

Attachment H
Planning Commission Resolution

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13667**

The Fresno City Planning Commission at a regular meeting on July 22, 2020, adopted the following resolution relating to Plan Amendment Application No. P19-04226.

WHEREAS, on December 18, 2014, by Resolution No. 2014-226, the City Council adopted the Fresno General Plan, and by Resolution No. 2014-225, certified Master Environmental Impact Report SCH No. 2012111015 (“MEIR”) which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno’s designated urban boundary line and sphere of influence; and

WHEREAS, the Fresno General Plan includes a Mobility and Transportation Element which contains policies calling for mitigation of transportation impacts using Level of Service (LOS) as the metric; and

WHEREAS, on September 27, 2013, the Governor of the State of California approved Senate Bill 743, which included the addition of Section 21099 to the Public Resources Code, calling for the development and adoption of criteria for determining the significance of traffic impacts and consideration of vehicle miles traveled (VMT) as the metric; and

WHEREAS, on December 28, 2018 the California Office of Administrative Law issued a Notice of Approval of Regulatory Action, approving the California Natural Resources Agency’s amendments and updates to the California Environmental Quality Act (CEQA) Guidelines (2018 CEQA Amendments); and

WHEREAS, the 2018 CEQA Amendments included the addition of CEQA Guidelines Section 15064.3 which establishes that VMT is the most appropriate measure of transportation impacts and sets forth criteria for analyzing transportation impacts; and

WHEREAS, CEQA Guidelines Section 15064.3(b) authorizes a lead agency to choose the most appropriate methodology to evaluate a project’s VMT impacts and states that the provisions of Section 15064.3 shall apply statewide as of July 1, 2020; and

WHEREAS, on June 25, 2020 the Fresno City Council adopted “CEQA Guidelines for Vehicle Miles Traveled Thresholds”, which contain VMT thresholds consistent with SB 743; and

WHEREAS, references to the use of Level of Service (LOS) as a CEQA metric are inaccurate and out of date; and

WHEREAS, Plan Amendment Application No. P19-04226 proposes to delete any reference to the use of LOS as a CEQA transportation metric in order to accurately reflect that City is compliant with SB 743 and has adopted VMT thresholds for evaluation of transportation impacts under CEQA; and

WHEREAS, Plan Amendment Application No. P19-04226 also includes a new policy affirming the use of VMT as the City's metric for transportation impacts under CEQA; and

WHEREAS, the environmental assessment conducted for the proposed plan amendment resulted in the preparation of a Program Environmental Impact Report (SCH No. 2019050005); and

WHEREAS, the Program Environmental Impact Report (Program EIR) also included a Greenhouse Gas Reduction Plan Update.

WHEREAS, on July 22, 2020, the Fresno City Planning Commission held a duly noticed public hearing to consider Plan Amendment Application No. P19-04226, and the associated Final Program EIR and Greenhouse Gas Reduction Plan Update; and,

WHEREAS, on July 22, 2020 the Fresno City Planning Commission conducted a public hearing to review the proposed plan amendment and associated Final Program EIR and Greenhouse Gas Reduction Plan Update, received public testimony, and considered the Planning and Development Department's report recommending approval of the proposed plan amendment; and,

WHEREAS, one member of the public spoke in opposition to the analysis and conclusions in the Final Program EIR.

NOW, THEREFORE, BE IT RESOLVED by the Fresno City Planning Commission as follows:

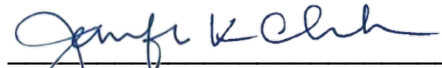
1. All staff reports and analysis submitted in connection with this matter are hereby incorporated by this reference.
2. The Fresno City Planning Commission recommends that the City Council adopt Plan Amendment Application No. P19-04226, an amendment to the Fresno General Plan Mobility and Transportation Element, as described in Exhibit A.
3. The Fresno City Planning Commission finds in accordance with its own independent judgment that Final Program EIR (SCH No. 2019050005) prepared for Plan Amendment Application No. P19-04226, along with the Greenhouse Gas Reduction Plan Update, the Mitigation Monitoring and Reporting Program, and the Findings of Fact, and Statement of Overriding Considerations, was prepared in compliance with the California Environmental Quality Act,

4. The Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. P19-04226 be approved.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Vang, seconded by Commissioner Diaz.

VOTING: Ayes - Vang, Diaz, Criner, Hardie, McKenzie, Sodhi-Layne, Bray
 Noes - None
 Not Voting - None
 Absent - None

DATED: July 22, 2020



JENNIFER K. CLARK, Secretary
Fresno City Planning Commission

Resolution No. 13667
Plan Amendment Ap. No. P19-04226
Filed by P&D Department Director
Action: Recommend Approval

Attachment: Exhibit A

Exhibit A

Plan Amendment P19-04226 Proposed text changes to the Fresno General Plan Mobility and Transportation Element

The purpose of the proposed changes is to remove any references to mitigation in relation to the Level of Service (LOS) transportation metric, and to add a new policy affirming the use of Vehicle Miles Traveled (VMT) as the new transportation metric under CEQA.

Section/Policy	Page	Proposed change
Multi-modal LOS	4-14	<p>Fresno can create a transportation system that performs well for all modes, in part by measuring performance with qualitative indicators for each mode based on inputs covering facility design, facility controls, and volumes. This multi-modal LOS concept is illustrated in Table 4-2. Implementing a multi-modal LOS standard would require the consideration of all travel modes when evaluating traffic congestion and needed mitigation such that widening roads at the expense of walking and bicycling—a result that ironically is much more expensive for private development to build, the public sector to maintain, and adds more traffic to streets since other travel modes are no longer possible - would not explicitly be considered reasonable or acceptable mitigation. A multi-modal LOS system will also help support the development of more intense land uses where desired by permitting localized automobile congestion if walking, biking, and transit systems operate at high levels. A multi-modal LOS standard does not define an overall grade for a roadway section, but provides information for each travel mode to properly assess, for that facility, the best approach to improve its travel capacity with the financing available. Based on a project’s location, the proposed improvements will be different. A more suburban intersection may add capacity with a double left turn lane where at a Downtown intersection it may be determined infeasible due to the lack of available right-of-way, or pedestrian islands are required to improve pedestrian flow and intersection wait times.</p>
MT-1-k	4-28	<p>Multi-Modal Level of Service Standards. Develop and use a tiered system of flexible, multi-modal Level of Service standards for streets designated by the Circulation Diagram (Figure MT-1). Strive to accommodate a peak hour vehicle LOS of D or better on street segments and at intersections, except where Policies MT-1-m through MT-1-p provide greater specificity. Establish minimum acceptable service levels for other modes and use them in the development and environmental review process.</p>
MT-1-m	4-28	<p>Standards for Planned Bus Rapid Transit Corridors and Activity Centers. Independent of the Traffic Impact Zones identified in MT-2-i and Figure MT-4, strive to maintain the following vehicle LOS standards on major roadway segments and intersections along Bus Rapid Transit Corridors and in Activity</p>

		<p>Centers:</p> <ul style="list-style-type: none"> • LOS E or better at all times, including peak travel times, unless the City Traffic Engineer determines that mitigation to maintaining this LOS would be infeasible and/or conflict with the achievement of other General Plan policies. • Accept LOS F conditions in Activity Centers and Bus Rapid Transit Corridors only if provisions are made to improve the overall system and/or promote non-vehicular transportation and transit as part of a development project or a City-initiated project. In accepting LOS F conditions, the City Traffic Engineer may request limited analyses of operational issues at locations near Activity Centers and along Bus Rapid Transit Corridors, such as queuing or left-turn movements. • Give priority to maintaining pedestrian service first, followed by transit service and then by vehicle LOS, where conflicts between objectives for service capacity between different transportation modes occur. • Identify pedestrian-priority and transit-priority streets where these modes would have priority in order to apply a multi-modal priority system, as part of the General Plan implementation.
MT-1-n	4-29	<p>Peak Hour Vehicle LOS. For planning purposes and implementation of Capital Improvement Projects, maintain a peak-hour vehicle LOS standard of D or better for all roadway areas outside of identified Activity Center and Bus Rapid Transit Corridor districts, unless the City Traffic Engineer determines that mitigation to maintaining this LOS would be infeasible and/or conflict with the achievement of other General Plan policies.</p>
MT-2-m	4-35	<p>Use VMT Analysis for CEQA. <u>Use Vehicle Miles Traveled (VMT) as the criteria for evaluating transportation impacts under the California Environmental Quality Act (CEQA), pursuant to Senate Bill 743. Level of Service (LOS) may still be used for planning purposes and implementation of Capital Improvement Projects, however VMT shall be used for determining mitigation under CEQA beginning in July of 2020.</u></p> <p><i><u>Commentary: In 2013, the State of California passed Senate Bill 743, which eliminated automobile Level of Service (LOS) from transportation analysis under CEQA and replaced it with VMT. This shift from LOS to VMT is intended to better align with other statewide transportation goals, including reduction of GHG emissions, the creation of multimodal networks, and the promotion of integrated land uses.</u></i></p>

Underlined text represents text to be added, and text with ~~strikethrough~~ represents language to be deleted.