

HAYWARD CITY COUNCIL

RESOLUTION NO 20-

Introduced by Council Member _____

RESOLUTION ADOPTING FINDINGS SUPPORTING AMENDMENTS TO THE CITY OF HAYWARD 2040 GENERAL PLAN BY ESTABLISHING VEHICLE MILES TRAVELED AS A CEQA THRESHOLD FOR TRANSPORTATION IMPACT ANALYSIS CONSISTENT WITH SB743 LEGISLATION

WHEREAS, the California Environmental Quality Act Guidelines (“CEQA Guidelines”) encourage public agencies to develop and publish generally applicable “thresholds of significance” to be used in determining the significance of a project’s environmental effects; and

WHEREAS, the CEQA Guidelines section 15064.7 (a) defines a thresholds of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to less than significant”; and

WHEREAS, CEQA Guidelines section 15064.7 (b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and

WHEREAS, pursuant to CEQA Guidelines section 15064.7 (c), when adopting thresholds of significance, a public agency may consider thresholds of significance adopted or recommended by other public agencies provided that the decision of the agency is supported by substantial evidence; and

WHEREAS, Senate Bill 743, enacted in 2013 and codified in Public Resources Code section 21099, required changes to the CEQA Guidelines regarding the criteria for determining the significance of transportation impacts of projects; and

WHEREAS, In 2018, the Governor’s Office of Planning and Research (“OPR”) proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines section 15064.3 that identifies vehicle miles traveled (“VMT”) – meaning the amount and distance of automobile travel attributable to a project – as the most appropriate metric to evaluate a project’s transportation impacts; and

WHEREAS, as a result, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA; and

WHEREAS, CEQA Guidelines section 15064.3 goes into effect on July 1, 2020, though public agencies may elect to be governed by this section immediately; and

WHEREAS, Staff worked with Nelson Nygaard to revise the City's Traffic Impact Analysis ("TIA") Guidelines and include new thresholds to ensure consistency with SB 743; and

WHEREAS, On May 28, 2020, at a duly noticed public hearing, the Planning Commission considered staff's presentation and reviewed the recommended thresholds of significance and recommended that the City Council adopt the VMT Analysis Guidelines; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on June 5, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. In accordance with the California Environmental Quality Act ("CEQA"), the City Council has been determined that the adoption of the VMT Thresholds and CEQA Transportation VMT Analysis Guidelines, which is an action consistent with Senate Bill ("SB") 743, will not result in a direct or reasonably foreseeable indirect physical change in the environment, and thus the thresholds and VMT Analysis Guidelines are not subject to CEQA (14 CCR § 15378(a)). In addition, the thresholds and VMT Analysis Guidelines are not a "project" within the meaning of CEQA pursuant to 14 CCR § 15378(b)(5) and constitute an action involving procedures for the protection of the environment, which is exempt from CEQA pursuant to 14 CCR § 15308. Finally, if the thresholds and VMT Analysis Guidelines are determined to be subject to CEQA, they are exempt therefrom because it can be seen with certainty that there is no possibility that these amendments will have a significant effect on the environment. (14 CCR § 15061(b)(3).)
- B. The City Council of the City of Hayward hereby finds the thresholds of significance identified in the VMT Analysis Guidelines have been developed through a public review process and are supported by substantial evidence, as required by CEQA Guidelines section 15064.7.
- C. The City Council of the City of Hayward hereby adopts the CEQA Transportation VMT Analysis Guidelines attached hereto as Exhibit "A" as part of the Traffic Impact Analysis Guidelines thereby establishing the VMT thresholds of significance for transportation impact analysis under CEQA.

FINDINGS FOR GENERAL PLAN AMENDMENT**1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

The proposed General Plan Amendment and subsequent adoption of new Vehicle Miles Traveled (VMT) thresholds will have many positive impacts to the City. Lower VMT, or the reduced car travel speeds that are often associated with lower VMT, can lead to lower accident rates, increased physical activity (from pedestrian and bicycle programs and projects), improved air quality, and amenities that range from inviting streetscapes to sidewalk cafes to walking neighborhoods that may be desired by City residents and shoppers. The new thresholds will also encourage the redevelopment of infill sites throughout the City which will promote the public health, safety, convenience and general welfare of the residents and businesses in Hayward in that the thresholds will provide a streamlined process for development review and result in clear, consistent and interpretable standards and processes. The proposed Amendment will also promote walkable, mixed-use developments through the City and near major transit centers to ultimately minimize the reliance of personal automobiles to further reduce greenhouse gas emissions at a local and regional scale.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans.

The proposed General Plan Amendment will be in conformance with recently adopted SB 743 legislation that address how transportation analysis is determined in the City of Hayward. Consistent with the Bay Area's Regional Transportation Plan (RTP) and Sustainable Community Strategy (SCS), the adoption of VMT per capita is consistent with regional plans adopted by Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to promote employment and housing growth near major transit centers, which also reduce greenhouse gas emissions and lower single-occupancy vehicle trips. Additionally, the City has several policies in the General Plan that support the transition from LOS to using VMT per capita, including:

- **M-1.4 Multimodal System Extensions.** The City shall require all new development that proposes or is required to construct or extend streets to develop a transportation network that complements and contributes to the city's multimodal system, maximizes connections, and minimizes barriers to connectivity.
- **M-1.5 Flexible LOS Standards.** The City shall consider flexible Level of Service (LOS) standards, as part of a multimodal system approach, for projects that increase transit-ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
- **M-1.8 Transportation Choices.** The City shall provide leadership in educating the community about the availability and benefits of using alternative transportation modes.

- M-2.2 Regional Plans. The City shall support regional and countywide transportation plans (e.g., Plan Bay Area, Countywide Transportation Plan) that make alternatives to automobile use a transportation-system priority.
 - M-2.5 Regional Traffic Impacts. The City shall review and comment on development applications in Alameda County and adjoining cities which may impact Hayward's transportation systems and shall suggest solutions to reduce negative effects on local circulation and mobility.
 - M-4.3 Level of Service. The City shall maintain a minimum vehicle Level of Service E at signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
 - H-3.2 Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.
 - H-3.3 Sustainable Housing Development. The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.
- 3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and**

The proposed General Plan Amendment would update the thresholds that is currently used to evaluate transportation impacts in the City. The new thresholds do not directly require the creation of new streets and/or public facilities; rather, the Amendment emphasizes providing multi-modal transportation options and transportation demand and parking management strategies throughout the City. The proposed Amendments will support the expansion of the multi-modal and Complete Streets network to promote walkability, bicycle mobility and the use of mass transit to reduce the overall use of personal, single-occupancy vehicle trips and overall greenhouse gas emissions.

- 4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

The proposed Amendment includes the adoption of new CEQA thresholds related to Vehicle Miles Traveled (VMT), including new project thresholds that apply to small projects, development located near major transit stops, affordable housing and employment centers. The proposed Amendment will replace Level of Service (LOS) with vehicle miles traveled (VMT) per capita and provide streamlined review of land use and transportation projects that will help reduce future VMT per capita growth.

Typically, development located at greater distance from shopping and employment centers or in areas with few transportation options generates vehicle trips of longer distances versus a similar development located in proximity to BART Stations and other areas with more transportation alternatives. The proposed Amendment will provide a beneficial effect which is not obtainable using existing regulations in that using VMT as the CEQA threshold will further reduce greenhouse gas emissions and traffic-related air pollution as well as promote multimodal transportation networks and a diversity of land uses, consistent with the goals and policies of the *Hayward 2040 General Plan* and Climate Action Plan.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of the General Plan Amendment for the adoption of new Vehicle Miles Traveled (VMT) thresholds for the purposes of CEQA impact analysis within the City of Hayward, subject to the adoption of the companion ordinances.

BE IT FURTHER RESOLVED that this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 20-__) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward