

CITY OF ROLLING HILLS ESTATES
LOS ANGELES COUNTY, CALIFORNIA
RESOLUTION NO. 2533

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES, CALIFORNIA, ADOPTING A POLICY TO COMPLY WITH SB 743 AND CEQA REQUIREMENTS TO ESTABLISH VEHICLE MILES TRAVELED (VMT) AS THE METRIC USED TO DETERMINE THE CEQA-RELATED TRANSPORTATION IMPACTS OF NEW DEVELOPMENT AND TRANSPORTATION PROJECTS AND DETERMINING THE ADOPTION OF THE VMT POLICY ITSELF TO BE CATEGORICALLY EXEMPT FROM CEQA.

The City Council of the City of Rolling Hills Estates resolves as follows:

SECTION 1. Findings. The City Council finds as follows:

A. The City of Rolling Hills Estates, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California.

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

C. 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.”

D. 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.

E. 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.

F. Senate Bill 743, 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.

G. 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 under CEQA.

H. As a result, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitute a significant environmental effect under CEQA.

I. CEQA Guidelines Section 15064.3 went into effect on July 1, 2020, and public agencies are required to comply with these requirements.

SECTION 2. Environmental Review. Adoption of this resolution by the City Council approving this update to the City’s environmental guidelines is exempt from the California Environmental Quality Act (“CEQA”) under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the proposed resolution will not result in a direct or reasonably foreseeable indirect physical change in the environment; and Section 15061(b)(3), because the resolution is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. In addition, courts have held that an update to a city’s environmental guidelines involving thresholds of significance is not a “project” as defined by CEQA, because the environmental guidelines do not have an effect on the environment that is “direct” or “a reasonably foreseeable indirect physical change in the environment.” (See *Cal.*

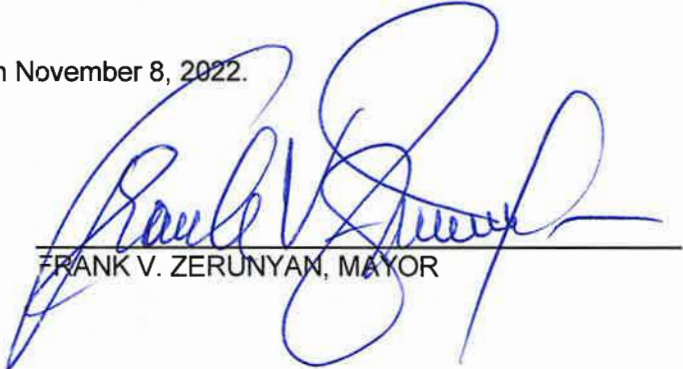
Building Industry Assn. v Bay Area Quality Management District (2015) 62 Cal.4th 369; see also *Cal. Building Industry Assn. v Bay Area Quality Management District* (2013) 161 Cal.Rptr.3d 128.) Therefore, no additional environmental review is necessary.

SECTION 3. Adoption of Rolling Hills Estates' new SB 743, CEQA VMT Policy. The City Council adopts the SB 743 CEQA VMT Policy attached as Exhibit A.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remainder of this resolution. The City Council hereby declares that it would have adopted this resolution, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof is declared invalid or unconstitutional.

SECTION 5. Record of Proceedings. The City Clerk is directed to certify to the adoption of this resolution and to keep a copy of same along with such other documents and records of proceedings as may be designated by the City Manager.

PASSED, APPROVED AND ADOPTED on November 8, 2022.


FRANK V. ZERUNYAN, MAYOR

ATTEST:



LAUREN PETTIT, CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution No. 2533 was duly and regularly passed by the City Council of the City of Rolling Hills Estates at a regular meeting thereof held on November 8, 2022 by the following vote:

AYES: HUFF, SCHMITZ, STEGURA, ZERUNYAN, ZUCKERMAN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



LAUREN PETTIT, CITY CLERK

EXHIBIT A

CITY OF ROLLING HILLS ESTATES

SB 743, CEQA VMT POLICY

- A. Baseline VMT. New development and transportation projects are required to have their VMT be measured against the City of Rolling Hills Estates' (Citywide) Average VMT/capita and VMT/employee.
- B. CEQA VMT Thresholds for Land Use Projects. The VMT threshold for new development is 15% below the City's Average Baseline VMT/capita and VMT/employee. Before or after mitigation measures, such as travel demand management strategies, projects which generate a level of VMT which is at least 15% less than the Citywide Average Baseline VMT/capita and VMT/employee will be deemed to have no transportation impact, per CEQA.
- C. CEQA VMT Thresholds for Transportation Projects. The effect of transportation projects should be measured by the total change in VMT. This should be evaluated by measuring the difference in VMT with and without the project.
- D. CEQA Exemptions. The following projects are hereby exempt from CEQA VMT analysis:
- a. Small Projects. Any small project (housing or other land use) in Rolling Hills Estates that generates less than 110 net daily trips
 - b. Projects near Transit. Projects that are proposed within ½ mile of an existing major transit stop (as defined by Public Resources Code § 21064.3) or an existing stop along a high-quality transit corridor (as defined by Public Resources Code §21155). This assumption may not be appropriate if the project:
 - i. Has a Floor Area Ratio (FAR) of less than 0.75
 - ii. Includes more parking than required by the jurisdiction
 - iii. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization)
 - iv. Replaces affordable residential units with a smaller number of moderate- or high-income residential units
 - c. Affordable Housing. The affordable housing component of a land use project.
 - d. Local Serving Retail. Retail land uses that are less than 50,000 square feet.
 - e. Low VMT Areas. Residential or office projects that are located in areas with low VMT (15% below city wide average) based on maps created with VMT data from the SCAG model.
 - f. Transportation Facilities. Transportation projects that promote non-auto travel, improve safety, or improve traffic operations at current bottlenecks, such as transit, bicycle and pedestrian facilities, intersection traffic control (e.g., traffic signals or roundabouts), or widening at intersections to provide new turn lanes.