

RESOLUTION NO. ____-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADOPTING “VEHICLE MILES TRAVELED” THRESHOLDS OF SIGNIFICANCE FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, public agencies in California have historically relied on a metric known as “Level of Service” (LOS) to evaluate the transportation impacts of development projects under the California Environmental Quality Act (CEQA); and

WHEREAS, LOS solely measures how project-generated traffic will increase delay at local and regional intersections, requiring mitigations for those impacts that prioritize the construction of capital improvements to facilitate automobile travel; and

WHEREAS, Senate Bill 743, enacted in 2013 and codified in Public Resources Code Section 21099, directed the Governor’s Office of Planning and Development (OPR) to develop new CEQA Guidelines to replace LOS with metrics that more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions; and

WHEREAS, in 2018, the Governor’s Office of Planning and Research (“OPR”) proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines section 15064.3 that identifies vehicle miles traveled (“VMT”), meaning the amount and distance of automobile travel attributable to a project, as the most appropriate metric to evaluate a project’s transportation impacts; and

WHEREAS, CEQA Guidelines section 15064.3 goes into effect on July 1, 2020, after which automobile delay, as measured by “level of service” and other similar metrics, will no longer constitute a significant environmental effect under CEQA; and

WHEREAS, the City of Sunnyvale’s Land Use and Transportation Element (LUTE) of the General Plan, updated in April 2017, called for the City to use VMT to establish and monitor the City’s development-based transportation goals and indicators, and to describe potential environmental effects of development projects; and

WHEREAS, reduction of VMT is also one of the core strategies in the City’s Climate Action Playbook, adopted in August 2019 to reduce encourage sustainable land use in Sunnyvale and reduce greenhouse gas emissions; and

WHEREAS, the Guidelines for Implementation of the California Environmental Quality Act in Title 14 of the California Code of Regulations (“CEQA Guidelines”) encourage public agencies to develop and publish generally applicable “thresholds of significance” to be used in determining the significance of a project’s environmental effects; and

WHEREAS, CEQA Guidelines section 15064.7(a) defines a threshold of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant”; and

WHEREAS, CEQA Guidelines section 15064.7(b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and

WHEREAS, the adoption of VMT as a threshold of significance is an organizational or administrative activity of City government that does not commit the City to approve any specific project that will result in either direct or indirect physical changes in the environment (CEQA Guidelines Section 15378(b)(5)), 15061(b)(3)), and the replacement of the LOS metric with VMT is required by the state and is therefore a ministerial action that is exempt from CEQA review (CEQA Guidelines Section 15268(a)); and

WHEREAS, the City of Sunnyvale, following a public review process consisting of study sessions with the City Council on October 8, 2019, and April 7, 2020; a community meeting on December 12, 2019; staff presentation to the Planning Commission on July 15, 2020, and staff presentation to the City Council on June 30, 2020, wishes to adopt the VMT thresholds of significance for determining the significance of transportation impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The above recitals are incorporated herein as findings for approval of the Council Policy on Local Transportation Analysis.
2. The Council Policy attached hereto as Exhibit A, is hereby adopted as a threshold of significance for analyzing local transportation impacts under CEQA.
3. The City Council finds that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378, 15061(b)(3), and 15268(a).
4. This Resolution shall become effective on July 1, 2020.

Adopted by the City Council at a regular meeting held on June 30, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
(SEAL)

LARRY KLEIN
Mayor

APPROVED AS TO FORM:

REBECCA L. MOON
Sr. Assistant City Attorney

EXHIBIT A

Policy 1.2.8 (Transportation Analysis Policy)

POLICY PURPOSE:

The purpose of this policy is to update the transportation impact analysis criteria to include both Vehicle Miles Traveled (VMT) and Level of Service (LOS), to comply with State law.

The VMT policy is designed to provide guidance in the preparation of transportation analysis for land use and transportation projects as part of the environmental review process to comply with the California Environmental Quality Act (CEQA). It is also designed to promote reduction of greenhouse gas emissions by reducing driving alone; promoting mixed use development near transit; and, building out the multimodal transportation network.

In addition to adoption of VMT as the measure of transportation environmental impacts, this policy includes a requirement for a local transportation analysis to include Level of Service operational analysis to ensure intersection and roadway efficiency and to comply with the Congestion Management Program.

In support of this policy, Sunnyvale's General Plan provides a long term blueprint for the community's vision of future growth. The General Plan strategically links land use and transportation to reduce the environmental impacts of growth by promoting compact mixed-use development that supports walking, biking and transit, multimodal streets, and complete communities with less dependence on automobiles. The General Plan focuses new development in key areas, bringing together office, residential, and service land uses to reduce VMT and encourages the use of non-automobile transportation modes.

POLICY STATEMENT:

This policy requires all projects to evaluate and disclose transportation environmental impacts by measuring Vehicle Miles Traveled (VMT) as required by CEQA; and also establishes Level of Service (LOS) as an operational measurement of intersection efficiency, which is not defined as transportation environmental impact per CEQA.

Measuring Vehicle Miles Traveled (VMT)

The following sections define the types of projects and their requirements for analyzing VMT, the criteria under which projects are not required to analyze VMT, and the thresholds for identifying significant transportation impacts.

1. Land Use Projects.

For residential and employment projects, projects will use the Countywide Average VMT as the baseline with a VMT reduction threshold set at 15% below the baseline to identify potential transportation impacts and propose mitigations.

2. Exemptions

The requirement to prepare a detailed VMT analysis applies to all Projects except the following types as these projects will further the City's goals and policies and will not result in significant transportation impacts.

- A. Small Infill Projects (110 daily trips or less).
- B. Neighborhood-Serving Retail/Service Development uses (maximum 100,000 square feet total for entire commercial development), similar to uses permitted by right or with a Miscellaneous Planning Permit (MPP) in the C-1 (Neighborhood Business Zoning District) subject to evaluation by the Director of Community Development. Such uses not considered neighborhood-serving include auto dealerships, car wash/repair facilities, drive-thru restaurants/services, restaurants with banquet halls, hotels, and similar uses that have a regional draw.
- C. City Facilities such as fire stations, parks, community centers, branch libraries.
- D. Restricted Affordable Housing Projects that meet the following:
 - (I) **For rental developments:** At least 25% of the proposed residential units dedicated as affordable to households up to 80% AMI. The developer shall meet the requirements for the City's Rental Inclusionary (SMC Ch. 19.77), and then may provide the remainder of the required units at low income.
 - (II) **For ownership developments:** At least 25% of the proposed residential units dedicated as affordable to households up to 120% AMI. The developer shall meet the requirements for the City's Below Market Rate Ownership Inclusionary (SMC Ch. 19.67).
 - (III) **For either type of development:** The development may utilize the State Density Bonus, however 25% of the total constructed units on site must be deed restricted. Prior to the issuance of any building permit for the project, an Affordable Housing Regulatory Agreement shall be recorded against the parcel(s) which sets rent and occupancy restrictions for fifty-five years and shall run with the land through any change of ownership.
- E. Transportation Projects that reduce or do not increase VMT including, but not limited to:
 - (I) Roadway maintenance, rehabilitation and safety improvements;
 - (II) Installation or reconfigured traffic lanes to provide left-turns, right-turns, etc.;
 - (III) Conversion of existing lanes to managed or transit lanes;
 - (IV) Multimodal improvements that promote walking, bicycling and transit;
 - (V) Technology projects that optimize intersection operations, and traffic metering systems, detection, cameras and other electronics designed to optimize traffic flow;
 - (VII) Installation of traffic control devices and roundabouts;
 - (VIII) Relocation or removal of parking; and

- (IX) Installation of publicly available alternative fuel/charging infrastructure.
- F. Transit Supportive Projects (office/R&D projects with a floor area ratio of more than 75% or a residential project of at least 35 dwelling units/acre) within ½ mile of an existing major bus stop or existing stop along a high quality transit corridor that meet all of the following requirements:
 - (I) Support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities, bike lanes, transit stops; does not harm or hinder access to multimodal transportation;
 - (II) Does not exceed maximum parking requirements or propose higher than what is allowed per the development standards;
 - (III) Is transit oriented in design:
 - a. Has a walkable design that prioritizes pedestrians;
 - b. Is sustainable, and compact;
 - c. Facilitates ease of bicycle use;
 - d. Is focused or centered around transit; and
 - (IV) Redevelopment of a site which provides at least as many affordable units as previously existed.

3. Transportation Projects

Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges. Transportation projects that add vehicle capacity to the roadway network will be required to analyze:

- A. Direct, indirect and cumulative effects of the transportation project
- B. Near term and long term induced vehicle travel in total VMT
- C. Consistency with state and local greenhouse gas reduction goals
- D. Impacts on the development of multimodal transportation networks
- E. Impacts on the development of diversity of land uses

4. Regional Projects

For projects such as regional retail, hospitals, stadium, sports complexes, or schools that are not regulated by a Public School District or that require permits from a local jurisdiction, a net increase in total VMT may indicate a significant transportation impact.

Local Transportation Analysis Requirement

In addition to conforming to the VMT CEQA requirements above, all land use and transportation projects may be required perform a Local Transportation Analysis which may include but not limited to:

- A. Level of Service Analysis using the following methodologies:

- (I) The acceptable LOS standard for intersection operations is LOS “D” or better for Sunnyvale intersections, LOS “E” for locally designated intersections along regionally significant roadways and Regional transportation facilities as defined by the Congestion Management Program (CMP).
 - (II) Intersection selection. Study intersections will be selected based on the following criteria:
 - a. Within a ½ mile radius surrounding the project. Larger projects (400 peak hour trips or more) may require a larger radius up to a maximum of a 2-mile radius surrounding the project.
 - b. Provides access and circulation to/from the project
 - c. Intersections currently operating at D or worse
 - d. CMP intersections supporting the project traffic as regulated by the VTA guideline for CMP intersection selection.
- B. Addressing operational deficiencies:
- (I) An operational deficiency at a Sunnyvale intersection will be identified when a project’s added vehicle traffic causes the intersection to degrade from LOS “D” to LOS “E”, or for intersections operating at LOS “E” or LOS “F”, the addition of 1% to the critical vehicle/capacity ratio and an increase in critical delay of 4 seconds or more.
 - a. To address an operational deficiency, a project must propose an improvement to the intersection which may include:
 - 1. Traffic signal modifications, construction of additional turn lanes
 - 2. Improvements to the pedestrian, bicycle facilities within the intersection or proximate to the intersection
 - 3. Improved access to transit or transit facility proximate to the intersection
 - 4. Transportation demand management (TDM) measures that will reduce the project traffic at the intersection and improve the deficiency
 - (II) A CMP intersection will be out of conformance with the CMP standards when a project’s vehicle traffic causes the intersection to degrade from LOS “E” to LOS “F”, or for intersections operating at LOS “F”, the addition of 1% to the critical vehicle/capacity ratio and an increase in critical delay of 4 seconds or more.
 - a. To bring CMP intersections into conformance with the CMP standards, projects must implement improvements necessary to address the projects degradation of CMP facilities.
- C. Multimodal analysis on pedestrian, bicycle and transit facilities.
 - D. Traffic signal warrant studies and other intersection traffic control.
 - E. Site Access and Circulation.
 - F. Neighborhood cut-through, traffic calming.
 - G. Queuing at nearby freeway ramps.
 - H. Freeway operations.

