



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: June 9, 2005

COUNCIL DISTRICT: Citywide

**SUBJECT: MODIFICATIONS TO THE CITY OF SAN JOSE'S TRANSPORTATION
IMPACT POLICY (TRAFFIC LEVEL OF SERVICE (LOS) POLICY)**

RECOMMENDATION

The Planning Commission voted 6-0-1, Commissioner Dhillon absent, to recommend that the City Council approve the proposed Modifications to the City's Transportation Impact Policy as recommended by staff.

BACKGROUND

On June 2, 2005, the Planning Commission held a public hearing to consider modifications to the City's Transportation Impact Policy. The Directors of the Departments of Planning, Building and Code Enforcement, and of Transportation recommended approval of the proposed modifications.

Discussion on Environmental Impact Report

The Planning Commission first took public testimony on the Environmental Impact Report (EIR). Members of the public raised concerns about the potential for increased cut-through traffic in areas surrounding the proposed "protected" intersections, and one individual suggested that reopening Mission Street between 8th and 10th streets could improve operations near the First and Taylor Street intersection, proposed to be a protected intersection. A resident living near the intersection of Winchester and Stevens Creek Boulevards commented that future redevelopment of the large agricultural facility on Winchester located in Santa Clara could impact the intersection and had not been specifically analyzed in the EIR. Staff and the environmental consultant responded that the proposed Policy modification would establish a process for funding offsetting transportation improvements and traffic calming with input from area residents, and also commented that reopening of Mission Street was not included in the EIR as it would not constitute an environmentally-superior alternative.

Commissioner Zito stated that the EIR adequately addresses issues and that it does a good job specifically addressing cut-through traffic, and requested that as individual projects come before the Commission, analysis of area traffic operations still be provided. Commissioner Levy asked for clarification on which intersections the new Policy methodology would apply to, and staff clarified

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that it is used for analysis of intersections contained on the list of the protected intersections, and that the addition of new intersections would require analysis with an environmental impact report.

The Planning Commission then certified the Environmental Impact Report.

Testimony on the Proposed Policy Modification

The Commission then discussed the proposed modification to the Transportation Impact Policy with Commissioners Levy and Platten commending staff for a "cutting edge" approach to level of service impacts. The Commissioners commented that increased fees could be appropriate for projects with impacts on multiple protected intersections. Staff responded that the proposed fee would be based on the number of trips anticipated from the entire development, not just those affecting specific intersections, and that the proposed policy provides that additional offsetting improvements may be required for exceptionally large projects.

Chris Augenstein, of the Valley Transportation Authority staff, commented that the policy was a step in the right direction for transportation planning, that it would provide greater flexibility to respond to neighborhoods, would encourage infill development in appropriate locations and would promote a more balanced transportation system by funding alternate modes.

Commissioner Zito responded to additional public testimony concerning the future delays at the intersection of First and Taylor Streets, commenting that the proposed policy represented the lesser of two evils in that instead of taking land near that intersection for additional widening, the City would allow times of greater congestion but not widen the street, which would also be more pedestrian-friendly. A resident of the Stevens Creek/Winchester Boulevards area expressed concern about the inclusion of that intersection as a protected intersection, noting that some stretches are 10 lanes wide. Staff responded that the streets are identified as TOD (transit-oriented development) corridors in the General Plan, and that the intersection is built-out, and that recent development in the area such as Santana Row had been the catalyst for new pedestrian activity, so that the intersection meets the criteria to be listed as protected under the policy. Another speaker commented that a fixed number of trips could be a better "trigger" for developer funding of offsetting improvements than the proposed 1/2 % trigger, because using a percentage continues to allow the total trips to grow, and the half-percent to be a larger number over time. Staff responded that a percentage is appropriate because a fixed number could be a large share of some intersections, and a much smaller share of others.

The Commission then closed the public hearing.

Commission Discussion on the Proposed Policy Modification

Commissioner Levy expressed concern that future LOS delay at First and Taylor Streets is projected to be 143 seconds and suggested it could be appropriate to identify a limit on future degradation, and commented that the situation on Capitol Expressway is a concern. Planning Director Haase commented that the policy creates trade-offs, and that a 60-second additional delay in a resident's daily commute might be outweighed by the improvement in quality of life from not widening these intersections, and by investing money in alternate modes and traffic calming instead. Director Haase

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further commented that the other 800+ intersections in the City would still be under the usual LOS policy requirements, and would continue to receive traffic improvements as necessary for new development. Hans Larsen of the Department of Transportation (DOT) staff commented that new technology for smarter signals is becoming available and that the Capitol corridor would be a priority.

Commissioner Zito stated that he agreed with earlier comments that more funds for offsets could be appropriate for projects which affect many intersections. DOT staff indicated that using the trips from the whole project was more equitable, that the size of the proposed fee had been developed based on the historical relationship between project size and typical transportation improvement costs, and that the City is balancing the need to continue to have development with the possible enhanced benefits available if a higher fee was collected. Commissioner Zito further commented that small projects should not be allowed to pass through without making a contribution, to which staff responded that the policy proposes lowering the threshold for protected intersections to ½ % to capture more small projects.

Commissioner James asked how cut through traffic could be identified for future projects, to which DOT staff responded that the traffic pattern is estimated for proposed projects, that the City's traffic calming program can take measurements to assess existing problems, that the new policy will give staff a new powerful tool to work with the community, and that some neighborhood outreach for areas needing work had already occurred through the Strong Neighborhoods Initiative (SNI) program. Commissioner James asked why total trips, including AM and PM, weren't used, to which staff responded that the worst case situation is the most appropriate to use and is similar to the citywide LOS policy methodology.

Commissioner James then asked about the process required to add new intersections to the list. Director Haase responded that there is a high bar to add additional intersections, and that an Environmental Impact Report would be required that would include analysis of traffic from ultimate buildout of the General Plan land uses surrounding the intersection. Commissioner Zito again commented that the proposed cap on developer fees per trip could perhaps be raised to help generate funds, given the \$60 million deficit in the City's General Fund. Director Haase responded that staff believes that lowering the threshold to ½ % will generate more funds, and that the City needs to be responsible to the finances of proposed projects.

Staff from DOT explained the outreach program for the Policy modification and commented that in general, the community supports the \$3000-per-trip fee cap, but had expressed that a 3.5 % annual fee escalation factor now included in the policy was very important to make sure future funding levels are appropriate. Commissioner Zito commented that working with the neighborhoods will require significant staff resources and consideration should be given to increasing the upper fee limit. Commissioner James suggested that the ½ % trigger threshold be used for all intersection LOS impacts citywide, and not just for protected intersections. DOT staff responded that using the 1% trigger for most intersections still allows some smaller infill development to occur, and that in the future, it could be appropriate to move to the lower threshold.

Commissioner Zito supported the recommendation to approve the policy modification, and commented that parking caps to limit available parking in some parts of the City should be

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considered, and suggested a compromise trigger threshold for citywide LOS impacts of $\frac{3}{4}$ %. Director Haase indicated that some special planning areas could have more limited parking by design, especially near transit. Commissioner Levy stated that staff had done "cutting edge" work to address a complex issue, had appropriately included a high hurdle to add additional intersections to the list.

The Commission then voted 6-0-1, Commissioner Dhillon absent, to recommend approval of the Policy modification to the City Council.

OUTCOMES

Approval of the proposed Transportation Impact Policy update would provide for creation of a list of "protected intersections" which would not be further improved as a result of LOS impacts from future development, but for which a developer would instead pay a project-size related fee to contribute to offsetting improvements to enhance alternate transportation modes in the area in collaboration with the local community.

PUBLIC OUTREACH

Extensive public outreach was conducted for the revised policy including ten community meetings, special presentations to community organizations, stakeholder groups and other public bodies, along with notices posted on the web, and in the Mercury News. Additional standard public noticing was conducted as part of the environmental review process for the EIR, and the draft EIR circulation period, originally scheduled to extend from August 27 to September 25, 2004, was extended to December 6, 2004 for a total of 97 days in response to public interest. Staff in the Planning Department and the Department of Transportation have been available to respond to questions.

COORDINATION

The revised Transportation Impact Policy has been prepared by the Department of Transportation working in collaboration with the Department of Planning, Building and Code Enforcement, the Department of Public Works, the Office of Economic Development, the City Attorney's Office and the Redevelopment Agency.

CEQA

An Environmental Impact Report prepared for the project was certified by the Planning Commission on June 2, 2005.


STEPHEN M. HAASE
Secretary, Planning Commission

cc:

