



Responsible Growth in Marin

March 31, 2021

San Rafael City Council
1400 Fifth Ave., Rm.209
San Rafael, Ca. 94901

Re: March 2021 City of San Rafael Transportation Impact Analysis Guidelines

Note: Please include in Public Comments

Dear Council Members and Mayor Kate Colin,

We appreciate the opportunity to comment on the proposed guidelines for implementation of San Rafael's LOS and VMT standards, as outlined in the City's General Plan 2040. The guidelines, as drafted by Fehr & Peers, are a welcome tool for City staff, developers, and the community to better understand these standards and how they can be applied during the project approval process. However, there are several details and substantive issues which we believe must be addressed before these guidelines are approved. The issues of clarification of terminology (comment 1), definition of low VMT areas and the associated screening out from CEQA VMT analyses (comment 7), the application of VMT and LOS analysis requirements (comments 9 and 10), and methods of verifying TAM model results (comment 17) deserve particular attention.

The following is a summary of issues that need to be addressed:

1) Overall—Consistency and Clarity in Terminology

- a. The document needs to contain a glossary defining key terms (*e.g.*, Baseline Conditions, Background Conditions, Cumulative Conditions, Local Traffic Assessment, etc.), and an acronym list (*e.g.*, CAPCOA, CalEEMod, EIR, NegDec/MND, TAM, etc.). Some acronyms that are used only once or used infrequently, should be spelled out and the corresponding acronym deleted (*e.g.*, ABAG, CIP, FAR, MAZ, MTC, STAA).
- b. The document would benefit from a chapter header or footer on each page for better orientation for the reviewer.
- c. The terms "transportation analysis," "transportation impact analysis," and the acronym for the latter, "TIA," are used inconsistently and interchangeably throughout the document, at times appearing to signify Level of Service (LOS) analyses (*e.g.*, p. 13 "Transportation Analysis" and "TIA," p. 3 "required to prepare a TIA or a simpler LTA") and at other times Vehicle Miles Traveled (VMT) analyses (p. 2, "Transportation Impact

Analysis for analyzing and determining impacts under CEQA). This is confusing and needs to be clarified. A consistent and readily distinguishable use of nomenclature for CEQA and non-CEQA analysis needs to be developed.

- We suggest that one solution would be to use term ‘transportation analysis’ (TA) be used for the overall study of traffic impacts (including both LOS and VMT analyses) and that the term “transportation impact analysis” or “traffic impact analysis” (TIA) be applied only to the second and third tier of LOS analysis (p. 5), similar to the term Local Traffic Assessment (LTA) applied to tier one LOS analysis.
 - We suggest that for clarification, the term for CEQA transportation analysis (TA) be changed from “transportation impact analysis for CEQA” (p. 2 ff.) to “VMT analysis for CEQA” or “CEQA VMT Analysis.”
- d. The use of the terms “Background Conditions” and “Cumulative Conditions” with and without a project or General Plan/Specific Plan for non-CEQA analyses, which assess the cumulative effects of a project including other nearby or relevant projects, is confusing because for CEQA purposes these analyses are all “cumulative analyses” including “past, present, and future projects. Instead, these could be renamed to “Cumulative Background Conditions,” “Cumulative Conditions with Project,” and “Cumulative Conditions with General Plan/Specific Plan.”
- e. The term “screening criteria” continues to be a misnomer that will generate confusion. This term should be changed to “screening out criteria” or a similar term such as “elimination criteria.”
- When any type of screening test is done, say for breast cancer or for COVID infection, the screening test identifies positive results, *i.e.*, cases that need further testing or treatment.
 - Screening tests are typically not used to identify negative results that do not need follow-up. Negative results are screened out or eliminated from further consideration.
 - As written, the VMT criteria for determining the required level of LOS and VMT analysis identify projects that do NOT need further consideration. Instead, they are “screening out” or “elimination” criteria and should be identified as such. Continuing to call them “screening criteria” is counter-intuitive and will add a layer of unnecessary confusion for users of these guidelines.

2) Overall—Qualifying Statement: The analysis criteria specified in this document are based on current state law. A qualifier should be added to the document acknowledging that the criteria in the document are consistent with current state law and made need to be changed or modified if state law changes.

- 3) Project Types—controversial projects** (p. 3): What will be the operational definition for determining if a project is “controversial?” Five letters from communities or groups? Ten letters? Twenty letters? One or two letters that raise important issues or significant impacts that should be examined? Who will decide if a project is “controversial” and what criteria will be used to make this determination?
- 4) Table 1: Comparison of non-CEQA and CEQA terms** (p. 3): This is a great table!
- a. As mentioned in comment (1), LTA and TIA should be placed in the Non-CEQA Terms column and CEQA VMT Analysis should be placed in the CEQA Terms column.
 - b. “Cumulative Conditions” should be added to both the Non-CEQA column and the CEQA column (see p. 20 and p. 26)
 - c. It would clarify understanding of these terms if there was an asterisk notation for “Existing Conditions” and “Background Conditions” “Baseline Conditions” and “Cumulative Conditions” that clarified that each of these categories requires assessment with and without the Project (see p. 20 and pp. 25-26). Note: Under CEQA Baseline Conditions are ONLY before the project *i.e.*, comparable to “Existing Conditions without the project”
 - d. These terms should also be explained in the glossary.
- 5) Trip Generation for Non-CEQA analyses, Tier 2B** (p. 4): What is the justification for the criteria specified for Tier 2B (251-1000 daily trips)? It seems that this is a very large range for defining projects that do not need to prepare a cumulative operational forecast (or, as this criterion is written, potentially not even need to prepare a Transportation Impact analysis [TIA]). What data is this classification based on? It seems that adding hundreds (up to 1,000) of daily trips could seriously impact intersections and road segments especially in a cumulative context.
- 6) CEQA VMT Screening [out]** (p. 5): change wording to reflect CEQA mandate:
 Rewording: *However, even if a project is exempt from VMT analysis, it **still is** required to evaluate the following CEQA requirements:*
 Instead of: *However, even if a project is exempt from VMT analysis, it **may** still be required to evaluate the following CEQA requirements:*
- 7) Land Use Project VMT Screening [Out]** (p. 7-11): The Draft General Plan 2040 describes the intent of Vehicle Miles Traveled (VMT) Analysis: *“VMT is not a measure of congestion. It does not assess the impact of a project on nearby intersections or roads. Rather, it addresses the impacts of a project on a regional scale, based on the amount of driving it will induce. Because it’s focused on distance, the metric tends to increase as density decreases. In urban areas, VMT is usually low. People use transit, walk, and complete multiple tasks on the same trip. In a low-density suburban area, VMT is higher. Residents are more dependent on their cars, and drive longer distances to work, shopping, school, and errands.”* (Mobility Element, p. 10-27)

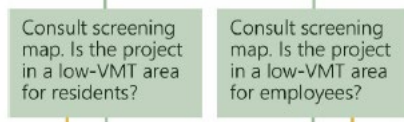
- The low VMT areas displayed in the maps in Figures 2 and 3, which are used to screen out or eliminate projects in these areas from having to prepare VMT analyses (according to the flow chart in Figure 1), appear to reflect the exact opposite of the definition of low VMT areas and the opposite of the intention of General Plan 2040.
- For example, in these maps, the areas adjacent to the SMART transit stations in central and north San Rafael are NOT marked as low VMT areas, although they will be the higher density urban areas described in General Plan 2040 and the Downtown Specific Plan. Instead, the suburban outlying areas of San Rafael, which are not served by public transit and where people are more dependent on their cars, are colored green and orange, indicating low VMT areas where projects do not need to do VMT studies.
- The metric that is being used to describe low VMT areas for these Transportation Analysis Guidelines is clearly not aligned with General Plan 2040 and with the definitions of low and high VMT areas. This needs to be corrected. Is the metric being interpreted incorrectly? Does a different metric need to be used?

8) Figure 1 (p. 7):

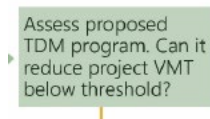
- a. Please revise yellow box “Prepare NegDec/MND ...” to “Prepare Initial Study ...” because preparation of a Negative Declaration (Neg Dec) or Mitigated Negative Declaration (MND) is not a foregone conclusion as the project may require preparation of an Environmental Impact Report (EIR) because of other impact areas.



- b. Please revise green boxes for residential and office/employment scenarios “Consult Screening Map...” to refer to “See Figure 2” and “See Figure 3,” respectively.



- c. Please revise green box “Assess proposed TDM program...” to refer to “See Table 7.”



9) Land Use Project VMT Screening [Out] (p. 8): “Small Projects” – Screening out individual small projects does not consider the cumulative effects of multiple small projects in a given area. There needs to be some metric to account for the cumulative VMT effects of small projects which are exempted from doing individual VMT analyses. The flow chart in Figure 1 (p. 7) indicates that “small projects” are also exempted from doing LTA or TIA analyses (*i.e.*, LOS traffic assessments of the impacts of these projects on traffic at local intersections and road

segments). The same comment applies to LOS analyses. There needs to be some metric to account for the cumulative LOS effects of small projects which are exempted from doing individual LOS analyses.

10) Evaluation of Mixed-Use Projects (p. 9): The guidelines state: *“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. It is possible for some of the mixed-use project’s land uses to be screened out and some to require further analysis.”*

This is not acceptable. It is extremely important that the VMT and LOS impacts of mixed-used projects be considered as one project and not piecemealed by examining each component of the project separately.

In fact, the CEQA regulations specifically prohibit “piecemealing” of analyses. Total transportation impacts of the whole mixed-use project must be considered for VMT analyses and should also be used for LOS analyses. Both the aggregate metric and individual thresholds must be applied, it cannot be a choice. See also, p. 36, delete the “or” in: *“and/or VMT metrics for each land use type evaluated individually against the above residential, office, or retail thresholds.”* See also comment 24.c.

11) VMT Screening [Out] Maps (pp. 10-11): **“VMT screening by MAZ”** – What is MAZ? This term needs to be defined and explained.

12) Project Trip Generation (p. 12): We are pleased to see the cautionary advice about using ITE Manual generation rates that do not have statistically sufficient coefficients of determination. This is very appropriate advice. Empirical trip generation data should be required, particularly with larger projects. We suggest adding the following text to Footnote 5: *“In regression analysis, the R² coefficient of determination is a statistical measure of how well the regression predictions approximate the real data points. An R² value of 1 indicates that the regression predictions perfectly fit the data.”*

13) Figure 4: Flow Chart for Transportation Analysis and Documentation (p. 13): Replace “Impacts” with “Effects or Deficiencies” because this flowchart relates to non-CEQA analyses.



14) Coordination with Other Jurisdictions (p. 14): The Guidelines state: *“In general, coordination efforts would be limited to Tier 3 projects that generate more than 100 peak hour vehicle trips.”* This coordination should also apply to Tier 2 projects, which could have significant impacts if several Tier 2 projects are located adjacent to each other in different jurisdictions (for example in adjacent City and County jurisdictions in several areas of San Rafael.)

15) Establishing Trip Generation Rates for an Unknown or Unique Use (p. 16):

Option 2 states: *“Estimates can be made using a lower intensity use if the City and developer establish a maximum trip allowance. Once a proposed land use has been identified, then 1) the subdivision trip generation allowance must be monitored by the City as development occurs; and 2) the transportation analysis may need to be updated.”*

There are many questions about how this option could be implemented and whether it is a reasonable option to include in the Guidelines. What criteria would be used for establishing a maximum trip allowance? Who would be responsible for doing the monitoring by the City? How often would the monitoring be done? What would trigger an update of the transportation analysis? And, most important, what would be the consequences of exceeding the agreed-upon maximum trip allowance? What penalties could be assessed if the project is already built and exceeds the maximum trip allowance? It is possible to envision a scenario where a lower trip allowance is permitted and when the project exceeds the agreed-upon maximum limit, the transportation analysis is updated to permit a trip generation higher than the maximum, with no penalties. Option 2 needs to be reconsidered, clarified, and possibly eliminated.

16) Pass By/Diverted Link Trip Rate Reductions (p. 18): This policy should be clarified to specify a range of acceptable trip rate reductions for the variety of land uses included in this category and supporting documentation.

17) VMT Estimation and Cumulative Travel Forecasts (p. 20): This section states: *“... analysts are required to use the TAM Travel Demand Model or other model as approved by City staff, for large plans or projects that require a quantitative VMT assessment, and conduct checks to ensure it is sufficiently accurate and sensitive within the study area and for the types of land use and transportation changes associated with the project.”* The section also requires: *“Conduct sub-area validation of the community being studied, if necessary.”*

- a. Are these two requirements the same?
- b. How are these checks supposed to be conducted? What methodology is supposed to be used, *i.e.*, how is the analyst supposed to check the accuracy, sensitivity, and sub-area validation?
- c. The TAM model is dynamic and continuously changing, relative to conditions on the ground. Large projects may require General Plan updates. What happens if the TAM model becomes inconsistent with General Plan policies? Is the General Plan merely updated to match the new TAM model?
- d. Large mixed-use projects should also be subject to consistency analyses.

18) Study Area (p. 21): This section states *“The study area can be thought of as the area of influence of a project and is determined by evaluating the project location and how it may affect all transportation modes and facilities.”* It states for the LOS analysis: *“Generally, intersections within a one-mile radius that are known to currently operate at LOS D or worse based on*

previous studies, and where the project adds at least ten or more peak hour trips per lane to any movement should be considered for analysis.” What about intersections that are currently functioning better than LOS D and that are seriously impacted by the additional trips from a project? Must these intersections be degraded to LOS D conditions before any LOS TIA analysis is done? Are we allowing all the intersections in a study area to degrade to LOS D before any consideration is given to mitigation measures?

19) Table 2 (p. 23):

- a. Safety Assessment: this document is labeled as “TBD see attached.” When will the Safety Assessment be prepared and released for review?
- b. Local Transportation Analysis, Study Element: Off-site Traffic Operations. This element states: *“The City reserves the right to define the study area.”* What does this mean? How would the study area be changed and who would make this decision? How would there be notification of this change?

20) Defining LOS deficiencies (p. 32): Mobility Deficiency Criteria: Similar to comment 18, these criteria do not address intersections that function better than the City standard of LOS D, which may be substantially degraded by additional trips added by proposed projects. Creating conditions where all of the intersections in an impacted area must degrade to LOS D before a mobility deficiency is identified has serious implications for suburban areas where traffic flow is generally better than in densely developed areas, such as Downtown San Rafael, and where intersections are functioning at or below the City standard LOS D. Criteria should be included to address the degradation of intersections that are functioning above LOS D. Going from LOS A or LOS B to LOS D is a significant change in mobility experience.

21) Types of VMT analysis (p. 36-37):

- a. Consider renaming “Baseline Conditions with Project” as “Conditions after Project Buildout” or “Baseline Plus Project Conditions.” This avoids confusion with the defined CEQA term for “baseline,” *i.e.*, the “physical environmental conditions near the project, as they exist at time the notice of preparation is published...,” which does not include project traffic.
- b. Consider renaming “Cumulative Conditions with Project” to Cumulative Plus Project Conditions.”

22) Project Effect VMT Impact Threshold (p. 37): Please define the “boundary method” and the geographic boundaries. Why is the “Marin County limit boundary” used instead of the “Bay Area region,” as discussed on p. 36 under Point 2 “Project effect on VMT?”

23) Mitigation Measures (p. 37): Please explain how the CAPCOA guide or CalEEMod would substantiate VMT reductions. What percentage reductions would be used?

24) Table 7: VMT Impact Criteria (p. 40):

- a. How were the “Current Level” and “Impact Threshold” for residential and office project type determined? Will these criteria be updated periodically?
- b. How is the “existing Regional average rate” determined? How is “regional” defined (Marin County or San Rafael)? Please also add this to the glossary.
- c. **“Mixed-Use” and “Land Use Plans:** The table must make clear that selection of either threshold is not a choice. (See comment 10.)” These land use types must be evaluated against both the cumulative threshold (aggregate metric) **AND** their respective individual thresholds.

Mixed-Use	<ul style="list-style-type: none">• Aggregate metric (VMT per service population) rate exceeds 15 percent below existing regional average rate• Each land use type evaluated individually against residential, office, and retail thresholds above
Land Use Plans	<ul style="list-style-type: none">• Aggregate metric (VMT per service population) exceeds 15 percent below regional average rate• Each land use type evaluated individually against residential, office, and retail thresholds above

- d. **Significance criteria for “Other Land Use Type ... City to develop ad hoc”:** Please amend to include “with public input.”

25) Mitigation Measures (p. 41): The General Plan 2040, Mobility Element, Table 10-1: Major Planned Mobility Improvements, 2020-2040 does not appear to include the proposed new connector between Highway 101 and Highway 580, which may occur within the 20-year window of the Plan. Will this project require a separate EIR and VMT analysis?

We look forward to discussion and clarification of these issues.

Respectfully,
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