

RESOLUTION NO. 24-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADOPTING A CITYWIDE VEHICLE MILES TRAVELED (VMT) POLICY INCLUSIVE OF ESTABLISHING VMT AS THE APPROPRIATE METRIC FOR EVALUATING TRANSPORTATION-RELATED IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ESTABLISHING VMT SCREENING CRITERIA, VMT THRESHOLDS OF SIGNIFICANCE, AND TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES

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 effects of their actions on the environment; and

WHEREAS, the 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 2013, Senate Bill (SB) 743 (Steinberg) was signed into law directing OPR to produce new CEQA guidance that removes automobile Level of Service (LOS) from transportation analysis under CEQA and update the way transportation impacts are analyzed under CEQA for new land use and transportation projects using alternative metrics that promote a reduction in greenhouse gases, the development of multimodal transportation, and a diversity of land uses, all towards achieving the State's climate action goals; and

WHEREAS, in 2018 OPR proposed, and the California Natural Resources Agency adopted, Section 15064.3 of the State's CEQA Guidelines that identifies Vehicle Miles Traveled (VMT) as the most appropriate measure of a project's transportation impacts under CEQA, and states that a project's effect on automobile delay shall not constitute a significant environmental impact; and

WHEREAS, as of July 1, 2020, all lead agencies are required to use VMT to measure transportation impacts, in accordance with Section 15064.3 of the CEQA Guidelines; and

WHEREAS, VMT measures the amount and distance of automobile travel attributable to a project, taking the number of passengers within a vehicle into account. Typically, projects at a greater distance from other uses, located in areas with limited access to non-auto modes of travel, generate more driving than those that are located proximate to other complementary uses and/or where there are transportation options other than the automobile. The information is used

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to calculate VMT is already required to calculate and factor air quality and greenhouse gas emissions; and

WHEREAS, OPR released a Technical Advisory on Evaluating Transportation Impacts in CEQA, which includes recommendations for thresholds of significance for evaluating impacts of office, residential, and retail developments, and provides screening criteria for identifying the types of projects that can be presumed to have a less than significant impact; and

WHEREAS, 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; and

WHEREAS, the City of Morgan Hill intends to adopt a VMT Policy, inclusive of establishing VMT screening criteria and thresholds of significance, supported by substantial evidence, in order to meet the intent of State legislation; and

WHEREAS, CEQA Guidelines Section 15064.7(b) directs lead agencies to adopt thresholds of significance by ordinance, resolution, rule, or regulation through a public process, and be supported by substantial evidence; and

WHEREAS, such requests were considered by the Planning Commission at its meeting of June 27, 2023 and by the City Council at its meeting of September 6, 2023 and November 6, 2024; and

WHEREAS, the adoption of Vehicle-Miles-Traveled (VMT) policy, consisting of screening criteria and thresholds of significance and are supported by substantial evidence, in accordance with CEQA Guidelines Section 15064.7 does not require environmental review. This activity is not a project pursuant to State CEQA Guidelines Sections 15060(c)(3) and 15378. The establishment and implementation of a VMT threshold is a state-mandated requirement under SB 743 and Section 15064.3 of the CEQA Guidelines; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council has considered the full record before it, which may include but not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. The City Council adopts a citywide policy establishing Vehicle Miles Traveled (VMT), consisting of screening criteria and thresholds of significance and are

supported by substantial evidence, as the standard of measurement for analysis of potential environmental impacts from vehicular traffic under the California Environmental Quality Act (CEQA), which is attached hereto as Exhibit A.

SECTION 3. The City Council further finds that the use of Level of Service (LOS) thresholds shall be utilized in the review of non-CEQA related impacts for discretionary planning applications in accordance with the General Plan, separate and distinct from the VMT Thresholds of Significance described herein.

PASSED AND ADOPTED THIS 6th DAY OF NOVEMBER 2024, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

| | | |
|-----------------|-------------------------|--|
| AYES: | COUNCIL MEMBERS: | Gino Borgioli, Mark Turner, Marilyn Librers, Rene Spring, Yvonne Martinez Beltran |
| NOES: | COUNCIL MEMBERS: | None |
| ABSTAIN: | COUNCIL MEMBERS: | None |
| ABSENT: | COUNCIL MEMBERS: | None |

APPROVED:

ATTEST:

Signed by:


MARK TURNER, Mayor

Signed by:


MICHELLE BIGELOW, City Clerk

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CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-039, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 6th day of November, 2024.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 11/11/2024

Signed by:


MICHELLE BIGELOW, City Clerk

EXHIBIT "A"**CITY POLICY ESTABLISHING SCREENING CRITERIA AND THRESHOLDS OF SIGNIFICANCE USING VEHICLE MILES TRAVELLED (VMT) TO MEASURE TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**Morgan Hill VMT Screening Criteria

| Screen Type | Screening Criteria |
|--------------------------------|---|
| Project Size | Projects that generate less than 110 average daily trips (when estimating trips generated by a project, Institute of Transportation Engineers (ITE) guidelines or local surveys of trip generations need to be reviewed and approved by the City of Morgan Hill; such analysis will need to account for trip generation of all uses on the project site when calculating the total number of daily trips) |
| Locally Serving Retail | Retail projects that are less than 50,000 square feet (includes fast-food/quick-serve restaurants) |
| Affordable Housing | 100% affordable residential development (or the residential component of a mixed-use development) |
| Active Transportation Projects | Transportation projects that promote active transportation (such as transit, bicycle, and pedestrian facilities) |

Morgan Hill VMT Thresholds of Significance

| Land Use | Thresholds of Significance |
|--|--|
| Residential | VMT per capita does not exceed the City of Morgan Hill's baseline VMT per capita |
| Office & Industrial | VMT per employee does not exceed the City of Morgan Hill's baseline VMT per employee |
| All Other Uses (includes commercial/retail uses over 50,000 square feet) | No net increase in total VMT within the City of Morgan Hill |