



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2012.0726E  
Project Title: Transportation Demand Management (TDM) Ordinance  
Project Sponsor: San Francisco Planning Commission  
Staff Contact: Rachel A. Schuett – (415) 575-9030  
Rachel.Schuett@sfgov.org

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION:

The proposed project is the Transportation Demand Management (TDM) Ordinance (herein after referred to as the "TDM Ordinance"), which is sponsored by the San Francisco Planning Commission. The TDM Ordinance would amend the Planning Code to establish a citywide TDM Program for new Development Projects in San Francisco. This TDM Program seeks to promote the use of sustainable travel modes by requiring new Development Projects to incorporate design features, incentives, and other tools that support transit, ride-sharing, walking, and bicycle riding, and use of other sustainable modes of travel by the residents, tenants, employees, and visitors of their projects. In support of the TDM Ordinance, the Planning Commission would also adopt the Planning Commission's Standards for the TDM Program ("TDM Program Standards")<sup>1</sup> a document that contains detailed information on how to comply with the TDM Ordinance.

### EXEMPT STATUS:

Categorical Exemption, Class 8 (California Environmental Quality Act [CEQA] Guidelines Section 15308).  
See page 3.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Sarah B. Jones  
Environmental Review Officer

Date

Board of Supervisors, All Districts, (via Clerk of the Board)  
Virna Byrd, M.D.F.

<sup>1</sup> San Francisco Planning Department, *draft Planning Commission Standards for the Transportation Demand Management (TDM) Program*, July 2016. This document, and other documents cited in this Certificate unless otherwise noted, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No.2012.0726.

**PROJECT DESCRIPTION (continued):*****Background: Transportation Demand Management (TDM)***

The Planning Code currently includes a number of development-focused TDM measures, although the requirements are not specifically identified as TDM measures in the Planning Code. These measures include, but are not limited to, requirements for bicycle parking, car-share parking, and the unbundling of parking costs from the sale or rental of a dwelling unit.

Currently, TDM for a Development Project also may be required or included during the development review process. This generally occurs in one of four ways: voluntarily, through an improvement measure(s); through required mitigation measure(s) via CEQA; through a negotiated Development Agreement; or through Institutional Master Plan requirements.

***Proposed Transportation Demand Management (TDM) Program Planning Code Amendments***

The TDM Ordinance would apply to Development Projects that include: ten or more dwelling units, or ten or more group housing beds, or new construction resulting in 10,000 occupied square feet or more of any use other than Residential, and/or any Change of Use resulting in 25,000 occupied square feet or more of any non-residential use.<sup>2</sup> For these Development Projects, a property owner would be required to submit a TDM Plan with the Development Project's first Development Application. A TDM Plan is required to document the Development Project's compliance with the TDM Program Standards.

The TDM Program Standards require a Development Project to achieve a target. The target is based on the land use(s) associated with the Development Project and the number of Accessory Parking spaces proposed for each land use. The Planning Code defines myriad land uses. The TDM Program Standards classify these land use definitions into four land use categories, based upon reducing Vehicle Miles Traveled from the primary trip generator associated with that land use. The TDM Program Standards rank the four land use categories, from highest (A) to lowest (D), according to the estimated number of vehicle trips per parking space provided for that primary user: visitors and customers, employees, or residents as shown in Table 1.

**Table 1: Land Use Categories and Targets**

Land Use Category	Typical Land Use Type	# of Parking Spaces proposed by Land Use	Target
A	Retail	Base number: $0 < 4$	Base Target: 13 points
		Each additional 2 <sup>1</sup>	1 additional point
B	Office	Base number: $0 \leq 20$	Base Target: 13 points
		Each additional 10 <sup>1</sup>	1 additional point
C	Residential	Base number: $0 < 20$	Base Target: 13 points
		Each additional 10 <sup>1</sup>	1 additional point
D	Other	Any # of parking spaces	3 points

<sup>1</sup> For each additional parking space proposed above the base target, the number of parking spaces will be rounded up to the next highest target. For example, a project within Land Use Category C that proposes 21 parking spaces is subject to a 15 point target.

<sup>2</sup> As drafted, the TDM Ordinance includes exemptions for Parking Garages and Parking Lots and 100 percent Affordable Housing Projects. The inclusion of additional exemptions (e.g., health and human services) would not change the conclusions of the Certificate of Determination.

To achieve the target, a property owner can select measures from the TDM menu of options (“TDM menu”). Each TDM measure on the TDM menu has been demonstrated to reduce Vehicle Miles Traveled by residents, tenants, employees, and visitors and must be under the control of the property owner. Each TDM measure on the TDM menu has been assigned a number of points, reflecting its relative effectiveness in reducing Vehicle Miles Traveled.<sup>3</sup>

TDM measures on the menu include physical measures and programmatic measures. Physical measures may include, but are not limited to, pedestrian amenities, bicycle amenities, car-share parking spaces, and affordable housing units. Programmatic measures may include, but are not limited to, transit subsidies, car-share memberships, and bicycle repair services.<sup>4</sup>

### ***Project Approvals***

The proposed project is subject to review by the Planning Commission and the Board of Supervisors. The Planning Commission would review the TDM Ordinance and the TDM Program Standards. The Board of Supervisors would review the TDM Ordinance. The Approval Action for the proposed project would be the approval of the TDM Ordinance by the Board of Supervisors followed by a 10 day period or signature by the Mayor. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

### **EXEMPT STATUS (CONTINUED):**

CEQA Guidelines Section 15308, or Class 8, provides for an exemption for “actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” The proposed project would establish a citywide TDM Program, with the goals of helping keep San Francisco moving as it grows, and to promote better environmental, and public health and safety outcomes, consistent with state, regional, and local policies.

The proposed project would result in an overall reduction in the Vehicle Miles Traveled associated with new development compared to the Vehicle Miles Traveled that would occur without the implementation of the TDM Program. As a result, the proposed project would result in a reduction in air pollutants, including greenhouse gas emissions. As such, the adoption of the TDM Ordinance and associated TDM Program Standards would constitute actions by the Planning Department meant to maintain and protect the environment through procedures that guide Development Projects. Therefore, the proposed project would be exempt from CEQA under Class 8.

### **DISCUSSION OF ENVIRONMENTAL ISSUES:**

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a proposed project. None of the established exceptions apply to the proposed project. CEQA Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment

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<sup>3</sup> Detailed information on how point assignments were made is included in the San Francisco Planning Department, *Transportation Demand Management Technical Justification*, June 2016.

<sup>4</sup> San Francisco Planning Department, *draft Planning Commission Standards for the Transportation Demand Management (TDM) Program*, July 2016.

due to unusual circumstances. As discussed below, there is no possibility of a significant effect on the environment due to unusual circumstances.

### *Approach to Analysis*

The TDM Program was developed by a technical working group comprised of staff from the Planning Department, the San Francisco County Transportation Authority, and the San Francisco Metropolitan Transportation Agency, in consultation with the Planning Commission, transportation consultants, stakeholders, and members of the public.

The work of the technical working group is documented in a TDM Technical Justification document which includes an extensive literature review, best practice research, empirical data collection and analysis, and consultation with experts in the field. This document provides the technical basis for the applicability, targets, and the assignment of points to each measure on the TDM menu.<sup>5</sup> The focus of the technical justification is identifying the expected VMT reduction associated with each TDM measure. The analysis below largely relies on the research and analysis documented in the TDM Technical Justification.

If the TDM Ordinance is adopted, a property owner would be required to submit a TDM Plan along with the Development Project's first Development Application. Each TDM Plan may include both physical and programmatic TDM measures. All of the TDM measures on the menu would be constructed or provided on a Development Project's site, with two exceptions. The two exceptions are: ACTIVE-1 Improve Walking Conditions, which would require construction in the public right-of-way, and HOV-2 Shuttle Bus Service, which may require designation of shuttle stops within the public right-of-way. Each Development Project and the TDM Plan would be subject to environmental review in accordance with state and local requirements.

Thus, this environmental review does not focus on the physical impacts associated with the implementation of TDM measures at any particular location, but, rather, assesses the overall effects on the environment associated with the implementation of the TDM Program. This overall effect would be a reduction in Vehicle Miles Traveled associated with new Development Projects, resulting from a mode split incrementally more weighted to sustainable modes including walking, bicycling, or riding transit as compared to Development Projects that incorporate a lower level of TDM. A reduction in Vehicle Miles Traveled could also result from reducing vehicle trips, increasing vehicle occupancy, or reducing the average vehicle trip length. The secondary effect associated with a reduction in Vehicle Miles Traveled is a reduction in air pollutants, including a reduction in greenhouse gas, emissions.

### *Transportation*

The effects of shifting vehicle trips to sustainable travel modes including trips made by transit, bicycle, or by walking are discussed below.

#### **Transit**

The impacts of the proposed project on transit are difficult to predict. If a substantial number of vehicle trips were to shift to transit trips, transit capacity on individual transit lines may be exceeded. The potential for such transit capacity utilization exceedances to occur as a result of the proposed project is

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<sup>5</sup> *Ibid.*

speculative because it is unknown which TDM measures future Development Projects would select. Moreover, current literature does not document which sustainable travel modes vehicle trips would shift to with implementation of several of the TDM measures in the TDM menu.

Further, a substantial cause of transit delay is due to transit lines traveling in mixed-flow travel lanes with private vehicles. For example, the Van Ness Bus Rapid Transit Final Environmental Impact Statement/Environmental Impact Report identified that signal and mixed-traffic delays account for approximately 50 to 58 percent of total delay for Van Ness Avenue buses along the corridor.<sup>6</sup> Therefore, a reduction in vehicle trips from Development Projects would be expected to reduce potential delay impacts to transit. As such, the proposed project would not result in a significant impact related to transit.

### **Bicycles**

The proposed project would not create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility. The TDM Ordinance includes procedures for review of Development Project's TDM Plans and thereby considers issues associated with bicycle safety and access. Therefore, the proposed project would not result in significant impacts to bicyclists.

### **Pedestrians**

The proposed project would not create potentially hazardous conditions for people walking or otherwise substantially interfere with accessibility for people walking. Most areas of San Francisco have adequate sidewalk widths. Moreover, projects that are of a size sufficient to result in sidewalk overcrowding are subject to Better Streets Plan requirements and environmental review.

The potential for such sidewalk overcrowding impacts to occur as a result of the proposed project is speculative because it is unknown which TDM measures future Development Projects would select. Moreover, current literature does not document which sustainable travel modes vehicle trips would shift to with implementation of several of the TDM measures in the TDM menu. In addition, most Development Projects subject to the TDM Program requirements would also be subject to the Transportation Sustainability Fee (Planning Code Section 411A). The Transportation Sustainability Fee requires developers to pay a portion of their fair share to enhance intersections and sidewalks to accommodate the increase in walking trips associated with new development. Therefore, the proposed project would not result in significant impacts to pedestrians.

### **Loading**

The proposed project includes measures related to deliveries and shuttle bus services, which may potentially increase localized loading. However, the demand generated for the loading would occur from people within Development Projects subject to the TDM Program. The effects of loading demand and the potential to create hazardous conditions would be evaluated for each Development Project subject to environmental review and Development Projects would be subject to all applicable requirements to accommodate expected loading demand. Therefore, the proposed project would not result in significant impacts related to loading.

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<sup>6</sup> San Francisco County Transportation Authority, *Van Ness Bus Rapid Transit Final Environmental Impact Report/Environmental Impact Statement*.

***Air Quality and Greenhouse Gases***

Passenger vehicles emit pollutants for each mile driven. Despite technological advancements, the transportation sector continues to account for a large amount of emissions given an increase in vehicle miles traveled.<sup>7</sup> The transportation sector accounts for 36 percent,<sup>8</sup> 37 percent,<sup>9</sup> and 40 percent<sup>10</sup> of all greenhouse gas emissions in California, the San Francisco Bay Area, and San Francisco, respectively. The transportation sector is also responsible for a large percentage of air pollutants that affect the air quality locally and regionally, toxic air contaminants and criteria air pollutants. For example, the transportation sector accounted for 83 percent of oxides of nitrogen emissions statewide, which is a precursor to ozone (criteria air pollutant) and for which a larger area of the state is designated as nonattainment by both the state and federal government.<sup>11</sup>

The proposed project would result in an overall reduction in the Vehicle Miles Traveled associated with new development compared to Vehicle Miles Traveled without the implementation of the TDM Program. Therefore, the proposed project would not result in significant impacts related to air quality, including greenhouse gases.

***Conclusion***

The proposed project satisfies the criteria for exemption under the above-cited classifications. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

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<sup>7</sup> U.S. Environmental Protection Agency, *Our Built and Natural Environments 2nd Ed*, June 2013.

<sup>8</sup> California Air Resources Board, *First Update to the Climate Change Scoping Plan*, May 2014.

<sup>9</sup> Plan Bay Area 2040, *Plan Bay Area Environmental Impact Report*, July 2013.

<sup>10</sup> San Francisco Department of Environment, *San Francisco Climate Action Strategy*, October 2013.

<sup>11</sup> California Air Resources Board, *Emission Inventory Data*, Year 2012.