FCOG CPE Program: CEQA VMT Thresholds for Small Cities

CEQA VMT Thresholds Guidance

prepared by

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February 2022

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1 Introduction

1.1 Overview

Senate Bill (SB) 743 changed the way that public agencies evaluate the transportation impacts of projects under the California Environmental Quality Act (CEQA), identifying vehicle miles traveled (VMT) as the most appropriate metric to determine the significance of transportation impacts. When a project exceeds the VMT thresholds of significance, the project is required to implement feasible mitigation measures to reduce CEQA transportation impacts related to VMT. Since the adoption of SB 743, lead agencies have been working to develop appropriate VMT numerical thresholds of significance, evaluate project VMT impacts, and identify how to mitigate projects that may have a significant VMT impact.

This report is intended to guide the Fresno Council of Government (FCOG) members through assessment of VMT impacts for development projects or plans in small cities under CEQA. Of the 15 incorporated cities within Fresno County, 13 qualify as small cities[1]. Small cities in Fresno County include: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, and Selma. This report provides information and guidance for small cities to determine whether or not a project has a significant VMT impact and, if so, guidance for mitigating the impact. This document includes background on VMT impacts, a guide to determine if a project is exempt from CEQA or has a less than significant VMT impact and offers guidance on available mitigation. Applicable cities should utilize this guide and other FCOG tools noted throughout the document to determine whether a project's VMT impacts requires analysis, and if so what type of analysis to complete.

1.2 Background

California Environmental Quality Act

CEQA, enacted in 1970, requires lead agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those impacts to the extent feasible. Lead agencies are state and local agencies that have the primary responsibility for approving a project. To be a CEQA lead agency, the public agency must have discretionary authority over a project. Lead agencies in Fresno County are local cities, school districts, water districts, the County of Fresno, and other public agencies. The guidance in this document is specifically designed for lead agencies in small cities.

The statute is codified in Public Resources Code (PRC) Section 21000 et seq, and implemented by the California Natural Resources Agency. The California Office of Planning and Research (OPR) develops the *CEQA Guidelines* to interpret CEQA statute and published court decisions. The version of the *CEQA Guidelines* adopted on December 28, 2018, includes updates related to analyzing transportation impacts pursuant to SB 743.

[1] Cities with populations under 100,000 residents.

Senate Bill 743

SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC, Section 21099, subd. (b)(2)). OPR identified VMT as the most appropriate metric to determine the significance of transportation impacts in a manner that promotes the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses (OPR 2018).

SB 743 provides opportunities to streamline CEQA for qualifying urban infill development near major transit stops in metropolitan regions statewide. A transit-oriented infill project can be exempt from CEQA if consistent with a specific plan for which an Environmental Impact Report was prepared, and also consistent with the use, intensity, and policies of a Sustainable Community Strategy or Alternative Planning Strategy that is certified by the California Air Resources Board as meeting its greenhouse gas reduction targets. Furthermore, under SB 743, parking impacts are no longer considered significant impacts on the environment for select development projects within infill areas with nearby frequent transit service.

VMT Evaluation Methodology

In accordance with *CEQA Guidelines* Section 15064.3(b)(4) A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's VMT and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate VMT and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 of *CEQA Guidelines* applies to any VMT evaluation.

VMT Reduction Strategies

The choice of mode of travel by a person is dependent on the availability of travel options, the amount of time, comfort, convenience, and cost of travel. In general, walking, bicycling, transit, personal cars, rideshare/taxi, and commuter rail are the primary mode of travel and each have different levels of attractiveness for users. Trips that do not use personal vehicles reduce VMT. Investments in non-vehicular infrastructure (often referred to as multi-modal infrastructure) and services can provide reduction in VMT by shifting trips to non-vehicle modes.

Mixed-use developments that place residents close to commercial services, such as grocery stores, restaurants, shopping, or offices, would reduce VMT and encourage walking or bicycling over the short distances to reach those services. An Arizona Department of Transportation study found that mixed-use and high-density development could reduce residents' VMT by 25 percent on average if walkable features are included and proximity to public transit is considered (Arizona Department of Transportation 2012). Mixed-use development reduces the amount of nonwork vehicle trips a resident takes, by placing near their home those services that a resident would access by vehicle.

Providing pedestrian and bicycle networks that connect residents to services would replace some personal vehicle trips with active transportation. To encourage residents to travel by walking or bicycling, a safe environment should be created to limit exposure to traffic collisions. A key aspect of increasing active transportation, such as walking and bicycling, is to ensure that roadway gaps are

closed. Roadway gap closures are a less expensive option to constructing a full pedestrian or bicycle network.

A robust and convenient public transportation system that connects residential development to commercial services would reduce VMT. Further, building new development with transit-oriented considerations (increase density in proximity to transit) would reduce reliance on personal vehicles. Transit includes commuter rail, subway, light rail, streetcar, buses, and ferries (Public Policy Institute of California 2011).

FCOG VMT Screening Programs

FCOG has developed a VMT Screening Application that divides the County into traffic analysis zones (TAZ) levels in order to evaluate projects in accordance with OPR's map-based screening criteria (FCOG 2021b). FCOG has adopted 13 percent below existing conditions as their threshold for a less than significant impact. Each TAZ displays the VMT per capita or per employee broken into three groups based on their status of meeting or exceeding a 13 percent below the existing VMT per capita or employee threshold. Those three groups include, high (greater than 13 percent), medium (within +/- 13 percent), low (less than 13 percent). The 13 percent threshold is based upon California Air Resources Board's 2035 greenhouse gas reduction target of 13 percent, which was included in the third RTP/SCS for the FCOG region (FCOG 2021a). Hence, the option for a 13 percent VMT threshold exists for all FCOG cities The VMT screening application (map) can be found at: https://gis1.lsa.net/FCOGVMT/ .

FCOG has developed a VMT Calculator that may be used to determine project VMT (FCOG 2021c). The calculator includes fields for land use and to fill in the jurisdiction and the TAZ to which the threshold will be compared. The calculator outputs the existing VMT conditions of the selected TAZ and the VMT of the project. This tool can be found at: https://www.fresnocog.org/project/vmt-tool/

1.3 Purpose

Purpose of this Guidance

SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA to the number of vehicle trips and the distance they travel, also known as VMT. Lead agencies for small cities seeking to reduce VMT either due to a locally defined CEQA threshold or in support of other policies or plans will be able to use this guide to exempt, screen out as less than significant, or select appropriate mitigation to reduce VMT impacts. This guide is intended to ease the environmental review process for lead agencies, specifically provide a process to evaluate VMT and to avoid preparing environmental impact reports when transportation is the only potentially significant impact.

2 Exemptions and Screening Criteria

Sections 2.1 through 2.4 of this report can be used to determine if a project does not require CEQA analysis, is exempt from CEQA analysis, or if the VMT impact meets screening criteria to be considered less than significant.

2.1 Identify if a Project Does not Need to Complete CEQA

A project is considered exempt from CEQA if the activity does not involve[2]:

- The exercise of discretionary powers by a public agency.
- Will not result in a direct or reasonably foreseeable indirect physical change in the environment.
- Is not a project, including[3]:
  - Proposals for legislation to be enacted by the State Legislature.
  - Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered in Section 15378(a).
  - The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative. (Stein v. City of Santa Monica (1980) 110 Cal.App.3d 458; Friends of Sierra Madre v. City of Sierra Madre (2001) 25 Cal.4th 165).
  - The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
  - Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

2.2 Projects Exempt from CEQA

Projects may be exempt with a Statutory Exemption under Article 18 or a Categorical Exemption under Article 19 of the *CEQA Guidelines,* as described below.

2.2.1 Statutory Exemptions

Statutory Exemptions include the following projects[4]: ongoing projects, feasibility and planning studies, discharge requirements, timberland preserves, adoption of coastal plans programs, general plan time extensions, financial assistance to low or moderate income housing, ministerial projects, emergency projects, projects which are disapproved, early activities related to thermal power plants, Olympic games, rates, tolls, fares, and charges, family day care homes, specific mass transit

[2] Pursuant to *CEQA Guidelines* 15060(c).

[3] As defined in Section 15378 of *CEQA Guidelines.*

[4] The full list of Statutory Exemptions are under Article 18 in Sections 15261 through 15285 of the *CEQA Guidelines.*

projects, transportation improvement and congestion management programs, projects located outside of California, application of coatings, air quality permits, housing needs allocation, pipelines, and transit agency responses to revenue shortfalls.

Further, Senate Bill 288 (SB 288) exempts specific transportation projects from full environmental review under CEQA[5]. SB 288 facilitates projects that broaden California's development of sustainable transportation facilities through streamlining of CEQA review requirements. Specifically, SB 288 adds CEQA exemptions, for the following project types: pedestrian and bicycle facilities, transit prioritization, conversion of roadways to bus-only lanes, expansion of bus or light rail service, charging stations for zero-emission transit buses, or any project that reduces minimum parking requirements[6]. These exemptions expire in two years, at the end of 2022. The legislation also exempts bicycle transportation plans for urbanized areas, to extend that exemption until the end of 2029 and repeals requirements for lead agencies to conduct traffic and safety impact assessments[7]. Lead agencies must still file a notice of exemption when pursuing the exemption for one of these project types.

2.2.2 Categorical Exemptions

There are 33 classes of Categorical Exemptions, whereby they have been determined to not have a significant effect on the environment[8]. Those exemptions include existing facilities, replacement or reconstruction, new construction or conversion of small structures, minor alterations to land or land use limitations, information collection, actions by regulatory agencies for protection of natural resources or the environments, inspections, loans, accessory structures, surplus government property sales, acquisition of lands for wildlife conservation purposes, minor additions to schools, minor land divisions, transfer of ownership of land in order to create parks, open space contracts or easements, designation of wilderness areas, annexations of existing facilities and lots of exempt facilities, changes in organization of local agencies, enforcement actions by regulatory agencies, educational or training programs involving no physical changes, normal operation of facilities for public gatherings, regulation of working conditions, transfers of ownership of interest in land to preserve existing natural conditions and historical resources, acquisition of housing for housing assistance programs, leasing new facilities, small hydroelectric projects are existing facilities, cogeneration projects at existing facilities, minor actions to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or substances, historical resource restoration/rehabilitation, in-fill development projects, and small habitat restoration projects.

The applicability of all Categorical Exemptions is qualified by exceptions that are related to location to sensitive environments, cumulative impact of similar successive projects, significant effect on the environment, damage to scenic highways, proximity to hazardous waste sites, and adverse changes to historical resources[9].

[5] SB 288 was signed into law at the end of the 2020 legislative session and amends PRC Section 21080.20 and adds PRC Section 21080.25.

[6] Added under PRC Section 21080.25.

[7] Amended PRC Section 21080.20.

[8] Categorical Exemptions are fully described in Sections 15301 through 15332 of the *CEQA Guidelines.*

[9] The exceptions are listed in Section 15300.2(a) through (f) of the *CEQA Guidelines*.

2.3 Screen Projects for Less than Significant VMT Impact

2.3.1 Screening Land Use Projects

Land use projects, not exempt from CEQA, can be "screened" to assess whether or not their VMT impact would be less than significant. Projects would have a less than significant VMT impact if they meet any of the following criteria (FCOG 2021d):

1. **Land use projects within 0.5 mile of a transit priority area[10] or a high-quality transit area[11]** unless the project is inconsistent with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), has a floor area ratio less than 0.75, provides an excessive amount of parking, or reduces the number of affordable residential units.
2. The project involves **local-serving retail space of less than 50,000 square feet**
3. VMT can be correlated to household income, among other household variables. Low-income households have a lower VMT compared to higher-income households. Affordable infill housing in small cities indicates likelihood of VMT reduction (FCOG 2021a). Low-income residents in small cities and rural areas have 9.8 percent and 7.9 percent reductions in VMT, respectively (FCOG 2021). Very low-income households in small cities and rural areas have even greater reductions in VMT at 24.2 percent and 19.5 percent respectively. Extremely low-income households have the greatest reductions in VMT at 31.3 percent in small cities and 25.3 percent in rural areas (FCOG 2021a). It can be safely assumed, therefore, that **affordable housing in small cities and surrounding rural areas would create reductions in VMT**. The exact percentage of affordable housing required to meet this screening criteria is to be determined by each FCOG jurisdiction. However, OPR recommends that a project would need to offer 100 percent affordable housing to qualify under this criterion.
4. The project generates **fewer than 500 average daily trips**.
5. Projects that develop **institutional/government and public service uses that support community health, safety, and welfare**, such as police stations, fire stations, community centers, and refuse stations.
6. **Map-based**: Residential and employment land use projects located in areas of low VMT, and that are similar to existing surrounding land uses, can be assumed to exhibit similarly low VMT. Considering that new development in such locations would likely result in a similar level of VMT, a detailed VMT analysis would not be required. Fresno County's VMT Screening Application (FCOG 2021b), described under Section *0*, can be used for this criterion to identify Traffic Analysis Zones (TAZ) with low VMT.

[10] A transit priority area is an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program. A Major transit stop is 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 of 15 minutes or less during the morning and afternoon peak commute periods.

[11] A high-quality transit area or corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

2.3.2 Screening Transportation Projects

Transportation projects in small FCOG cities can be "screened" to assess whether or not their VMT impact would be less than significant. OPR lists a series of projects that would not likely lead to a substantial or measurable increase in vehicle travel and would not require further analysis (FCOG 2021d). They are listed below and also include any transit and active transportation projects, such as passenger rail, bus and bus rapid-transit, and bicycle and pedestrian infrastructure.

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide "breakdown space," dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than 1 mi in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left-, right-, and U-turn pockets, two-way left-turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets, provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general-purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in the number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians, or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., high-occupancy vehicles [HOVs], high- occupancy toll [HOT] lane traffic, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices
- Installation of traffic metering systems, detection systems, cameras, changeable message signs, and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Adoption of or increase in tolls or tolled lanes, where tolls are sufficient to mitigate VMT increase
- Initiation of a new transit service
- Conversion of streets from one-way to two-way operation with no net increase in the number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions
- Addition of traffic wayfinding signage
- Rehabilitation and maintenance projects that do not add motor vehicle capacity

- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve nonmotorized travel
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

2.3.3 Screen Using FCOG VMT Assessment Tools

VMT Screening Application

Countywide VMT per capita is 16.1 and per employee is 25.6 (FCOG 2021d). TAZs that are classified as low VMT per capita or employee using the 13 percent threshold, may have residential or office projects screened out and thus have a less than significant VMT impact. Therefore, the countywide threshold per capita is 14 VMT and per employee is 22.3 VMT.[12] FCOG does not establish thresholds for other discrete land use types, but instead recommends that the lead agency review the applicable General Plan or FCOG RTP/SCS to identify whether the implementation of the plan would result in a reduction of VMT and greenhouse gasses (GHG) (FCOG 2021d). Complete VMT thresholds for small cities for residential and office projects, compared to both local jurisdictions and countywide are shown in Table 1. The VMT screening application (map) can be found at: https://gis1.lsa.net/FCOGVMT/

VMT Calculator

If none of the previous exemptions or screening thresholds are adequate or conclusive enough to conclude an exemption or less than significant impact, then FCOG's VMT Calculator may be used to determine project VMT (FCOG 2021c). The calculator includes fields for land use and to fill in the jurisdiction and the TAZ to which the threshold will be compared. The calculator outputs the existing VMT conditions of the selected TAZ and the VMT of the project. If the VMT of the project is 13 percent or less than existing conditions within the TAZ, then the VMT impact is less than significant, and no further analysis is required. Some projects may be too large for use in the calculator (residential projects with over 500 dwelling units or office projects with over 375 employees) and lead agencies should request VMT counts directly from FCOG to determine the project's VMT significance. The VMT calculator can be found at: https://www.fresnocog.org/project/vmt-tool/

[12] 13 percent below the baseline VMT per capital or employee.

Table 1 VMT Thresholds for Residential and Office Projects in Fresno County

Jurisdiction	Residential Projects				Office Projects	
	Region – Fresno County		Region – Local Jurisdiction[1]		Region – Fresno County	
	Regional VMT/Capita	VMT/Capita (13 percent threshold)	Regional VMT/Capita	VMT/Capita (13 percent threshold)	Regional VMT/Capita	VMT/Capita (13 percent threshold)
Coalinga	16.1	14	10.7	9.3	25.6	22.3
Firebaugh	16.1	14	14.5	12.6	25.6	22.3
Fowler	16.1	14	20.1	17.5	25.6	22.3
Unincorporated County	16.1	14	14.2	12.4	25.6	22.3
Huron	16.1	14	16.3	14.2	25.6	22.3
Kerman	16.1	14	16.5	14.4	25.6	22.3
Kingsburg	16.1	14	24.9	21.7	25.6	22.3
Mendota	16.1	14	13.2	11.5	25.6	22.3
Orange Cove	16.1	14	12.1	10.5	25.6	22.3
Parlier	16.1	14	16.8	14.3	25.6	22.3
Reedley	16.1	14	16.9	14.7	25.6	22.3
San Joaquin	16.1	14	14.2	12.4	25.6	22.3
Sanger	16.1	14	15.5	13.5	25.6	22.3
Selma	16.1	14	17.8	15.5	25.6	22.3

[1] In this column, the VMT provided corresponds to the city listed in each respective row, instead of the entire county. For example, the regional VMT per capita in Fowler is 20.2.

Source: Table B Fresno County SB 743 Implementation Regional Guidelines

3 Mitigation Measures

Section 3 provides general guidance for VMT reduction strategies and example mitigation measures.

If a project is not exempt from a VMT analysis or determined to have a less than significant VMT impact, a project would have a potentially significant impact and VMT must be further analyzed. FCOG's SB 743 Implementation Regional Guidelines established a threshold for land use development of exceeding 13 percent below the existing regional VMT per capita, as indicative of a significant environmental impact (FCOG 2021d). Small cities within FCOG may adopt the previous guidelines in this document to determine whether VMT impacts are not less than significant.

Projects that do not meet any screening thresholds and the FCOG VMT calculator indicates that the land use exceeds 13 percent below the existing regional (countywide or specific TAZ pending lead agency discretion) VMT per capita or employee should implement mitigation measures to reduce VMT impacts to a less than significant level. Mitigation measures are included in Appendix D of FCOG's SB 743 Implementation Regional Guidelines (FCOG 2021d) and mimic with measures provided by OPR (OPR 2018) and California Air Pollution Control Officers Association (CAPCOA) (CAPCOA 2010).

3.1 Standard Mitigation Measures

Mitigation measures that may be applicable to small cities are included in Table 2. Table 2 also includes the potential percent reduction in VMT from implementing each measure. Mitigation measures should be selected based on how much a project's VMT impact exceeds the 13 percent threshold and the given measure's feasibility for implementation.

Table 2 Mitigation Measures

Mitigation Measure	VMT Reduction (percent)
Implement a local carpool program	1 - 15
Implement a local vanpool program	0.3 – 13.4
Expand transit network	0.1 – 8.2
Incorporate bike lane street design	Variable depending on mileage
Subsidize vanpool	0.3 – 13.4
Improve or increase access to transit	0.5 – 24.6
Increase access to common goods and services	6.7 - 30
Incorporate affordable housing	0.04 – 1.2
Orient project towards transit bicycle, and pedestrian facilities	0.25 – 0.5
Provide pedestrian network improvements	0 – 2
Increase transit service frequency/speed	0.02 – 2.5
Increase destination accessibility	6.7 - 20
Provide traffic calming measures	0.25 – 1
Provide bike parking	0.625
Limit or eliminate parking supply	5 – 12.5
Unbundle parking costs from property costs	2.6 - 13
Implement or provide access to a commute reduction program	1 – 6.2
Implement car-sharing program	0.4 – 0.7
Provide transit passes	0.3 – 20
Implement a school pool program	7.2 – 15.8
Provide teleworking options	0.07 – 5.5
Implement subsidized or discounted transit program	0.3 – 20
Providing on-site amenities at workplaces	0.625
Locate project near transit	0.5 – 24.6
Increase project density	1.5 – 30
Increase the mix of uses within project or project's surrounding	9 – 30
Improve network connectivity and/or increase intersection density	3 – 21.3
Locate project near bike path/lane	0.625
Install park-and-ride lots	0.1 – 0.5
Improve design of development	3 – 21.3

Source: Appendix D of FCOG's SB 743 Implementation Regional Guidelines

Mitigation measures must be developed consistent with *CEQA Guidelines* Section 15126.4 to minimize significant adverse impacts. Section 15126.4 of the *CEQA Guidelines* dictate that effective mitigation must be:

- **Feasible**. Mitigation measures should be feasible measures to minimize significant adverse impacts.
  - Mitigations measures should be separate from measures proposed by project proponents, insofar as they are proposed by the lead agency. The lead agency should

determine that the measures could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.

- Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until a future time. However, the details may be developed after project approval if the lead agency commits itself to the mitigation, adopts specific performance standards the mitigation will achieve, and identifies the type of potential action that can feasibly achieve that performance standard.
- If a mitigation measure would have significant effects in addition to those that would be caused by the project, the effects of the mitigation measure shall be discussed, but in less detail than significant effects of the proposed project.

- **Enforceable**. Mitigation measures for a project must be fully enforceable through permit conditions, agreements, or other legally binding instruments. For adoption of a plan, policy, or regulation, mitigation measures can be incorporated into the plan, policy, or regulation.
- **Constitutional.** There must be an essential nexus (connection) between the mitigation measure and a legitimate governmental interest. Further, the mitigation measure must be "roughly proportional" to the impacts of the project.

Feasibility of the example mitigation measures listed in Table 2 is dependent on the nature of the specific project or plan. The example mitigation measures are enforceable insofar as the applicable city would require the mitigation measure as a condition of approval for permitting or periodically oversee project development to ensure that it is being undertaken in accordance with the approved mitigation measure. The nexus and proportionality of the mitigation measures is clear insofar as each example has a quantified reduction in VMT, which can be compared to the VMT without the measure.

An example mitigation measure that would be feasible, enforceable, and constitutional and provides a template for future land use projects is below. The specifics of the mitigation measure will depend heavily on project context and location.

> "Prior to the issuance of building permits, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed project, including any anticipated phasing, and shall submit the TDM program to the permitting agency for review and approval. The TDM program shall identify trip reduction programs and strategies. The TDM program shall be designed and implemented to achieve trip reductions as required to meet thresholds identified by FCOG to reduce VMT forecast for the project to reach the threshold value of 13.0.

Trip reduction strategies that may be included in the TDM program include, but are not limited to, the following: [insert mitigation measures listed in Table 2]."

While unlikely to occur in small Fresno County cities, projects that are too large for FCOG's VMT calculator (residential projects with over 500 dwelling units or office projects with over 375 employees) should request VMT counts directly from FCOG. If the 13 percent below the existing regional VMT per capita is exceeded, which can be found using the FCOG VMT Screening Application, in Section 2.3.3, then mitigation would be required.

3.2 Regional VMT Fee Program

While not yet established, FCOG may create a VMT transportation impact fee program that could be utilized in lieu of standard mitigation measures. Transportation impact fee programs have been used to help mitigate cumulative level of service impacts and can similarly be applied to VMT impacts. A VMT transportation impact fee program would provide a mitigation fee to fund approved projects that would reduce VMT to mitigate for project specific VMT impacts. The nexus for the fee project would be VMT reduction goals consistent with the FCOG's 13 percent threshold. The main difference between a fee program based on VMT and a fee program based on a metric such as LOS, is that the VMT reduction nexus results in a capital improvement program consisting of VMT reducing projects rather than roadway expansion projects.

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Appendix A

Sample Resolution for adopting CEQA VMT Thresholds

RESOLUTION NO. 202_-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____, CALIFORNIA ADOPTING THE FRESNO COUNTY SB 743 IMPLMENTATION GUIDELINES AND SETTING OF ASSOCIATED 13% THRESHOLD FOR CITY OF _____ VEHICLE MILES TRAVELED (VMT) ANALYSIS WITHIN THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, Senate Bill (SB)743, signed into law in 2013 by Governor Edmund G. Brown, directed the Governor's Office of Planning and Research (OPR) to develop updated criteria for measuring transportation impacts under CEQA using alternative metrics that promote a reduction in greenhouse gases, the development of multimodal transportation, and a diversity of land uses, all towards achieving the State's climate action goals; and

WHEREAS, OPR prepared proposed updates to the CEQA Guidelines and a Technical Advisory on Evaluating Transportation Impacts using VMT as the metric to evaluate the transportation impacts of a project under CEQA. OPR's CEQA Guidelines update was approved by the California Natural Resources Agency in November 2018 and the Governor's Office of Administrative Law on December 28, 2018; and

WHEREAS, Section15064.3 of the CEQA Guidelines, added as part of the 2018 update, identifies VMT as the most appropriate measure of transportation impacts under CEQA, and states that a project's effect on automobile delay shall not constitute a significant environmental impact. Lead agencies are required to begin using the VMT metric by July1, 2020; and

WHEREAS, the mandate on lead agencies in Section 15064.3 requires the City to update its CEQA transportation thresholds of significance; and

WHEREAS, the Fresno Council of Governments, in collaboration with the City of _____, has prepared the Fresno County SB 743 Implementation Regional Guidelines for use by local agency members and developed the CEQA VMT Thresholds for Small Cities under their Circuit Planning and Engineering Program; and

WHEREAS, the SB 743 Implementation Regional Guidelines and CEQA VMT Thresholds for Small Cities provide methodology, threshold recommendations, screening criteria, and other matters related to the transition of the VMT metric for CEQA purposes; and

WHEREAS, the SB 743 Implementation Regional Guidelines also allows the anticipated use of level of service (LOS) analysis for local transportation analysis separate from CEQA, as required by SB 743; and

WHEREAS, the City of _____ has identified Fresno County as the region for all VMT analysis; and

WHEREAS, the City of _____ still intends to use LOS for transportation projects for design and traffic operations purposes separate from CEQA, as allowed by SB 743, and notated within the Regional Guidelines; and [*Optional]*

WHEREAS, the _____ Planning Commission, at their regular meeting of _____, recommended that the _____ City Council adopt the Fresno County SB 743 Implementation Regional Guidelines and Setting of Associated 13% Threshold for the City of _____ VMT Analysis within CEQA; and [*Adopt to City standard*]

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of _____ using their independent judgement hereby adopts the Fresno County SB 743 Implementation Regional Guidelines and Setting of Associated 13% Threshold for the City of _____ VMT Analysis within CEQA and process as described in the CEQA VMT Thresholds for Small Cities.

The forgoing resolution was adopted at a regular council meeting of the City Council of the City of _____ on the __ day of _____ 202_, and passed at said meeting with the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

_____, Mayor

ATTEST:

_____

_____, City Clerk