

RESOLUTION NO. 9070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING A NEW CITYWIDE POLICY ESTABLISHING VEHICLE MILES TRAVELED (VMT) AS THE STANDARD OF MEASUREMENT FOR ANALYSIS OF POTENTIAL ENVIRONMENTAL IMPACTS FROM VEHICLE TRAFFIC UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the California Environmental Quality Act (CEQA) was enacted by the State of California in 1970 to ensure the long-term protection of the environment and requires public agencies to analyze and disclose the effects of their actions on the environment; and

WHEREAS, the California Office of Planning and Research develops the CEQA Guidelines to interpret CEQA statutes and published court decisions, including several appendices to the CEQA Guidelines that contain forms and guidance for lead agencies when performing environmental review; and

WHEREAS, in order to carry out their mandate under CEQA, public agencies are encouraged to develop standards and procedures necessary to evaluate their actions including thresholds of significance; and

WHEREAS, thresholds of significance are identifiable quantitative, qualitative or performance level measures of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant, and compliance with which means the effect normally will be determined to be less than significant; and

WHEREAS, in circumstances where public agencies decide to develop their own thresholds of significance for general use, the CEQA Guidelines provide that thresholds of significance must be formally adopted through a public review process and supported by substantial evidence; and

WHEREAS, the City of Milpitas (“City”), as a lead agency on certain projects, implements CEQA pursuant to the Milpitas Municipal Code; and

WHEREAS, the Milpitas General Plan provides the following goals and policies:

- **Goal CIR-1:** Provide a transportation system that efficiently, equitably and effectively supports the City’s land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.
- **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.
- **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

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 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, in 2013, the State of California Legislature passed, and Governor Brown signed Senate Bill 743 (Steinberg). Senate Bill 743 directs the California Office of Planning and Research to produce new CEQA guidance for cities that removes automobile LOS from transportation analysis under CEQA and replaces it with Vehicle Miles Traveled (“VMT”), or another measure that “promote(s) the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” The intent of this change is to shift the focus of transportation analysis from driver delay to the reduction of greenhouse gas (GHG) emissions, creation of multimodal networks, and promotion of integrated land uses; and

WHEREAS, VMT measures the amount and distance people drive, taking the number of passengers within a vehicle into account. Typically, projects at a greater distance from other uses, located in areas with limited access to non-auto modes of travel, generate more driving than those that are located proximate to other complementary uses and/or where there are transportation options other than the automobile. The information used to calculate VMT is already required to calculate and factor air quality and greenhouse gas emissions; and

WHEREAS, on December 28, 2018, the California Natural Resources Agency certified and adopted a CEQA Guidelines update package, including the Guidelines section implementing Senate Bill 743 (§ 15064.3) and directs all public agencies to utilize VMT as a threshold of significance by July 1, 2020; and

WHEREAS, the City wishes to adopt the proposed VMT thresholds to bring the City of Milpitas’ transportation analysis methodology in line with State and City goals pursuant to Senate Bill 743 and the Milpitas General Plan; and

WHEREAS, Public Resources Code Section 21082 requires all public agencies to adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, CEQA Guidelines Section 15064.7(a) encourages each public agency “to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects” under CEQA; and

WHEREAS, CEQA Guidelines Section 15064.7(b) provides that “[t]hresholds of significance to be adopted for general use as part of the lead agency’s environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence”; and

WHEREAS, in accordance with CEQA Guidelines Section 15064.7(b), staff developed proposed threshold of significance through a public review process supported by substantial evidence; and

WHEREAS, outreach efforts were conducted with the community including a presentation to the City Council Transportation Subcommittee on August 14th, 2020, a presentation to the Planning Commission on August 26th, 2020, presentations to the Development Review Committee and the Community Development Roundtable, and a public notice in the *Milpitas Post* on April 2, 2021 and April

28, 2021, on the City’s website, and posted at City hall in accordance with City and state public noticing requirements; and

WHEREAS, on April 14, 2021, the Planning Commission held a duly noticed public hearing on the proposed VMT thresholds, at which time all persons wishing to testify in connection with the proposed thresholds were heard, and recommended that the City Council consider the proposed VMT thresholds; and

WHEREAS, on May 18, 2021, the City Council held a duly noticed public hearing at which time all persons wishing to testify in connection with the proposed VMT thresholds were heard and the proposed thresholds were comprehensively reviewed; and

WHEREAS, the City Council has considered all the written and oral testimony presented at the public hearing in making its decision; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas Transportation Analysis Policy, attached hereto and incorporated herein by this reference, is consistent with the policies of the General Plan and the City of Milpitas Municipal Code.
3. The VMT thresholds have been developed through a public review process, are supported by substantial evidence, and are hereby adopted as the City of Milpitas’ VMT Thresholds of Significance for traffic and transportation analysis pursuant to the California Environmental Quality Act.
4. The City of Milpitas hereby adopts the Transportation Analysis Policy, a copy of which is on file at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.
5. The adoption of a threshold of significance does not qualify as a “project” subject to CEQA. The City Council therefore directs City staff to prepare, execute, and file a Notice of Exemption with the City Clerk within five (5) working days of the passage and adoption of this Resolution.
6. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.
7. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED this 18th day of May 2021, by the following vote:

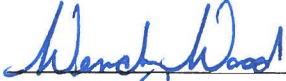
AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:



Wendy Wood, City Clerk

APPROVED:



Rich Tran, Mayor

APPROVED AS TO FORM:



Christopher J. Diaz, City Attorney

City of Milpitas
Transportation Analysis Policy
May 2021

Purpose/Intent

The California Environmental Quality Act (CEQA) requires all California Cities to evaluate and disclose potential transportation environmental impacts of any proposed “Project”. This policy establishes Vehicle Miles Traveled (VMT) as the methodology for analyzing transportation environmental impacts and establishes baseline, threshold and exemption criteria for environmental review to comply with State law. This policy also establishes the requirement of a transportation operation analysis to address transportation deficiencies and to conform with the Santa Clara County Congestion Management Program (CMP).

Policy Statement

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

Consistency with Milpitas City Policy

The Milpitas General Plan recognizes how land development and transportation goals affect VMT and embraces the ideals that result in reduced VMT. The General Plan focuses new development in key areas, bringing together office, residential and service land uses to reduce VMT and encourage the use of non-automobile transportation modes. The Circulation Element, Land Use Element, and Conservation and Sustainability Element all provide goals, policies, and actions that support VMT reduction including Policy CIR 1-8, Action CIR-1c, Goal CIR-2, Goal CIR-5, Goal CIR-6, Policy CIR 6-2, Policy CIR 6-3, Policy LU 1-1, Policy CON 7-1, Policy CON 7-10, and many others. However, the following General Plan goals and policies most directly support this new policy:

Goal CIR-1: Provide a transportation system that efficiently, equitably and effectively supports the City’s land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation

Policy LU 3-1: Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.

Policy LU 4-2: Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

Evaluating Vehicle Miles Traveled (VMT)

The policy formally establishes the Countywide Average VMT¹ as the environmental baseline for land development projects. To evaluate whether a project will have a significant impact under CEQA, the City will compare the project's VMT with this baseline. For residential and office and industrial projects, a Project will have a less than significant impact if the Project results in a 15%VMT reduction compared to the baseline. For industrial projects, the 15% threshold applies to the employee commute trip only.

Evaluating Level of Service (LOS)

The City will continue to measure intersection and roadway operations to comply with the standards set by the City's General Plan and the Congestion Management Program to ensure intersection and roadway efficiency.

Applicability

All proposed projects are required to undergo environmental review as part of the City's approval process. This includes an analysis of CEQA impacts (VMT) and non CEQA operational analysis (LOS).

In addition to establishing the baseline and significant impact threshold, this policy establishes certain projects that are presumed to have a less than significant impact per the State's guidance and will not require a VMT analysis. The following is the list of projects that do not require VMT analysis.

Project Screening Criteria

The following screening criteria is recommended in alignment with Office of Planning and Research, Technical Advisory². Projects shall be presumed to have a less-than-significant transportation impact if they meet any of the following screening criteria:

- **Small Projects:** All projects that generate 110 daily trips or less.
- **Retail Projects:** 100,000 square feet or less (local serving³)
- **Local Serving City facilities:** fire stations, neighborhood parks, branch libraries, community centers
- **Restricted Affordable Housing Projects** that meet the following:
 - For 100% Affordable developments:
 - Rental developments with all units at or below 80% Area Median Income.
 - Ownership with all units at or below 100% Area Median Income.

¹ Countywide Average VMT for residential land uses and employment land uses in Santa Clara County obtained from the VTA Countywide Model December 2019.

² Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, (December 2018)

³ Land uses within a community that have neighborhood context, accessible by walking, bicyclist, transit or vehicle.

- For mixed-income rental developments: A 10% minimum of the total residential units must be affordable to households with income at or below 80% Area Median Income. An additional 10% minimum of the total residential units must be affordable to households with income at or below 50% Area Median Income.
- For mixed-income ownership developments: A 10% minimum of the total residential units must be affordable to households with income at or below 100% Area Median Income. An additional 10% minimum of the total residential units must be affordable to households with income at or below 80% Area Median Income.
- For all residential development:
 - If the requirements for the City's Affordable Housing Ordinance (Title XII, Chapter 1 of the City's Municipal Code) or from State Density Bonus law differ from this policy, the project sponsor shall provide the larger number of affordable units and the lowest level of affordability that is required by any of these policies;
 - To qualify for this exemption, a project and all of its income-restricted units shall be subject to all requirements and provisions in the City's Affordable Housing Ordinance.⁴
- **Transit Screening**: All land-use projects located within one half mile of a major transit stop⁵, or a stop along a high-quality transit corridor⁶, pursuant to State definitions for such facilities; provided the projects include all the following characteristics: minimum Floor Area Ratio (FAR) of 0.75; or minimum residential density of 35 dwelling units/acre except in the Milpitas Metro Specific Plan area which requires a minimum residential density of 50 dwelling units/acre, and the Sierra Center which requires a minimum residential density of 40 dwelling units per acre⁷.
 - Consistent with the applicable Sustainable Communities Strategy (SCS);
 - Does not provide more parking than required by the jurisdiction; or
 - Does not replace affordable housing with a fewer number of moderate or high-income residential units.
- **Transportation Projects** that reduce or do not increase VMT including, but not limited to:
 - Roadway maintenance, rehabilitation, repair and safety improvements designed to improve the conditions of existing transportation facilities that do not add additional motor vehicle capacity;
 - Roadway safety devices or hardware installation such as median barriers or guardrails;
 - Roadway shoulder enhancements to provide "breakdown space", to improve safety but will not be used as automobile vehicle travel lanes;
 - Addition of auxiliary lane less than one mile designed to improve safety;

⁴ The City's Affordable Housing Ordinance offers additional incentives to projects that side aside 20% or more of units as affordable housing.

⁵ "Major transit stop" means a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; or (c) a major transit stop that is included in Plan Bay area 2040. Pub. Res Code 21064.3, 21155(b).

⁶ "High-Quality Transit Corridor" means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Pub. Res. Code 21155(b)

⁷ See Attachment A Milpitas Heat Maps for Serra Center boundary.

- Installation or reconfigured traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left-turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit.
- Conversion of existing lanes to managed or transit lanes;
- Reduction in number of through lanes.

- Multimodal improvements that promote walking, bicycling and transit;
- Technology projects that optimize intersection operations, and traffic metering systems, detection, cameras and other electronics designed to optimize traffic flow;
- Installation of traffic control devices and roundabouts;
- Relocation or removal of parking; and
- Installation of publicly available alternative fuel/charging infrastructure.

Projects that do not meet the above requirements are required to evaluate and disclose potential VMT environmental impacts using the established baseline and threshold criteria. The most commonly available methods for evaluating VMT is the Santa Clara County VMT Evaluation Tool and the Travel Demand Model. Typical VMT mitigation can include multimodal transportation improvements designed to improve pedestrian, bicycle, transit facilities, parking strategies, and Transportation Demand Management (TDM) strategies that provide subsidized transit passes, carpool and shuttle programs, telecommuting, etc.

Transportation Projects

Project types that would likely lead to a measurable increase in vehicle travel such as 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:

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

Regional Land Use Projects

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

Transportation Operational Analysis Requirement

In addition to conforming to the VMT CEQA requirements above, land use and transportation projects may be required to conduct a Transportation Operational Analysis (TOA) to evaluate a

project's adverse effects or identify operational deficiencies caused or exacerbated by a project which may include but not limited to the following:

- Intersection Level of Service Analysis
- CMP Conformance
 - Intersection LOS at CMP intersections
 - Freeway Operations
 - Queuing Analysis at freeway ramps
- Multimodal analysis of pedestrian, bicycle and transit facilities
- Traffic signal warrant studies and other intersection traffic control
- Site Access and Circulation
- Neighborhood cut-through, traffic calming, parking issues
- Other transportation related analysis as deemed necessary by the "City Engineer"

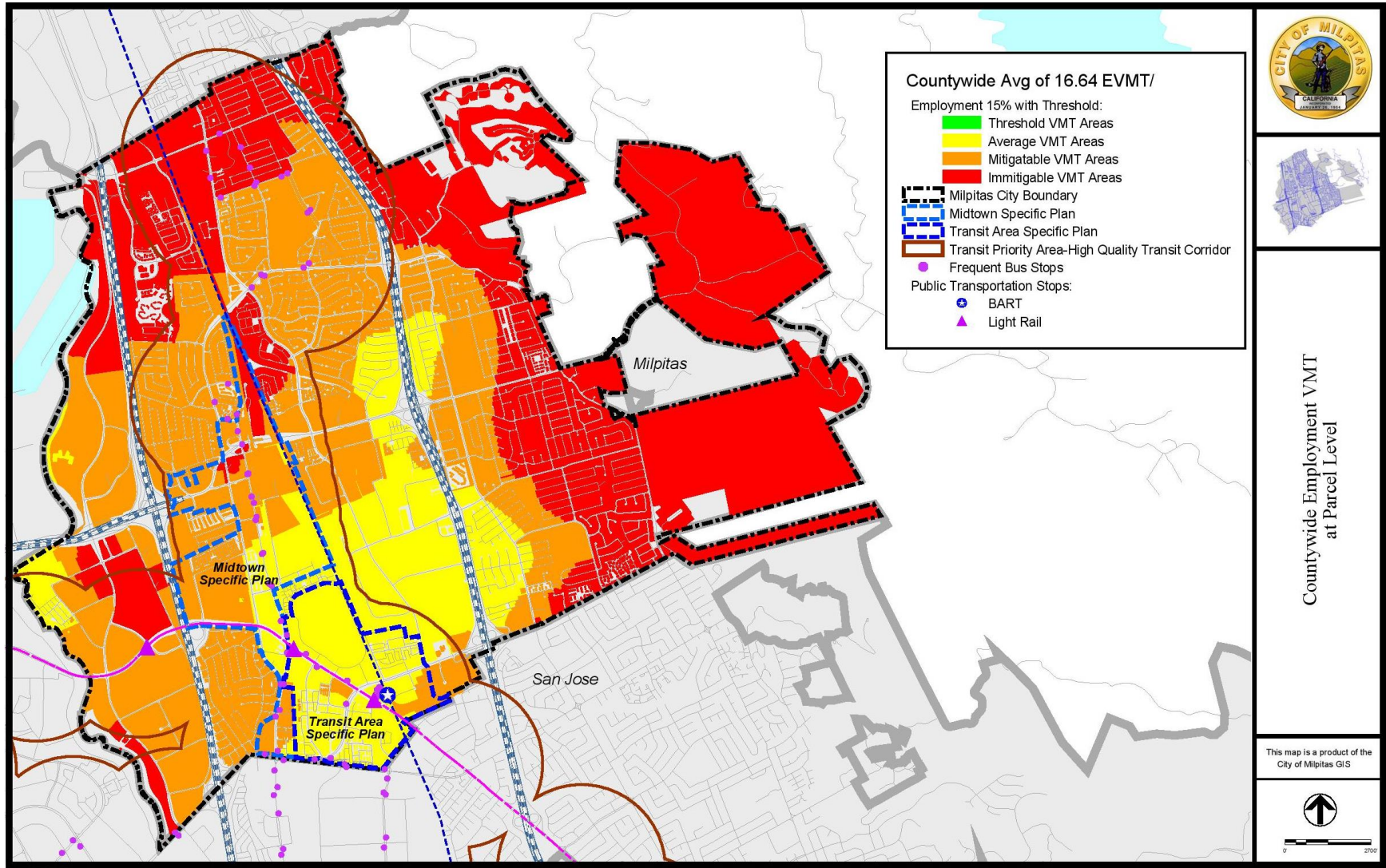
Existing Approvals

Projects that are currently approved will not require any supplemental VMT environmental review unless the "Project" requires supplemental environmental review not covered by an addendum.

Outcomes

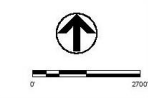
Implementation of this policy will result in reducing VMT growth, promoting the reduction of greenhouse gas emissions, expansion of the multimodal transportation network, increased density and diversity of land uses and ultimately, meeting the State's long-term climate goals. This policy supports and aligns with the General Plan land use and transportation goals, facilitates implementation of the General Plan and supports a more sustainable City as outlined in the Climate Action Plan.

Attachment C: City of Milpitas Countywide Employment Average VMT



Countywide Employment VMT
at Parcel Level

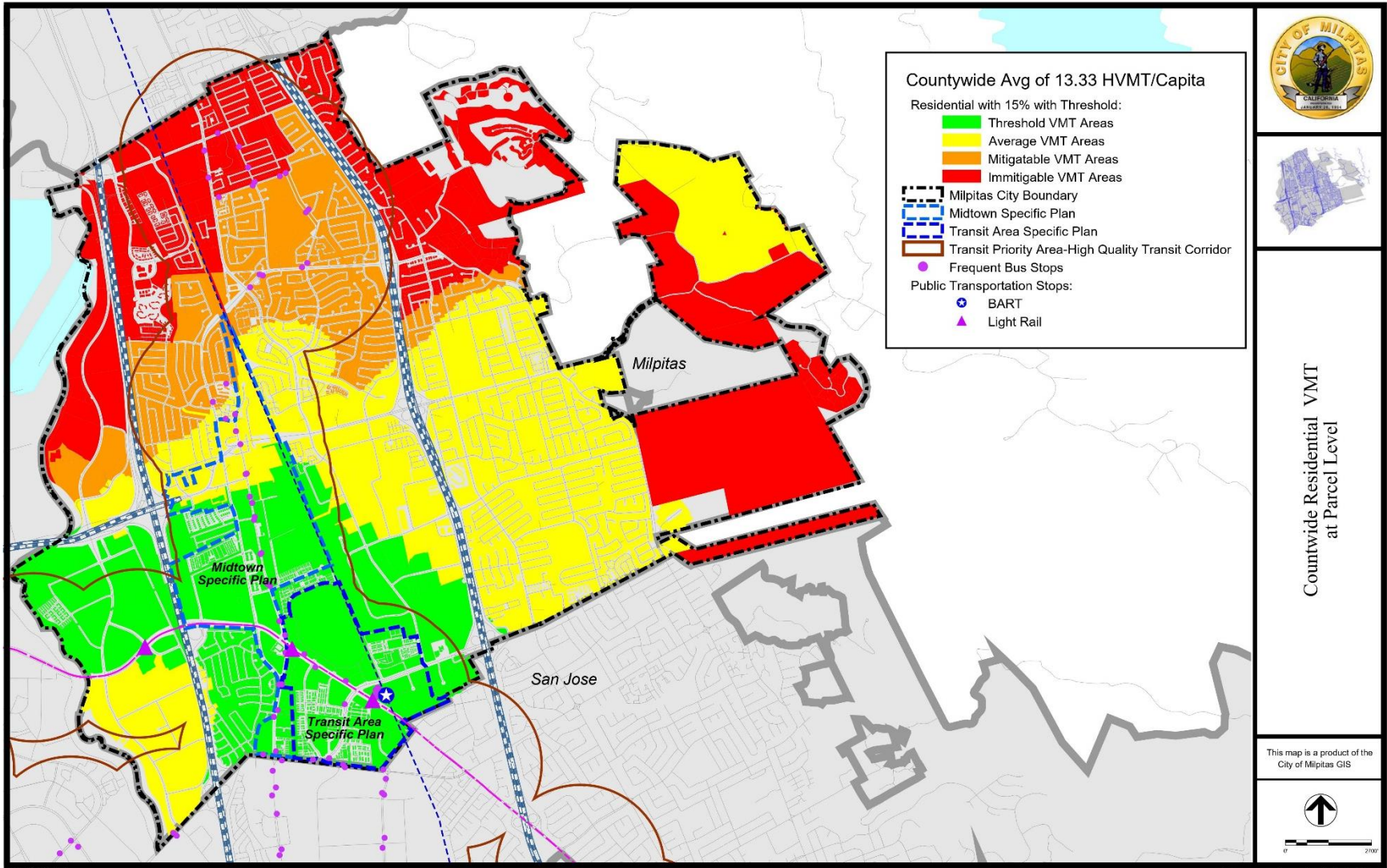
This map is a product of the
City of Milpitas GIS



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 City of Milpitas assumes no responsibility for any errors.

Attachment C: City of Milpitas Countywide Residential Average VMT



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