

ORDINANCE NO. 3268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC23-002, A ZONE CHANGE TO MODIFY THE ZONING MAP TO REMOVE THE EA (EUCLID AVENUE) OVERLAY DISTRICT SOUTH OF PHILADELPHIA AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS:

1051-051-11, 1051-051-12, 1051-051-17, 1051-051-71, 1051-051-72, 1051-051-22,
 1051-051-23, 1051-051-24, 1051-051-25, 1051-051-26, 1051-051-27, 1051-051-28,
 1051-051-29, 1051-051-30, 1051-051-31, 1051-051-32, 1051-051-33, 1051-051-34,
 1051-051-35, 1051-051-36, 1051-051-37, 1051-051-38, 1051-051-39, 1051-051-40,
 1051-051-41, 1051-051-42, 1051-051-43, 1051-051-44, 1051-051-45, 1051-051-46,
 1051-051-47, 1051-051-48, 1051-051-49, 1051-051-50, 1051-051-51, 1051-051-52,
 1051-051-53, 1051-051-54, 1051-051-55, 1051-051-56, 1051-051-57, 1051-051-58,
 1051-051-59, 1051-051-60, 1051-051-61, 1051-051-62, 1051-051-63, 1051-051-64,
 1051-051-65, 1051-051-66, 1051-051-67, 1051-051-68, 1051-051-73, 1051-062-25,
 1051-062-26, 1051-062-27, 1051-062-28, 1051-062-29, 1051-062-30, 1051-062-31,
 1051-062-32, 1051-062-33, 1051-062-34, 1051-062-35, 1051-062-36, 1051-062-37,
 1051-062-38, 1051-062-39, 1051-081-01, 1051-062-40, 1051-062-41, 1051-062-42,
 1051-062-48, 1051-062-49, 1051-071-02, 1051-071-04, 1051-081-01, 1051-081-02,
 1051-211-02, 1051-211-03, 1051-211-10, 1051-222-01, 1051-222-13, 1051-222-20,
 1051-271-06, 1051-271-66, 1051-271-67, 1051-281-04, 1051-281-09, 1051-281-77,
 1051-281-79, 1051-281-80, 1051-411-12, 1051-411-13, 1051-411-14, 1051-411-15,
 1051-411-16, 1051-411-17, 1051-411-18, 1051-411-35, 1051-411-36, 1051-411-37,
 1051-411-38, 1051-412-21, 1051-412-22, 1051-412-23, 1051-412-24, 1051-412-25,
 1051-412-26, 1051-412-27, 1051-412-28, 1051-421-08, 1051-421-09, 1051-421-10,
 1051-421-11, 1051-421-12, 1051-421-13, 1051-421-14, 1051-421-15, 1051-431-55,
 1051-431-56, 1051-431-57, 1051-431-58, 1051-431-59, 1051-431-60, 1051-431-61,
 1051-441-08, 1051-441-51, 1051-522-10, 1051-522-02, 1051-522-03, 1051-522-04,
 1051-522-05, 1051-522-61, 1051-522-62, 1051-522-63, 1051-522-64, 1051-522-65,
 1051-522-66, 1051-522-67, 1051-522-68, 1051-522-69, 1051-522-74, 1051-522-75,
 1051-522-76, 1051-522-77, 1051-522-78, 1051-614-01, 1051-614-02, 1051-614-03,
 1051-614-07, 1051-614-08, AND 1051-614-09.

WHEREAS, the City of Ontario ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC-23-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the existing Application proposes to remove the EA (Euclid Avenue) Overlay zoning district on properties on the east and west sides of Euclid Avenue between Philadelphia Avenue and Riverside Drive (see "Attachment A: Existing EA (Euclid Avenue) Zoning Overlay District" and "Attachment B: Proposed EA (Euclid Avenue) Zoning Overlay District"); and

WHEREAS, the purpose of the EA (Euclid Avenue) zoning overlay was to recognize, protect, and enhance the visual character and quality of Euclid Avenue as a major scenic and historic resource, recognize and protect Euclid Avenue's position on the National Register of Historic Places, and recognize Euclid Avenue as a major contributor

to Ontario's historic downtown area. The existing EA (Euclid Avenue) zoning overlay south of Riverside Avenue is over one mile from Ontario's downtown area, does not contain the same architectural character as the downtown area, nor does it protect Euclid Avenue as a major scenic and historic resource of the City; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, 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, 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, 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 November 28, 2023, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Resolution No. PC23-101, recommending the City Council approve the Project; and

WHEREAS, on December 19, 2023, the City Council of the City of Ontario conducted a public hearing on 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 RESOLVED by the City Council of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Zone Change, the City Council has reviewed and considered the information contained in the administrative record for the Zone Change. 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:

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

(2) The Zone Change is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the "common sense exemption" (also known as the "general rule exemption") that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

(3) The determination that the Zone Change is not subject to CEQA reflects the independent judgment of the City Council.

SECTION 2. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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 Zone Change, 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 is consistent with the policies and criteria set forth within the ONT ALUCP; and

(2) On August 2, 2022, the City Council of the City of Ontario approved and adopted a Development Code Amendment to establish the Chino Airport ("CNO") Overlay Zoning District ("OZD") and Reference I, Chino Airport Land Use Compatibility Plan ("CNO ALUCP"). The CNO OZD and CNO ALUCP established the Airport Influence Area for Chino Airport, solely within the City of Ontario, and limits future land uses and development within the Airport Influence Area, as they relate to safety, airspace protection, and overflight impacts of current and future airport activity. The CNO ALUCP is consistent with policies and criteria set forth within the Caltrans 2011 California Airport Land Use Planning Handbook. The proposed Project is located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the California Airport Land Use Planning Handbook and the CNO ALUCP. As the decision-making body for the Zone Change, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the CNO ALUCP compatibility factors, including Safety, Airspace Protection, Overflight. As a result, the City Council, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the California Airport Land Use Planning Handbook and the CNO ALUCP.

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 as follows:***

Land Use Element:

▪ **Goal LU-1:** 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 reflects 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 LU-2:** Compatibility between a wide range of uses and resultant urban patterns and forms.

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

Compliance: The proposed removal of the EA (Euclid Avenue) zoning overlay between Philadelphia Avenue and Riverside Drive 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 LU-5: 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 removal of the EA (Euclid Avenue) zoning overlay between Philadelphia Avenue and Riverside Drive is consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Housing Element:

- Goal H-2: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

- H-2.1: Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally and aesthetically suited to corridors.

Compliance: The proposed removal of the EA (Euclid Avenue) zoning overlay between Philadelphia Avenue and Riverside Drive supports the Euclid Avenue corridor and higher density residential and mixed-use development that is functionally and aesthetically suited along transportation corridors.

- H-2.4: Ontario Ranch. We support a premier lifestyle community in the Ontario Ranch distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

Compliance: The proposed removal of the EA (Euclid Avenue) zoning overlay between Philadelphia Avenue and Riverside Drive is consistent with the policy to support a diverse housing type throughout Ontario.

(2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The removal of the EA (Euclid Avenue) zoning overlay between Philadelphia Avenue and Riverside Drive is compatible with the zoning and land uses in the surrounding areas.

(3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The allowed uses of the properties will be similar to other properties in the areas.

(4) ***The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the request and anticipated development.*** The removal of the EA (Euclid Avenue) zoning overlay between Philadelphia Avenue and Riverside Drive will accommodate a variety of residential development and on parcels physically suitable for anticipated future development.

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, as detailed in "Attachment A: Existing EA (Euclid Avenue) Zoning Overlay District " and "Attachment B: Proposed EA (Euclid Avenue) Zoning Overlay District" attached hereto and incorporated herein by this reference.

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 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 16th day of January 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. 3268 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 19, 2023 and adopted at the regular meeting held January 16, 2024 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


SHELIA MAUTZ, CITY CLERK

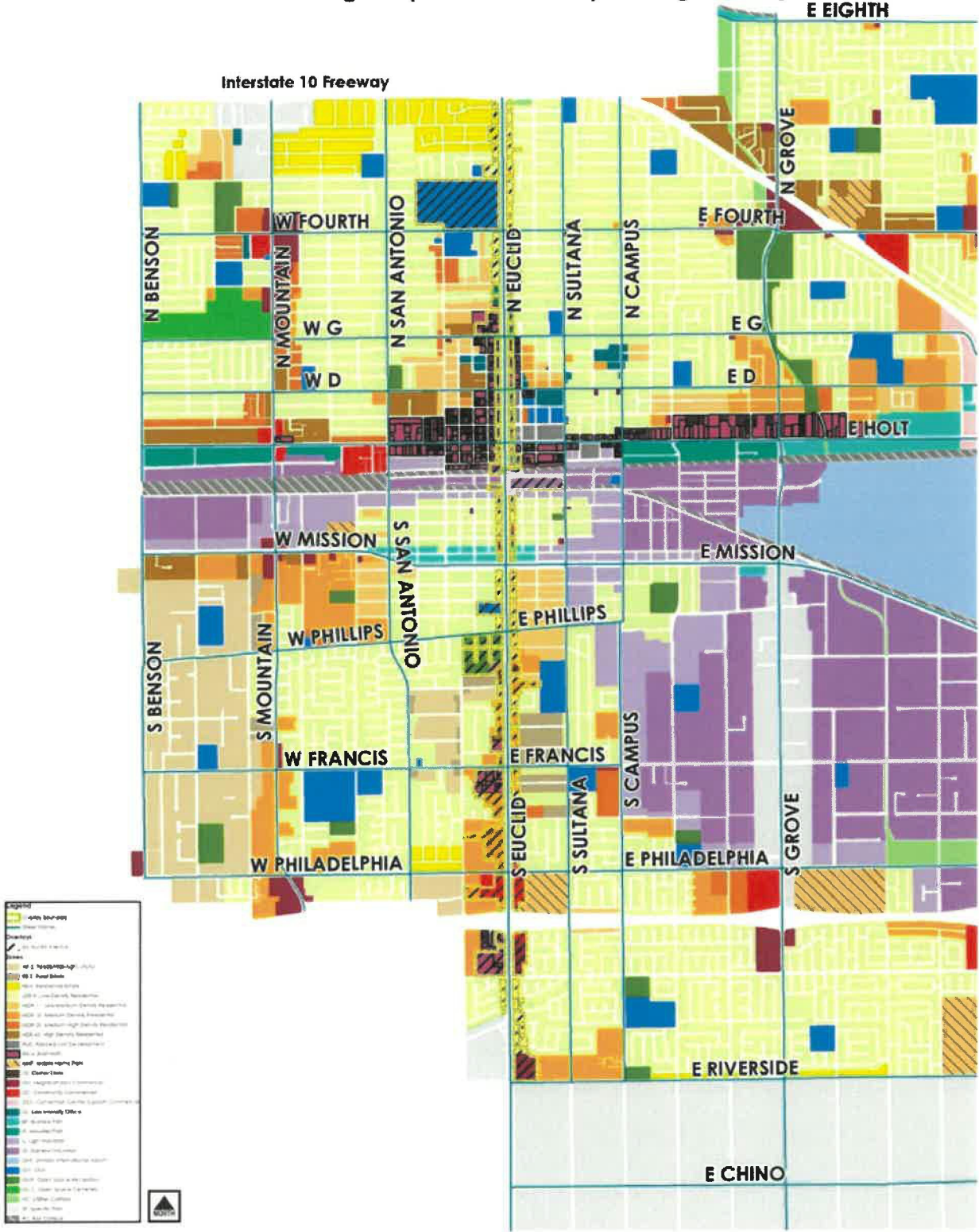
(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3268 duly passed and adopted by the Ontario City Council at their regular meeting held January 16, 2024 and that Summaries of the Ordinance were published on December 26, 2023 and January 23, 2024, in the Inland Valley Daily Bulletin newspaper.


SHELIA MAUTZ, CITY CLERK

(SEAL)

Attachment A: Existing EA (Euclid Avenue) Zoning Overlay District



Attachment B: Proposed EA (Euclid Avenue) Zoning Overlay District E EIGHTH

