

Attachment J
Plan Amendment Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO ADOPT PLAN AMENDMENT APPLICATION NO. P19-04226 AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE FRESNO GENERAL PLAN TO ADD A VEHICLE MILES TRAVELED POLICY CONSISTENT WITH CALIFORNIA SENATE BILL (SB) 743 AND TO REVISE POLICIES AND TEXT RELATING TO LEVEL OF SERVICE (LOS) METRICS TO UPDATE APPLICABILITY

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 which call 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

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: He

Resolution No.

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 the 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 following Council District and Design Review Committees considered the proposed Plan Amendment Application and related Program Environmental Impact Report and recommended as follows: Council District 1 Project

Review Committee considered the item on August 6, 2020 and recommended _____; Council District 2 Project Review Committee considered the item on August 10, 2020 and recommended _____; Council District 3 Project Review Committee considered the item on July 28, 2020 and recommended approval; Council District 4 Project Review Committee considered the item on July 27, 2020 and recommended approval; Council District 5 Project Review Committee considered the item on July 27, 2020 and recommended approval; Council District 6 Project Review Committee considered the item on August 3, 2020 and recommended approval, but expressed concern about water quality; Tower Design Review Committee considered the item on July 28, 2020 and recommended approval; Lowell Design Review Committee considered the item on August 3, 2020 and recommended approval; and

WHEREAS, on July 22, 2020, pursuant to the provisions of section 15-5809, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing to consider Plan Amendment Application No. P19-04226, along with the related environmental finding, during which the Commission considered the environmental assessment and recommended approval of Plan Amendment Application No. P19-04226, to the Council of the City of Fresno, as evidenced by Planning Commission Resolution No.13667; and

WHEREAS, on August 20, 2020 the Fresno City Council held a duly noticed public hearing to consider Plan Amendment Application No. P19-04226 and received both oral testimony and written information presented at the hearing regarding the application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council 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 Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations, was prepared in compliance with the California Environmental Quality Act, as evidenced by Council Resolution No. _____ adopted in a previous action.

2. The Council finds the adoption of the proposed Plan Amendment as recommended by the Planning Commission is in the best interest of the City of Fresno.

3. The Council of the City of Fresno hereby adopts Plan Amendment Application No. P19-04226 amending the Fresno General Plan Mobility and Transportation Element as noted on Exhibit A, attached.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Talía Kolluri [date]
Supervising Deputy City Attorney

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><u>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.</p> <p><i>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.</i></p>

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