

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO ESTABLISH VEHICLE MILES TRAVELED AS THE CITY OF SAN JOSE'S METRIC FOR EVALUATION OF TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CONSISTENT WITH STATE LAW (SENATE BILL 743)

Winter 2018 General Plan Amendment Cycle (Cycle 1)

File No. GPT17-009

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and State law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on February 7, 2018, the Planning Commission held a public hearing to consider the proposed text amendment to the General Plan to establish Vehicle Miles Traveled ("VMT") as the City's metric for evaluation of transportation impacts under the

California Environmental Quality Act, as amended ("CEQA") consistent with State law (Senate Bill 743), File No. GPT17-009, specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendment; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

WHEREAS, on February 27, 2018, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on February 27, 2018 at 1:00 p.m., or shortly thereafter, in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

WHEREAS, pursuant to Public Resources Code Section 21080(b)(1), the proposed adoption of the ~~related~~ General Plan Text Amendment, adoption of new a City Council Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and ~~related~~ adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA. ~~Adoption of the General Plan Text Amendments is ministerial because it implements the directives from State Senate Bill ("SB") 743 to modify local environmental~~

~~review processes by removing Transportation Level of Service (“LOS”) as a transportation analysis metric under CEQA for VMT; and~~

WHEREAS, the Council is the decision-making body for the proposed General Plan Text Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The Council’s determinations regarding General Plan Text Amendment File No. GPT17-009 is hereby specified and set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San José on February 27, 2018, as stated in its Resolution No. _____.

Dated: _____

TONI J. TABER, CMC
City Clerk

EXHIBIT A

File No. GPT17-009. Amendments of the General Plan to establish Vehicle Miles Traveled as the City's metric for evaluation of transportation impacts under CEQA consistent with State law (Senate Bill 743), as follows:

1. The following sections of Chapter 1, entitled "Envision San José 2040," are amended as follows:

- a. "History of Planning in San José – the General Plan" section, (page 44) is amended to add the following after the second paragraph:

"Transportation Analysis Policy (2018)"

In 2013, the State of California passed Senate Bill 743 (SB 743), which eliminated automobile Level of Service (LOS) from transportation analysis under CEQA and replaced it with Vehicle Miles Traveled (VMT). This shift from LOS to VMT is intended to focus on the reduction of GHG emissions, the creation of multimodal networks, and the promotion of integrated land uses. The City Council adopted City Council Policy 5-1, entitled "Transportation Analysis Policy", on February 27, 2018. Council Policy 5-1 aligned the City of San José's transportation analysis with State law, and the major strategies, goals, and policies of the Envision San José 2040 General Plan. The new policy established VMT as the City's metric for CEQA transportation analysis. It also required development projects to conduct a Local Transportation Analysis (LTA) to analyze their conformance with the multimodal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system. The Transportation Analysis Policy supports implementation of the Envision San José 2040 General Plan by promoting dense, mixed use, infill projects in Planned Growth Areas, and focuses resources on the development of robust multimodal transportation networks envisioned in the General Plan."

- b. "Evolution of Planning Policy and Accomplishments of General Plans in San José" Table (page 45) is amended to add the following in the "Evolution of Policy" row, "2000's" column:

- **"Transportation Analysis Policy"**

2. The following sections of Chapter 6, entitled “Land Use and Transportation,” are amended as follows:

a. Policy TR-1.4 is amended in its entirety to read as follows:

“Through the entitlement process for new development, ~~for projects~~ shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12, and market-rate housing within General Plan Planned Growth Areas. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
- Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation

measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.”

- b. The first paragraph in the “Vehicular Circulation and Vehicle Miles Traveled” section (page 42) is amended to read as follows:

~~“Between 1980 and 2008, San José’s population increased by nearly 45 percent. A general trend nationwide has been that increases in automobile vehicle trips and trip length proceed at a higher rate than growth in population. This is due in part to changing lifestyles (the prevalence of two-income families and a greater percentage of non-work trips on a day-to-day basis) and increased reliance on the private automobile. Even with substantial increases in non-automobile mode shares expected in the years ahead, some increase in automobile travel in San José is expected. To this end, policies focus on maximizing efficiency of the existing street system and making minor capacity enhancements, without negatively affecting other modes.~~

Given that San José’s street network is largely built out and it is not feasible or desirable to make extensive new capacity improvements, policies focus on meeting transportation demand by maximizing the efficiency of the existing street system and making minor capacity enhancements, without adversely affecting other modes. In support of this, Vehicle Miles Traveled (VMT) goals and policies will improve transportation mode choice of all users, and help create a successful multimodal transportation network supporting the City’s sustainability goals. All relevant adopted policies promote improved operations strategies, expanded pedestrian, bicycle and transit systems, coupled with transportation demand management, and supported by traffic calming at the neighborhood level.”

- c. Policy TR-5.3 is amended in its entirety to read as follows:

~~“The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:~~

- ~~• Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require~~

~~appropriate mitigation measures if development of the project has the potential to reduce the level of service to “E” or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.~~

- ~~• Area Development Policy. An “area development policy” may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies should be considered during the General Plan Annual Review and Amendment Process.~~
- ~~• Small Projects. Small projects may be defined and exempted from traffic analysis per the City’s transportation policies.~~
- ~~• Downtown. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service “D” performance criteria.~~
- ~~• Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City’s adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.~~
- ~~• Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City’s ability to encourage infill, preserve community livability, and promote transportation alternatives that do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation~~

~~improvements in one of the City's designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.~~

- Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
- Downtown. Downtown San José exemplifies low-VMT, integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, projects shall support the long-term development of a world class urban transportation network."

- d. The first paragraph of the "Reduction of Vehicle Miles Traveled" section (page 50) is amended to read as follows:

"As a means to reduce energy consumption, to reduce greenhouse gas emissions and to create a healthier community, San José maintains a goal to reduce the number of vehicle miles traveled in the city by 40% per service population. Achieving this goal will require a multi-pronged strategy that includes both land use and transportation. This section includes the transportation goals, policies and actions that are intended to achieve an initial VMT reduction of 10% in Tier I, followed by a 20% reduction in Tier II, and ultimately a 40% reduction by 2040. All reductions are measured from the 2009 base year."

- e. The first paragraph of Goal TR-9 "Tier I Reduction of Vehicle Miles Traveled" (page 50) is amended to read as follows:

"Reduce Vehicle Miles Traveled (VMT) by 10% per service population, from 2009 levels, as an interim goal."

- f. The second paragraph of Goal TR-9 “Tier I Reduction of Vehicle Miles Traveled”, following Policy TR-9.2 (page 50) is amended to read as follows:

“In addition to the policies above, the Balanced Transportation System, the Transportation Demand Management (TDM) and Parking Strategy policies below are intended to contribute to a 10% VMT reduction. These policies are contained within their respective Balanced Transportation System, TDM and Parking sections of this Chapter and are repeated here—to illustrate the City’s overall transportation strategy to achieve Goal TR-9.”

- g. Goal TR-10 is amended in its entirety to read as follows:

“Reduce vehicle miles traveled by an additional 10% per service population above Goal TR-9 (a 20% reduction as measured from 2009), at a later date to be determined by the City Council, based on staff analysis of the City’s achieved and anticipated success in reducing VMT.

Actions – Tier II Vehicle Miles Traveled Reduction

TR-10.1 Explore development of a program for implementation as part of Tier II, to require that parking spaces within new development in areas adjacent to transit and in all mixed-use projects be unbundled from rent or sale of the dwelling unit or building square footage.

TR-10.2 In Tier II, reduce the minimum parking requirements citywide.

TR-10.3 Encourage participation in car share programs for new development in identified growth areas.

TR-10.4 In Tier II, ~~require that a portion of~~ establish criteria that could allow a portion of adjacent on-street and City owned off-street parking spaces be counted toward meeting the zoning code’s parking space requirements.

TR-10.5 Work with employers in Tier II to monitor employer achievement of TDM program measures and explore incentives for successes and/or consider penalties for non-compliance.

TR-10.6 Working with members of the development and financial communities, and neighborhood residents, establish, in Tier II, citywide parking standards in the Zoning Code which establish maximum parking rates, or “parking caps” for new development.

TR-10.7 Strengthen the VMT thresholds in the Council Policy Transportation Analysis Policy 5-1 in line with the Tier II VMT reduction goals.”

- h. Goal TR-11 is amended to read as follows:

“Reduce VMT an additional 20% per service population above Goals TR-9 and TR-10 (a total reduction of 40% as measured from 2009) by participating and taking a leadership role in on-going regional and statewide efforts to reduce VMT.”

3. The following sections of Chapter 7, entitled “Implementation,” are amended as follows:

- a. The first paragraph in the “Land Use Entitlement Process” section (page 21) is amended to read as follows:

“The primary elements of the Development Review process include: specific plans, zoning, subdivision, environmental review, annexation, site and architectural review, building permits and citizen participation. In addition, the City Council Transportation Analysis Policy for transportation, and Level of Service policies for sewers and the Regional Wastewater Facility implement those same policies in the Envision San José 2040 General Plan and control the rate and amount of new development which is allowed. Community engagement and citizen participation components of the Development Review process include public hearings which are incorporated into all those phases of the process that involve the issuance of discretionary permits by the City. Community meetings are also a vehicle for public participation and are held whenever warranted by the nature of a project or the level of public interest.”

b. Policy IP-12.4 is amended in its entirety to read as follows:

“Use the Environmental Clearance process to facilitate the implementation of the facilities and services goals and policies of the Envision San José 2040 General Plan. The review of proposed development includes the analysis of the project’s compliance with the General Plan’s Level of service policies for transportation VMT requirements as specified in the City Council's Transportation Analysis Policy 5-1, and level of service policies for sanitary sewer and Regional Wastewater Facility capacity.”

c. Policy IP-15.1 is amended in its entirety to read as follows:

“Require new development to construct and dedicate to the City all public improvements directly attributable to the site. This includes neighborhood or community parks and recreation facilities, sewer extensions, sewer laterals, transportation network street improvements, sidewalks, street lighting, fire hydrants and the like. In the implementation of the City Council Transportation Analysis Policy 5-1 for transportation, and level of service policies for transportation, sanitary sewers and neighborhood and community parks, development is required to finance improvements to nearby intersections or downstream sewer mains in which capacity would be exceeded, and dedicate land, pay an in-lieu fee or finance improvements for parks and recreation needs which would result from the development.”

Council District: Citywide. CEQA: Pursuant to Public Resources Code Section 21080(b)(1), the proposed adoption of the General Plan Text Amendment, adoption of new a City Council Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA.

