

ORDINANCE NO. 3292

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 14 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADDING SECTION 8-14.04, ALTERNATIVE BUILDING STANDARDS FOR ADAPTIVE REUSE PROJECTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the California Historic Building Code (CHBC), the California Building Code (CBC) Chapter 34, the California Existing Building Code (CEBC) Part 10, and the California Health and Safety Code (CHSC) Section 17958.11 and Section 19957 provide the Building Official and Fire Marshal with the ability to consider alternative building standards while ensuring adequate health and safety protections; and

WHEREAS, the City desires to target adaptive reuse (or change of building classification/occupancy) of designated historic buildings to multiple-family residential, office, commercial, work/live, or retail while removing construction barriers related to zoning, building, and fire code compliance; and

WHEREAS, adaptive reuse will further incentivize preservation of historically significant resources, streamline the review and approval process by waiving the development plan review, reduce underutilized sites, reduce demolition, and foster sustainable community development; and

WHEREAS, adaptive reuse relies upon the California Historic Building Code, International Existing Building Code, and California Health and Safety Code to provide the authority for the Building Official and Fire Marshal to consider alternative building standards and methods of construction while ensuring adequate health and safety protections for the new use; and

WHEREAS, the Fire Marshal, Building Official and Planning Director may approve alternative materials and methods finding that special difficulties observed in an existing building make the strict letter of the local codes impractical and the alternative is in compliance with the intent and purpose of the local codes and that such modification does not lessen health, life and safety requirements; and

WHEREAS, the City held a public hearing on December 3, 2024, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds that the proposed Amendment is necessary to expand, establish, and clarify alternative building standards for the conversion of existing buildings or structures to accommodate new uses or occupancy for other purposes than what it was originally designed for and still provide reasonable use and safety to the building occupants.

SECTION 2. Amendment. Chapter 14, Historic Building Code, Existing Building Code and Referenced Standards, of Title 8 of the Ontario Municipal Code is hereby amended to add Section 8-14.04, Alternative Building Standards for Adaptive Reuse Projects, to read as follows:

8-14.04.01 – Purpose. The Historic Preservation- Adaptive Reuse Plan in Title 9 Development Code expanded the scope of eligible and underutilized buildings or structures that have great potential to be converted into new uses or occupancy that can benefit from relief of parking standards, setbacks and zoning height limitations. However, key to the success of the Adaptive Reuse Plan relies on the ability of the Building Official and Fire Marshal to effectively use their authority to grant code modification or alternative materials, design and methods of construction and equipment to address practical difficulties involved in complying with the strict provisions of the code or consider alternative design or methods not specifically prescribed in the code. Other statutory regulations such as the California Historic Building Code adopted in Chapter 14, Section 8-14.01 and the California Existing Building Code adopted in Section 8-14.02, including Government Code Sections 17958.11 and 19957 of the California Health and Safety Code, provides the Building Official and Fire Marshal with the ability to consider other alternative building standards. Therefore, the purpose of this chapter is to amend, expand, establish and clarify alternative building standards for the conversion of existing buildings or structures to accommodate new uses or occupancy for other purposes than what it was originally designed for and still provide reasonable use and safety to the building occupants.

8-14.04.02 – Applicability. Projects that meet the definition and applicable requirements of an adaptive reuse project pursuant to Title 9 Development Code may be permitted to use the alternative building standards of this chapter.

8-14.04.03- Adaptive Reuse Technical Manual.

- (A) Although other chapters or sections of the Ontario Municipal Code and the most recently adopted edition of the California Building Standards Code are applicable to new construction or a change of use or occupancy, the use of the Adaptive Reuse Technical Manual, which includes Alternative Building Materials and Methods, may be permitted to provide alternative regulations for adaptive reuse projects that meet the applicability requirement of Section 8-14.04.02.
- (B) The Building Official and Fire Marshal shall prepare, maintain, and update, as deemed necessary and appropriate, the Adaptive Reuse Technical Manual and shall include technical information and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the City deems necessary, for implementing the provisions of this chapter.

- (C) The Building Official and Fire Marshal shall develop, as deemed necessary and appropriate, in cooperation with other City departments and stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of this chapter.

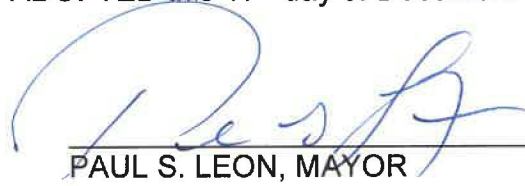
SECTION 3. **Filing of Ordinance.** The Building Official shall transmit a copy of this Ordinance for filing to the State of California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7. One copy of the Ontario Building Code shall be placed on file in the Office of the City Clerk and is hereby adopted and made a part of this Chapter as if fully set forth at length herein.

SECTION 4. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or in effective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 5. **CEQA.** The City Council finds that the changes made to the California Building Code and the International Building Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Building Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption within five (5) days of the adopting of this Ordinance.


SECTION 6. **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 fifteen (15) days of 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 17th day of December 2024.



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. 3292 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 3, 2024 and adopted at the regular meeting held December 17, 2024 by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, PORADA, WAPNER, BOWMAN AND MACIAS
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE


SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3292 duly passed and adopted by the Ontario City Council at their regular meeting held December 17, 2024 and that Summaries of the Ordinance were published on December 10, 2024 and December 24, 2024, in the Inland Valley Daily Bulletin newspaper.


SHEILA MAUTZ, CITY CLERK

(SEAL)