

## EPC Questions – May 20, 2020

### Item 6.1 - Senate Bill 743: CEQA Transportation Analysis

**1. Is there a requirement that the Transit Priority Area has to be the same for both residential and for office?**

*The Transit Priority Area can be applied to all trip generating land uses. It is not required but is recommended as part of a long-range VMT reducing strategy of increasing the density and mix of land use near transit and improving transit service to those areas. There is no substantial evidence that residential and office land uses would have a significantly different relationship to transit, or would generate different types of transit trips. Therefore, there is no basis to create different TPAs for different land uses.*

**2. Is it fair to say that a consequence of not approving the Transit Priority Area part of the SB-743 resolution is that the State might not approve our compliance methodology and we would not allowed to proceed with development reviews until the issue is resolved?**

*The State does not approve our methodology to comply with SB 743. The CEQA Guidelines and OPR recommendations propose that projects within ½ mile of transit be presumed to have a less than significant transportation impact and screened from further CEQA VMT analysis. This recommendation is supported by substantial evidence and research by OPR. If the City wanted to deviate from this criteria, the City would need substantial evidence to support the proposed criteria. The City's analysis and review supports the recommended criteria, as does our land use planning documents.*

**3. What does CEQA VMT analysis entail? How does it compare to Multimodal Transportation Analysis? Are there examples of each that staff can share?**

*VMT analysis involves estimating how much driving will be generated by a project, primarily due to the travel efficiency of the location. A project's VMT is determined using VTA's VMT Estimation Tool based on the project location and description. This is compared to the threshold to determine if there is a negative declaration (project VMT is below threshold) or if mitigation is required.*

*By contrast, MTAs shall include analyses of different components, such as LOS, pedestrian and bicyclist experience, queuing, safety, compliance with other planning documents and the CMP, in addition to VMT analysis for projects that would be screened from having to do a VMT analysis through CEQA.*

*Given the MTA framework is being developed right now, there are no examples to share for the Mountain View context. Staff is developing material to share the expected contents of the MTA. Similar approaches are already developed in the City of San Jose and other jurisdictions.*

**4. Staff report exhibit 1: Why is the office VMT for MV is marked as N/A in this table? This number is listed as 10.32 in the staff report for the Apr 15 EPC meeting.**

*This is a correction to an error in the April 15 staff report. The citywide average VMT per employee for office is not applicable in setting the threshold, because office employment trips are regional, and the threshold must be based on a regional reference average.*

**5. Are cities required to have proximity to transit screening? How much leeway do cities have? Does MV have a unique situation that might make it an exception to the OPR recommendation?**

*Screens, including a proximity to transit screen, are recommended by OPR for CEQA analysis. Transit services in Mountain View does not present any unique situation that would support Mountain View adopting an exception to this recommendation. The proposed TPA screen locations are all served by transit with frequencies of 15 minutes or better during the peak commute hours, which aligns with the standard definition of "high quality transit" according to the State.*

**6. Staff report page 8: "Staff also notes the geographic area subject to this screen is extremely limited in Mountain View, as most of the City is already screened out from further CEQA transportation analysis as discussed in this section."**

**Comment: I assume this sentence refers to small residential projects and not small office projects. If so, please edit the sentence to clarify.**

*Yes; Staff has edited the small project screening recommendation in the Staff Report for Council to clearly indicate that the limited geographic area in Mountain View subject to this screen pertains to small residential projects and not small office projects.*

**7. Staff report page 12: "Projects above a certain threshold may be required to prepare an MTA. The determination of whether an MTA is required will be based upon screening criteria to be outlined in an MTA Handbook currently under development by the Public Works Department."**

**Question: What screening criteria and threshold is the Public Works Department considering for MTA?**

*At this point, the Public Works Department has determined the MTA will contain the same screening criteria utilized for the SB 743 CEQA Small Project screening criteria – specifically the 110 daily trip threshold, meaning projects that attract or generate fewer than 110 daily trips shall be screened out from being required to conduct the MTA analysis. This is consistent with standard practice for small project evaluation prior to SB 743, as well as with the new SB 743 policy for small projects.*

**8. From my understanding at the last EPC mtg, Public Works stated that the new MTA screening method is, in a sense, better than the current CEQA method for determining a project's traffic consequences. You almost want to use this process for every project in that case, but even the Governor's Office doesn't recommend that. I understand by going to the new process outlined in the flowchart (Fig.1 of staff report) we are streamlining the process, thereby potentially promoting development in certain areas, and the Governor's Office has an agenda of where that development ought to be.**

**I understand that Council is in agreement with the EPC to use a uniform reference average. However, I also understand staff's original desire to balance out how much we promote housing versus commercial/office. A uniform reference average is ideal, but reality begs non-uniformity to balance the imbalance.**

**Remind me, what were the methods by which we ended up with a large discrepancy in our housing:office ratio to begin with?**

*The high value and demand of office land uses in Mountain View have for several decades outpaced the growth of residential land uses. Since that time, the City has worked to increase residential densities through our 2030 General Plan and have had some policies to help achieve greater balance between these two land uses. However, the large amount of land in areas like North Bayshore and East Whisman have had more capacity to add office land uses, and therefore this outpaced residential growth in other areas.*

*Recently, with the precise plans in North Bayshore and East Whisman, new residential land uses and policies that link jobs to housing have become the key methods used to try to help achieve a greater balance between these land uses in these key areas.*

**9. In what other ways can the city effectively bring the housing:office ratio back into balance without using a non-uniform reference standard for this process?**

*Using the uniform reference averages for setting screening criteria and thresholds is just one indirect way the City can plan to achieve a better jobs-housing balance. Other effective strategies have been used by the City, such as allowing new residential uses in Precise Plan areas and adopting jobs-housing linkage policies.*

**10. How often will the City re-evaluate these standard reference averages and have the chance to see if things are working out?**

*Although the expected interval in which Staff will evaluate the efficacy of the SB 743 compliance policy is undetermined at this time given the new policy arena, we are eager to ensure the adopted policies achieve the aims of the State law. Also, the City will evaluate and bring up to date this policy pursuant to updates on reference averages and tools presented by VTA. Moreover, it is reasonable to say the City will need to review development projects that will be subject to the screening criteria, thresholds of significance, and MTA policies to understand the policy's strengths and weaknesses. A year after the Effective Date may provide a good opportunity for Staff to evaluate policy effectiveness but hopes to have the relevant data for analysis to this end prior to the 1-year mark.*

**11. Are there penalties for not using a standard recommended by the Governor's Office?**

*There aren't formal penalties established or enforced by the State regarding this, but the City could face legal challenges if an adopted standard was found to not be based on substantial evidence.*

**12. The only way to increase density and have a functioning city without full traffic congestion is if people live near work and minimally use a car. I know the city is trying to promote biking/walking as best as it can short of giving a bike to every citizen. Given our county's higher Office VMT (versus the region's), are there legal and ethical ways to promote available housing for MV/local workers?**

*Restricting housing to only Mountain View residents could potentially violate fair housing laws. One of the key strategies the City is using is to allow more higher density residential uses in areas such as North Bayshore and East Whisman so residents are closer to job rich areas. Another potential strategy is if a private entity (i.e. a company or school) decided to build housing and restrict its use to only local*

*workers/residents. This could still be challenged by fair housing laws, but this is a strategy used by Stanford University, and staff believes it is also used by Facebook in Menlo Park.*

**13. In the opinion of staff, would Attachment A of the Resolution to comply with SB 743 be clearer if the sentence “Retail projects larger than 50,000 square feet may be considered regional-serving and would be subject to the retail land use threshold of significance” be more clear if it were to be rewritten, “Retail projects larger than 50,000 square feet shall be considered regional-serving and shall be subject to the retail land use threshold of significance”?**

*The resolution provides guidance for how the City is planning to define retail land use thresholds, while using language that provides some flexibility in its interpretation in case it makes sense in certain instances or conditions.*

**14. The only reference to the MTA in the resolution states, “For projects screened out from being subject to a detailed CEQA VMT analysis, a Multi-Modal Transportation Analysis shall be required.” Would it be helpful to clarify that the expectations for requiring a Multi-Modal Transportation Analysis apply to more sets of projects than these?**

*It could be helpful to revise the resolution language to clarify the applicability of the MTA policy. The idea is that MTA screening will tell project proponents whether their project requires MTA analysis, CEQA VMT analysis, both analyses, or none of the above. All subject to a CEQA VMT analysis shall also conduct a multi-modal transportation analysis (MTA). Not all projects required to conduct an MTA will have to conduct a CEQA VMT analysis. Projects exempt from the MTA shall also be exempt from the CEQA VMT analysis.*

**15. And a nit: would Attachment A be more clear if it said “Reference average VMT per capita and per employee baseline values...”, instead of ‘or’?**

*Yes, Staff can modify this language in the resolution to City Council to include the suggested change.*