

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
ADOPTING GENERAL PLAN AMENDMENT NO
23-01 TO REVISE TRANSPORTATION POLICY t-
1.8, ADOPTING THE VEHICLE MILES
TRAVELED THRESHOLDS AND GUIDELINES
AS RECOMMENDED BY THE MERCED COUNTY
ASSOCIATION OF GOVERNMENTS BY
REFERENCE, AND ADOPTING A CEQA
STATUTORY EXEMPTION PURSUANT TO
SECTION 15308 OF THE CEQA GUIDELINES**

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

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

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

WHEREAS, the City of Merced ("City"), as a lead agency on certain projects, implements CEQA; and,

WHEREAS, public agencies in California including the City have historically relied on a metric known as “Level of Service” (“LOS”) to evaluate the transportation impacts of development projects under CEQA; and

WHEREAS, Senate Bill 743 (“SB 743”), enacted in 2013 and codified in Public Resources Code Section 21099, required changes to the CEQA Guidelines replacing LOS as the metric to evaluate transportation impacts of development projects with a more appropriate metric; and,

WHEREAS, in 2018, OPR proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines Section 15064.3 that identifies Vehicle Miles Traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts; and

WHEREAS, CEQA Guidelines Section 15064.3 went into effect on July 1, 2020, and pursuant to Public Resources Code Section 21099(b)(2), "automobile delay, as described solely by level of service, shall not be considered a significant impact on the environment," thus eliminating LOS as a viable metric by which to evaluate the transportation impacts of development projects under CEQA; and,

WHEREAS, LOS remains a relevant metric with which to assess a project's impacts to traffic and consideration of a project's overall consistency with the City's General Plan, and may also be used as a tool for transportation planning and operational analysis; and,

WHEREAS, the Merced County Association of Governments ("MCAG"), in coordination with its consultant LSA, has created a document entitled, "VMT Thresholds and Implementation Guidelines" for its member jurisdictions in Merced County and adopted such document on November 17, 2022; and,

WHEREAS, the City wishes to adopt the MCAG VMT Thresholds and Implementation Guidelines in order to bring the City's transportation analysis methodology in line with State and City goals pursuant to SB 743; and,

WHEREAS, .On March 8, 2023, the City of Merced Planning Commission held a duly noticed public hearing and voted to recommend approval of General Plan Amendment No. 23-01.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City of Merced hereby adopts a Statutory Exemption pursuant to Section 15308 of the CEQA Guidelines for General Plan Amendment No. 23-01.

SECTION 2. The City of Merced hereby adopts the revisions to Transportation Policy T-1.8 of the *Merced Vision 2030 General Plan* (known as General Plan Amendment No. 23-01) as outlined in Exhibit "A."

SECTION 3. The City of Merced hereby adopts the Merced County Association of Governments' Vehicle Miles Traveled Thresholds and Implementation Guidelines, as may be amended from time to time, by reference, to utilize to analyze the transportation impacts of development projects under the California Environmental Quality Act ("CEQA").

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 3rd day of April 2023, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:


Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 _____
City Attorney 3/16/23
Date

PROPOSED GENERAL PLAN AMENDMENT #23-01

Policy T-1.8

Use A Minimum Peak Hour Level of Service (LOS) "D" As a Design Objective for All New Streets in New Growth Areas and for Most Existing City Streets Except Under Special Circumstances and Use Vehicle Miles Traveled (VMT) for the Purposes of California Environmental Quality Act (CEQA) Analysis.

In order to remain in compliance with State regulations pursuant to Senate Bill 743 and CEQA Guidelines Section 15064.3, the City can no longer use LOS as a metric by which to evaluate the transportation impacts of development projects under CEQA. MCAG has adopted VMT Thresholds and Implementation Guidelines, which the City should use for its transportation analysis methodology for the impacts of development projects under CEQA.

The change in CEQA policy does not invalidate the use of LOS for other purposes, specifically design, traffic operations, and safety. As the City grows, traffic volumes will increase significantly. In designing the City's future circulation system, the City has required sufficient rights-of-way be preserved to maintain an adequate level-of-service, a minimum of LOS "D" but typically LOS "C" or better. On some existing roadways, such a standard will most likely not be able to be maintained without widening these roadways and causing great disruption to adjacent properties. The City will strive to maintain the minimum LOS throughout the system, but some exceptions may need to be made.

Implementing Actions:

- 1.8.a Implement the Merced County Association of Governments (MCAG) Vehicle Miles Traveled (VMT) Thresholds and Implementation Guidelines for California Environmental Quality Act (CEQA) purposes. Traffic studies will be conducted as needed to determine the traffic impacts and to apply appropriate mitigation measures for new development projects.**

The California Environmental Quality Act (CEQA) requires cities to assess the environmental effects, including traffic impacts, of new development. The City will adopt by reference and follow the recommendations as outlined in the MCAG VMT Thresholds and Implementation Guidelines, as amended from time to time.

In summary, the City will require VMT analysis of projects that are not screened out. Using the County of Merced as the region for analysis purposes, the MCAG Travel Demand Model is the recommended for evaluating project VMT.

For all non-retail projects, the City will use a significance threshold of 86% of the existing regional average of the respective VMT metric. For retail projects, the City will use a significance threshold of no net increase in VMT. For mixed use projects, the City will use VMT thresholds based on the respective thresholds for the various land use components. For transportation projects, the City will use net increase in induced VMT as the significance threshold. Finally, for land use plans, the City will use the existing regional average VMT per capita, VMT per employee, and/or VMT per service population as the threshold of significance. Certain projects may be screened out from the need for a VMT analysis.

Several options for VMT mitigation measures for development projects which may not meet the recommended significance thresholds are provided in the MCAG VMT Thresholds and Implementation Guidelines. Additionally, implementation of a future VMT mitigation bank, VMT mitigation exchange, and/or VMT impact fee are potential future regional VMT mitigation mechanisms. The City should continue exploring these and other options with its regional partners.

When the traffic analysis shows that the development will cause an intersection or roadway segment to drop below desired LOS standards, the City can require the new development to alleviate its share of the congestion as a condition of project approval, but not CEQA mitigation measures.

PROPOSED GENERAL PLAN AMENDMENT #23-01

1.8.b Use peak-hour Level of Service “D” (“Tolerable Delays”) as the design standard for new streets and intersections in new growth areas.

The preferred LOS levels are typically “C” and “D,” particularly for larger roads and major intersections. With LOS C, the road provides stable operation but is still underutilized to some degree. LOS D represents a fine balance between the relatively large number of vehicles served and the generally acceptable level of service provided. It is the intent of the City’s standards and policies for new and most upgraded intersections and road segments to be designed and built so as not to drop below LOS D (“tolerable delay”) during peak traffic periods.

1.8.c Establish minimum Level of Service standards for existing roadways and intersections that reflect the special circumstances of the surrounding area. For example, in the downtown area or adjacent to interchanges in build-out areas, LOS E or F would be acceptable if roadway widening conflicts with other General Plan policies or significant right-of-way acquisition, which would be severely disruptive to adjacent development, is required.

Maintaining a LOS D on existing roadways and intersections is not always feasible, appropriate, or necessary. People may expect and tolerate varying levels of congestion depending on location (e.g. central Merced) and time of day. Heavier traffic can also be a reason to encourage greater pedestrian activity and heavier transit use in such areas. Other factors may make higher levels of service infeasible. In Central Merced, for example, widening existing streets could create great disruption to stable, older neighborhoods. In these areas, “significant delays” (LOS E) or even LOS F may have to be acceptable at peak hours. Special studies may be necessary to determine the appropriate LOS standards in such areas.

1.8.d Promote Transportation System Management (TSM) strategies in areas where LOS standards fall below the minimum.

Traffic signal timing or coordination, additional lanes at intersections, transit service enhancements, parking management and traffic management are all examples of transportation system management strategies which can be expected to be used in the future. Ridesharing programs, preferential treatment for High Occupancy Vehicles (HOV’s), Park-and-Ride lots, one-way streets, the provision of bicycle facilities, and the promotion of variable work hours and telecommuting are also strategies which will be promoted by the City of Merced.