



PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

Meeting: January 26, 2021

SUBJECT

Consider a Municipal Code Amendment as part of the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for determination of transportation impacts under the California Environmental Quality Act (CEQA), which is a change required by Senate Bill (SB) 743. (Application No.: MCA-2021-001; Applicant: City of Cupertino; Location: City-wide)

RECOMMENDED ACTION

That the Planning Commission recommend that the City Council adopt the draft Resolution (Attachment 1) to:

1. Find the proposed actions exempt from CEQA
2. Add Title 17 (currently reserved) to the Cupertino Municipal Code for Environmental Regulations and adopt regulations in a new Chapter 17.08: VMT Standards, which establishes screening criteria, a 14.4% VMT reduction threshold, and an exemption for local-serving retail projects, for purposes of CEQA analysis.

DISCUSSION

Background

On September 27, 2013, Governor Brown signed SB 743 into law, requiring the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. OPR selected VMT as the recommended metric for transportation analysis in CEQA.

Establishment of the transportation thresholds of analysis was added as a FY 19/20 City Work Program item. Staff hired a consultant, Fehr and Peers, to provide technical expertise in identifying appropriate options in the implementation of SB 743. Background information on SB743 is available on the City webpage cupertino.org/vmt.

The Planning Commission received an informational update from staff regarding the City's progress in implementing SB 743 on September 22, 2020.¹ On November 2, 2020 a City Council study session on SB 743 was held, and a draft White Paper (see Attachment 2) prepared by Fehr and Peers was published that contained evidence and a series of recommendations specific to Cupertino.² The City Council requested the Planning Commission's recommendations on the topic, and a detailed Planning Commission study session was held on December 8, 2020.³

Analysis

At the December 8, 2020 Planning Commission study session, a question regarding assumptions used for Apple Campus 2 (Apple Park) and the Vallco project in modeling transportation impacts was posed. Staff did not have the data for those projects available during the hearing; however the project team reviewed the data and was able to confirm that both Vallco and Apple Park daily trip generation growth were captured in the 2040 travel model, used to establish the baseline rate.

Another discussion point was regarding recent decisions made by neighboring jurisdictions in implementing SB743. In response, a summary was prepared detailing baseline VMT screening thresholds, and decisions on local serving retail size (see Attachment 3).

At the December 8, 2020 Planning Commission study session, the Commission indicated support for the following, which are reflected in the draft Resolution (Attachment 1).

1. Establishing a 14.4% VMT reduction threshold from the baseline rate;
2. Not allowing screening of projects located in low VMT areas;
3. Not allowing net VMT gain for transportation projects;
4. Allowing exemptions for the following:
 - a. Local-serving retail projects that are 50,000 square feet or smaller citywide;
 - b. Projects within ¼ mile radius of a High-Quality Transit Corridor (or stop);
 - c. Projects comprised of 100% affordable housing.

¹ Staff report and other materials available online at:

<https://cupertino.legistar.com/LegislationDetail.aspx?ID=4645483&GUID=605F8803-7E18-4A57-8A1F-300B0EC79EA1&Options=&Search=>

² Staff report and attachments available online at:

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

³ Staff report and attachments available online at:

<https://cupertino.legistar.com/LegislationDetail.aspx?ID=4711906&GUID=C4A2B460-E905-4058-BDB8-D772A26E0B8D&Options=&Search=>

These standards for evaluating transportation impacts for projects that are subject to CEQA, including thresholds for transportation impacts from projects based on VMT, are proposed to be codified in a new chapter within Title 17 of the Cupertino Municipal Code, a title which previously was reserved (i.e., left blank) for future code provisions. The new standards are proposed as new Chapter 17.08 of the Cupertino Municipal Code. This section is only for the purposes of evaluating transportation impacts under CEQA; all other portions of the CEQA process are unchanged.

Environmental Review

The adoption of a new transportation threshold of significance under 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 evaluating transportation impacts as part of 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 & Legal Ad	Agenda
<ul style="list-style-type: none"> ▪ Legal ad placed in Cupertino Courier <i>(at least 10 days prior to hearing)</i> ▪ Display ad placed in Cupertino Courier <i>(at least 10 days prior to hearing)</i> 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board <i>(four days prior to hearing)</i> ▪ Posted on the City of Cupertino's Web site <i>(four days prior to hearing)</i>

NEXT STEPS

Staff will bring a draft ordinance to the City Council for consideration on February 16, 2021. 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.

Prepared by: Chris Corrao, Senior Transit & Transportation Planner

Reviewed by: David Stillman, Transportation Manager

Reviewed and Approved for Submission by: Roger Lee, Director of Public Works

ATTACHMENTS

1. Draft Resolution
2. Draft White Paper: SB743 Implementation Decisions for the City of Cupertino
3. SB 743 Summary of Neighboring Communities

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