

EXHIBIT "A"

City of San José, California

COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
Transportation Analysis Policy	1 of 15	5-1
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BACKGROUND

This Council Policy 5-1, "Transportation Analysis Policy" ("Policy"), replaced the existing Council Policy 5-3, "Transportation Impact Policy" as the Policy for transportation development review in the City of San José ("City"). This Policy aligns the City's transportation analysis with California Senate Bill 743 ("SB 743") and the City's goals as set forth in the City's Envision San José 2040 General Plan ("General Plan"). This Policy establishes the thresholds for transportation impacts under the California Environmental Quality Act ("CEQA"), removing transportation *Level of Service ("LOS")* and replacing it with *Vehicle Miles Traveled ("VMT")*. Appendix A defines terms in this Policy noted in Italics.

The City's General Plan sets forth a vision and comprehensive road map to guide the City's continued growth through the year 2040. 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 use. The General Plan seeks to focus new developments in Planned Growth Areas, bringing together office, residential, and service land uses to *internalize trips* and reduce *VMT*. The General Plan also encourages the development and use of non-automobile transportation modes to minimize vehicle trip generation and reduce *VMT*.

APPLICABILITY OF POLICY (PIPELINE PROVISIONS)

This Policy is effective thirty (30) days after approval by the City Council ("Effective Date"). Any proposed development project (including adjustments or amendments to existing projects) with a complete Universal Planning Application on file with the Department of Building, Planning, and Code Enforcement on or after the Effective Date shall comply with this Policy, except for the following:

1. Interim Period: The City may determine in writing that a proposed project with a complete Universal Planning Application and an approved transportation work scope issued by the Department of Public Works prior to the Effective Date can (a) proceed with transportation analysis and comply with the existing Council Policy 5-3, provided that a final transportation work scope was issued by the Department of Public Works within one year prior to the Effective Date of this Policy; or (b) proceed with CEQA transportation analysis under VMT and comply with this Policy. Prior written approval from the Public Works Director is required to determine compliance with existing Council Policy 5-3 or this Policy. For example, if a project submits a complete Universal Planning Application prior to the Effective Date, the project applicant may proceed with traffic analysis under existing City Council Policy 5-3 or with prior written approval from the Public Works Director to proceed under this Policy.

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2. Subsequent Reviews: The City may determine in writing that subsequent discretionary approval(s) required for a project approved prior to the Effective Date may continue to be analyzed under the prior environmental clearance and existing City Council Policy 5-3 after the Effective Date; provided there is no Substantial Change to the project, as defined in California Public Resources Code Section 21166 and CEQA Guidelines Sections 15162-15164.

For example, if the City approved an environmental impact report (EIR) or mitigated negative declaration (MND) for a project prior to the Effective Date, the City may determine that subsequent discretionary approvals required after the Effective Date may continue to be analyzed under the previously approved environmental impact report or mitigated negative declaration for the project if there is no Substantial Change.

In such instances, the City may determine that the proposed project is consistent with the previously approved environmental clearance (use of a previously certified EIR/MND). If the proposed project is still within the scope of and fully evaluated in the previously approved environmental clearance and only minor technical changes have been made to the proposed project and there are no Substantial Changes, an addendum to the previously certified EIR/MND may be adequate as defined in CEQA Guidelines Section 15164.

3. Subsequent Review for Projects in Existing Area Development Policies (ADPs) and Transportation Development Policies (TDPs): The City may determine in writing that a proposed project be analyzed under the previously approved environmental clearance for the ADPs/TDPs and City Council Policy 5-3 if there is No Substantial Change, as defined in California Public Resources Code Section 21166 and CEQA Guidelines Sections 15162-15164. To be eligible for this determination, the proposed project that submits a complete Universal Planning Application after the Effective Date of this Policy must be located within an existing ADP or TDP area.

For example, if a new project located within the North San José ADP submits a complete Universal Planning Application after the Effective Date, the City may determine that the project be analyzed under the previously approved North San José ADP EIR, if the proposed project is consistent with the previously approved EIR. If the proposed project is within the scope and fully evaluated in the previously approved EIR and only minor technical changes have been made to the proposed project and there are no Substantial Changes, an addendum to the previously approved EIR may be adequate as defined in CEQA Guidelines Section 15164.

Existing ADPs and TDPs include the Evergreen-East Hills Development Policy, North San José Area Development Policy, Edenvale Area Development Policy, US-101/Oakland/Mabury Transportation Development Policy, and I-280/Winchester Boulevard Interchange Transportation Development Policy.

All projects located within an existing ADP or TDP area shall continue to be subject to any traffic impact fees adopted by the City Council. Adoption of this Policy does not negate, supersede, or otherwise modify existing requirements or permit conditions.

PURPOSE

This Policy establishes:

1. VMT as the metric to measure transportation environmental impacts in conformance with CEQA.
2. The Transportation Analysis framework for proposed developments, land use plans, transportation projects, and any other plans or developments (collectively "Projects" in this Policy) in the City.

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3. The requirement that Projects perform Local Transportation Analysis (LTA) to demonstrate conformance with multimodal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system.

POLICY

San José is establishing *VMT* as the metric for CEQA transportation analysis to foster a more sustainable and vibrant city. *VMT*-based policies support dense, mixed-use, infill Projects as established in the General Plan's Planned Growth Areas. By establishing a transportation system which encourages improved land uses with viable transportation options, this Policy provides resources to develop a robust multimodal transportation network as envisioned in the General Plan. Projects consistent with this Policy will reduce the City's environmental footprint from transportation and land uses, and create lively places served by a variety of transportation options.

Transportation Analysis Framework

A Transportation Analysis (TA) for a proposed Project provides information the City must have to inform the CEQA environmental review and decision-making processes. Projects that need transportation evaluation must prepare a TA report consisting of a CEQA *VMT* evaluation and/or LTA. Sections I and II below describe the Policy provisions guiding the *VMT* evaluation and LTA. Appendix B, "Policy Implementation Procedures" provides implementation details.

Detailed methodologies and requirements are explained in the City's *Transportation Analysis Handbook*. TA's must comply with relevant professional standards and the methodology included within the City's *Transportation Analysis Handbook*, which can be found on the Department of Public Works Development Services website. Appendix C presents a flow chart of the TA process.

I. Vehicle Miles Traveled CEQA Transportation Analysis

In accordance with CEQA, all proposed Projects are required to analyze transportation as a component of environmental review. This Policy establishes:

1. Screening criteria under which Projects are not required to submit detailed *VMT* analysis;
2. Thresholds for identifying transportation environmental impact;
3. Requirements for Projects to mitigate significant transportation impacts; and
4. The City's mechanism for reviewing Projects with significant and unavoidable impacts, all under CEQA.

Projects that do not meet the screening criteria are required to prepare a detailed *VMT* analysis and identify potential transportation impacts and propose mitigations and/or improvements.

A. Project Screening Criteria

The requirements to prepare a detailed *VMT* analysis applies to all Projects except the following types of Projects because the City Council finds, as documented in the administrative record for this Policy that these Projects will further City goals and policies and will not result in significant transportation impacts:

1. Small Infill Projects;
2. Local-Serving Retail;
3. Local-Serving Public Facilities;

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4. Transit Supportive Office Projects in Planned Growth Areas with Low VMT and High Quality Transit;
5. Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit;
6. Restricted Affordable, Transit Supportive Residential Projects in ~~Planned Growth~~ Areas with High Quality Transit;
7. Transportation Projects that reduce or do not increase VMT.

These screening criteria are further defined and explained in Appendix B.

B. Vehicle Miles Traveled CEQA Transportation Thresholds of Significance

Projects that do not meet the above screening criteria must include a detailed evaluation of the VMT produced by the Project. The thresholds of significance used to measure VMT are described by Project type in Table 1. Projects that have a significant VMT must include feasible mitigation measures which will avoid or substantially lessen such significant effects.

Table 1 - Project Type and VMT Thresholds of Significance⁽¹⁾

Project Types (as categorized in the General Plan)	Threshold for Determination of Significant Transportation Impact
Residential Uses	VMT per resident <u>Project VMT per capita</u> greater than the more stringent of the following thresholds: (1) 15 percent below the Citywide per resident VMT , existing citywide average VMT per capita OR (2) 15 percent below regional VMT per resident <u>the existing regional average VMT per capita, whichever is lower.</u>
<u>Office, Research & Development, Assisted Living</u> General Employment Uses (e.g. office, R&D)	<u>Project VMT per employee</u> greater than 15 percent below <u>the existing regional average VMT per employee.</u>
<u>Industrial, Mini Storage</u> Industrial Employment Uses (e.g. warehouse, manufacturing distribution uses)	<u>Project VMT per employee</u> greater than existing regional <u>average VMT per employee.</u>
Retail Uses, Lodging, Education (Including Hotel)	A net Net increase in the total existing regional total VMT for the region.

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Public/Quasi-Public Uses	Public/Quasi-Public land use projects will be analyzed using the most relevant threshold as determined by Public Works Director for the proposed use on the site from the enumerated project types in this Table 1.
Mixed Uses	Each land use component of a mixed-use project will be analyzed independently, applying the significance threshold for each land use component from the enumerated project types in this Table 1.
Change of Use or Additions to Existing Development	Changes of use or additions to existing development will be analyzed applying the significance threshold for each land use component from the enumerated project types in this Table 1.
Urban Village Plans, Station Area Plans, Specific Plans, Development Policy Policies, Specific Strategy or Other Area Plans	Each land use component will be analyzed independently, applying the significance threshold for each land use component from the enumerated project types in this Table 1.
General Plan Amendments (GPAs)	General Plan Amendments will be analyzed in conformance with the General Plan's definition of VMT. An increase in City total VMT is a significant transportation impact. Citywide VMT per service population under the GPA greater than that under the current 2040 General Plan conditions
Transportation Projects	Net Percent increase in <u>total VMT</u> greater than that consistent with the Regional Sustainable Communities Strategy

C. Less than Significant Impact with Mitigation

If a Project is found to have a significant impact on *VMT*, the impact must be reduced by ~~modifying Project VMT~~ to an acceptable level (below the established thresholds of significance applicable to the Project) by modifying the Project, and/or mitigating the impact through providing multimodal transportation improvements, or establishing and/or implementing programmatic Transportation Demand Management measures with a Trip Cap.

D. Significant and Unavoidable Impacts

If a Project cannot fully mitigate its impacts on *VMT*, the Project applicant may:

1. Propose to modify the Project such that the impacts on *VMT* can be mitigated to a less than significant level;
2. Relocate the Project to a low *VMT* site; or
3. Request the City Council to adopt a Statement of Overriding Considerations for the significant impact on *VMT* as part of an EIR certification.

When significant impacts are unavoidable, a detailed statement of overriding considerations in addition to findings are required as defined in CEQA Guidelines Sections 15191 and 15193.

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Based on the General Plan and State CEQA Guidelines, this Policy finds that benefits of certain projects may outweigh the unavoidable significant impacts on VMT and could be considered acceptable in certain circumstances as outlined below:

1. The Project ~~is consistent with the 2040 General Plan and~~ demonstrates overriding benefits in accordance with Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3); and
2. The Project mitigates its VMT impacts to the maximum extent feasible per the City's City-adopted VMT Evaluation Tool; and
3. The Project is either:
 - A. 100% affordable residential ~~project~~, or
 - B. The Project constructs or funds multimodal transportation improvements as detailed in Appendix B and is:
 - I. Market-rate housing located within Urban Villages as defined in Market-rate or mixed-income residential consistent with the City's General Plan land use designation effective on November 29, 2022 or future City-initiated General Plan amendments¹; or
 - II. Market-rate or mixed-income residential that requires a privately initiated General Plan amendment must satisfy all of the following criteria:
 - a. The proposed site must be within the Urban Growth Boundary and Urban Service Area on property designated as Private Recreation and Open Space on the Land Use/Transportation Diagram of the General Plan as of November 29, 2022. In addition, the site cannot be located in the Coyote Valley Conservation Program Area, as defined by AB 948 or any other land formally designated for conservation;
 - b. Provides significant benefit in the form of affordable housing:
 - i. Such applications shall demonstrate that the project will make a significant contribution toward resolving the housing crisis and further achievement of the City's below market rate Regional Housing Needs Assessment (RHNA) goal by providing a significant amount of residential units affordable to both low- and moderate-income households. The units must be constructed on-site and integrated within the overall development;

¹ Amendments to General Plan Policy TR-1.4 will need to be made to implement Section 1.D above and Section D.2.c. of Appendix B of this Policy. Therefore, the effective date of the changes to Section 1.D above and Section D.2.c shall be the same as the effective date to the amendments to General Plan Policy TR-1.4 authorizing the implementation of these sections.

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- c. Provides significant benefit to neighborhood vibrancy in some way, such as by including appropriate neighborhood-serving commercial space as part of the project;
- d. Provides clear analysis on fiscal impact to the City as follows:
 - i. Project applicants must conduct a Fiscal and Jobs/Housing Balance Impact Study for the City Council, subject to City Council approval, that demonstrates the fiscal impacts to the City if it were to approve the proposed project. ~~Study must be submitted as part of the Planning application.~~ Study must be submitted as part of the Planning application process, and applicant must fully pay for the consultant who will be managed by and report directly to the City;
 - ii. Privately proposed General Plan amendments must include the details of the specific proposed project (e.g., a site development permit application submitted simultaneously with a General Plan amendment application) to be considered concurrently by the Planning Commission and City Council at their respective hearings;
- e. Utilizes recycled water if recycled water is available to the site;
- f. Exceeds Parkland Dedication Ordinance/Park Impact Ordinance requirements for City park land integrated into the development for projects sited in areas identified as deficient in park land as defined by the General Plan and Activate SJ or subsequent Citywide parks plans;
- g. Provides sufficient public outreach by, at the very least, conducting extensive community engagement through the entitlement process, and as may be required by City Council;
- h. Satisfies all requirements of the entitlement process including:
 - i. Concurrent submission of a General Plan Amendment application;
 - ii. Concurrent submission of a rezoning proposal consistent with the requirements of state law SB 1333;
 - iii. Concurrent submission of the proposed project (i.e., a Planned Development master permit, Planned Development permit, or a site development permit application) to be processed by staff and considered by the Planning Commission and City Council;
 - iv. Fiscal and Jobs/Housing Balance Impact Study;

III. Commercial; or

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IV. Industrial;

A statement of overriding considerations may also be warranted in certain other circumstances such as Projects' impacts on other jurisdictions' facilities (e.g., ~~freeway impacts~~ safety impacts on the California Highway System) that are not measured with VMT metric.

II. **Local Transportation Analysis**

The following section establishes the City's LTA requirements. All Projects may be required to submit an LTA as determined by the Public Works Director. Land use and area plans typically do not have sufficient detail to conduct an LTA and therefore, may not be required to perform one until a specific development Project application is filed consistent with the land use or area plan. An LTA analyzes the effects of a Project on transportation, access, circulation, and related safety elements proximate to the Project and establishes consistency with the General Plan or other City requirements. An LTA proposes improvements to address adverse effects identified in the analysis. Components of an LTA are discussed in the City's Transportation Analysis Handbook and include, but are not limited to:

- ~~Local Intersection~~ operational analysis, ~~including safety and signalized intersection operations;~~
- Site access and circulation analysis;
- ~~Local neighborhood effects~~ Neighborhood traffic intrusion analysis;
- ~~Local multimodal analysis~~ Pedestrian, bike, and transit facilities and operations;
- Compliance with the County's Santa Clara Valley Transit Authority's Congestion Management Program.

LTAs provide additional information to evaluate transportation conditions proximate to a Project and supplements the VMT analysis. LTAs implement the multimodal vision of the City's General Plan. The General Plan directs new development to help build out the inter-connected, multimodal transportation networks needed to fulfil its vision. The following General Plan Policies guide the implementation of LTAs:

CD-3.3 - Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

LU-9.1 - Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas.

PR-8.5 - Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter formal agreements with the City to maintain trails adjacent to their properties.

TR-1.2 - Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

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TR-1.4 - Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

TR-2.8 - Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

An LTA must identify the existing condition of pedestrian, bicycle, transit and vehicular transportation systems and facilities that would serve, or may be affected by, the proposed Project. Further analysis of site design and access, neighborhood traffic issues, local transportation safety and other area transportation issues may also be studied as specified in the City's Transportation Analysis Handbook and as determined by the City's Departments of Public Works. The Project applicant must complete the proposed LTA prior to, or in conjunction with, the Project's environmental review requirements.

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**APPENDIX A
TO CITY COUNCIL POLICY 5-1
DEFINITIONS OF TERMS**

Term	Definition
High Quality Transit Areas	High quality transit areas are within one half mile of a <i>high quality transit corridor</i> or <i>major transit stop</i> .
High Quality Transit Corridor	Pub. Resources Code § 21155 (b), as may be amended: "A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours".
Internalized trips	Are trips that occur within a Project area whereas they would normally begin or end at further locations outside the Project area.
Level of Service (LOS)	Is a measure of automobile delay through a roadway facility, graded on a scale A through F.
Major Transit Stop	Pub. Resources Code § 21064.3, as may be amended: "Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or 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".
Planned Growth Areas	Areas designated in the City's General Plan to accommodate certain growth expected in the General Plan's horizon.
Transportation Demand Management (TDM)	Strategies to incentivize the more efficient use of existing transportation infrastructure through modal change particularly the encouragement of pedestrian, bike, and transit use.
Trip Cap	A maximum number of vehicle trips that a Project can generate on any given day.
Vehicle Miles Traveled (VMT)	As used in this Policy, a measure of the amount of automobile travel associated with a Project. <i>VMT</i> is measured by multiplying the total vehicle trips by the average distance of those trips, adjusted for the number of people in the vehicles. For residential and employment land uses, <i>VMT</i> is measured for each person who will occupy or use a Project. For large retail and transportation Projects, the net amount of <i>VMT</i> is measured.

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**APPENDIX B
TO CITY COUNCIL POLICY 5-1
POLICY IMPLEMENTATION PROCEDURES**

The Project applicant² must submit a Transportation Analysis (TA) that identifies:

1. Potential transportation impacts as defined in the *VMT* section of this Policy and adverse effects on nearby transportation facilities as identified by the LTA section of this Policy.
2. Mitigations for significant impacts found in the *VMT* analysis and improvements to address adverse effects identified in the LTA analysis. This may include impacts and adverse effects on any multimodal transportation facility (e.g., pedestrian facilities, transit stops, transit reliability, sidewalks, bicycle lanes, roadways, and roadway capacity, etc.).

Both the *VMT* analysis and LTA must comply with professional standards and the methodology included in the City's Transportation Analysis Handbook. TAs must be prepared by a qualified traffic engineer to the satisfaction of the Director of Public Works.

The City's Transportation Analysis Handbook has instructions and procedures to prepare a TA, including the criteria for determination of significance of transportation impacts and to evaluate the effectiveness of mitigation measures. The City's Department of Transportation maintains this Handbook and posts it to the City Public Work's Development Services website. The Handbook is updated on a periodic basis to include evolving industry best practices.

CEQA VMT Implementation Procedures

CEQA Guidelines Section 15126.2 requires that environmental documents determine significant or potentially significant impacts as part of environmental review, including assessment of ~~traffic and~~ transportation effects. The CEQA VMT Implementation Procedures include the following determinations:

- Project Screening Criteria
- CEQA VMT Transportation Thresholds of Significance
- Less than Significant Impacts with ~~and without~~ Mitigation/s
- Significant and Unavoidable Impacts

These determinations are further explained below.

A. Project Screening Criteria

The requirement to perform detailed *VMT* analysis applies to all Projects except the types of Projects that meet the following screening criteria because the Council finds that these Projects will not result in significant transportation impacts and will advance other City goals and policies:

1. **Small Infill Projects:** The City Council finds that these Projects, individually and cumulatively, will not result in significant impacts on the transportation system and will conform to the City's General Plan, and other City goals and policies:
 - A. ~~All office buildings~~ Office Projects of 10,000 square feet of gross floor area or less.
 - B. ~~All industrial buildings~~ Industrial Projects of 30,000 square feet of gross floor area or less.
 - C. ~~All single-family~~ Single-family detached residential Projects of 15 or fewer dwelling units.

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- D. ~~All single-family~~ Single-family attached or multi-family residential Projects of 25 or fewer units.
- E. Hotel or motel Projects of 100 or fewer rooms.

In no case shall any of these above types of small infill Projects meet the screening criteria if they are increments of more than 10 percent (10%) of the gross floor area of a larger Project or "site" as defined in Chapter 20.200 of the San José Municipal Code.

2. **Local-Serving Retail:** Local-serving retail typically diverts existing trips from established local retail to new local retail without measurably increasing trips outside of the area. In recognition of this effect, retail commercial Projects up to a combined total of 100,000 gross square feet meet the City's screening criteria. This criterion is not applicable to ~~hotels/motels, given disparate and context-specific travel patterns, or~~ retail Projects that contain drive-through retail facilities as defined in City Council Policy 6-10 "Criteria for the Review of Drive-through Uses", due to the high auto-traffic volume associated with this type of Project.

In no case shall a Project meet the screening criteria if it is an increment of more than 10 percent (10%) of the gross floor area of a larger Project or "site" as defined in Chapter 20.200 of the San José Municipal Code.

3. **Local-Serving Public Facilities:** Local-serving public facilities either produce very low VMT or divert existing trips from established local facilities to new local facilities without measurably increasing trips outside of the area. For these reasons, they meet the City's screening criteria. These facilities must be publicly owned or controlled; ~~this does not include schools, public or private.~~ Examples of these Projects are:
 - A. Branch ~~Library~~ libraries
 - B. Community ~~Center~~ centers
 - C. Fire stations
 - D. Pumping stations
 - E. ~~Passive~~ Parks
 - F. Police stations
 - G. Public schools

4. **Transit Supportive Office Projects in *Planned Growth Areas* with Low VMT and High Quality Transit:** In accordance with State Law and the City's General Plan, proposed transit supportive office Projects within City Planned Growth Areas, that have VMT below the threshold applicable to the Project's land use, and located near *high-quality transit* meet the City' screening criteria.

~~Residential and commercial Office Projects, as well as mixed-use Projects which are a mix of these above enumerated uses or office components of mixed-use Projects,~~ meet the screening criteria if they meet all of the following ~~minimum~~ criteria (~~a through~~ A through E):

- A. Located within a Planned Growth Area as defined in the General Plan;

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- B. Located within ½ mile of an existing *major transit stop* or a stop along a *high-quality transit corridor*;
- C. The Project area *VMT*, as defined by the ~~City's Transportation Model~~ City-adopted VMT Evaluation Tool, is less than or equal to the CEQA *VMT* threshold for the ~~proposed land use(s)~~ office Projects;
- D. Provides a ~~transit-supporting~~ transit-supportive Project density, measured as:
- I. A minimum Floor Area Ratio (FAR) of 0.75 for ~~commercial~~ office Projects, or ~~commercial portions~~ office components of a mixed-use Project, based on gross floor area; or
 - II. ~~A minimum of 35 dwelling units per acre for residential Projects⁽³⁾, or residential portions of a mixed-use Project; or~~
 - III. If the Project is in a ~~Planned Growth Area~~ General Plan land use designation that has a maximum allowable density below 0.75 FAR, the Project must meet the maximum density allowed in the ~~Planned Growth Area~~ General Plan land use designation;
- E. Provides a minimal amount of parking:
- I. ~~Propose no greater than the minimum number of parking spaces required by Title 20 of the San José Municipal Code (the Zoning Code).~~
 - II. ~~For Projects in Urban Villages, Downtown or other areas that allow for lowered parking rates:~~
 - a. ~~The number of parking spaces proposed must be adjusted to the lowest amount allowed by Zoning Code. For example, in an Urban Village a 50% off-street parking reduction is allowed by Municipal Code Section 20.90.220, if a Project meets certain geographic and transportation demand management criteria. All actions required by the Zoning Code to reduce parking requirements must still be carried out. For example, if a Transportation Demand Management plan is required to lower parking requirements it must still be completed; or~~
 - b. ~~The proposed number of parking spaces can be up to the general zoned minimum without the further reduction to Urban Villages, Downtown or other areas, if the parking provided is shared and publicly available and/or "unbundled" as defined in Chapter 20.200 of the Zoning Code.~~
- F. Does not adversely affect pedestrian, bike, or transit infrastructure. For example, sidewalk widths cannot be reduced below the City's Complete Streets standard; bike lanes cannot be altered to reduce their accessibility or size ~~beyond~~ below the City's Complete Streets standard.
5. **Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit:** In accordance with State Law and the City's General Plan, proposed transit supportive residential Projects within City Planned Growth Areas and located near *high-quality transit* meet the City' screening criteria.

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Market-rate or mixed-income residential Projects, or residential components of mixed-use Projects, meet the screening criteria if they meet **all** of the following criteria (A through D):

- A. Located within a Planned Growth Area as defined in the General Plan;
- B. Located within ½ mile of an existing *major transit stop* or a stop along a *high-quality transit corridor*;
- C. Provides a transit-supportive Project density, measured as:
 - I. A minimum of 35 dwelling units per acre for residential Projects³¹, or residential components of a mixed-use Project; or
 - II. If the Project is in a General Plan land use designation that has a maximum allowable density below 35 dwelling units per acre, the Project must meet the maximum density allowed in the General Plan land use designation;
- D. Does not adversely affect pedestrian, bike, or transit infrastructure. For example, sidewalk widths cannot be reduced below the City's Complete Streets standard; bike lanes cannot be altered to reduce their accessibility or size below the City's Complete Streets standard.

6. **Restricted Affordable, Transit Supportive Residential Projects in ~~Planned Growth Areas with High Quality Transit~~:** Residents of affordable residential Projects typically have a lower VMT footprint than residents in market rate residential Projects. This pattern is particularly evident in affordable residential Projects near transit.⁴¹ In recognition of this effect, and in accordance with State Guidelines and the City's General Plan, proposed transit supportive, restricted, affordable housing residential Projects ~~within City Planned Growth Areas~~, that are near *high quality transit*, meet the City's screening criteria.

Affordable residential Projects, as well as affordable residential ~~portions~~ components of mixed-use Projects, meet the screening criteria if the Project meets all of the following ~~minimum~~ criteria (~~a through f~~ A through D):

- A. Provide 100% restricted affordable units, excluding unrestricted manager units, at or below income levels as defined in General Plan Policy IP-5.12. Affordability restrictions must be recorded and extend for a minimum of 55 years for rental homes or 45 years for for-sale homes;
- B. ~~Located within a Planned Growth Area as defined in the General Plan.~~
- C. Located within ½ mile of an *existing major transit stop* or a stop along *high quality transit corridor*;
- D. ~~A minimum of 35 dwelling units per acre~~ Provide a transit-supportive Project density, measured as:
 - I. A minimum of 35 dwelling units per acre; or
 - II. If the Project is in a ~~Planned Growth Area~~ General Plan land use designation that has a maximum allowable density below 35 dwelling units per acre, the Project must meet the maximum density allowed in that ~~Planned Growth Area~~ General Plan land use designation.

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~~III. Projects that are proposed in areas where VMT is above the CEQA Threshold for Determination of Significant Transportation Impact must include a TDM plan approved by the Public Workers Director as part of their LTA.~~

E. ~~Provides a minimal amount of parking:~~

~~I. Propose no greater than the minimum number of parking spaces required by Title 20 of the San José Municipal Code (the Zoning Code).~~

~~II. For Projects in Urban Villages or Downtown:~~

~~a. The number of parking spaces proposed must be adjusted to the lowest amount allowed by the Zoning Code. For example, a street parking reduction of 50 percent is allowed in Urban Villages by Municipal Code Section 20.90.220, if a Project meets certain geographic and transportation demand management criteria.~~

~~b. The proposed number of parking spaces can be up to the general zoned minimum without the further reduction to Urban Villages, Downtown or other areas, if the parking provided is shared and publicly available and/or "unbundled" as defined in Chapter 20.200 of the Zoning Code.~~

Does not adversely affect pedestrian, bike, or transit infrastructure. For example, sidewalk widths cannot be reduced below the City's Complete Streets standard; bike lanes cannot be altered to reduce their accessibility or size ~~beyond~~ below the City's Complete Streets standard.

7. **Transportation Projects that reduce or do not affect VMT:** Transportation Projects that inherently support environmental, land use, and transportation goals of the City and State by reducing significant traffic impacts to a less than significant level or being neutral to meet the City's screening criteria. Examples include transportation Projects that enhance pedestrian, bike, or transit infrastructure, and transportation Projects that maintain current infrastructure, without adding new automobile capacity. The Governor's Office of Planning and Research in the 2017 Guidelines for Implementing SB 743 published a list of such Projects that is enumerated below:

- Rehabilitation, maintenance, replacement, and repair Projects designed to improve the condition of existing transportation assets (e.g., highways, roadways, bridges, culverts, tunnels, transit systems, and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle lanes.
- Roadway shoulder enhancements to provide "breakdown space," otherwise improve safety or provide bicycle access.
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety.
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, or emergency breakdown lanes that are not utilized as through lanes.

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- Addition of roadway capacity on local or collector streets provided the Project also substantially improves conditions for pedestrians, bicyclists, and, if applicable, transit.
- Conversion of existing general-purpose lanes (including ramps) to managed lanes or transit lanes or changing lane management in a manner that would not substantially decrease impedance to use.
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through travel lanes.
- Grade separation to separate vehicles from rail, transit, pedestrians, or bicycles, or to replace a lane to separate preferential vehicles (e.g. HOV, HOT, or trucks) from general vehicles.
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features.
- Traffic metering systems.
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow.
- Installation of roundabouts or traffic circles.
- Installation or reconfiguration of traffic calming devices.
- Adoption of or increase in tolls.
- Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase.
- Initiation of new transit service.
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes.
- Removal or relocation of off-street or on-street parking spaces.
- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Addition of traffic wayfinding signage.
- Rehabilitation and maintenance Projects that do not add motor vehicle capacity.
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way.
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel.
- Installation of publicly available alternative fuel/charging infrastructure.
- Addition of passing lanes in rural areas that do not increase overall vehicle capacity along the corridor.

EXHIBIT "A"**B. CEQA VMT Transportation Thresholds of Significance**

VMT, as used in this Policy, measures the amount of personal motorized vehicle travel associated with a Project. *VMT* is measured by multiplying the total vehicle trips by the average distance those trips travel.

For residential and ~~employment uses other than retail commercial uses~~ office Projects, *VMT* is measured for each person who will occupy or use the Project. For retail ~~commercial~~ and transportation Projects, the net amount of *VMT* is measured to identify potential impacts.

The thresholds of significance, by Project type used by the City of San José to measure *VMT* are described in Table 1 of this Policy. Detailed methods for calculating *VMT* by Project type are further described in the City's Transportation Analysis Handbook.

C. Less than Significant Impacts with Mitigation

If a Project is determined to have a significant impact on *VMT*, it must reduce ~~that the impact by modifying the Project *VMT* to an acceptable level; that is (below the established thresholds of significance applicable to the Project) by modifying the Project, and/or mitigating the impact through providing multimodal transportation network improvements, or transportation demand management program as measured by and/or implementing programmatic Transportation Demand Management measures with a *Trip Cap*.~~ that the impact by modifying the Project *VMT* to an acceptable level; that is (below the established thresholds of significance applicable to the Project) by modifying the Project, and/or mitigating the impact through providing multimodal transportation network improvements, or transportation demand management program as measured by and/or implementing programmatic Transportation Demand Management measures with a *Trip Cap*.

Methodologies for measuring and mitigating *VMT* for Projects are described in the City's Transportation Analysis Handbook. These methodologies for measuring and mitigating *VMT* for Projects must conform to the City's Transportation Analysis Handbook.

A *Trip Cap* as used in this Policy is a maximum number of vehicle trips allowed during any given day associated with a Project. The City, in coordination with the Project applicant, will set a Project's *Trip Cap* at a level that is reasonably attainable through proven means and enables the Project's *VMT* to be reduced below the relevant threshold(s). The TA must include a plan for implementation and funding of the *Trip Cap* for the life of the Project and will become part of the Project's conditions of approval. Further, this plan must include methods for an annual trip mitigation, monitoring and reporting program (MMRP). The requirements of *Trip Cap* monitoring must include contingency plan for the City to make changes if the *Trip Cap* ~~compliance~~ monitoring reports demonstrate a failure to reduce the number of vehicles.

A short grace period not to exceed six (6) months will be provided to Projects that are not in compliance with their *Trip Cap* requirements based on the annual monitoring report. Such a non-conforming Project will be required to submit a new *Trip Cap* implementation plan which includes how and why the already established plan failed and new strategies and measures to attain the *Trip Cap*.

Monetary fees will be assessed if a Project is not in compliance with its *Trip Cap* after the grace period. The annual monetary fees are set at 1/5th the cost of the Transportation System Improvement(s) value defined in Section D2 below. Monetary fees collected will be used in the same manner as described in Section D2 below.

EXHIBIT "A"**D. Significant and Unavoidable Impacts**

If a Project is unable to fully mitigate VMT impact(s) and thus results in significant and unavoidable VMT transportation impact(s), the Project may:

1. Modify/Change or relocate the Project to a low VMT site to meet VMT threshold(s). This could include the following: Changing the Project type, increasing density and land use diversity, adjusting Project design, reducing off-street parking supply, replacing market-rate units with affordable housing residential units, include local multimodal transportation network improvements as part of the Project, or undertake the Project in an area of the City where VMT is lower; or
2. The City Council may adopt a statement of overriding considerations as part of the environmental impact report certification process pursuant to Public Resources Code 21081.

Council will only consider a statement of overriding considerations for Projects that meet the following criteria:

A. Commercial (including industrial and retail) Projects that:

- I. Demonstrate overriding benefits to the City, as determined by the City Council, in accordance with Public Resources Code 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), based on a recommendation by City staff; and
- II. Are consistent with the General Plan, and any applicable area plan(s) and policies.

B. Residential Market-rate or mixed-income residential Projects that:

- I. ~~Are located in Urban Villages as defined in the City's General Plan~~ Are consistent with the City's General Plan land use designation or future City-initiated General Plan amendments²;
- II. Demonstrate overriding benefits to the City, as determined by the City Council, in accordance with Public Resources Code 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), based on a recommendation by City staff; and
- III. ~~Meet the density requirements specified in the Transit Supportive Projects in Planned Growth Areas with Low VMT and High Quality Transit screening criteria; and~~
- IV. Are consistent with the General Plan, and any applicable area plan(s) and policies.

C. Market-rate or mixed-income residential Projects that require a privately initiated General Plan amendment must:

² Amendments to General Plan Policy TR-1.4 will need to be made to implement Section 1.D above and Section D.2.c. of Appendix B of this Policy. Therefore, the effective date of the changes to Section 1.D above and Section D.2.C shall be the same as the effective date to the amendments to General Plan Policy TR-1.4 authorizing the implementation of these sections.

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- I. Demonstrate overriding benefits to the City, as determined by the City Council, in accordance with Public Resources Code 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), based on a recommendation by City staff;
- II. Be within the Urban Growth Boundary and Urban Service Area on property designated as Private Recreation and Open Space on the Land Use/Transportation Diagram of the General Plan as of November 29, 2022. In addition, the site cannot be located in the Coyote Valley Conservation Program Area, as defined by AB 948 or any other land formally designated for conservation;
- III. Provide significant benefit in the form of affordable housing:
 - a. Such applications shall demonstrate that the project will make a significant contribution toward resolving the housing crisis and further achievement of the City's below market rate Regional Housing Needs Assessment (RHNA) goal by providing a significant amount of housing affordable to both low- and moderate-income households. The units must be constructed on-site and integrated within the overall development;
- IV. Provide significant benefit to neighborhood vibrancy in some way, such as by including appropriate neighborhood-serving commercial space as part of the project;
- V. Provide clear analysis on fiscal impact to the City as follows:
 - a. Project applicants must conduct a Fiscal and Jobs/Housing Balance Impact Study for the City Council, subject to City Council approval, that demonstrates the fiscal impacts to the City if it were to approve the proposed project. Study must be submitted as part of the Planning application process, and applicant must fully pay for the consultant who will be managed by and report directly to the City;
 - b. Privately proposed General Plan amendments must include the details of the specific proposed project (e.g., a site development permit application submitted simultaneously with a General Plan amendment application) to be considered concurrently by the Planning Commission and City Council at their respective hearings;
- VI. Utilize recycled water if recycled water is available to the site;
- VII. Exceed Parkland Dedication Ordinance/Park Impact Ordinance requirements for City park land integrated into the development for projects sited in areas identified as deficient in park land as defined by the General Plan and Activate SJ or subsequent Citywide parks plans;
- VIII. Provide sufficient public outreach by, at the very least, conducting extensive community engagement through the entitlement process, and as may be required by City Council; and

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- IX. Satisfy all requirements of the entitlement process including:
- a. Concurrent submission of a General Plan Amendment application;
 - b. Concurrent submission of a rezoning proposal consistent with the requirements of state law SB 1333;
 - c. Concurrent submission of the proposed project (i.e., a Planned Development master permit, Planned Development permit, or a site development permit application) to be processed by staff and considered by the Planning Commission and City Council; and
 - d. Fiscal and Jobs/Housing Balance Impact Study.

To be eligible under clauses ~~a. and b.~~ A., B., and C. above, a Project must also construct or fund multimodal transportation improvement(s), called Transportation System Improvement(s) that will improve system efficiency and/or safety, enhance non-auto travel modes, and promote citywide reduction of VMT. A Project’s contribution, either through construction or payment towards improvements and expansion of the City’s multimodal transportation system, is a way to achieve and be consistent with the related General Plan goals and policies.

The value of Transportation System Improvements that a Project applicant must construct or fund will be based on the amount of VMT impacts their Project is unable to mitigate. Table 2, VMT Values for Transportation System Improvements shows the values for ~~commercial office,~~ industrial, retail, and residential Projects per vehicle mile traveled not mitigated.

Table 2 - VMT Value for Transportation System Improvements

Project Type	Value (2022 dollars)
Commercial (<u>Including; Office, Industrial, and Retail</u>)	\$3,200 <u>\$3693</u> per Vehicle Mile Traveled not mitigated
Residential	\$2,300 <u>\$2654</u> per Vehicle Mile Traveled not mitigated

The value of Transportation System Improvements will increase annually, on January 1st in line with the Engineering News-Record Construction Cost Index (ENR CCI) to ensure that the value remains consistent over time.

The total amount of Vehicle Mile Traveled not mitigated will be calculated by applying the formulas described in Table 3.

EXHIBIT "A"**Table 3 – Vehicle Mile Traveled not Mitigated**

<u>Project Type</u>	<u>Vehicle Mile Traveled not mitigated</u>
<u>Office, Industrial</u>	<u>VMT per employee not mitigated x Project employees</u>
<u>Residential</u>	<u>VMT per capita not mitigated x Project residents</u>
<u>Retail</u>	<u>Total VMT not mitigated</u>

For purposes of clarification, improvements to the citywide multimodal transportation system as discussed in this section are not "mitigation" for significant VMT impacts, as mitigation is defined by CEQA. Such improvements would not necessarily reduce or avoid the significance of VMT impacts that cannot be mitigated. These improvements to the multimodal transportation system are one of the overriding benefits to the community and findings made to this effect that can assist the Council in determining whether the overriding benefits of the proposed Project outweigh the significant effects on the environment.

- D. Affordable ~~housing~~ residential Projects that are 100% restricted affordable units, excluding unrestricted manager units, at or below income levels as defined in General Plan Policy IP-5.12. Affordability restrictions must be recorded and extend for a minimum of 55 years for rental homes or 45 years for for-sale homes.

Affordable ~~housing~~ residential Projects must be consistent with ~~the General Plan, as well as~~ any applicable area plan(s) and policies, and the City Council may consider a statement of overriding considerations even if the Project's VMT impact cannot be fully mitigated to a less than significant level. These affordable ~~housing~~ residential Projects will be required to mitigate their VMT impacts to the maximum extent feasible, as determined by the ~~City of San José's Vehicle Miles Traveled City-adopted VMT Evaluation Tool~~, including implementation of ~~a tailored TDM plan~~ programmatic Transportation Demand Management measures. However, these Projects would not be required to construct or fund Transportation System Improvements.

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**APPENDIX C
TO CITY COUNCIL POLICY 5-1
FLOW CHART OF THE TRANSPORTATION ANALYSIS PROCESS**

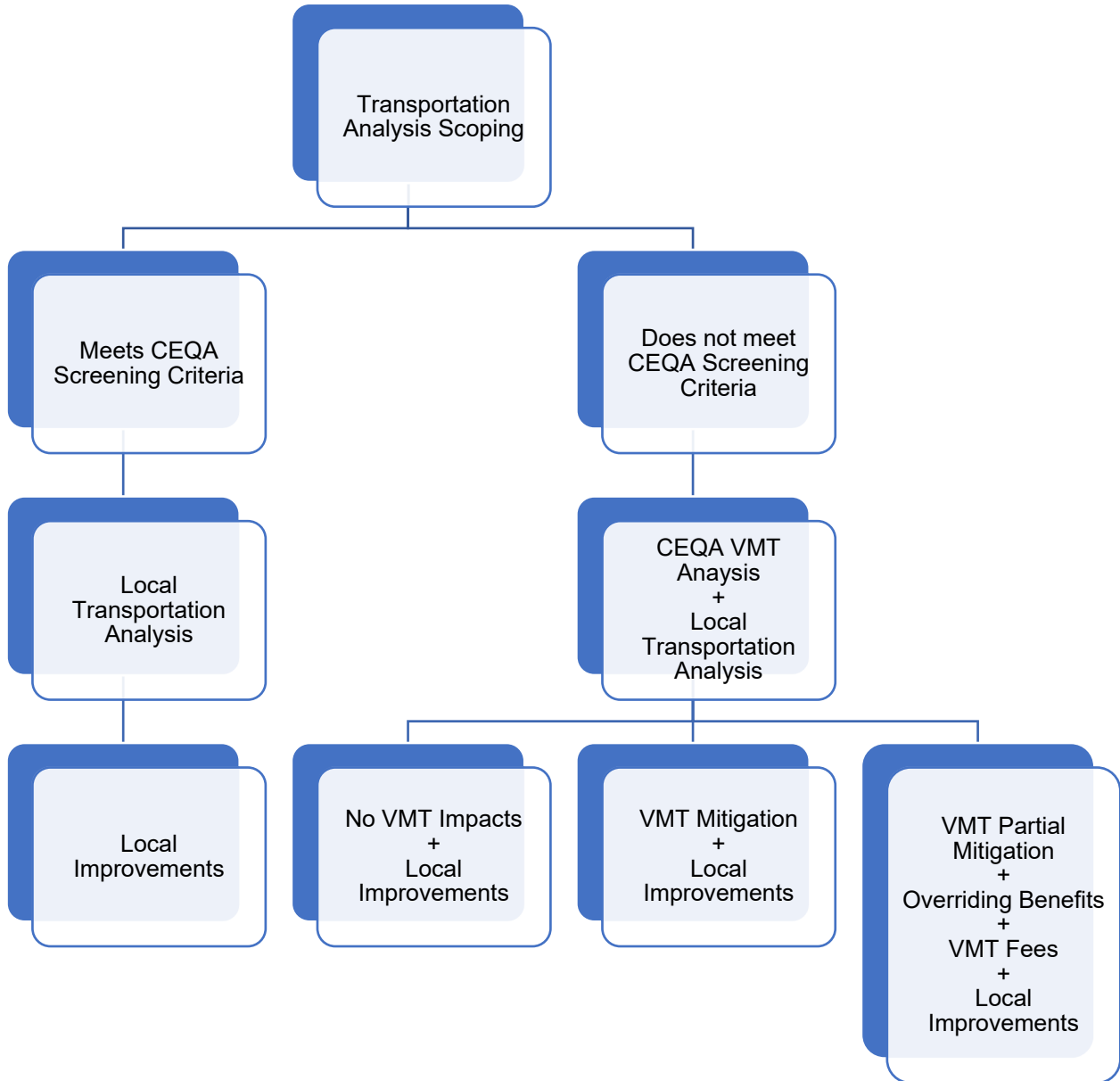


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- ^[1] For the Purposes of this Policy, the region is the Bay Area's Metropolitan Planning Organization's boundaries.
- ^[2] For this Policy, the term "applicant" refers to the individual or entity that has requested an entitlement or discretionary development approval from the City of San José.
- ^[3] 35 units per acre is derived from the California State Office of Planning and Research's suggested FAR of 0.75.
- ^[4] Newmark and Hass, "Income, Location Efficiency, and VMT: Affordable Housing as a Climate Strategy", The California Housing Partnership, 2015.