



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: January 14, 2026

06

TO: Board of Supervisors

SUBJECT

RESOLUTION TO REVISE THE TRANSPORTATION STUDY GUIDE FOR VEHICLE MILES TRAVELED TO REMOVE THE INFILL AREA AND SMALL PROJECT SCREENING CRITERIA AND CEQA EXEMPTIONS (DISTRICTS: ALL)

OVERVIEW

The proposed action today revises the County's 2022 Transportation Study Guide (TSG) related to Vehicle Miles Traveled (VMT) to remove the thresholds for small project exemptions and infill areas to comply with recent court directives.

In 2013, the State of California passed Senate Bill 743 (SB 743), which changed how jurisdictions, including the County of San Diego (County), analyze transportation impacts from privately and publicly initiated projects under the California Environmental Quality Act (CEQA). SB 743 identified Vehicle Miles Traveled (VMT) as the standard to evaluate a project's transportation-related environmental impacts. VMT replaces motorist delay and associated level of service (LOS) as the metric for traffic impact analysis under CEQA. VMT measures both the volume of daily vehicle trips generated, and the average distance people drive to and from destinations by specific types of land uses. The intent behind SB 743 was to balance the needs of congestion management (traffic) with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation such as walking and biking.

On September 28, 2022 (6), the Board of Supervisors (Board) adopted the County's Transportation Study Guide (TSG). This 2022 TSG established a threshold for analyzing transportation impacts in the unincorporated area under the California Environmental Quality Act (CEQA) using vehicle miles traveled (VMT) as a metric, as required by State law. The County's 2022 TSG was challenged in court shortly after adoption, and as a result, the County has been ordered to revise two of its VMT thresholds.

In November 2022, the Cleveland National Forest Foundation (CNFF) and the Coastal Environmental Rights Foundation (CERF) filed a lawsuit against the County alleging the 2022 TSG violated CEQA because the thresholds regarding infill area and small projects were adopted without substantial evidence. In December 2023, the trial court found the County's infill area and

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small project exemptions were supported by substantial evidence and upheld the 2022 TSG. However, this ruling was appealed by CNFF and CERF, and in April 2025, the appellate court found that the County's infill area and small project thresholds were not supported by substantial evidence. The County petitioned the California Supreme Court to review the decision and was supported by amici briefs from the County Counsels' Association and the League of California Cities. Ultimately, however, the Court denied review of the case, rendering the appellate court's decision final. In October 2025, the trial court issued a writ of mandate ordering the County to revise its TSG to remove the infill area and small project thresholds.

The proposed action today revises the County's 2022 TSG to remove those thresholds to comply with the court's direction. Staff will continue evaluating VMT mitigation program options and will return in Summer 2026 for Board direction, as well as consideration of other potential revisions to the TSG. The Board retains the ability to take future action related to the TSG and VMT. Additionally, today's court-mandated revisions to the TSG to remove the infill areas and small project exemptions would apply to in-process projects in the unincorporated area. However, staff have reviewed these projects and determined that most of them are consistent with the County's General Plan and qualify to streamline under CEQA using the 15183-exemption process, which allows projects to move forward without VMT mitigation. For the limited number of in-process projects that do not qualify for a 15183 CEQA exemption, staff have contacted those individual project applicants and are working with them to identify options to continue moving projects forward.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution is an administrative action and it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.
2. Adopt a resolution entitled, RESOLUTION TO REVISE THE TRANSPORTATION STUDY GUIDE FOR VEHICLE MILES TRAVELED TO REMOVE THE INFILL AREA AND SMALL PROJECT SCREENING CRITERIA (Attachment A).

EQUITY IMPACT STATEMENT

An analysis of transportation impacts as measured by VMT will reduce environmental and health impacts associated with transportation, including noise, air quality and safety, and help accomplish the goals of Senate Bill 743 to balance the needs of congestion management with goals related to infill development, promotion of public health, and reduction of greenhouse gas emissions.

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SUSTAINABILITY IMPACT STATEMENT

The revised 2022 TSG will reduce VMT and greenhouse gas (GHG) emissions within the unincorporated area, helping to meet the State and County's climate, health, and mobility goals through implementation of Senate Bill 743.

FISCAL IMPACT

There is no fiscal impact associated with the revisions to the 2022 TSG presented today. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

In 2013, the State of California passed Senate Bill 743 (SB 743), changing how jurisdictions throughout the state, including the County of San Diego (County), analyze transportation impacts from privately and publicly initiated projects under the California Environmental Quality Act (CEQA). SB 743 identified Vehicle Miles Traveled (VMT) as the new standard to evaluate a project's transportation related environmental impacts. VMT replaces motorist delay and associated level of service (LOS), which was the previous metric for analysis under CEQA. VMT measures the amount and distance people drive to destinations, and the number of trips that specific types of land uses will generate. The intent behind SB 743 was to balance the needs of congestion management (traffic) with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation, such as walking and biking. All local jurisdictions were required to apply SB 743 no later than July 1, 2020. In 2019, the State of California issued a "Technical Advisory on Evaluating Transportation Impacts in CEQA" (Technical Advisory). The Advisory suggests lead agencies use a significance threshold of 15% below average VMT for their region. The Technical Advisory did not define "region" for purposes of VMT thresholds.

County's 2020 Threshold

On June 24, 2020 (6), the Board of Supervisors (Board) adopted the Transportation Study Guide (2020 TSG), a technical guide for analyzing transportation impacts using VMT. The 2020 TSG described the process and procedures for project applicants and their consultants to use when preparing transportation analyses beginning July 1, 2020. The 2020 TSG used a few different significance thresholds, including an efficiency metric of 15% below the average VMT in the unincorporated areas of the county.

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In September 2020, Cleveland National Forest Foundation (CNFF), Coastal Environmental Rights Foundation (CERF), and Sierra Club filed suit, alleging that the 2020 TSG violated CEQA because the significance threshold was based on 15% below the unincorporated county instead of the region. On September 15, 2021, the Board voted unanimously to rescind the 2020 TSG pending additional clarification from the State as to the appropriate threshold.

In July 2021, the State provided additional guidance defining the term “region” for purposes of VMT thresholds, and provided that it “refers to the full geography within the jurisdictional borders” of a metropolitan planning organization or a regional transportation planning agency. For the County, that is the San Diego Association of Government (SANDAG), which has jurisdiction over the entire region, both incorporated and unincorporated areas.

County’s 2022 Threshold

On September 28, 2022 (6), the Board adopted the County’s 2022 TSG. The 2022 TSG established a threshold for analyzing transportation impacts under CEQA using VMT as a metric and included several screening thresholds, including: project location in an area with VMT at least 15% below the countywide area (per the 2021 guidance from the State), affordable housing projects, projects in infill areas, and small projects. In November 2022, CNFF and CERF filed a lawsuit alleging the 2022 TSG violated CEQA because the thresholds regarding infill area and small projects were adopted without substantial evidence.

In December 2023, the trial court found the thresholds for infill areas and small projects were supported by substantial evidence and upheld the 2022 TSG. However, this ruling was appealed by CNFF and CERF.

In April 2025, the appellate court reversed the findings of the trial court. It found that the thresholds for infill areas and small projects were invalid because they were not supported by substantial evidence. The 2022 TSG identified infill areas in the unincorporated county with higher densities, a greater mix of land uses, and near existing and planned transit. Regarding the small project threshold, the 2022 TSG presumed that small projects generating less than 110 average daily trips (*e.g.*, 11 single family units or fewer) would have less-than-significant transportation impacts. The County petitioned the California Supreme Court to review the decision and was supported by amici briefs from the County Counsels’ Association and the League of California Cities. Ultimately, however, the Court denied review of the case, rendering the appellate court decision final. In October 2025, the trial court issued a writ of mandate ordering the County to vacate the infill area and small project thresholds by January 14, 2026. The remainder of the 2022 TSG—including the significance threshold of VMT 15% below the countywide average—is not subject to the writ of mandate and may continue to be used.

The revisions to the TSG to remove the infill areas and small project exemptions would apply to in-process projects. However, staff have reviewed in process projects and determined that most of them are consistent with the County’s General Plan and qualify to streamline under CEQA using the 15183-exemption process, which tiers off the General Plan Environmental Impact Report (EIR). The 15183-exemption provides an easier, more streamlined process that has more legal

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protection than other exemptions or doing a Mitigated Negative Declaration, but without the cost of doing an EIR. For in-process projects that do not qualify for a 15183 CEQA exemption, staff have contacted those individual project applicants and are working with them to identify options to move forward.

ENVIRONMENTAL STATEMENT

This action to revise the 2022 TSG is (1) not a project as defined in the Public Resources Code section 21065 and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution is an administrative action and it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Community and Equity initiatives in the County's 2025-2030 Strategic Plan by creating and promoting diverse opportunities for residents to exercise their right to be civically engaged and find solutions to current and future challenges.

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

ATTACHMENT(S)

Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at www.sandiegocounty.gov/content/sdc/cob/bosa.html.

ATTACHMENT A - RESOLUTION TO RESCIND AND VACATE INFILL AND SMALL PROJECT THRESHODS OF ADOPTED TRANSPORTATION STUDY GUIDE FOR VMT

ATTACHMENT B – REVISED TRANSPORTATION STUDY GUIDE FOR VMT