

RESOLUTION NO. 2023-110

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA,
APPROVING THE VEHICLE MILES TRAVELED ANALYSIS GUIDELINES IMPLEMENTING
SENATE BILL 743**

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;

WHEREAS, CEQA Guidelines Section 15064.7(a) defines a threshold of significance as "an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance 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 be less than significant";

WHEREAS, screening criteria are applied to determine when a project should be expected to cause a less-than-significant impact without conducting a detailed project-site specific study;

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;

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;

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;

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;

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

WHEREAS, the City of Encinitas, following internal study and a public review process, wishes to adopt VMT Analysis Guidelines; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 1, 2023, to review the VMT Analysis Guidelines, and recommended City Council adoption with suggested modifications; and

WHEREAS, the City Council conducted a duly noticed public hearing on November 8, 2023, to review the VMT Analysis Guidelines, directed modifications thereto and adopted the VMT Analysis Guidelines as modified.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Encinitas that: this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) of the CEQA Guidelines since the action is not a “project” pursuant to Section 15378(b)(5). The action is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Encinitas that:

SECTION 1. The above recitations are true and correct.

SECTION 2. In accordance with the CEQA Guidelines, the proposed VMT Analysis Guidelines are exempt from environmental review pursuant to Section 15060(c)(3) of the CEQA Guidelines since the action is not a “project” pursuant to Section 15378(b)(5). The action is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment. If the action were deemed to be a “project,” it would be exempt pursuant to Section 15061(b)(3). Section 15061(b)(3) exempts activities covered under the general rule that CEQA applies only to projects where it can be seen with certainty that the project has no possibility for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15382, “Significant effect on the environment” means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” Future projects subject to the newly adopted guidelines will require CEQA review.

SECTION 3. This Resolution approves the VMT Analysis Guidelines attached hereto as **Exhibit A** and shall take effect immediately.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Encinitas, California, held on the 8th day of November 2023.

APPROVED:

DocuSigned by:
A. J. Kranz
DEA18C6BB88E438...
I ony Kranz, Mayor

ATTEST.
DocuSigned by:
Kathy Hollywood
43EC63D34D2448C...
Kathy Hollywood, City Clerk

APPROVED AS TO FORM:
DocuSigned by:
Tarquin Preziosi
160D99693D9741D...
Tarquin Preziosi, City Attorney

CERTIFICATION:

I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on this 8th day of November 2023 by the following vote:

AYES: **Blackwell, Ehlers, Hinze, Kranz, Lyndes**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

DocuSigned by:
Kathy Hollywood
43EC63D34D2448C...
Kathy Hollywood, City Clerk