

RESOLUTION NO. 2020-43

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH REQUESTING THAT THE GOVERNOR OF
CALIFORNIA DELAY IMPLEMENTATION OF TITLE 14 OF THE CALIFORNIA CODE
OF REGULATIONS, SECTION 15064.3
(VEHICLE MILES TRAVELED CEQA ANALYSIS)

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared COVID-19 a Public Health Emergency of International Concern, and on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

The City of Huntington Beach is experiencing a decline in revenues and unanticipated COVID-19 expenses have been incurred including expenses related to disinfection of public facilities, purchase of personal protective equipment, new technology for remote operations, increased public safety costs (including overtime), increased personnel costs (including overtime), purchasing supplies for residents and financial support to residents and businesses; and

The City of Huntington Beach is required by a new state regulation (Title 14 of the California Code of Regulations, section 15064.3) to adopt a threshold of significance under the California Environmental Quality Act (CEQA) making the act of driving one mile by a car or pickup truck (even an electric car) by all future resident, visitor, vendor or employee to the new housing, commercial or other projects an environmental “impact” under CEQA; and

State VMT regulations allow cities and counties to establish a “threshold of significance” for determining how much VMT is a “significant” CEQA impact that requires projects to pay for

VMT mitigation, and different state agencies have conflicting recommendations for when and whether a VMT impact is “significant” under CEQA; and

Mitigation for VMT under CEQA must result in reductions of VMT to reduce project VMT to levels that are less than “significant,” but car travel remains a necessity for the overwhelming majority of Huntington Beach residents and employees who do not use public transit, or bike or walk to work, and instead rely on a car to complete essential tasks including getting to work, acquiring necessary goods such as foods, and obtaining medical care; and

The COVID-19 pandemic is resulting in dramatic changes in transportation patterns such as the expansion of working from home, learning from home, and even receiving medical care from home via remote communication technologies, as well as 90% decreases in public transit ridership based on social distancing and related health priorities;

The state agency adopting the VMT Guidelines strongly recommends imposition of a regional “VMT Fee” (e.g., to fund bus passes or bike sharing services) on new projects to “mitigate” VMT impacts; and

Notwithstanding the fact that this state agency has proposed this VMT CEQA expansion for more than six years, no such VMT Fee mitigation program exists, and funding for the establishment of a regional VMT program has been proposed but not approved and no work on a VMT mitigation fee program has been completed by the Southern California Association of Governments for the region; and

Conflicting significant significance threshold recommendations from state agencies, and the absence of any feasible existing VMT Fee mitigation program, creates significant legal uncertainties about how the city will be required to implement CEQA as of July 1; and

Defending CEQA lawsuits consumes City time and resources, and the City is responding to urgent COVID-19 emergencies and the new unemployment crisis and loss of household income as well as tax revenues and fees; and

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1: That the City of Huntington Beach hereby requests that Governor Newsom extend the implementation date of Title 14 of the California Code of Regulations, section 15064.3 until July 1, 2021.

SECTION 2: The Director of Community Development is hereby directed to transmit this resolution to Governor Newsom immediately upon adoption.

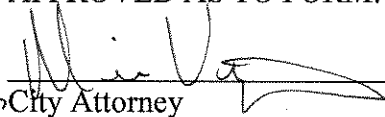
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2020.

Mayor

REVIEWED AND APPROVED:

City Manager

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:

Director of Community Development