

### PUBLIC WORKS DEPARTMENT

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# PLANNING COMMISSION STAFF REPORT

Meeting: December 8, 2020

## SUBJECT

Presentation on the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under CEQA (California Environmental Quality Act), a change required by Senate Bill (SB) 743.

### **RECOMMENDED ACTION**

Receive presentation from staff and provide feedback on selection of a preferred VMT threshold, in addition to the preferred metric, or method of measuring VMT.

## DISCUSSION

#### Background

Staff made an informational presentation to the Planning Commission on September 22, 2020, prior to the release of the draft White Paper, which is now available for review as Attachment 1. Following that meeting, a City Council study session on SB 743 was held on November 2, 2020.<sup>1</sup> City Council directed staff to return to the Planning Commission to solicit a recommendation. Background information on SB743 is available on the City webpage cupertino.org/vmt.

#### Analysis

One of the most critical components in the transition from LOS to VMT is the selection of an appropriate VMT threshold. The threshold will become the new standard that development projects are held to and may not exceed without triggering an impact under CEQA. After a City VMT threshold is adopted, the City's new VMT threshold will be added to the Cupertino Municipal Code (CMC). Deciding on the preferred metric, or method used to measure VMT, is an important component of this transition.

<sup>&</sup>lt;sup>1</sup> Staff report and attachments available online at:

https://cupertino.legistar.com/LegislationDetail.aspx?ID=4678863&GUID=1CD5B0DD-CF7A-4BB4-AEEC-3ED0AA6A0DB0&Options=&Search=

Outside of CEQA review, because LOS standards are already contained in the Mobility Element of the Cupertino General Plan LOS will continue to be used by staff in the transportation analysis for proposed projects. This analysis will determine whether projects are consistent with the General Plan.

#### White Paper

The White Paper serves as a body of evidence to help inform the selection of an appropriate VMT threshold for Cupertino, as well as to assist in making other related decisions, such as the preferred metric, or method in which VMT is measured. An analysis was conducted, using the VTA regional travel model, of Cupertino-specific travel data that is reflected in the findings of the White Paper (Attachment 1). The Executive Summary of the White Paper provides a comprehensive background of SB 743 and clearly outlines decisions that need to be made, as well as the options available and ultimately the recommendations being made. At the end of each chapter recommendations are presented in a black shaded box.

### VMT Threshold & LOS Standards

Prior to SB 743, LOS thresholds adopted by lead agencies were used when determining if a project would have a significant transportation impact under CEQA. Now, as of July 1, 2020, VMT must be evaluated and proposed projects that exceed the established VMT threshold will be considered a significant impact under CEQA, although it may be possible to mitigate the impact to a less-than-significant level.

Previously the familiar letter-grades of LOS (A-F) for intersections and corridors, corresponding to the delays experienced by drivers, were used in making the determination of whether a project would have a significant transportation impact. While the grading of intersections was easily understood by the public, it was not a metric that provided insight into how much driving was occurring, where trips were originating from, going to, or a development's overall contribution to roadway congestion. Previously, an intersection studied as part of a Transportation Impact Analysis which did not meet LOS standards would trigger the requirement that a developer pay for modifications such as adding turn-lane pockets or other features that would decrease vehicle delays and improve the operation of an intersection.

VMT thresholds change the lens through which impacts are studied under CEQA, from the amount of delay a project may cause at a particular intersection to the amount of driving a project may induce, which is a more effective tool to measure the impact on the environment. The VMT metric itself is not new; it has been used by air quality agencies to track progress on State air quality targets for many years. VMT is also used in CEQA analyses to model air pollutant emissions, greenhouse gas emissions and energy use. Although LOS is a better tool at measuring delay at intersections, many public policy experts attribute its long-term use to inadvertently contributing to suburban sprawl. That is because, paradoxically, land use development in the urban fringe (with higher VMT) was easier to accommodate than in lower VMT areas, because intersections in suburban and semi-rural areas are usually less congested. Projects planned in more compact areas with better transit access, bicycle and pedestrian infrastructure, and nearby goods and services often had a worse LOS impact, as intersections in compact areas are often more constrained. This is why some communities have discontinued the use of LOS altogether.

#### VMT Threshold Setting

In considering selection of VMT thresholds, it is important to highlight the meaning behind the numbers. The White Paper (Attachment 1) shows that Cupertino's baseline VMT is 34 VMT per person who lives or works in Cupertino. This includes all miles for trips that begin or end in Cupertino, including commute trips, shopping trips, and visitor trips. The mileage also includes the full length of all these trips, even if parts of the trip occur outside of Cupertino's boundaries. This is Cupertino's baseline VMT from which all other increases or decreases are measured.

The following four scenarios below are discussed in greater detail in the White Paper.

Option	<b>City Generated VMT</b> (per person, residents and employees)	<b>Total Generated VMT</b> (Total City Generated)
seline/current VMT	34.0	3,219,660
Continued Growth	32.2 (-5.3%)	3,792,470 (17.18% +)
Moderate Growth	29.1 (-14.4%)	3,429,140 (6.5% +)
No VMT Growth	27.3 (-19.7%)	3,219,660 (0% +)
Reduced VMT	24.1 (-29.1%)	2,839,940 (-11.8% +)
	Option seline/current VMT Continued Growth Moderate Growth No VMT Growth Reduced VMT	OptionCity Generated VMT (per person, residents and employees)seline/current VMT34.0Continued Growth32.2 (-5.3%)Moderate Growth29.1 (-14.4%)No VMT Growth27.3 (-19.7%)Reduced VMT24.1 (-29.1%)

Of the four options described in this report, staff is recommending the second option, the Moderate Growth of VMT Scenario, which calls for a 14.4% reduction in VMT from the baseline rate, or current rate on Cupertino roadways. Although the State of California Office of Planning & Research (OPR) recommends a threshold of 15% below that of existing development, staff is recommending the second option, a "Moderate Growth" scenario that is consistent with neighboring jurisdictions and is the California Air Resources Board (CARB) scenario. Based on the data presented in the White Paper, this threshold would be challenging to accomplish, with most (if not all) projects needing VMT mitigation to avoid causing a transportation impact under CEQA, however these mitigations are feasible.

Although VMT is reduced in all scenarios presented, that does not mean less traffic will be observed on Cupertino streets. A high percentage of traffic in Cupertino is non-local, or "pass-through," due in large part to the presence of I-280 and SR85. Regional VMT is projected to increase, and it is likely that observed traffic on Cupertino streets will continue to grow. The only option that results in reduced congestion on City streets is the fourth scenario, "Reduced VMT." However, such a deep reduction in Cupertino is not currently feasible, due to factors such as the City's land use patterns and transit access, among others. To accomplish more significant reductions in VMT, regional VMT strategies would be necessary.

### VMT Impact Mitigation

Project applicants will be required to mitigate their project VMT by choosing from a suite of strategies to reduce VMT to the selected City threshold. For projects that are unable to mitigate VMT to X% below the baseline, a significant impact would occur under CEQA. Successful strategies for mitigating VMT impacts vary depending on where they are employed. In Cupertino the following have been identified as potential mitigation measures:

- 1. Change the project land use mix or density;
- 2. Change the location of a project to a lower VMT area;
- 3. Implement on-site or off-site capital improvements for transit, bicycle, or pedestrian travel; and/or
- 4. Implement trip reduction strategies via a Transportation Demand Management (TDM) program, including telecommuting, transit subsidies, shuttles, carpool matching, etc.

In addition to individual mitigation measures associated with development projects, the City can initiate citywide projects intended to reduce VMT, such as the expansion of the Via-Cupertino shuttle program, construction of additional bicycle and pedestrian infrastructure projects, etc. toward which individual projects can also contribute.

## Metrics & How VMT is Measured

Another area that staff is soliciting input on is the metric, or the manner in which VMT is measured. For consistency with the Climate Action Plan, staff is recommending proceeding with Project Generated VMT. This tool measures all trips to, from, or within Cupertino. It omits non-local, or "pass-through" traffic that the City alone has little control over. The second option is called Project Effect on VMT, and this option draws a boundary around Cupertino and considers all VMT within it, including pass-through trips. Another option presented in the White Paper is to select multiple methods of measuring VMT, which would provide the City with more flexibility in project review in the future, as some metrics may provide varying results for certain types of projects.

## Environmental Review

The adoption of a new transportation threshold of significance under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15064.7 does not require environmental review and is not a "project" pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378 because it does not involve commitment to any particular project. The use of VMT in CEQA review is required under SB 743 and Section 15064.3 of the CEQA Guidelines.

### Public Noticing & Outreach

The following noticing has been conducted for this project:

Notice of Public Hearing, Site Notice &	Agenda	
Legal Ad		
<ul> <li>Legal ad placed in newspaper</li> </ul>	<ul> <li>Posted on the City's official notice</li> </ul>	
(at least 10 days prior to hearing) N/A	bulletin board (four days prior to hearing)	
<ul> <li>Display ad placed in newspaper</li> </ul>	<ul> <li>Posted on the City of Cupertino's Web</li> </ul>	
(at least 10 days prior to hearing) N/A	site (four days prior to hearing)	

## NEXT STEPS

Staff will receive input from the Planning Commission and return at a future date with a draft ordinance amending the Cupertino Municipal Code. The ordinance will then be brought to City Council for consideration and adoption. Once approved, following a second reading of the ordinance at City Council, the City's implementation of SB 743 will be complete, and staff will continue to provide updates on the state of the practice annually.

<u>Prepared by</u>: Chris Corrao, Senior Transit & Transportation Planner <u>Reviewed by</u>: David Stillman, Transportation Manager <u>Reviewed and Approved for Submission by:</u> Benjamin Fu, Director of Community Development

## ATTACHMENTS

1. Draft White Paper

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