



Office of the City Manager

PUBLIC HEARING  
November 17, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jordan Klein, Interim Director, Department of Planning and Development  
Subject: General Plan Amendment: Vehicle Miles Traveled for Transportation Impact Analysis under the California Environmental Quality Act

### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving a General Plan amendment that replaces Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA). This update is required by Senate Bill (SB) 743. Findings for the General Plan amendment are included in this report.

### FISCAL IMPACTS OF RECOMMENDATION

None.

### CURRENT SITUATION AND ITS EFFECTS

Under CEQA, cities, counties, and other public agencies must analyze development projects to determine whether they may have a significant impact on the environment. One key determination under CEQA is the transportation impact of these projects. Traditionally, transportation impacts have been evaluated by examining 1) whether a project is likely to cause automobile delay at intersections and congestion on nearby individual roadway segments; and 2) whether this delay will exceed a certain amount. This is known as Level of Service (LOS) analysis. The Berkeley General Plan currently includes a policy statement (Policy T-18) that calls for the use of LOS in analyzing transportation-related environmental impacts under CEQA.

SB 743, which was signed into law in 2013, initiated an update to CEQA Guidelines to change how lead agencies evaluate transportation impacts under CEQA. Specifically, SB 743 requires agencies analyzing transportation impacts to utilize Vehicle Miles Traveled (VMT) instead of LOS. VMT measures how much actual new additional auto travel, and additional emissions, a proposed project would generate.

The proposed amendment includes a change to a single policy in the Transportation Element of the General Plan: Policy T-18. This policy discusses the use of LOS as the

metric for transportation impact analysis under CEQA. Below is the existing language from the City of Berkeley's General Plan:

### **Policy T-18 Level of Service**

When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. Significant beneficial pedestrian, bicycle, or transit impacts, or significant beneficial impacts on air quality, noise, visual quality, or safety in residential areas, may offset or mitigate a significant adverse impact on vehicle Level of Service (LOS) to a level of insignificance. The number of transit riders, pedestrians, and bicyclists potentially affected will be considered when evaluating a degradation of LOS for motorists.

Action:

- A. Establish new multi-modal levels of service (LOS) City standards that consider all modes of transportation, including transit, bicycles, and pedestrians in addition to automobiles.

Policy T-18 foresaw changes to transportation analysis that deemphasized congestion and LOS, in favor of more sustainable modes of travel, such as transit, biking and walking. Policy T-18 states that a project that impacts LOS may nevertheless be acceptable if it includes elements that support transit use, bicycling and pedestrian safety. While it does not explicitly mention VMT, Policy T-18 is in line with the intent of the SB 743 shift from LOS to metrics that promote more environmentally sustainable transportation modes. To make this intention explicit, and to comply with SB 743, new language for Policy T-18 would be amended as follows:

### **Policy T-18 Level of Service Transportation Impact Analysis and Vehicle Miles Traveled**

When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. Plans and projects shall be designed to deliver significant beneficial benefits to travel by pedestrians, bicycle, or transit ~~impacts, and/or significant beneficial reduced~~ impacts on air quality, ~~greenhouse gas emissions, noise, visual quality, or and~~ safety ~~in residential areas. may offset or mitigate a significant adverse impact on vehicle Level of Service (LOS) to a level of insignificance. The number of transit riders, pedestrians, and bicyclists potentially affected will be considered when evaluating a degradation of LOS for motorists. For the purposes of~~

CEQA, Vehicle Miles Traveled (VMT) shall be the metric used to analyze the transportation impacts of a plan or project.

Action:

A. ~~Establish new multi-modal~~ Replace levels of service (LOS) City standards that consider all modes of transportation, including transit, bicycles, and pedestrians in addition to automobiles, with Vehicle Miles Traveled (VMT) as the metric to analyze transportation-related environmental impacts under CEQA.

The proposed General Plan amendment satisfies the following required findings:

1. The proposed amendment is in the public interest.  
With the adoption of the General Plan amendment, the City of Berkeley will be able to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed plans and projects. The General Plan amendment would also ensure that the City of Berkeley's General Plan complies with State law and is legally defensible.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.  
With the adoption of the General Plan amendment, the City of Berkeley will be able to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed plans and projects. This is consistent and compatible with the following General Plan Goals:
  - *Goal #3: Protect Local and Regional Environmental Quality.* This goal specifically includes improving air quality by reducing automobile use and encouraging land use patterns that reduce the need for automobile use.
  - *Goal #5: Create a Sustainable Berkeley.* This goal specifically includes protecting the environment "through appropriate environmental management actions and programs," which would include the proper administration of CEQA.

The General Plan amendment consists of a change to a single section of the Transportation Element, and would not conflict with any of the Policies included in the Transportation Element, nor any goals and policies found elsewhere in the General Plan.

3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

The General Plan amendment changes the method by which transportation impacts are evaluated under CEQA for projects in Berkeley. With the adoption of the General Plan amendment, the City of Berkeley will be able to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed plans and projects. This change would not be detrimental to the public health, safety or welfare.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.*

The proposed General Plan amendment has been processed consistent with California Government Code Section 65358, which requires conformance with local regulations -- in this case, Berkeley Municipal Code Chapter 22.04.020. Planning Commission considered the amendment at a duly noticed public hearing on September 2, 2020 and notice for this public hearing (November 17, 2020) was published in a newspaper of record (*The Berkeley Voice*) on November 6, 2020 (see *Attachment 4: Public Hearing Notice*). Staff evaluated the amendment and determined that environmental review is not required, pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and 15064(d)(3), because the proposed General Plan amendment is not a Project.

#### BACKGROUND

Currently, VMT data is collected and analyzed as part of CEQA review in Berkeley. Projects must analyze the number and distance of vehicle trips generated and then relate that to greenhouse gas emissions, air quality, and noise pollution. Consequently, using VMT for transportation impact analysis will not result in any new data collection or analysis that is not already a routine part of CEQA review in Berkeley.

SB 743 and the CEQA Guidelines require that lead agencies use VMT, and stop using LOS, for transportation impact analysis under CEQA by July 1, 2020. Pursuant to SB 743, the Transportation Division of the Public Works Department engaged a consultant to develop appropriate VMT thresholds for Berkeley, utilizing the travel model developed by the Alameda County Transportation Commission. On June 29, 2020, the City of Berkeley adopted procedures by which to utilize VMT to analyze transportation-related environmental impacts of plans and projects (see *Attachment 2: VMT Criteria and Thresholds Report*).

On September 2, 2020, the Planning Commission held a public hearing to receive public comment and develop a recommendation to City Council regarding the General Plan amendment (see *Attachment 3: Draft Minutes, Planning Commission Meeting*). Upon conclusion of the public hearing, the Planning Commission recommended by a unanimous vote that the City Council adopt the General Plan amendment.

ENVIRONMENTAL SUSTAINABILITY

With the adoption of the General Plan amendment, the City of Berkeley will codify its commitment to more accurately and effectively measuring, and mitigating, adverse environmental impacts that could result from proposed plans or projects.

RATIONALE FOR RECOMMENDATION

Adoption of the proposed amendment is required to ensure that the General Plan complies with State law.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Justin Horner, Associate Planner, Planning and Development Department, 510-981-7476

Attachments:

- 1: Resolution  
    Exhibit A: Text of General Plan Amendment
- 2: City of Berkeley VMT Criteria and Thresholds Report
- 3: Minutes, Planning Commission Meeting, September 2, 2020
- 4: Public Hearing Notice

RESOLUTION NO. \_\_\_ N.S

AMENDING THE BERKELEY GENERAL PLAN TO REPLACE LEVEL OF SERVICE (LOS) WITH VEHICLE MILES TRAVELED (VMT) AS THE CRITERIA USED TO DETERMINE TRANSPORTATION-RELATED ENVIRONMENTAL IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City Council of the City of Berkeley has the authority to approve and amend the General Plan in order to address unforeseen circumstances and changing priorities; and

WHEREAS, under CEQA, cities, counties, and other public agencies must analyze development projects to determine whether they may have a significant impact on the environment. One key determination under CEQA is the transportation impact of these projects. Traditionally, transportation impacts have been evaluated by examining whether the project is likely to cause automobile delay at intersections and congestion on nearby individual roadway segments, and whether this delay will exceed a certain amount. This is known as Level of Service (or LOS) analysis. The Berkeley General Plan currently includes a policy statement (Policy T-18) that calls for the use of LOS in analyzing transportation-related environmental impacts under CEQA.; and

WHEREAS, Senate Bill 743 (Steinberg), which was signed into law in 2013, initiated an update to the CEQA Guidelines that requires agencies analyzing the transportation impacts of new projects to utilize vehicle miles traveled (VMT) instead of LOS, starting July 1, 2020; and

WHEREAS, pursuant to SB 743, the Transportation Division of the Public Works Department has developed procedures to analyze plans and projects using VMT, yet full compliance requires replacing LOS with VMT where it is stated in the General Plan; and

WHEREAS, on September 2, 2020, the Planning Commission held a duly noticed public hearing and took public testimony and recommended approval to the City Council; regarding the adoption of a General Plan amendment replacing LOS with VMT; and

WHEREAS, on November 17, 2020, the City Council held a duly noticed public hearing to consider the recommendations of the Planning Commission, staff, property owners and the general public regarding the General Plan amendment to replace LOS with VMT; and

WHEREAS, the proposed General Plan amendment serves the public interest by allowing the City of Berkeley to more accurately and effectively measure, and mitigate, adverse environmental impacts that could result from proposed projects, and by ensuring that the General Plan complies with State law and is legally defensible; and

WHEREAS, staff evaluated the amendment request and determined that environmental review is not required, pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and

15064(d)(3), because the proposed General Plan amendment is not a Project. The proposed General Plan amendment does not meet the definition of a Project under CEQA Guidelines Section 15378(a), nor does it constitute an activity covered by CEQA under CEQA Guidelines Section 15060(c)(2), because passage of the General Plan amendment does not constitute a direct physical impact on the environment, nor would it result in an indirect, reasonably foreseeable physical impact on the environment. As the General Plan amendment concerns only the method by which transportation impacts are analyzed under CEQA, identifying and quantifying any potential changes would be highly speculative. Pursuant to CEQA Guidelines Section 15064(d)(3), any change that is speculative is not considered reasonably foreseeable. Notwithstanding the above, even if it could be demonstrated that the General Plan amendment is a Project under CEQA, the amendment--a change in the method by which transportation impacts are measured, undertaken to comply with state law--would not constitute a significant impact on the environment under the "Common Sense Exemption," pursuant to CEQA Guidelines Section 15061(b)(3);" and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the General Plan is hereby amended as shown in Exhibit A.

EXHIBIT A

**Policy T-18 ~~Level of Service~~ Transportation Impact Analysis and Vehicle Miles Traveled**

When considering transportation impacts under the California Environmental Quality Act, the City shall consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. Plans and projects shall be designed to deliver significant beneficial benefits to travel by pedestrians, bicycle, or transit impacts, and/or significant beneficial reduced impacts on air quality, greenhouse gas emissions, noise, visual quality, or and safety in residential areas., may offset or mitigate a significant adverse impact on vehicle Level of Service (LOS) to a level of insignificance. The number of transit riders, pedestrians, and bicyclists potentially affected will be considered when evaluating a degradation of LOS for motorists. For the purposes of CEQA, Vehicle Miles Traveled (VMT) shall be the metric used to analyze the transportation impacts of a plan or project.

Action:

A. Establish new multi-modal Replace levels of service (LOS) City standards that consider all modes of transportation, including transit, bicycles, and pedestrians in addition to automobiles. with Vehicle Miles Traveled (VMT) as the metric to analyze transportation-related environmental impacts under CEQA.



# City of Berkeley VMT Criteria and Thresholds

June 29, 2020

## Table of Contents

---

<b>Introduction</b> .....	<b>1</b>
<b>Background</b> .....	<b>2</b>
Traditional CEQA Practice Prior to SB 743.....	2
Changes in CEQA Practice.....	2
<b>Approach to VMT Analysis in Berkeley</b> .....	<b>4</b>
VMT Forecasting Methods.....	4
VMT Metrics .....	5
VMT Screening .....	5
VMT Significance Thresholds .....	7

# Introduction

Signed into law by Governor Jerry Brown in 2013, Senate Bill (SB) 743 initiated a process intended to fundamentally change transportation impact analysis under the California Environmental Quality Act (CEQA). Most significantly, the legislation eliminated *automobile delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion* as a basis for determining significant impacts. Recent amendments and additions to the CEQA Guidelines (in particular, new Section 15064.3) have eliminated auto delay for CEQA purposes and identified vehicle miles traveled (VMT) as a required CEQA transportation metric.

Local jurisdictions that serve as lead agencies under CEQA, such as the City of Berkeley, must adapt their analytical methods and approach to implement the requirements of SB 743. This report provides background information about the legal requirements and briefly describes the VMT methods and thresholds that the City of Berkeley has incorporated into their environmental review process. The procedures described here are focused on evaluation of land use projects; VMT analysis is also required for CEQA review of transportation projects, which will be addressed separately.

# Background

CEQA was enacted in 1970 with the goal of providing a mechanism for disclosing to the public the environmental impacts of proposed actions. Before taking a discretionary action, lead agencies (such as the City of Berkeley) must determine if that action is subject to CEQA and conduct a review of the effects of that action on the physical environment. The State Office of Planning and Research (OPR) prepares and maintains a set of guidelines to help agencies implement CEQA.

## Traditional CEQA Practice Prior to SB 743

Under CEQA, lead agencies must determine whether a proposed project has the potential to cause significant environmental impacts. This determination must be based, to the extent possible, on factual data and scientific methods of analysis. The project's effect on transportation is one of the areas that must be analyzed. For many years, the City has used vehicle Level of Service (LOS) as the primary measure of a project's transportation impacts.

LOS is a qualitative description of traffic flow based on factors of speed, delay, and freedom to maneuver. Six levels are defined, from LOS A, which reflects free-flow conditions where there is very little interaction between vehicles, to LOS F, where the vehicle demand exceeds the capacity and high levels of vehicle delay result. LOS E represents "at-capacity" operations. When traffic volumes exceed an intersection's capacity, stop-and-go conditions result, and a vehicle may wait through multiple signal cycles before passing through an intersection; these operations are designated as LOS F. The calculation of vehicle LOS is done through the application of specialized software and is based on traffic counts, observations of vehicle interactions, and data about traffic signal operations (at those intersections that are signalized).

Under CEQA, agencies must decide what constitutes a significant environmental impact. The CEQA Guidelines encourage the use of thresholds of significance; they can be quantitative or qualitative performance standards by which the agency can measure the amount of impact the project causes and thereby determine if the project's impacts are significant. In Berkeley, the typical practice has been to apply a threshold of LOS D for signalized intersections.

Mitigating an LOS impact typically involves making changes to the physical transportation system in order to accommodate additional vehicles and reduce delays. These mitigation measures may involve actions such as installing traffic signals, adding turn lanes, or widening roads, among other options.

## Changes in CEQA Practice

In September 2013, the State Legislature passed and Governor Jerry Brown signed into law SB 743. One major change resulting from the statute is the elimination of automobile delay or other similar measures of traffic congestion as a basis for determining significant impacts. According to the legislative intent

contained in SB 743, these changes to current practice are intended to *"more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions."*

In December 2018, OPR completed an update to the CEQA Guidelines to implement the requirements of SB 743. The Guidelines state that VMT must be the metric used to determine significant transportation impacts. This requirement applies statewide effective July 1, 2020. For reference, the new CEQA Guidelines can be found at <http://opr.ca.gov/ceqa/updates/guidelines/> and technical guidance is available from OPR at [http://opr.ca.gov/docs/20190122-743 Technical Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf).

VMT is a measure of the total amount of vehicular travel. One vehicle traveling ten miles would equal 10 VMT. Four vehicles traveling ten miles would equal 40 VMT. Typically, development located at greater distances from other land uses or in areas with few transportation options generates more vehicle trips and trips of greater length (and therefore more VMT) than development located in close proximity to other land uses or in areas with many transportation choices. VMT is an important input in the analysis of air quality and greenhouse gas (GHG) emissions and has been used for that purpose within CEQA documents for years. What has changed with SB 743 is that VMT is now being used to measure transportation impacts.

Mitigating a VMT impact involves different types of actions than mitigating an LOS impact. VMT mitigation requires actions that reduce the number or the length of vehicle trips generated by a project. This might involve modifying the project's characteristics or location so that it generates fewer vehicle trips or trips of shorter distance; options may include locating the project closer to public transit facilities, changing the project's characteristics to include a broader mix of complementary land uses, requiring that it provide amenities to support bicycling and walking, or adopting paid parking, among other possibilities.

Many jurisdictions find that travel time and system delay are still important issues for their residents, and SB 743 does not prevent an agency from continuing to analyze vehicle delay or LOS as part of their planning processes outside of CEQA. The City of Berkeley intends to continue to use LOS analysis for some purposes, such as evaluating the need for adding or modifying traffic signals.

# Approach to VMT Analysis in Berkeley

As part of the City of Berkeley's implementation of SB 743, the City has developed the following approach to the major elements of addressing VMT impacts under CEQA. Note that the City will also be updating its Transportation Impact Study (TIS) Guidelines, which will contain detailed descriptions of how to scope, conduct, and review a VMT analysis for proposed development projects in the City, as well as a description of other transportation analysis topics that must be addressed.

## VMT Forecasting Methods

VMT is typically calculated and forecasted using a travel demand model, which can estimate the total number and length of vehicle trips for a given geographic area, although some jurisdictions have developed their own tools for forecasting VMT. The OPR *Technical Advisory* recommends that the method used to define a VMT threshold should be the same method that is used to evaluate a project's VMT impact against that threshold.

For the City of Berkeley, the travel model maintained by the Alameda County Transportation Commission (Alameda CTC) is the tool most commonly used for transportation planning and forecasting purposes. The Alameda CTC model is regularly updated and validated, and it contains a script that calculates estimates of VMT per resident and VMT per worker at the geographic level known as the Traffic Analysis Zone (TAZ). The City of Berkeley will use the Alameda CTC model as the primary source of information for VMT forecasts for proposed projects in Berkeley.

It should be noted that a limitation of the VMT estimates produced by the Alameda CTC model script is that they do not account for the distance of trips that occur outside of the model boundaries. The OPR guidance recommends that VMT forecasts not truncate trip lengths based on political or model boundaries, and should capture the full length of all trips (even those that are interregional). To this point, the Alameda CTC model-produced VMT estimates do not account for the outside-the-region portion of interregional trips (i.e., trips that have one end outside of the nine-county Bay Area plus San Joaquin County which is also included in the Alameda CTC model).

However, this limitation should not be a substantial concern for the City of Berkeley VMT estimates, because Berkeley is near the core of the Bay Area and is unlikely to have substantial numbers of travelers coming to Berkeley from places outside the region's boundaries. Even for travelers coming to Berkeley from Davis or Modesto, only a relatively small portion of those trips (typically less than 20% of the total distance) would occur outside the boundaries of the Alameda CTC model, so to the extent there are interregional trips to Berkeley, the model will capture most of the trip length associated with those trips.

## VMT Metrics

VMT can be measured in several ways. For the purposes of VMT analysis in Berkeley, the City will use the metrics of Household VMT per Capita (which will apply to residential uses), and Home-Work VMT per Worker (which will apply to employment-generating uses). These VMT metrics are consistent with those recommended in the OPR *Technical Advisory* and are the metrics that the Alameda CTC model directly produces. The Household VMT per Capita measures all of the trips associated with a residential use and divides that distance by the number of residents in the study area. The Home-Work VMT per Worker measures all of the commute trips between homes and workplaces and divides that distance by the number of workers in the study area.

Both metrics described above are “efficiency” metrics, in which the level of VMT is expressed in “per person” terms. This form of the metric speaks to how efficiently the people at a given location travel. A project that contributes to a more efficient use of the transportation system would reduce the VMT per person as compared to a no-project scenario. Some amount of overall VMT growth is always expected to occur when there is overall growth in population and economic activity; many development projects will cause an increase in total VMT, but the VMT per person can decrease if the new residents travel in more efficient ways.

## VMT Screening

Analysis of smaller, less complex projects can be simplified by using a screening process. OPR suggests that screening criteria may be applied to identify when land use projects can be expected to cause a less-than-significant impact, without needing to conduct a detailed study. Screening is an option but is not mandatory. Because it requires limited evidence to support its use on a project, screening benefits project applicants and agencies wanting to streamline development review, with the trade-off of the potential for somewhat more legal risk if the screening process is challenged.

In the City of Berkeley, land use projects that meet at least one of the following screening criteria are presumed to cause a less-than-significant VMT impact and would not require VMT analysis in order to address the question on the Appendix G CEQA checklist: “Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?” The other CEQA checklist items related to transportation impacts should still be reviewed and evaluated. Although calculation of VMT may not be required to evaluate transportation impacts, preparation of VMT estimates may still be needed for other environmental analysis topics, such as energy and greenhouse gas emissions, if such are necessary for the project being studied. City staff will review the screening conclusions for each project and may request additional transportation analysis at their discretion.

- **Transit Priority Areas (TPA):** Projects located within a ½-mile walkshed around major transit stops<sup>1</sup> (i.e., the BART stations and the Amtrak station) or within a ¼-mile walkshed around high-quality transit corridors<sup>2</sup>. Maps that show the TPAs within Berkeley are attached to this report. This TPA screening would not apply if the project has any of the following characteristics:
  - Has a Floor Area Ratio (FAR) of less than 0.75 for office uses; or
  - Includes more than 200,000 square feet of office or commercial space; or
  - Includes more parking supply than the project’s estimated demand; or
  - Is inconsistent with the City’s *General Plan*, an applicable Specific Plan, or an applicable Sustainable Communities Strategy (as determined by the City, with input from MTC); or
  - Replaces affordable residential units with market-rate residential units; or
  - Has project-specific or location-specific information that indicates that the project will generate significant levels of VMT.
- **Low-Income Housing:** Low-income housing units typically generate less VMT than market-rate units of similar sizes and can contribute to improving jobs-housing balance. As such, projects that contain 100% restricted units affordable to Low-Income Households and Very Low-Income Households, as defined in Berkeley Municipal Code 22.20.065, are presumed not to require transportation VMT analysis for CEQA, as long as the projects do not include more parking supply than the project’s estimated demand.
- **Small Projects:** Projects defined as generating 836 daily VMT or less. Based on recent data from the California Household Travel Survey, this level of VMT would equate to 20 units of residential use or up to 10,000 square feet of non-residential use<sup>3</sup>.
- **Locally Serving Public Facility:** Locally serving public facilities generally encompass government, civic, cultural, health, and infrastructure uses which contribute to and support community needs and mostly generate trips within the local area. Locally serving public facilities include, but are not

---

<sup>1</sup> “Major transit stop” is defined in Public Resources Code 21064.3 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 service interval of 15 minutes or less during the morning and afternoon peak commute periods.

<sup>2</sup> “High-quality transit corridor” is defined in Public Resources Code 21155 as a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours. For purposes of this section, the service intervals must be no longer than 15 minutes during peak commute times for at least one individual transit route.

<sup>3</sup> 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 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.



limited to, public schools, passive parks (parks designed for use in an informal way and typically less developed), libraries, community centers, police stations, fire stations, and public utilities.

- **Projects in Low VMT Areas:** Projects that are located in low-VMT areas and that have characteristics similar to other uses already located in those areas can be presumed to generate VMT at similar rates. The low-VMT areas in Berkeley are defined based on the results of the Alameda CTC model, and maps of these areas are attached to this report:
  - Residential projects will be screened out if located in an area that has household VMT per capita that is 15% lower than the baseline regional average.
  - Office and industrial projects will be screened out if located in an area that has home-work VMT per worker that is 15% lower than the baseline regional average.

Each component of a mixed-use project is considered separately; therefore, each of the project's individual land uses should be compared to the screening criteria with considerations for internal capture between uses. It is possible for some of the mixed-use project's land uses to be screened out and some to require further analysis.

## VMT Significance Thresholds

Since SB 743 introduces a new mandatory metric for use in CEQA analysis, lead agencies will need to determine what constitutes acceptable and unacceptable levels of VMT. This process is generally referred to as establishing significance thresholds and is governed by CEQA Guidelines Section 15064.7. Lead agencies have the discretion to define thresholds of significance to apply to projects under their jurisdiction, based on evidence and data and reflecting the careful judgment of the lead agency.

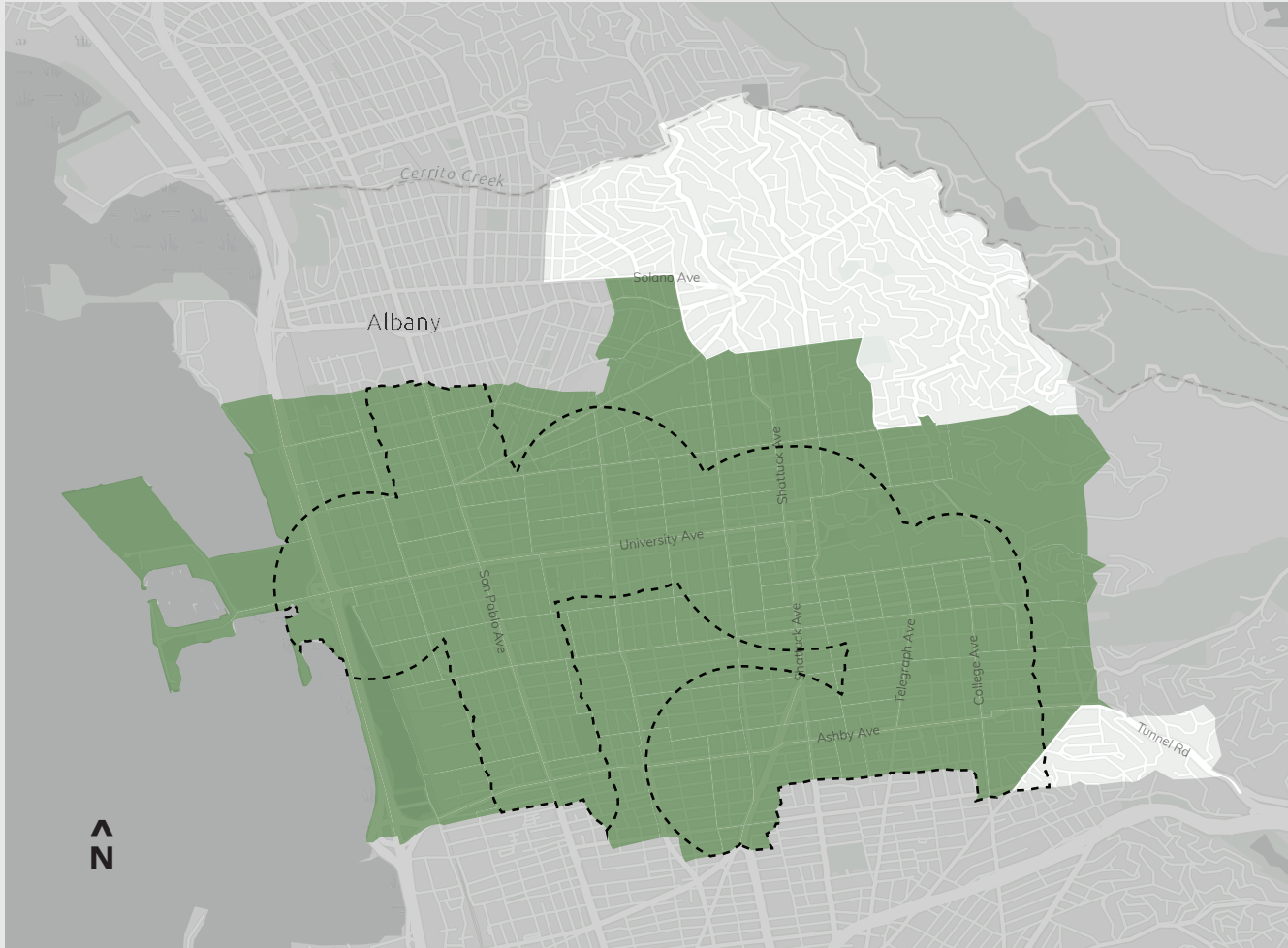
The OPR recommendations suggest that a VMT reduction target of 15% below baseline levels is consistent with the achievement of the state's climate goals. The City of Berkeley is relying upon the evidence and data presented by OPR in its recommendations for VMT thresholds, and is applying the following significance thresholds within Berkeley:

- A residential project's VMT impact is considered less-than-significant if its Household VMT per Capita is at least 15% below the regional average Household VMT per Capita.
- An employment-generating project's VMT impact is considered less-than-significant if its Home-Work VMT per Worker is at least 15% below the regional average Home-Work VMT per Worker.


For projects that are not able to meet the established threshold, the VMT impact would be considered significant and preparation of an Environmental Impact Report (EIR) would be required. Feasible mitigation would be identified; if the feasible mitigation measures do not fully mitigate the impact, it would be considered significant and unavoidable. In that case, approval of the project would require the adoption of a Statement of Overriding Considerations.




## Household VMT Per Capita, 2020



### VMT per Resident:

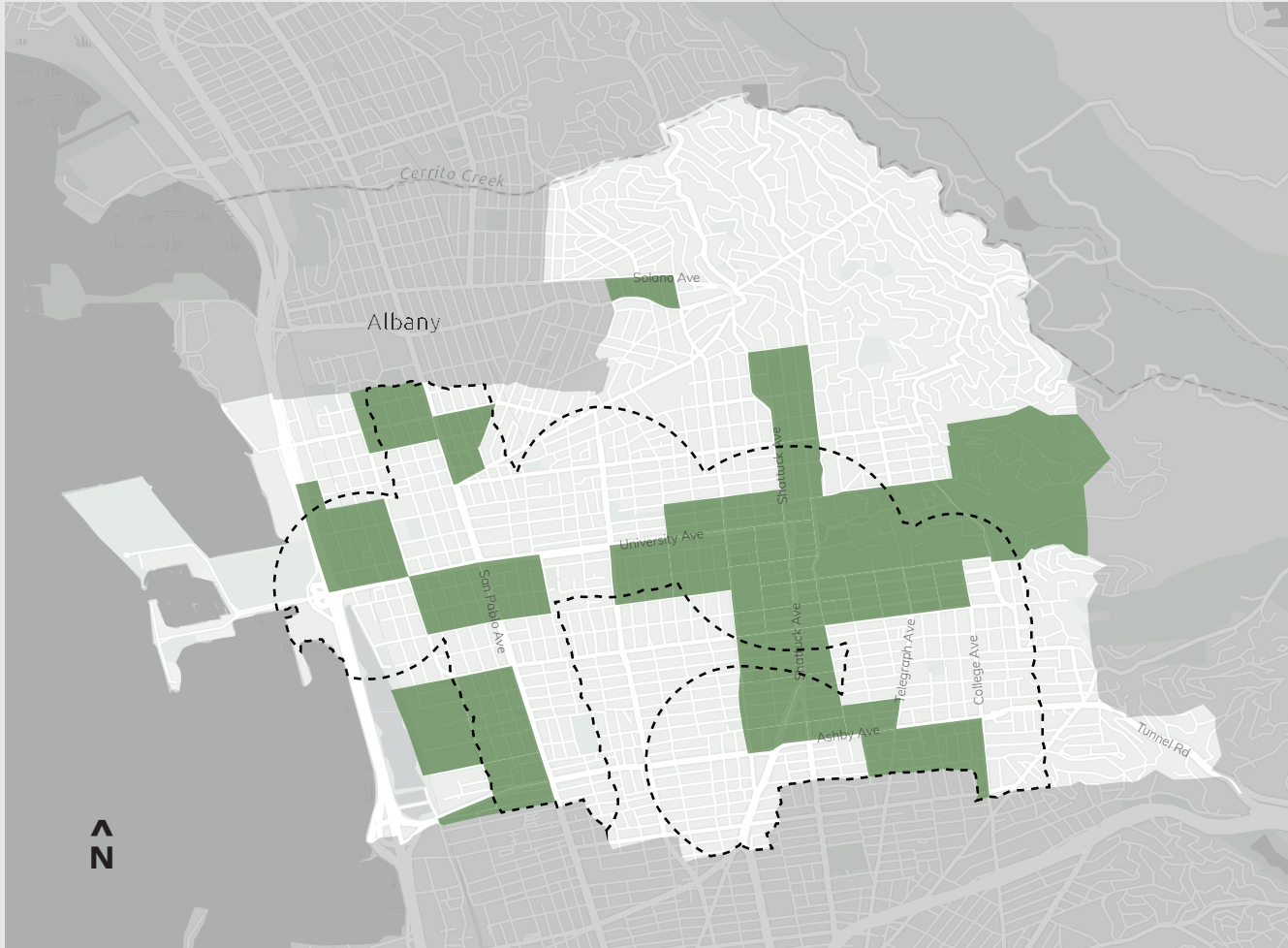
 at least 15% below Bay Area average

### Transit Priority Areas:


 1/2 mi from rail stations or 1/4 mi from bus stops with service at least every 15min




### Home-Work VMT Per Worker, 2020



**VMT per Worker:**

 at least 15% below Bay Area average

**Transit Priority Areas:**

 1/2 mi from rail stations or 1/4 mi from bus stops with service at least every 15min



Planning Commission

## FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING September 2, 2020

The meeting was called to order at 7:01 p.m.

**Location:** Virtual meeting via Zoom

### 1. ROLL CALL:

**Commissioners Present:** Benjamin Beach, Robb Kapla, Shane Krpata, Mary Kay Lacey, Steve Martinot, Christine Schildt, Jeff Vincent, Brad Wiblin, and Rob Wrenn.

**Commissioners Absent:** None.

**Staff Present:** Secretary Alene Pearson, Katrina Lapira, Beth Greene, and Justin Horner.

### 2. ORDER OF AGENDA: No changes.

### 3. PUBLIC COMMENT PERIOD: 0

### 4. PLANNING STAFF REPORT:

- Meeting Schedule
  - September 16 (Adeline Corridor Plan Public Hearing) – Special Meeting
  - September 30 (Tentative) – Continuation of Adeline Corridor Plan Public hearing
  - October 7 – Regular Meeting
  - October 21 - Special Meeting (Tentative)
- Thanks Beth! - Staff and the Commission acknowledged Senior Planner, Beth Greene's many years of exemplary service to the City.

### Information Items:

- August 21, 2020 – Staff, Commissioner's Manual pp 40-41
- July 28, 2020 – City Council, Amendments to BMC Short Term Rentals (23C.22)
- July 28, 2020 – City Council, General Plan Redesignation and Rezone of the Rose Garden Inn at 2740 Telegraph Avenue
- July 28, 2020 – City Council, Urgency Ordinance for Outdoor Commerce on Private Property
- July 28, 2020 – City Council, Housing Pipeline Report
- July 28, 2020 – City Council, Regulatory Agreement: 1500 San Pablo
- March 10, 2020 – City Council, Referral: Research and Development Definition
- November 12, 2019 – City Council, Referral: Bird Safety Requirements

### Communications:

- August 18 – Staff, PC September Meeting
- August 7 – Babitt, School Board
- August 6 – Staff, PC Meeting Schedule
- August 5 – Porter, ADU Regulations
- August 5 – Fred, Southside Plan
- August 5 – Californians for Homeownership, DFSC Letter
- August 3 – Sagehorn, Southside Plan
- August 3 – Doughty, ADU Regulations
- August 3 – Denney, Southside Plan
- July 27 – Staff, August 19 Special Meeting Cancellation
- July 21 – Staff, Commission Meeting Materials
- July 20 – Disaster and Fire Safety, ADU Memo
- July 12 – Sanderson, ADU Regulations in the Hillside
- July 10 – Campbell, ADU Regulations in the Hillside

**Late Communications:**

- Supplemental Packet One
- Supplemental Packet Two - empty
- Supplemental Packet Three (Read aloud at the meeting)

**5. CHAIR REPORT:**

- None

**6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- Adeline Subcommittee - Met on August 19 to discuss and finalize several proposed changes to the draft plan.
- Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) – Met on July 22 to discuss objective standards for density, design, and shadows. Recommendation Report is being drafted and will be submitted to City Council by Commission Chair.

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Wrenn/Vincent) to approve the Planning Commission Meeting Minutes from July 1, 2020 with the discussed edits to lines 74, 100, and 101.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: Schildt. Absent: None. (8-0-1-0)

**FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:**

- BART Community Advisory Group – October 14 and 20 meetings

**AGENDA ITEMS**

**9. Action:** ***Public Hearing: Southside Zoning Ordinance Amendments Project Update and Draft Environmental Impact Report (EIR) Scoping Session***

Staff provided a project update on the Southside Zoning Ordinance Amendments project, describing the focus of the project and the EIR process. Staff asked the Planning Commission and the public to provide comments on the scope, focus and content of the Draft EIR, as well as related alternatives and mitigation measures to reduce environmental effects. Comments will be accepted through **Wednesday, September 9**. The Planning Commission discussed several issues related, but not limited to, recreation/parks analysis, the accuracy of buildout assumptions, and the impact of COVID on baseline information.

**Public Comments: 10**

Motion/Second/Carried (Kapla/Krpata) to close the public hearing at 9:11pm.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**10. Discussion:** ***ZORP Phase 1- Baseline Zoning Ordinance***

Staff provided a status report on the Baseline Zoning Ordinance (BZO), Phase 1 of the Zoning Ordinance Revision Project (ZORP). Staff shared proposed, notable changes in writing style and organization of the existing Zoning ordinance. Following the presentation, the Planning Commission commented on select consent changes, added language, and the overall utility of the document to different stakeholders in the community.

**Public Comments: 1**

**11. Public Hearing:** ***Vehicle Miles Traveled (VMT) General Plan Amendment***

Staff reviewed the proposed General Plan Amendment to the Policy T-18 of the Transportation Element that resulted from the State requirement to use Vehicle Miles Traveled (VMT) instead of Level of Service (LOS) to evaluate transportation impacts under the California Environmental Quality Act (CEQA).

Motion/Second/Carried (Kapla/Krpata) to open the public hearing for Item 11 at 9:18pm and to resume discussion on Item 10.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Public Comments: 1**

Motion/Second/Carried (Kapla/Wrenn) to close the public hearing at 11:01pm.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Schildt/Krpata) to recommend that the City Council adopt the General Plan Amendment that replaces LOS with VMT as a criteria used to determine transportation-related environmental impacts under CEQA along with the General Plan Amendment findings noted in the draft resolution.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: Martinot. Absent: None. (8-0-1-0)

**Commissioners in attendance: 9**

**Members in the public in attendance: 18**

**Public Speakers: 12 speakers**

**Length of the meeting: 4 hours and 3 minutes**

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

**Amendment to General Plan: Replace Level-of-Service (LOS)  
with Vehicle Miles Traveled (VMT) for Transportation Impact  
Analysis under the California Environmental Quality Act  
(CEQA)**

The Department of Planning and Development is proposing to amend a Policy within the Transportation Element of the General Plan to replace Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the criteria used to determine transportation-related environmental impacts under the California Environmental Quality Act (CEQA), to conform to State law.

The hearing will be held on, NOVEMBER 17, 2020 at 6:00 p.m. A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **November 5, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Justin Horner, Associate Planner, Department of Planning and Development at [jhorner@cityofberkeley.info](mailto:jhorner@cityofberkeley.info).

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** November 6, 2020 (The Berkeley Voice)



November 17, 2020

**BMC Section 22.04.020 (Amendment—Procedures required—Planning Commission and City Council Authority) states “the council shall set a public hearing on the proposed amendment.”)**

~~~~~

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on November 5, 2020.

---

Mark Numainville, City Clerk

