orient the project toward transit, bicycle and pedestrian facilities.</li> <li>• Improve pedestrian or bicycle networks, or transit service.</li> <li>• Provide traffic calming.</li> <li>• Provide bicycle parking.</li> <li>• Limit or eliminating parking supply.</li> <li>• Unbundle parking costs.</li> <li>• Provide parking or roadway pricing or cash-out programs.</li> <li>• Implement or provide access to a commute reduction program.</li> <li>• Provide car-sharing, bike sharing, and ride-sharing programs.</li> <li>• Provide transit passes</li> </ul>
<p>Potential measures to address <b>transportation safety</b> include but are not limited to:</p>	<ul style="list-style-type: none"> <li>• Intersection improvements (visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines)</li> <li>• Signal changes (reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate)</li> <li>• Roadway improvements (Add curb extensions or bulb-outs, add bicycle facilities (On higher speed roads, add protected bicycle facilities), reduce travel lane width below 10.8 feet (but not below 9.2 feet) , add traffic calming measures, add landscaping features)</li> <li>• Network improvements (Provide shorter blocks, provide mid-block crossings)</li> <li>• Reduce VMT (Increase density and/or diversity of land uses, provide travel demand management measures, provide transit, provide pedestrian facilities, provide bicycle facilities)</li> </ul>
<p>Examples of <b>project alternatives</b> that may reduce vehicle miles traveled include, but are not limited to:</p>	<ul style="list-style-type: none"> <li>• Locate the project in an area of the region that already exhibits low vehicle miles traveled.</li> <li>• Locate the project near transit.</li> <li>• Increase project density.</li> <li>• Increase the mix of uses within the project, or within the project’s surroundings.</li> <li>• Increase connectivity and/or intersection density on the project site.</li> <li>• Deploy management (e.g. pricing, vehicle occupancy requirements) on roadways or roadway lanes.</li> </ul>



## Other Uses for LOS

Some local non-CEQA analysis needs may call for level of service analysis for some transportation projects. The Department of Transportation may continue to conduct such analyses in limited application for planning and informational purposes but would not cite LOS impacts as the basis of CEQA environmental determinations and subsequent project modifications.

## Congestion Management Program

The passage of SB 743 created an inconsistency between the Congestion Management Program (CMP) statute and CEQA. While there have been some initial attempts to revise the CMP statute (AB 1098), nothing has passed the California legislature. The City of Oakland's local Congestion Management Agency is Alameda County Transportation Commission (ACTC); in correspondence with ACTC staff, two areas of the CMP that still incorporate level of services were identified:

- **Biennial LOS monitoring.** The CMP statute identifies that CMAs must monitor LOS on the CMP network, and that CMAs must declare a segment deficient if it goes to LOS E or worse. Note: this is not specifically linked to any development project, but a large development project could cause a segment to go to LOS E or F in the next monitoring cycle. Cities can exempt part or all of their network from this monitoring by designating Infill Opportunity Zones (IOZ); San Francisco is the only jurisdiction in the state to exercise the IOZ provision.
- **Land use analysis.** The CMP statute identifies that CMAs must review large development projects for their impacts on the regional transportation system. ACTC still requires that lead CEQA agencies assess auto LOS on CMP segments until the new CEQA guidelines are technically adopted. However, ACTC does not specify a threshold of significance; additionally, ACTC notes that the E-to-F or V/C increase of 0.03 threshold applied in Oakland is based on Oakland's own CEQA Guidelines.

The ACTC, as the County's local congestion management agency, would continue to report vehicular LOS on segments within the congestion management program network for informational purposes. The Department of Transportation would conduct LOS analysis for planning and informational purposes if required by ACTC, but would not cite LOS impacts as the basis of CEQA environmental determinations and subsequent project modifications.

It is very unlikely that a proposed development project would trigger near-term LOS impacts on the few CMP segments within the City of Oakland. Additionally, given that ACTC does not specify a threshold of significance, the impact would be difficult to assert. Overall, the project team acknowledges the current inconsistency between local CEQA Guidelines reform and the CMP statute but recommends pursuing near-term implementation of SB 743 recommendations.