

RESOLUTION NO. 2020-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING VEHICLES MILES TRAVELED THRESHOLDS OF SIGNIFICANCE FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

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

WHEREAS, 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”; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Senate Bill 743, enacted in 2013 and 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; and

WHEREAS, 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; and

WHEREAS, as a result, automobile delay, as measured by “level of service” (“LOS”) and other similar metrics, will generally no longer constitute a significant environmental effect under CEQA; and

WHEREAS, CEQA Guidelines Section 15064.3 requires agencies to stop treating automobile delay/LOS as an environmental impact effective on July 1, 2020, though public agencies may elect to be governed by this section immediately; and

WHEREAS, the City of Ontario, following a public review process consisting of staff presentations before the Planning Commission, wishes to adopt the VMT thresholds of significance for determining the significance of transportation impacts that are recommended in an analysis conducted by the San Bernardino County Transportation Authority on behalf of its member jurisdictions; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to § 15061(b)(3) (General Rule) of the CEQA Guidelines based on the fact that there is no possibility that adoption of VMT Thresholds will result in a significant effect on the environment; and

WHEREAS, on May 26, 2020, the Planning Commission of the City of Ontario considered the proposed VMT Thresholds and recommended the City Council adopt the VMT Thresholds; and

WHEREAS, on June 16, 2020, the City Council of the City of Ontario considered the proposed VMT Thresholds; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the City Council of the City of Ontario ("City"), as follows:

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

a. The Project is exempt from environmental review pursuant to Section 15601(b)(3) (General Rule) of the CEQA Guidelines; and

b. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

c. The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2. Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1, above, the City Council hereby concludes as follows:

a. Adoption of the Vehicle Miles Traveled (VMT) Thresholds is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

b. The Vehicle Miles Traveled (VMT) Thresholds would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 3. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 2, above, the City Council hereby ADOPTS:

1. Utilizing the San Bernardino County Travel Demand Model (SBTAM) as its preferred methodology to measure VMT.
2. Utilizing the San Bernardino County Travel Demand Model (SBTAM) as its preferred method to analyze a project's VMT impact.
3. Utilizing a threshold consistent with Table 1 in Exhibit A

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of June 2020.



PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:



COLE HUBER, LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-071 was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held June 16, 2020, by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS: LEON, DORST-PORADA, WAPNER,
BOWMAN AND VALENCIA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE


SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-071 duly passed and adopted by the Ontario City Council at their regular meeting held June 16, 2020.


SHEILA MAUTZ, CITY CLERK

(SEAL)