



## Legislation Text

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**SUBJECT:** Adopt a Statutory Exemption Pursuant to Section 15308 of the California Environmental Quality Act (CEQA) and Adopt a Resolution Amending Transportation Policy T-1.8 of the Merced Vision 2030 General Plan Regarding the Use of Vehicle Miles Traveled (VMT) as the Metric to Evaluate the Transportation Impacts of Development Projects Under CEQA and Adopting the Merced County Association of Governments (MCAG) VMT Thresholds and Guidelines (General Plan Amendment #23-01)

### REPORT IN BRIEF

Considers the adoption of a Statutory Exemption pursuant to Section 15308 of the California Environmental Quality Act (CEQA) and adoption of a Resolution amending Transportation Policy T-1.8 of the *Merced Vision 2030 General Plan* regarding the use of Vehicle Miles Traveled (VMT) as the metric to evaluate the transportation impacts of development projects under CEQA and adopting the Merced County Association of Governments (MCAG) VMT Thresholds and Guidelines.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2023-24**, 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.

### ALTERNATIVES

1. Approve the General Plan Amendment as recommended by the Planning Commission and Staff; or,
2. Modify the General Plan Amendment with specific modifications as spelled out in the Council motion; or,
3. Deny the General Plan Amendment; or,
4. Request additional information (as specified in the Council motion); or,
5. Continue the time to a future City Council meeting (date and time to be specified in Council motion)

### AUTHORITY

Merced Municipal Code Chapter 20.82 spells out procedures for amending the City's General Plan as does California Government Code Section 65350.

### CITY COUNCIL PRIORITIES

None.

## DISCUSSION

### Proposed General Plan Amendment

General Plan Amendment #23-01 would modify Transportation Policy T-1.8 and Implementing Action 1.8.a of the *Merced Vision 2030 General Plan* as shown in Exhibit A of the Draft City Council Resolution (Attachment 1). In general, the changes would clarify that the City of Merced would be using the Vehicle Miles Traveled (VMT) metric to evaluate the transportation impacts of development projects under the California Environmental Quality Act (CEQA) instead of Level of Service (LOS) consistent with recent amendments to State Law. The amendment would also adopt by reference the VMT Thresholds and Implementation Guidelines as adopted by the Merced County Association of Governments (MCAG) in November 2022 (Attachment 2).

### Background-Use of Level of Service for CEQA Impacts

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. The California Governor's Office of Planning and Research (OPR) develops the CEQA Guidelines to interpret CEQA statutes. 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. Thresholds of significance are identifiable quantitative, qualitative or performance level measures of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant, and compliance with which means the effect normally will be determined to be less than significant. In circumstances where public agencies decide to develop their own thresholds of significance for general use, the CEQA Guidelines Section 15064.7 requires that such thresholds of significance be formally adopted through a public review process and supported by substantial evidence.

The City of Merced ("City"), as a lead agency on certain projects, implements CEQA. 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. Pursuant to establishment of LOS methodology, LOS is utilized to measure automobile delay at intersections and road segments and is represented as a letter grade from A to F, where LOS A represents little to no automobile delay, while LOS F represents congestion conditions with substantial amounts of automobile delay.

### Changes to State Law-Use of Vehicle Miles Traveled (VMT) for CEQA Impacts

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. 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. VMT means the amount and distance of automobile travel attributable to a project. 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 or

similar measures of vehicular capacity of traffic congestion, 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. 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.

### MCAG Adoption of VMT Thresholds and Guidelines

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. The MCAG Governing Board approved and adopted the MCAG VMT Thresholds and Implementation Guidelines at its regularly scheduled meeting of November 17, 2022. The City wishes to adopt the MCAG VMT Thresholds and Implementation Guidelines (Attachment 2) in order to bring the City’s transportation analysis methodology in line with State and City goals pursuant to SB 743.

### Summary of MCAG VMT Thresholds and Guidelines

The City will follow the recommendations as outlined in the MCAG VMT Thresholds and Implementation Guidelines, as amended from time to time. For a summary of the Guidelines, see Finding G of Planning Commission Resolution #4106 (Attachment 1). In general, the MCAG Guidelines are less stringent than the State Guidelines, which is allowed since they are based on local and regional factors.

### Environmental Clearance

The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a *Statutory Exemption*, pursuant to Section 15308 of the CEQA Guidelines, is being recommended (Attachment 3).

### Planning Commission Action

On March 8, 2023, the Planning Commission held a duly noticed public hearing on the proposed amendment. One member of the public testified in opposition to the amendment, citing concerns about increased regulations on development projects. After the public hearing, the Planning Commission voted unanimously (6 ayes, 1 vacancy) to recommend approval of the Statutory Exemption and the proposed General Plan Amendment. See the Planning Commission Resolution at Attachment 1.

### City Council Action

After holding a public hearing, the City Council should adopt a motion adopting the Resolution at Attachment 4, which would adopt the Statutory Exemption, General Plan Amendment #23-01, and the use of the MCAG Vehicle Miles Traveled Thresholds and Guidelines.

## **IMPACT ON CITY RESOURCES**

This general plan amendment will not have any impacts on City resources.

## **ATTACHMENTS**

1. Planning Commission Resolution #4106
2. MCAG VMT Guidelines
3. Environmental Review #23-01 (Statutory Exemption)
4. Resolution 2023-24
5. Presentation