Regular Council Meeting

October 30, 2025

FRESNO CITY COUNCIL

City of FRESNO

Public Comment Packet

ITEM(S)

9:15 A.M. #2 (ID 25-1459)

HEARING to Consider adoption of the Vehicle Miles Traveled (VMT) Reduction Program and Nexus Study and Vehicle Miles Traveled Mitigation Fee; and related Environmental Impact Report SCH No. 2024091129.

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

Contents of Supplement: Public Comment Received

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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From: [redacted]
[redacted]
Subject: VMT
Date: Tuesday, October 28, 2025 5:50:35 PM
Attachments: [redacted]

External Email: Use caution with links and attachments

Dear Members of the City Council,

Please see my attached letter re the City of Fresno 's proposed VMT program that provides comments regarding deficiencies in the EIR and CEQA procedures used for the project. Amongst these are several issues that I believe need to be addressed, such as including flexibility in land use options to reduce the VMT load and use of the updated CAPCOA model from 2021 vs 2010.

The VMT Fee EIR included a list of Project Alternatives. Two of those were considered and disregarded without the conduct of any environmental analysis. One such option was the Efficient Land Use Alternative, which involved updating the General Plan Land Use Map to establish more mixed-use options. That option would accommodate more employment-based land uses to attract new job-generating development to thereby reduced Citywide VMT. No explanation was provided for why that option was rejected. But it is substantial record evidence that such land use changes will reduce VMT.

Master Planned Communities that are required to develop Project EIRs can implement a VMT reduction approach that focuses on Efficient Land Use Alternatives. Yet the City's policy limits the ability to reduce its VMT fee impositions under that approach. This will necessarily require higher housing costs on projects developed in SEDA or West Fresno, even where they implement land use elements designed to reduced VMT. This is confirmed in the VMT Nexus Study, and its disclosures regarding the elements of the City's Urban Design Vehicle Miles Traveled Calculator.

The city documents and the VMT Nexus Study's description of the Urban Design Calculator confirms that the intended Fresno policy is to apply only a

10% benefit for the cumulative effect of certain VMT reduction strategies, even though more updated CAPCOA recommendations indicate a more generous 70% cap is warranted. Other than a brief reference to the “land use characteristics in the City of Fresno”, no information is provided as to why the City is imposing the more stringent standard, or who **deemed** the 10% standard more appropriate. The impact of this policy decision is to raise the cost to all homebuyers affected by VMT fees. An alternative VMT mitigation strategy included in a project specific EIR (that avoids reliance on the Urban Design Calculator and/or its 10% cap) could avoid these additional costs that will be borne by new Fresno homeowners.

I have also attached a simple revision to the ordinance that can address most of these issues.

I am asking for a 30-day delay in your vote to host a workshop with your consultants, to address the discrepancies in the City 's program.

thank you,

Darius Assemi
Granville Homes | gvhomes.com
P: [redacted]

October 28, 2025

City Council President Mike Karbassi
City Council Vice President Miguel Arias
Councilmember Annalisa Perea
Councilmember Tyler Maxwell
Councilmember Brandon Vang
Councilmember Nick Richardson
Councilmember Nelson Esparza
City Clerk Todd Stermer

Fresno City Hall
2600 Fresno Street
Fresno, California 93721

Re: **Proposed Adoption of VMT Reduction Program**
Agenda Item 9:15 A.M. #2, October 30, 2025 (ID 25-1459)
Comments on Vehicle Miles Traveled Reduction Program, Nexus Study and EIR Analysis

Dear Members of the City Council:

I am requesting that Mr. Stermer distribute copies of this letter to all Council Members prior to deliberation of the above referenced matter. I am also requesting that this letter and its attachments and referenced materials be included in the Record of Proceedings for the VMT Reduction Program and its Related EIR.

This letter details why the proposed VMT fee program should be revised to allow alternative mitigation measures, in lieu of the VMT fee program, at the election of the relevant developer. It also details a number of violations of CEQA that the EIR and the procedures relied upon for garnering public comment on that EIR that supports the VMT Reduction Program.

Based on the following facts and circumstances, I am requesting that the City Council further defer action on this item for an additional thirty days to allow for further input and evaluation of the request for having the program adopted as an optional arrangement. A draft of the proposed Ordinance that achieves that goal is also enclosed.

As I testified before the City Council, I believe the intended program will provide substantial benefits to those projects that intend to avoid an EIR analysis of their project's environmental impacts and use the fee program as a mitigation measure.

However, larger scale projects that involve land use changes will generally require EIRs. They can thereby incorporate a VMT analysis that accommodates alternative mitigations that the VMT fee program disregards. Such a project might also avoid the application of the City's Urban

Design Calculator that artificially caps the VMT reduction benefits of certain cumulative strategies, including land use changes that significantly reduce VMT impacts. Its does this by disregarding the calculations recommended by the CAPCOA December 2021 Study and instead substitutes an older August CAPCOA 2010 Study recommendation, even though the EIR stated that the CAPCOA 2021 Study is being used. The result is to directly increase the burdens of obtaining VMT reductions under the Urban Design Calculator.

If the City is unable to accommodate the request that this program be established as an optional mitigation tool, then I am compelled to exhaust my administrative remedies, and I must therefore provide comments about failures in the EIR process and analysis. That EIR contains several deficiencies that would cause its certification in its present form to violate applicable CEQA standards.

1. <u>Reasons For Alternative Mitigations</u>.

a. <u>Evaluation of VMT Reductions</u>.

The EIR for the proposed VMT Fee program acknowledges that there is much data that is not yet available that is required to fully evaluate the efficacy of various VMT mitigations, including those included in the intended program.

The most glaring admission of this is found in the EIR's proposal to adopt a Statement of Overriding Considerations for the impacts of the VMT mitigation program on the failure to comply with the CEQA requirements for VMT mitigation. The EIR thereby acknowledges that the fee program, that intends to provide feasible measures to mitigate the City's anticipated VMT deficits to a level of less than significant, does not accomplish that goal. It does this through the adoption of a Statement of Overriding Consideration, which includes the following acknowledgment: ***"However, while the proposed program would fund and help implement TDM measures and VMT-reducing projects within the City at a program level, potentially significant VMT impacts could still occur on a project level."***

The EIR also admits that it lacks sufficient information to provide assurances that the program will achieve VMT reductions to a less than significant level. It states: ***"Furthermore data is still being collected on effectiveness of VMT reduction methods."*** The EIR also states a need to conduct ongoing updates in the Urban Design Calculator (UDC) to ensure that it is an appropriate tool for accurately assessing project level VMT reductions. The EIR notes: ***"Basing VMT reduction quantifications for specific design elements on data collected within Fresno would provide substantial evidence on the efficacy of specific design features and measures for reducing VMT."*** Apparently, without such future data collection, there is not presently sufficient substantial evidence to support the analysis that the UDC generates with respect to specific design features that it evaluates as generating reduced VMT.

b. <u>The Benefits of Preserving the Ability to Use Other Evaluation Methodologies and Mitigations</u>.

The City's stated perspective, based upon testimony of the City Manager at the recent Council Hearing, is that the VMT Fee program is the only feasible mitigation measure available, and because it is available it must be used. Unfortunately, by adopting that approach the City is unnecessarily hamstringing itself in conducting other appropriate VMT mitigations.

First, it must be acknowledged that the assertion that the VMT Fee program is the sole means of providing feasible mitigations belies the fact that the EIR acknowledges that the VMT program cannot assure VMT mitigations to a less than significant level, as generally required under CEQA. If it did, there would be no need to adopt the intended Statement of Overriding Considerations.

Because the EIR acknowledges that the VMT Fee Program does not assure mitigations of VMT impacts to a level of less than significant, it is inaccurate to assert that the VMT Fee Program, upon adoption, will be the sole feasible mitigation that could (or should) be available. It will most likely be a superior measure for projects that can otherwise avoid the necessity of a Project specific EIR. However, not all projects enjoy the avoidance of an EIR.

The City unnecessarily intends to limit its ability (and the ability of housing developers) to use other planning tools and CEQA analytic methods to support the implementation of desired land use policies. One type of analytic tool that the City apparently intends to discard is the authorities provided by CEQA Guidelines, Section 15064.3. That provision endorses use of qualitative analysis of projects for VMT impacts, where appropriate. It specifically states as follows:

> ***Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.***

Those same guidelines include other options that the City could otherwise use in a VMT analysis for a project that is otherwise required to obtain an EIR certification. Unfortunately, the City's stated approach will discard those as available tools as well. The Guidelines allow City to use the following discretion and measures, which the City intends to disallow in the future based upon its intended administration of the VMT Fee program:

> ***A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, 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 vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled 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 shall apply to the analysis described in this section.***

CEQA is a process that mandates an analysis that must deal with a range of circumstances that are not easily accommodated by a single cookie-cutter approach. Unfortunately, in this matter the City is unnecessarily disregarding the ability to utilize the analytic tools that are otherwise made expressly available to the City under the CEQA Guidelines. There is no good reason to do that.

c. State Law Endorses Options for VMT Mitigation – Even Where Fee Programs Are Adopted.

The assertion that an available fee program makes all other mitigation approaches unavailable is not supported by other legal frameworks endorsed by state law. In fact, CEQA confirms that alternative mitigation measures can be legally adopted where such other alternative measures are demonstrated to provide feasible mitigations that have equal efficacy. Since the efficacy of the VMT Fee program's mitigations are uncertain, alternative mitigations could in fact be more effective.

In addition, state law endorses the availability of alternative program availability. Section 57 of recently adopted AB 130 adopted Public Resources Code Section 21080.43. Subsection (f) of that statute confirms that the Legislature intends that lead agencies ensure that VMT mitigation is achieved "***through a balanced approach by ensuring a project invests in multiple types of mitigation measures when working to reduce the vehicle miles traveled impacts of a project".***

AB 130 further provides for the future establishment of a state level Transit-Oriented Development Implementation Fund (Public Resources Code Section 21080.44). It further confirms that this program shall ***"serve as one optional strategy that a project applicant may use to mitigate transportation impact under CEQA"***. (emphasis added). The Legislature believes that its intended mitigation fund will provide feasible mitigations for VMT. However, based on the analysis offered by the City Manager, if there is a fee mitigation program that applies, then no other mitigation measure could then be used. However, that is not the State's perspective of the matter. Instead, the State acknowledges the ability to employ optional strategies, which is an approach that the City is recklessly disregarding based on a misinterpretation of applicable legal standards.

d. Land Use Policies Are the Most Valuable Means of Reducing VMT, Yet the City's VMT Program Unnecessarily Limits the Calculated VMT Reductions That Such Policies Provide.

The VMT Fee EIR included a list of Project Alternatives. Two of those were considered and disregarded without the conduct of any environmental analysis. One such option was the Efficient Land Use Alternative, which involved updating the General Plan Land Use Map to establish more mixed-use options. That option would accommodate more employment-based land uses to attract new job-generating development to thereby reduced Citywide VMT. No explanation was provided for why that option was rejected. But it is substantial record evidence that such land use changes will reduce VMT.

Master Planned Communities that are required to develop Project EIRs can implement a VMT reduction approach that focuses on Efficient Land Use Alternatives. Yet the City's policy limits the ability to reduce its VMT fee impositions under that approach. This will necessarily require higher housing costs on projects developed in SEGA or West Fresno, even where they implement land use elements designed to reduced VMT. This is confirmed in the

VMT Nexus Study, and its disclosures regarding the elements of the City's Urban Design Vehicle Miles Traveled Calculator.

Specifically, Appendix A of that Nexus Study includes a table of the various factors currently applied by the City's current Urban Design Calculator. Under the heading "Results" is a statement that provides as follows:

> ***"The total VMT reduction across all transportation categories has been limited to a 10% cap. The 10% cap is based on cross-category maximum for the suburban land use from page 58 of the CAPCOA Quantifying Greenhous as Mitigation Measures, August 2010. The urban land use cap from that August 2010 edition was deemed more appropriate than the 70% cap from the December 2021 edition due to land use characteristics in the City of Fresno." (emphasis added)***

To better understand the issues concerning the 10% cap versus the 70% cap that the City's Urban Design Calculator has disregarded, an evaluation of the relevant text of those two documents is necessary. Page 58 of the August 2010 CAPCOA document states as follows:

Cross-Category Maximum- A cross-category maximum is provided for any combination of land use, neighborhood enhancements, parking, and transit strategies (columns A-D in Chart 6-1, with the maximum shown in the top row). The total project VMT reduction across these categories should be capped at these levels based on empirical evidence. Caps are provided for the location/development type of the project. VMT reductions may be multiplied across the four categories up to this maximum. These include:

- ***Urban: 70% VMT***
- ***Compact Infill: 35%***
- ***Suburban Center (or Suburban with NEV): 15%***
- ***Suburban: 10% (note that projects with this level of reduction must include a diverse land use mix, workforce housing, and project-specific transit; limited empirical evidence is available***

The December 2021 edition that CAPCOA document includes the following updated analysis.

There is limited research directly analyzing the combined VMT impact on a project/site or plan/community from implementation of all, or a majority, of the non–mutually-exclusive transportation sector measures provided in this Handbook. However, a University of California, Davis study compared household VMT across different place types in California and found that the difference in average VMT in single-family suburban neighborhoods and central city neighborhoods was approximately 70 percent. Central city neighborhoods are more likely to have implemented transportation strategies like those measures included in the Handbook, when compared to suburban neighborhoods. The Handbook therefore adopts 70 percent as a maximum for the combined VMT impact from the following four subsectors: Land Use, Neighborhood Design, Parking or Road Pricing/Management, and Transit.

These referenced documents and the VMT Nexus Study's description of the Urban Design Calculator confirms that the intended Fresno policy is to apply only a 10% benefit for the cumulative effect of certain VMT reduction strategies, even though more updated

CAPCOA recommendations indicate a more generous 70% cap is warranted. Other than a brief reference to the "land use characteristics in the City of Fresno", no information is provided as to why the City is imposing the more stringent standard, or who **deemed** the 10% standard more appropriate. The impact of this policy decision is to raise the cost to all homebuyers affected by VMT fees. An alternative VMT mitigation strategy included in a project specific EIR (that avoids reliance on the Urban Design Calculator and/or its 10% cap) could avoid these additional costs that will be borne by new Fresno homeowners.

2. Alternative Legislative Language. To facilitate the ability for the City to incorporate a range of VMT mitigation options, I recommend and request that certain changes be made to the implementing legislation. An updated form of that legislation is enclosed. This alternative version revises the statement of Purposes to substantially conform to the statements of the California Legislature in AB 130 regarding the benefits of an optional program. It also confirms in section 12-4.1702 that the City's VMT Fee Program is an **option** that can be elected by project applicants.

3. Comments on the EIR. As noted above, in light of the City's resistance to adopting my recommended policy alternative, I am compelled by law to exhaust my administrative remedies. That necessarily includes detailing the following deficiencies in elements of the CEQA process and analysis that has been thus far conducted by the City in this matter.

a. Lack of a Definite Stable Project Description. CEQA documents must rely upon a stable and definite project description.

In this instance, when the EIR was circulated for public comment, the list of projects intended to be included in the mitigation bank had not been determined. It simply included a list of **potential** VMT reducing projects that **could** be funded by the program (EIR page 3-4). There was no assurance provided that the listed projects would be funded by the program (either wholly or partially). In fact, there is a list of "back-up" projects. This illustrates that at the time of the EIR public comment, the project description was neither stable nor definite.

The Project described in the EIR was not simply the list of the unstable list of projects intended to be funded by the fee program. The EIR Project Description included other components. One of the stated components was a mitigation fee to be supported by a nexus study. However, the design of the fee program, whether it was mandatory or optional, the costs and VMT reduction of the intended mitigation projects, and the fee methodology, were nowhere detailed in the EIR. The City's Notice of Availability for the EIR was issued on July 2, 2025, and public comments were invited on the EIR until August 15, 2025. However the City waited until that public comment deadline on the EIR to release the Nexus Study, which it did on August 15, 2025.

As a result, essential elements of the intended Project that was to be evaluated pursuant to the EIR was withheld from the public until the EIR public comment period had expired. There was therefore no ability for the public to use the CEQA process to evaluate and comment upon the terms and conditions of the fee program, even though it was identified as an essential component of the intended Project.

The City should have recirculated the EIR for public comment after the Nexus Study was developed and made available for public review, rather than holding it until the day the EIR public comment period expired. It still is required to do so.

b. Inaccurate and Misleading Project Description – Urban Design Calculator. The EIR's Project description identified the City's Urban Design Calculator as an element of the project. Critical elements of the City's Urban Design Calculator were not fairly and fully disclosed in the CEQA process. The EIR states that the Urban Design Calculator had been updated to estimate VMT reductions for various design elements based on the CAPCOA December 2021 handbook. However, as noted above, the City actually incorporated elements of the CAPCOA August 2010 handbook to impose a 10% cap (versus a 70% cap) on VMT reductions that relied upon cross category strategies. This cap, and the variance from reliance on the 2021 handbook's standards for such a cap, was nowhere disclosed in the EIR and was made known only by elements in the Addendum to the Nexus Study.

c. Inaccurate and Misleading Project Description – Mitigation Bank Projects. The EIR did not disclose the City's calculation that each VMT mile of reduction would require a payment of $289.00, per capita, per home. That was not disclosed until the Nexus Study was provided. In addition, the EIR did not disclose the intended costs of the various mitigation bank projects, nor their contribution to any specified VMT reduction. The EIR created a misimpression that the mitigation bank projects would be focused on qualifying projects that would provide cost effective means of reducing relevant VMT.

Instead, only when the Nexus Study was provided were the relevant project costs and their relevant VMT reductions disclosed. The project costs actually can only be deciphered by evaluating two tables in the Nexus Study. Specifically, Table A in the primary Nexus Study lists the mitigation bank projects and their project costs. However, the mitigation bank project costs listed in that table are the total project costs. In most instances only the 20% local match share of a project costs is intended to be funded by the VMT Fee. In other instances, the percentage of the program is 11% or less. That is disclosed by an analysis of Appendix C of the Nexus Study. This is fair and appropriate.

However, even with a limited percentage of the scheduled project fundings intended to be contributed by the VMT program, there are significant issues as to the cost effectiveness of this proposed list in achieving intended VMT mitigations (versus other policy objectives unrelated to VMT reduction). Only when the Nexus Study was provided were the relevant project costs and their relevant VMT reductions disclosed. The project costs actually can only be deciphered by evaluating two tables in the Nexus Study.

The per VMT reduction costs for projects listed in the Nexus Study range from $99.09 to $1,100,000, with other noteworthy projects costing $436,000 per VMT reduction and $766,205 per VMT reduction. In fact, a total of 5 Transportation Demand Projects (which have zero VMT reductions associated to them), total $5,525,960 in charges to the intended VMT mitigation bank.

Another project listed as PED-UN7 identifies a sidewalk project to benefit a local elementary school. The cost of the project is $1,000,000.00, with $100,000.00 allocated to the VMT mitigation bank funding. While that project probably has many valuable benefits, the

Nexus Study indicates that the project provides a 0.1 VMT reduction. That puts the per VMT reduction cost for that project at $1,100,000.

To the extent that the EIR represented a program that was intended to achieve cost effective VMT reductions, the cost allocations for the project list detailed in the Nexus Study shows that efficient VMT reductions was a not a central part of the program's development.

d. Erroneous Analysis of All Applicable Fees Model. The EIR, in its analysis of project alternatives, describes a program where the VMT fee would be applied to all development projects in the City, regardless of whether they have any significant impacts on VMT. It describes this as the All Applicable Fees Model. The EIR states that this All Applicable Fees Model is environmentally superior because it would fund more VMT fees and could thereby pursue more VMT reducing projects. City executives have cited to this option as a means of tamping down any opposition by the development community to the designed program.

Of course that is a canard. The VMT fee relies on a nexus study prepared under the Mitigation Fee Act. That requires that the fee meet the standards of nexus and rough proportionality. Any VMT mitigation fee adopted on all projects, regardless of whether they generate unmitigated significant VMT impacts, will be infeasible because it violates the tenets of the Mitigation Fee Act.

This element of the City's analysis of the Alternatives is therefore inaccurate and should be revised and the EIR recirculated.

e. Potential Violation of Additionality Requirements. The EIR states that the project list of intended VMT reducing projects were analyzed to ensure that the mitigation projects were not otherwise fully funded. However, I previously raised concerns that some of the projects, particularly the new Church Avenue transit project, identified as project T126, were already funded. In fact, a recent press release issued by Fresno Area Express (posted on July 29, 2025) confirmed that: **On Monday, August 11, 2025, Fresno Area Express will add service on Church Avenue. Route 29 will provide service along Church Avenue from Walnut Avenue to Fowler Avenue.** This raises credible concerns as to whether all of the mitigation projects were in fact not otherwise already fully funded. If any such projects were fully funded, the requirements of the Mitigation Fee Act are not satisfied, CEQA mitigation measures standards are not satisfied, and the resulting VMT Fee is a tax subject to Proposition 218 approval procedures.

4. Vesting Rights. The Planning Department has advised that the City intends to apply this VMT Fee Program to all pending projects unless they have obtained vesting rights pursuant to an approved vesting tentative map, or a development agreement. However, the Planning Department is appearing to ignore the fact that, while the approval of a vesting tentative map is required to obtain vested rights, those vested rights relate back to the time when the application for a vesting tentative map was determined to be substantially complete and accepted for processing. There is therefore a complement of pending vesting tentative maps that will, upon their approval, be entitled to vested rights pursuant to the California Subdivision Map Act (Sections 66474.2 and 66488.1) Those vested rights include the right to avoid payment of the fee, and the right to pursue alternative mitigation strategies that have at least the same

effectiveness as the City Fee program in achieving mitigation of VMT impacts. I ask that the City please confirm this interpretation and application of relevant law.

5. Conclusions. For the foregoing reasons, I ask that the City reconsider its requirement to impose the VMT Fee as a mandatory mitigation standard. That is not a requirement under CEQA, as the State Legislature's VMT reduction program incorporated in AB 130 makes evident. In addition, the standards used in the Urban Design Calculator, which discard the CAPCOA 2021 Standards in favor of the 2010 Standards for caps on calculations of cross-category maximum for the suburban land use should also be revised.

Sincerely,

Granville Homes

By: Darius Assemi

cc: Mayor Jerry Dyer
City Manager Georgeanne A. White
City Attorney Andrew Janz
enc. Proposed Revisions to Draft Ordinance

BILL NO. ___________________________________

ORDINANCE NO. _______________________________

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING ARTICLE 4.17 TO CHAPTER 12 OF THE FRESNO MUNICIPAL CODE, RELATING TO THE VEHICLE MILES TRAVELED REDUCTION PROGRAM AND MITIGATION FEE

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 4.17 is added to Chapter 12 of the Fresno Municipal Code to read:

[ARTICLE 12-4.17

VEHICLE MILES TRAVELED MITIGATION FEE

Sections:

SECTION 12-4.1701. - PURPOSE. The VMT Reduction Program is adopted to serve as one optional strategy that a project applicant may use to mitigate a significant transportation impact under CEQA. The program established pursuant to this Section is intended to facilitate an existing category of mitigation, specifically, the development of a program to provide funding to potentially accelerate the development of identified VMT reducing projects, by providing a streamlined and accessible mechanism through which applicants can contribute to eligible mitigation projects. This approach is consistent with established practices already used at the local and regional level across the state (and being developed for statewide application as an alternative option pursuant to Public Resources Code Section 21080.44) and provides applicants an additional tool to support their mitigation efforts.

SECTION 12-4.1702. - VEHICLE MILES TRAVELED MITIGATION FEE ESTABLISHED.

(a) A VMT Mitigation Fee is established to pay for VMT Reduction Program components as identified in the adopted VMT Reduction Program and Nexus Study, that shall apply to applicants who elect to use the option as an additional tool to support their mitigation efforts.

SECTION 12-4.1703. - VEHICLE MILES TRAVELED MITIGATION FEE AMOUNT

(a) The Council shall designate in the Master Fee Resolution, a schedule of VMT Mitigation Fees.

(b) VMT Mitigation Fee amount shall be determined based upon the adopted VMT Reduction Program and Nexus Study which shall be prepared in compliance with California Government Code Section 66016.5. as may be amended.

SECTION 12-4.1704. - VEHICLE MILES TRAVELED MITIGATION FEE PAYABLE UPON GRANT OF ENTITLEMENT

(a) The VMT Mitigation Fee for each development project that elects to be subject to the program, shall be payable as follows:

(1) VMT Mitigation Fees for residential developments shall be payable on the date of final inspection, or the date the certificate of occupancy is issued, whichever occurs first. consistent with the

requirements of California Government Code Section 66007, as may be amended.

(2) VMT Mitigation Fees for non-residential developments shall be payable prior to the issuance of a building permit at the fee level in effect on the date such permit is issued.

SECTION 12-4.1705. - VEHICLE MILES TRAVELED FUND

(a) A VMT Fund is hereby established.

(b) All VMT Mitigation Fees collected by the City shall be deposited in the VMT Fund for the purpose of funding public facilities reasonably necessary to contribute to the reduction of citywide VMT.

(c) For the purposes of this Article, "public facilities" shall have the same meaning as set forth in California Government Code Section 66000, as may be amended.

(d) The City shall annually review and report on the fund for the VMT Mitigation Fee as set forth by California Government Code Section 66006.

SECTION 12-4.1706. - USE OF VEHICLE MILES TRAVELED MITIGATION FEE REVENUES. The revenue from the VMT Fee shall be used for the following purposes:

(a) To contribute to Transportation Demand Management Projects, Transit Projects. and Bicycle and Pedestrian Projects that are identified in the adopted VMT Reduction Program and Nexus as recipients of VMT Mitigation Fee funding.

(b) To reimburse the city for expenditures set forth in subpart (a) above, acquired or constructed by the city with funds (other than gifts or grants) from other sources, together with accrued interest.]

SECTION 2. Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance shall be brought pursuant to California Government Code Section 66022.

SECTION 3. Pursuant to California Government Code Section 66017(a), this ordinance shall become effective and in full force and effect at 12:01 a.m. on the sixty-first day after its final passage.

Subject: Request for Postponement of Vote on VMT Reduction Program

Dear President Karbassi, Vice President Arias, Councilmembers, and City Clerk Stermer,

My name is **Surjit Singh**, and I am a business owner and active participant in Fresno's development community. I am writing to express my concerns regarding the proposed **Vehicle Miles Traveled (VMT) Reduction Program** scheduled for consideration tomorrow.

Many local business owners and developers, including myself, only recently learned about this proposal. There has been limited outreach or public explanation of the program, leaving many unclear about its true economic and practical effects. For a measure with such broad implications, the lack of timely communication and opportunity for engagement is deeply concerning.

From my review, the proposed VMT fee structure could place a heavy financial burden on those investing in Fresno's future. In its current form, it risks discouraging new development, delaying ongoing projects, and potentially pushing investment outside the city — all of which would undermine the growth Fresno has worked hard to achieve.

Given these concerns, I respectfully request that the City Council **postpone tomorrow's vote** to allow more time for:

- Careful review and analysis of the proposal's economic impact
- Meaningful dialogue between City staff, Council offices, and community stakeholders
- Consideration of alternative approaches that meet State requirements while protecting local economic vitality
- A collaborative process that supports both environmental goals and Fresno's long-term growth

I am confident that with open discussion and thoughtful adjustments, Fresno can create a plan that is both practical and balanced.

Thank you for your time and leadership on this important matter.

Sincerely,
Surjit Singh

From: [redacted]
Subject: FW: Request to Delay Vote – Significant Concerns Regarding Proposed VMT Reduction Program
Date: Wednesday, October 29, 2025 3:04:25 PM

From: Bobby Basra [redacted]
Sent: Wednesday, October 29, 2025 11:09 AM
To: Annalisa Perea [redacted] Mike Karbassi [redacted] Miguel Arias [redacted] Tyler Maxwell [redacted]; Brandon Vang [redacted] Nick Richardson [redacted] Nelson Esparza [redacted]
Subject: Request to Delay Vote – Significant Concerns Regarding Proposed VMT Reduction Program

External Email: Use caution with links and attachments

To:
City Council President Mike Karbassi
City Council Vice President Miguel Arias
Councilmember Annalisa Perea
Councilmember Tyler Maxwell
Councilmember Brandon Vang
Councilmember Nick Richardson
Councilmember Nelson Esparza
City Clerk Todd Stermer

Fresno City Hall
2600 Fresno Street
Fresno, California 93721

Re: Proposed Adoption of VMT Reduction Program

Dear President Karbassi, Vice President Arias, Councilmembers, and City Clerk Stermer,

I am writing to you both as a business owner and an active developer in the City of Fresno. To be candid, I am extremely concerned—and disappointed—about the lack of meaningful communication, outreach, and public awareness surrounding the proposed Vehicle Miles Traveled (VMT) Reduction Program that is scheduled for consideration tomorrow.

Many of us in the development and business community only recently became aware of this proposal, and several still have no understanding of what the program actually entails. For an initiative that carries such far-reaching and substantial economic implications, the absence of proper notice and engagement is troubling.

At first glance, the structure of the proposed VMT fee has raised serious alarms for myself and my peers. As written, it creates the very real impression that continued investment and development in Fresno will become financially impractical—even punitive. If adopted in its current form, it will almost certainly lead to immediate reconsideration, postponement, or relocation of multiple projects we currently have slated within the city. Simply put, the program appears to undermine the very economic growth Fresno has been working so hard to achieve.

Given the gravity of the impacts, it is unreasonable to expect business owners, developers, and property stakeholders to provide meaningful feedback or fully understand the consequences under such compressed timelines and with such limited notice.

I am respectfully requesting that the Council delay the decision scheduled for tomorrow.

A short postponement would allow the business and development community to:

- Properly review the proposed VMT program and understand its financial impact
- Engage in real dialogue with City staff and Council offices
- Offer alternative approaches or amendments that still align with State requirements while protecting economic growth
- Work collaboratively toward a solution that improves mobility and environmental outcomes without halting private-sector investment

Fresno's future depends on thoughtful, well-considered policy—not rushed decisions that risk driving away the very people and organizations investing in this community. We want to continue building in Fresno. We want to continue creating jobs. But we must be given a fair opportunity to participate in shaping a policy that, as written, could dramatically change the economic landscape of our city.

I strongly urge the Council to postpone tomorrow's vote and open a transparent, accessible process to ensure that all stakeholders have the opportunity to be informed and engaged.

Thank you for your time and consideration. I am available at any time to discuss this further or participate in any public meetings that may be scheduled.

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Best regards,
Bobby Basra

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