Planning and Development
Land Use Planning Division

April 21, 2021

Sent via email to:
rnandwana@ipd-oak.com

Raju Nandwana
International Parking Design
560 14th Street, Suite 300
Oakland, CA 94111

Re: Application for Use Permit #ZP2021-0043 for 2213 Fourth Street.

Mr. Nandwana -

The Land Use Division has reviewed the above referenced application, submitted on March 24, 2021 to demolish three existing non-residential buildings and one existing duplex on-site and construct a new 124,667 square-foot, five-story parking garage containing 415 off-street automobile parking spaces to serve uses in the vicinity of the project site.

Application – The application includes the following approval requests:

1. Use Permit pursuant to BMC Section 23C.08.050.A to demolish main buildings used for non-residential purposes.
2. Use Permit pursuant to BMC Section 23C.08.020, to demolish a duplex.
3. Use Permit pursuant to BMC Section 23E.80.045.B, to remove protected floor area used for manufacturing, wholesale trade, warehousing or Material Recovery Enterprise.
4. Administrative Use Permit pursuant to BMC Sections 23E.80.030.B and 23E.84.030.B to construct a parking structure on a split-zoned parcel in the MU-LI and MU-R districts.
5. Administrative Use Permit pursuant to BMC Section 23E.04.020.C to allow architectural elements to exceed the height limit in a mixed-use district.

Staff has determined that the application is incomplete. Please review the comments below, as well as the list of items required to complete the application. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

Items Required for Submittal or Correction- The following required items were missing from the application submittal, and must be submitted for application completeness, per the Zoning Project Submittal Requirements:

1. Applicant Statement. Please revise the applicant statement to address the following comments:
    a. The applicant statement describes that the Phase III goal (out of the overall four-Phase project) is “to build a 4.5 level above-ground parking structure with up to 450 stalls to add to the current surface parking and fulfill the total parking demand of the R&D and light manufacturing uses of the full phased two-block

project." However, the application materials indicate that the parking garage would provide 415 stalls; please clarify and document each building and use that would be served by the parking garage in a detailed parking table. Based on staff analysis of the materials submitted, 252 parking spaces are required for the project as a whole under the MU-LI and MU-R development standards. The proposed provision of 428 parking spaces (415 stalls in garage + 13 stalls in Lot B = 428 spaces), exceeds the minimum requirement. A sample Parking Table is attached (Attachment 1); the table must identify the existing and proposed parking locations (Lot A, B, and C), building addresses, square footage (existing and proposed), and uses served (existing and proposed), as well as any existing parking agreements among tenants.

b. The demolition of 2212 Fifth is required to allow construction of the proposed new parking structure. The applicant statement includes the suggested finding under BMC Section 23C.08.020.A, regarding demolition of the existing duplex at 2212 Fifth, that the building is "hazardous and unusable and is infeasible to repair…and demolition…and establishment of a parking garage to support expanded light industrial and R&D is an appropriate use of the lot…", per the Historical Resource Evaluation prepared on November 23, 2020. According to the State Historic Preservation Officer (SHPO) practices and requirements, DPR Forms do not suggest alternative uses for a site where a potential resource is located. To do so would be inappropriate and outside the scope and purpose of the evaluation. Therefore, in order to establish the finding suggested under 23C.08.020A.1 that the building is "hazardous or unusable and is infeasible to repair," please provide a structural evaluation completed by an independent, fully credentialed structural engineer that evaluates whether, in the operator's opinion, the structure is hazardous and unusable, and infeasible to repair.

c. The demolition of 2216 Fifth, 2213 Fourth and 2221 Fourth are required to allow construction of a proposed new parking structure. The applicant statement includes the suggested finding under BMC Section 23C.08.050.D, regarding demolition of buildings used for non-residential uses, that the existing buildings do not provide any substantial benefits to the neighborhood or City because they have been vacant for a substantial amount of time. However, vacancy is not listed as a permissible finding under BMC Section 23C.08.050. One potential finding is BMC Section 23C.08.050.D.1, that the demolitions are "required to allow a proposed new building or other proposed use," in other words, that the demolitions support the feasibility of tenanting buildings in the vicinity. Therefore, please provide more information about which building(s) and use(s) the parking structure would serve, or how the structure would support the feasibility of the overall project (refer to comment 1.a above).

d. The demolition of 2221 Fourth is required to allow construction of a proposed new parking structure. 2221 Fourth contains protected manufacturing space pursuant to BMC Section 23E.80.045.B. The applicant statement indicates that removal of protected floor area under this project is not subject to the provisions of BMC Section 23E.80.045.B because the project as a whole is under one ownership. However, this section is limited to changes of use only, and in this

application, the project is to remove (i.e., demolish) the existing building at 2221 Fourth, which contains 4,080 sq.ft. of manufacturing space that is subject to the provisions of BMC Section 23E.80.045.B. As such, prior to demolition of 2221 Fourth, 3,060 sq.ft. of replacement tenant space (75% of the total existing floor area) must be replaced (i.e., legally allowed as a light manufacturing, warehousing, wholesale trade use under the provisions of the zoning code for the district in which the space is located). The replacement tenant space must not already be protected (see BMC Section 23E.80.045.E), but may already be a manufacturing, wholesale trade or warehousing use. Please identify the location (address) and size (gross floor area) of the proposed replacement space. Provision of the replacement space will be a condition of approval of this Use Permit.

After securing the replacement space, a Notice of Limitation must be filed protecting the space (only manufacturing, wholesale trade or warehousing use is allowed) in perpetuity, and documentation of a good faith effort to market the space to such prospective tenants must be provided. The Notice of Limitation protecting the replacement space must be recorded before issuance of a building permit allowing the removal of the subject protected space. However, it is not required to provide evidence that the replacement space is occupied prior to demolition of the building. The replacement tenant space must be of a comparable quality of the existing space, and is not subject to rent control.

2. Parking Plan. The area within the project site is currently non-conforming for parking, providing 81 spaces where 134 spaces are required. The permanent parking plan (post Phase IV) indicates that parking would be provided for the project area in both a parking structure (415 spaces) and existing parking lot B (13 spaces), totaling 428 spaces. Based on the proposed site plan dated 1/14/21, the project (post Phase IV), requires 252 parking spaces; the proposed permanent parking plan exceeds the minimum required (see Attachment 1). Please review the parking table and confirm the parking demand generated by the project, supported by a Transportation Impact Analysis (TIA) completed by a licensed professional with experience in traffic modeling and analysis. (see comment #6 on page 5 below).

3. Tabulation Form.
    a. **FAR**. The Tabulation form incorrectly states that the existing FAR is 3. The existing non-residential gross floor area is 8,730 sq.ft. for an existing FAR of 0.25.

4. Survey. The survey must be wet stamped, signed and dated by California licensed surveyor or appropriately licensed civil engineer. Please provide a signed copy.

5. Plans.
    a. Site Plan (Sheet A102) –
        i. Label the lot dimensions.
        ii. Show the outline of and label the portions of neighboring buildings within 20 feet of the property line, including building-to-building separation.
        iii. Dimension the typical parking space, driveways, and aisles.

iv. Consider adding dashed lines for demolished features on the site plan; alternately, provide a separate demolition sheet.

b. Conceptual Utility Plan (Sheet C-4) – The Utility Plan indicates existing natural gas line connections from Fifth Street, and appears to indicate these lines would be connected to serve the parking garage. Although an open parking garage with no other occupancies would not typically include natural gas infrastructure, please note that newly constructed buildings must be electric only. The Office of Energy and Sustainability website provides an overview of the City's Building Electrification Requirements for New Construction.

c. Floor Plans –
   i. Sheet A103 - The bicycle room must show the location of lockers or racks suitable for secure locks and subject to the requirements listed in BMC Section 23E.28.070. Please refer to the Bicycle Plan, Appendix F – Facility Design.
   ii. Please note that local (City of Berkeley) amendments to CAL Green increase the EV charging requirements significantly over State regulations. For new non-residential parking (with 10 or more spaces), the City requires 10% of the parking spaces to have Level 2 charging stations installed (or 1 DCFC in place of 10 Level 2 stations) and 40% of parking spaces must be equipped with raceways between enclosed, inaccessible, or concealed areas and an electrical service panel/subpanel. In addition, the reach code will apply; this flyer summarizes the building electrification requirements for new construction (see BMC Chapters 12.80, 19.36, and 19.37). Please update the plans accordingly.
   iii. Sheet A107 - Depict (through hatching or other means) and label the architectural elements projecting from the roof, including dimensions. Per the Street Strip, the elements appear to include a column and trellis or shade structure. Per BMC Section 23E.04.020.C, certain architectural elements are prohibited except upon issuance of an AUP, and no such structure shall represent more than 15% of the average of the building's floors.

d. Elevations (Sheet A109) –
   i. Please confirm that average height was measured per the Height Instructions for Non-Residential Buildings, taking note that the average height is measured from average grade. Instructions are available online under "Height Instructions" at: https://www.cityofberkeley.info/Online_Service_Center/Home/Forms.aspx
   ii. Label the materials and finishes on each elevation, including the architectural elements projecting from the roof.
   iii. Provide a height measurement of the architectural elements projecting from the roof on all elevations.

6. Traffic Impact Analysis Memorandum. Because this project is anticipated to generate 25 or more peak hour vehicle trips, a Traffic Impact Analysis Memorandum is required. Please submit a memo documenting the project's estimated number of peak hour vehicle trips per the Submittal Requirements (Section 3.G). In order to evaluate potential impacts of the project under CEQA, the Memorandum must include a VMT analysis per the City of Berkeley Guidelines (Attachment 2). For reference, A TIA was recently prepared for the project at 600 Addison, which is available online at: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/600_Addison_-_ZP2019-0215.aspx

   Please contact the Transportation Division for further guidance prior to preparing the Memorandum. The contact information is: Ray Davis at (510) 981-6443 and Rdavis@cityofberkeley.info. The Memorandum must include the entire project site and land uses outlined in the parking plan (from Railroad to Fifth Street, between Allston Way and Bancroft Way) and cumulative projects as needed.

Design Review Comments

Will be provided under separate letter.

Advisory Comments

1. Planning Division Comments.
   a. The project involves demolition of three non-residential buildings at 2216 Fifth, 2213 Fourth and 2221 Fourth which are over 40 years in age. Pursuant to BMC Section 23C.08.050.C, the proposed demolitions will be referred to the LPC for review prior to the consideration of the Use Permit by the ZAB. The Historic Preservation staff will provide comments on the HRE's submitted with this application and next steps for review by the LPC. Further, the property at 2212 Fifth is on the LPC Potential Initiations List. As the proposed design is contingent upon the demolition of a potential resource, the design effects the potential resource. Therefore, pursuant to BMC Section 23E.12.020.B, the Design Review application for the proposed parking garage is subject to LPC referral for review and comments.

   b. Based on the application materials submitted, the project does not appear to be eligible for an exemption under CEQA; your applicant team identifies 2212 Fifth as potentially eligible for designation as a local Structure of Merit. As additional application materials are received, staff will continue to review the exceptions to the exemptions and will follow up with a determination of the level of review required under CEQA. Also, staff suggests consideration of relocating the existing duplex. For reference, existing residential buildings were relocated as part of the Acheson Commons project in 2017, and more recently at 1940 Haste:
      i. Berkeleyside articles regarding relocation: https://www.berkeleyside.com/2017/05/08/116-year-old-brown-shingle-home-moved-streets-berkeley.
      ii. https://www.berkeleyside.com/2020/07/27/123-year-old-berkeley-ca-house-moved-downtown-streets

iii. Project documents, include EIR and Cultural Resources Evaluation: https://www.cityofberkeley.info/Planning_and_Development/Home/Acheson_Commons.aspx

c. The project site contains several buildings proposed for demolition and the project would construct one parking garage. As such, one address would be assigned to the garage. Please confirm the proposed address, and note that an address assignment application will be required at the time of building permit application submittal: https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Address%20Assignment%20Request.pdf

d. Staff agrees with the suggestion in the applicant statement that the parking garage is consistent with General Plan Policy T-32 Shared Parking, and therefore could support only the provision of additional parking spaces to the extent that the existing uses within the two-block project site are brought into conformance with the amount required in the zoning code (currently, the project site is non-conforming for parking). The additional 176 spaces proposed appear to be required for a future project that has not yet been submitted to the Department, and as such could not be supported under this application. Alternatively, this application could be amended to include construction of the new R&D space identified as "Phase IV."

e. Please note that in support of General Plan Policies T-10 Trip Reduction, T-14 Private Employers, T-18 Transportation Impact Analysis and Vehicle Miles Traveled, and T-41 Structured Parking, employers are encouraged to reduce the demand for automobile travel through transportation demand management (TDM) programs. It appears that this project proposes construction of a parking garage to serve uses in the project area bounded by Fifth Street, Bancroft Way, Third Street/Railroad and Allston. Please note that BMC Chapter 9.88 requires employers with 10 or more employees to reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and provide a notice of the availability of such subsidy on-site. In support of the regulations in the BMC and the General Plan policies listed above, provide information about any TDM programs that will be implemented as part of this project. The expectation for this project is to provide TDM programs and trip reduction strategies that are similar to the proposed project at 600 Addison Street, which is located in the vicinity. Project materials are available online at: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/600_Addison_-_ZP2019-0215.aspx

2. Department Comments. This application may be routed to other city departments for comments. These comments will be forwarded to you when they are received. Please respond to **all** department comments, and include revisions and response with your next submittal to Planning. Further revisions to the application may be required based upon your response to these items.

Revised submittal items should be submitted in electronic form (uploaded to the project folder on Box.com). Please submit responses to **all** requested items at once, and not incrementally. Also, please be aware that if you do not take action on the above items within 60 days, the

application may be deemed withdrawn and returned to you. Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,

Ashley James
Associate Planner
(510) 981-7458
ajames@cityofberkeley.info

Attachments:

1. Draft Parking Table
2. City of Berkeley VMT Criteria and Thresholds

the LAB Project Parking Table (Railroad Right of Way to Fifth Street, between Allston Way and Bancroft Way)

Site Information				Existing Conditions					Proposed Conditions						
APN	Lot Area	ADDRESS (Building Number)	Zoning	Existing Sq.Ft.	Current Use	Existing vehicle parking req'd	Existing vehicle parking provided	Existing vehicle parking location (Lot ID)	Proposed Use	Proposed sq.ft.	Proposed vehicle parking req'd	Proposed bicycle parking req'd	Proposed vehicle parking provided	Proposed vehicle parking location (Lot ID)	Proposed bicycle parking provided
056-1958-006-03	73,180	2246 Fifth Street - Tenant B (fronts Fifth Street)	MU-R	12,500	Office in support of Light Manufacturing (Legal NC) (vacant)	13	31	Lot B	Light Manufacturing	12,500	13	0	13	Lot B	0
		2246 Fifth Street - Tenant A (fronts Fourth Street) Includes 2231 Fourth, part of 2246 Fifth structurally	MU-LI	17,215	R&D and office in support of Light Manufacturing (See Approved Permit #14-01731, dated 6/27/14)	11			R&D and office in support of Light Manufacturing	17,436	12	0	?		0
		2229 Fourth Street	MU-LI	14,240	Light Manufacturing	9			Light Manufacturing	19,895	13	3	?		0
		2222 Fifth Street A & B	MU-R	11,677	Light Manufacturing (Lawful NC)	12			Light Manufacturing (Lawful NC)	17,919	18	3	?		0
056-1958-012-00	6,996	2233 Fourth Street	MU-LI	7,062	Warehouse (vacant)	7			R&D, office and warehouse in support of Light Manufacturing	7,062	7	0	?		0
		2221 Fourth Street	MU-LI	4,080	Manufacturing (vacant)	4	12	Lot A	Parking Garage	0	0	0	0		0
056-1958-006-04	8,040	2216 Fifth Street	MU-R	4,000	Manufacturing (vacant)	4			Parking Garage	0	0	0	0		0
056-1958-014-01	10,150	2213 Fourth Street	MU-LI	650	Parking lot and storage building	1			Parking Garage	0	0	0	0		0
056-1958-004-00	6,250	2212 Fifth Street	MU-R	2 units	Residential (vacant)	0	0	N/A	Parking Garage	0	0	0	0	Garage	0

Site Information				Existing Conditions					Proposed Conditions						
APN	Lot Area	ADDRESS (Building Number)	Zoning	Existing Sq.Ft.	Current Use	Existing vehicle parking req'd	Existing vehicle parking provided	Existing vehicle parking location (Lot ID)	Proposed Use	Proposed sq.ft.	Proposed vehicle parking req'd	Proposed bicycle parking req'd	Proposed vehicle parking provided	Proposed vehicle parking location (Lot ID)	Proposed bicycle parking provided
056-1957-007-01	23,148	701 Bancroft Way	MU-LI	2,438	Light Manufacturing (vacant)	2	12	Lot C	Parking Lot	0	0	0	0		0
		705 Bancroft Way		4,103	Warehouse	4			Parking Lot	0	0	0	0		0
		703 Bancroft Way		14,125	Warehouse and Light Manufacturing	9			R&D	9,686	19	0	?		0
		705A Bancroft Way		1,524	Warehouse (vacant)	2			Parking Lot	0	0	0	0		0
056-1957-003-01	43,173	747 Bancroft Way	MU-LI	42,789	Warehouse-Based Non-Store Retail	29	26	Lot A	R&D	45,789	92	2	?		0
056-1957-002-04	15,150	2220 Fourth		15,409	Warehouse-Based Non-Store Retail	10			R&D	9,360	19	0	?		0
056-1957-002-03	26,322	716 Allston/2200 Fourth		25,912	Warehouse-Based Non-Store Retail	17			R&D	29,912	60	2	?		0
TOTALS	**212,409**			**177,724**		**134**	**81**			**169,559**	**252**	**9**	**428**		**0**

City of Berkeley VMT Criteria and Thresholds

June 29, 2020

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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.

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[1] (i.e., the BART stations and the Amtrak station) or within a ¼-mile walkshed around high-quality transit corridors[2]. 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[3].
- **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

[1] "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.

[2] "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.

[3] 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

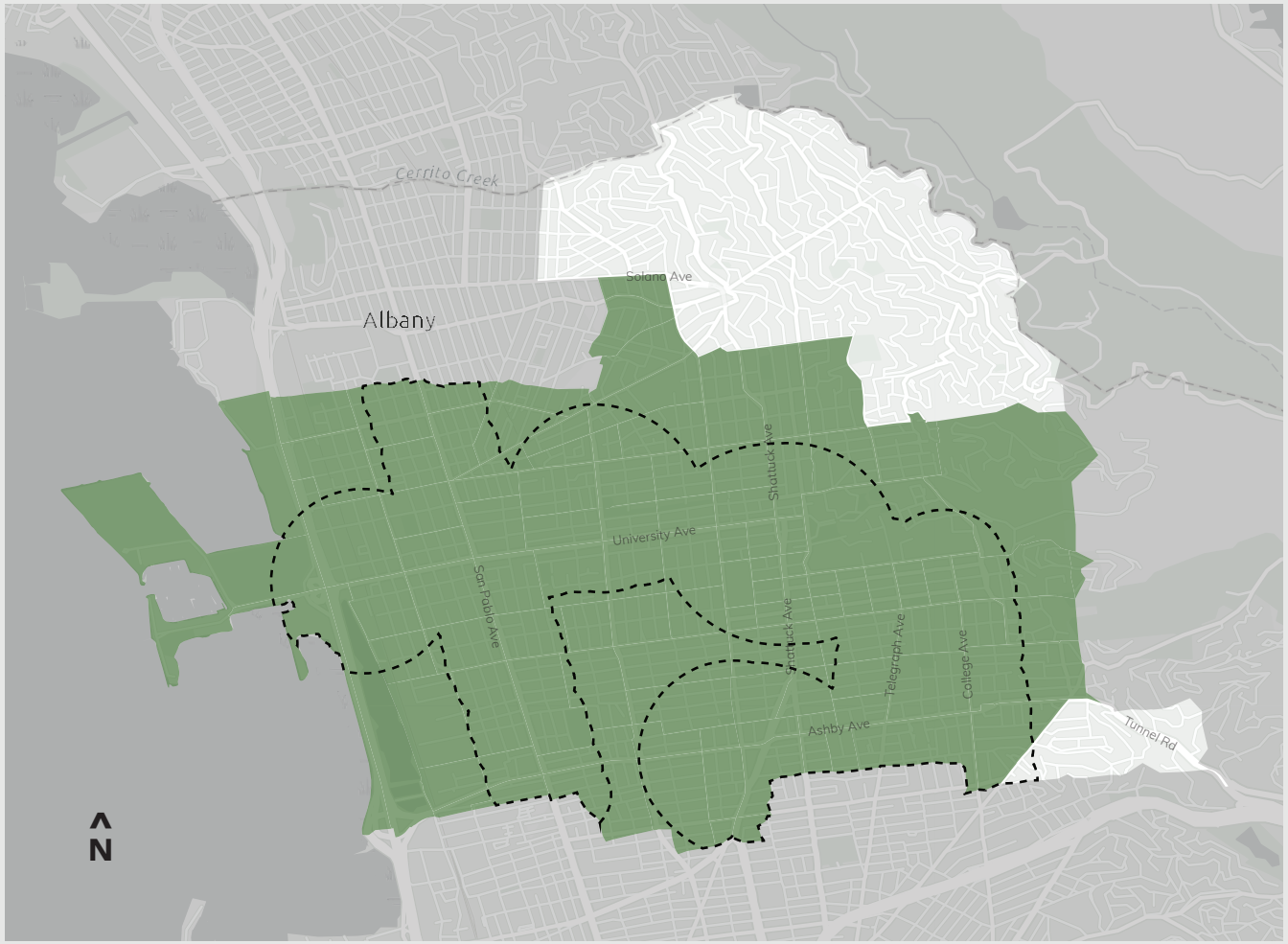
Since SB 743 introduces a new mandatory metric for use in CEQA analysis, lead agencies will need to determine what constitutes acceptable and unacceptable levels of VMT. This process is generally referred to as establishing significance thresholds and is governed by CEQA Guidelines Section 15064.7. Lead 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



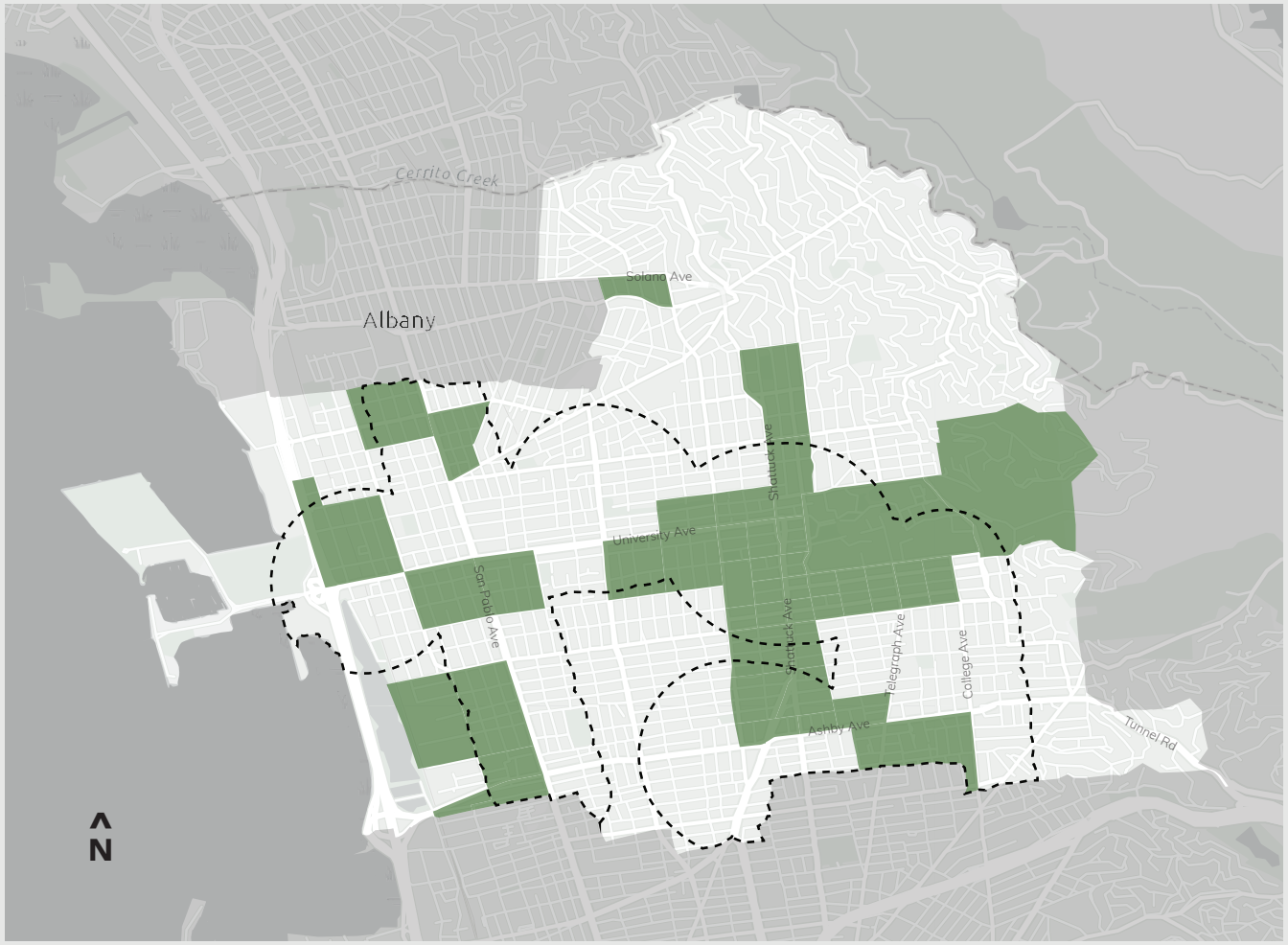
VMT per Resident:

- at least 15% below Bay Area average

Transit Priority Areas:

- ½ mi from rail stations or ¼ 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:

- ½ mi from rail stations or ¼ mi from bus stops with service at least every 15min