

ORDINANCE NO. 3263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC-23-003, A ZONE CHANGE REQUEST TO AMEND THE OFFICIAL ZONING MAP: [1] REZONING 3.8 ACRES OF LAND FROM HDR-45 (HIGH-DENSITY RESIDENTIAL) TO MU-1 (DOWNTOWN MIXED USE), [2] REZONING OF 9.8 ACRES OF LAND FROM BP (BUSINESS PARK) TO MU-6 (EAST HOLT MIXED USE), AND [3] REZONING 5.75 ACRES OF LAND FROM OL (LOW-INTENSITY OFFICE) TO MU-1 (DOWNTOWN MIXED USE), AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 0110-072-25, 0110-081-06, 0110-081-07, 1048-344-03, 1048-353-04, 1048-353-05, 1048-353-09, 1048-353-13, 1048-353-14, 1048-541-15, 1048-576-01, AND 1048-576-02.

WHEREAS, City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change application, File No. PZC-23-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, The Zoning Map amendment includes the following:

1. Rezone 3.8 acres of land from HDR-45 (High-Density Residential) to MU-1 (Downtown Mixed Use). Located on properties in the Downtown area to the north of D Street, south of E Street, and to the west of Laurel Street.
2. Rezone 9.8 acres of land from BP (Business Park) to MU-6 (East Holt Mixed Use). Located on the north side of Holt Boulevard 800 feet east of Imperial Street.
3. Rezone 5.75 acres of land from OL (Low-Intensity Office) to MU-1 (Downtown Mixed Use). Located on the southwest corner of Sultana Avenue and D Street.

WHEREAS, on October 5, 2023, the Planning Department held an in-person community meeting attended by 5 community members; and

WHEREAS, on October 24, 2023, the Planning Commission conducted a public hearing and approved Resolution No. PC23-084, recommending the City Council approve a Resolution adopting an Addendum to the Ontario Plan 2050 Supplemental Environmental Impact Report (State Clearinghouse No. 2021070364), certified by the City Council on August 16, 2022, in conjunction with File No. PGPA20-002. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the City Council the responsibility and authority to review and act on the subject Application; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on October 24, 2023, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution Nos. PC23-084 and PC23-086, recommending the City Council approve the Application; and

WHEREAS, as the first action on the Project, on November 21, 2023, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

WHEREAS, on November 21, 2023, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, 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 previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan 2050 Supplemental Environmental Impact Report, certified by the City of Ontario City Council on August 16, 2022, in conjunction with File No. PGPA20-002.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the recommended bodies; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(6) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Airport Land Use Compatibility Plan ("ALUCP") Compliance.*

The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan.

(1) On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the CITY COUNCIL, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP; and

SECTION 4. *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 through 3, above, the City Council hereby concludes as follows:

(1) ***The proposed Zone Change 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.***

Land Use Element:

▪ Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

➤ LU-1.6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Compliance: The proposed Zone Change will reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and provides opportunities for choice in living environments.

- Goal LU2: Compatibility between a wide range of uses.

➤ LU-2.1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Compliance: The proposed Zone Change reflects the existing uses of the properties or closely coordinates with land use designations in the surrounding area and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

➤ LU-5.7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed Zone Change is consistent with the Ontario Airport ALUCP.

Safety Element — Noise Hazards:

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ S-4.6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The City is proposing zone changes across the City, as illustrated in Exhibit A, to align with the TOP Vision. Furthermore, these zoning adjustments are an integral component of the City's continuous endeavors to influence and improve future development and land use patterns as outlined in The Ontario Plan.

(2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed zone changes are compatible with the existing zoning and land uses in the surrounding area. In addition, Land Use Policies LU-2.3, LU-2.4, LU-2.5, and LU-2.6 would reduce the amount of conflict between contradicting land uses.

(3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The implementation of the Project would not lead to physical improvements that could potentially divide an established community. Moreover, the Land Use Policies LU-2.3, LU-2.4, LU-2.5, and LU-2.6 would serve to minimize conflicts between conflicting land uses. As a result, no adverse impacts are anticipated.

(4) ***The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The proposed zone changes are aimed at facilitating the systematic development of the Project sites. This will be achieved by rezoning parcels that constitute the Project sites, rendering it physically conducive for any anticipated future development and associated permitted land uses.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Application.

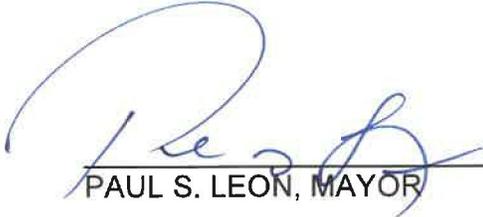
SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective 30 days following its adoption.

SECTION 9. Publication and Posting. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 5th day of December 2023.



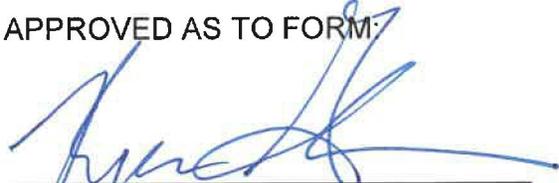
PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:



BEST BEST & KRIEGER 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 Ordinance No. 3263 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 21, 2023 and adopted at the regular meeting held December 5, 2023 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS: LEON, DORST-PORADA, WAPNER AND VALENCIA
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: BOWMAN


SHEILA MAUTZ, CITY CLERK

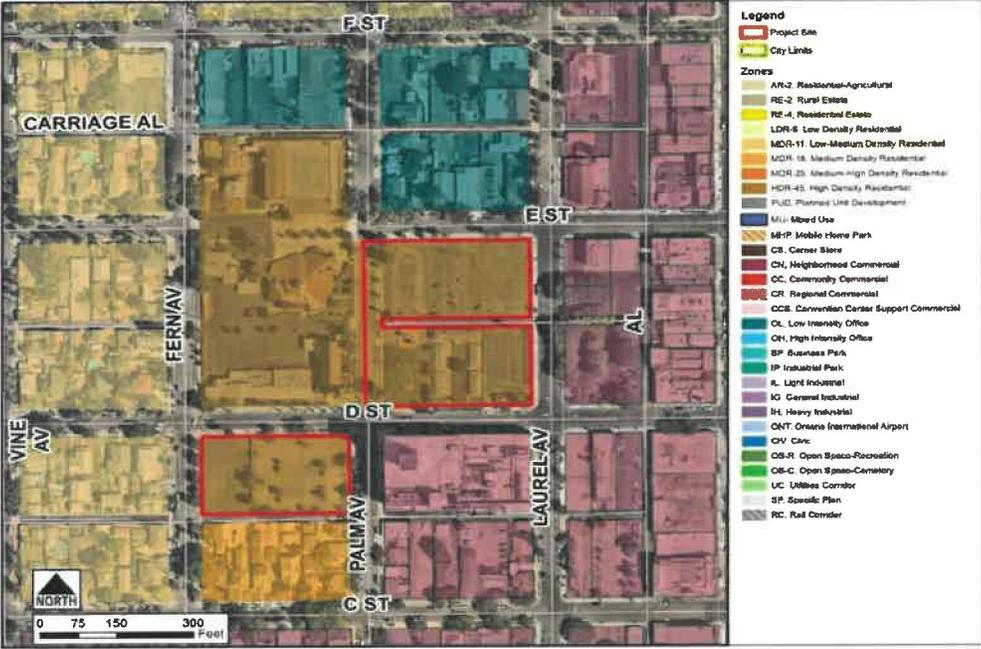
(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3263 duly passed and adopted by the Ontario City Council at their regular meeting held December 5, 2023 and that Summaries of the Ordinance were published on November 28, 2023 and December 12, 2023 in the Inland Valley Daily Bulletin newspaper.

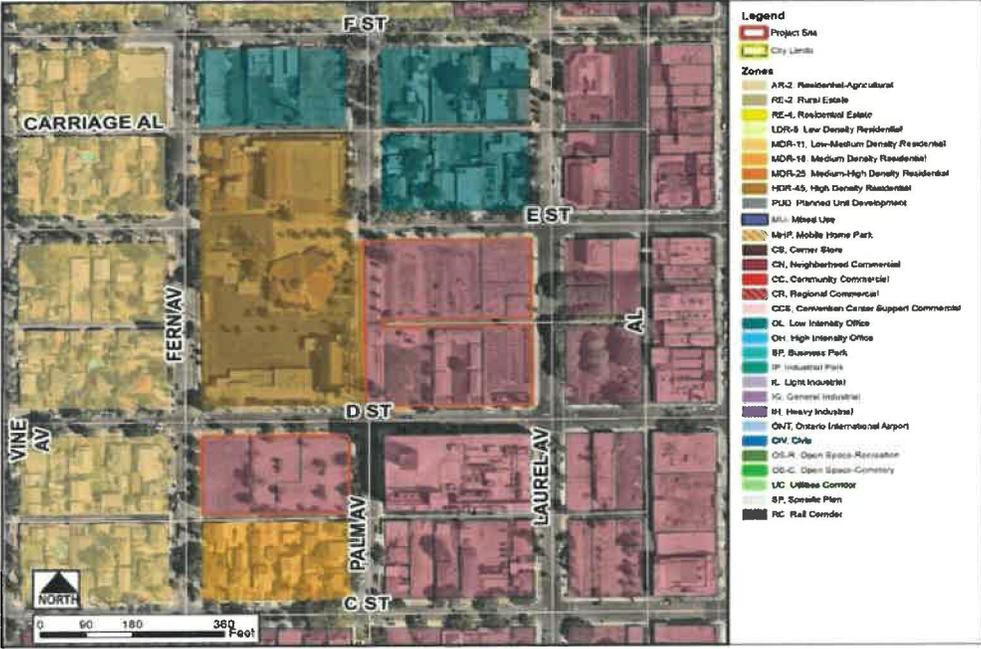

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A: File No. PZC-23-003 Proposed Zone Changes



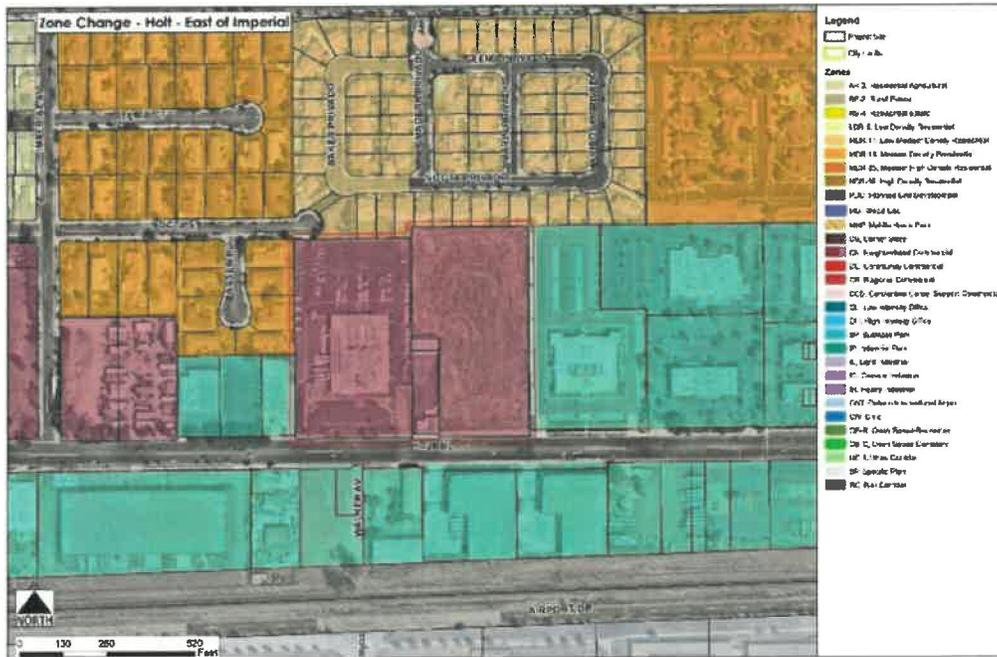
Existing Zone: HDR-45 (High Density Residential—25.1 to 45.0 DU/Acre) Zoning District



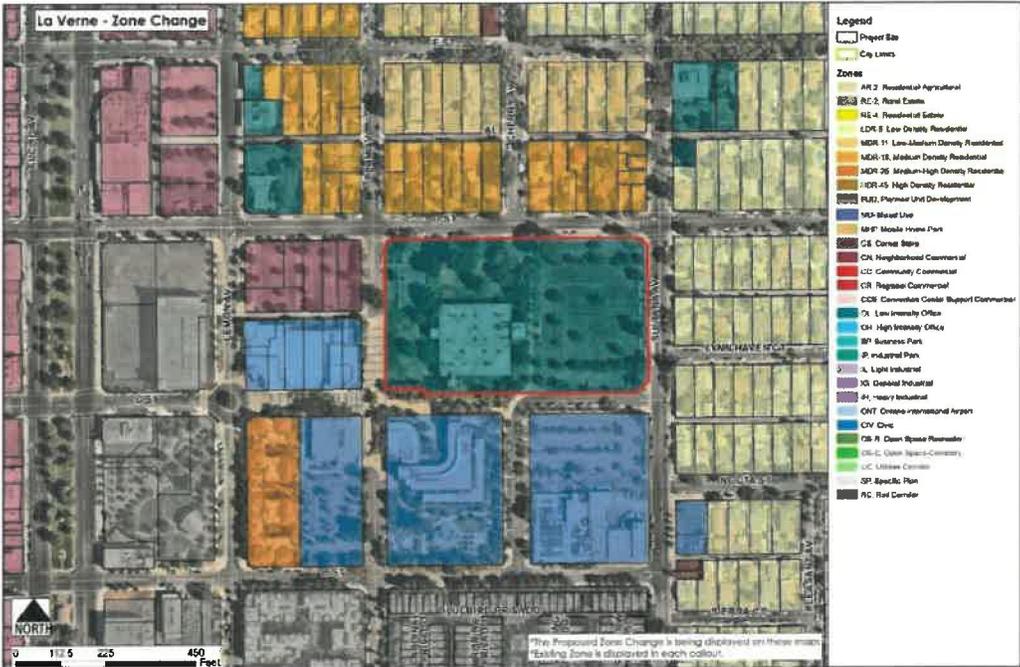
Proposed Zone: MU-1 (Downtown Mixed Use) Zoning District.



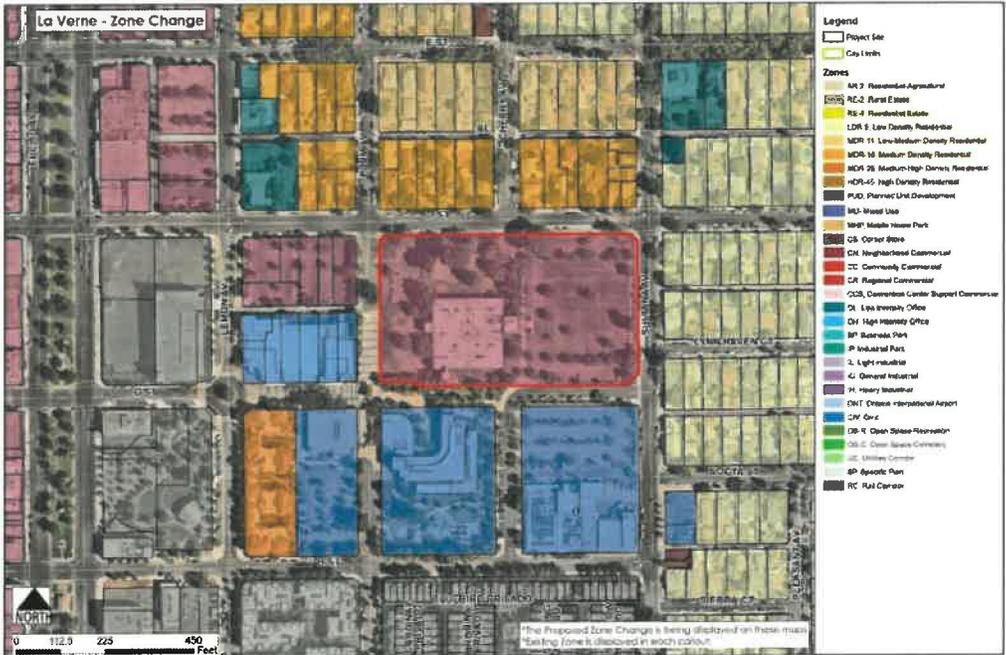
Existing Zone: BP (Business Park) Zoning District.



Proposed Zone: MU-6 (East Holt Mixed Use) Zoning District.



Existing Zone: OL (Low Intensity Office) Zoning District.



Proposed Zone: MU-1 (Downtown Mixed Use) Zoning District.