

Summary of Options

Determining the most cost-effective approach to preserving affordable housing at risk of conversion to market rents must take into account a number of cost factors and market contingencies. Important cost considerations include the achievable rents under current market conditions, the condition of the property and need for rehabilitation, the income levels of the occupants, and the willingness of property owners to accept one or more of the available options. Moreover, one option may be more effective than another, depending on the timing of the decision.

Under the first scenario, City replacement of rent subsidies would easily be the most cost-effective approach in the present market, since there is little difference between fair market rents and affordable rents. But this could quickly change if the occupants had very low or extremely low incomes or rents increased. For preservation options with a longer guarantee of affordability, when funding is available, the City of Ontario could offer rehabilitation loans at approximately \$25,000 per unit. The City has successfully used this option to preserve the affordability of many projects.

If the City wishes to preserve the building for as long as possible, potentially in perpetuity, transfer of ownership is the best route. Qualified entities in the business of affordable housing are looking for opportunities to purchase at-risk projects. However, they may lack the financing to make such a purchase. In these cases, if funding is available, the City could offer low-interest loans or gap financing that would allow a nonprofit entity to purchase the property. This strategy would allow the City to assure the long-term affordability of the project while minimizing the amount of direct public investment. Program 23 is the City's program to assist with at-risk housing projects.

6. Housing Constraints

Various factors may constrain or limit the City's ability to address its housing production needs, such as governmental regulations or environmental considerations. Market factors, including a change in interest rates or construction costs, may affect the feasibility of building housing or the affordability of housing to the community. Moreover, housing goals may at times conflict with the need to promote other important City goals, including open space or economic development.

These and other governmental constraints may affect the development, improvement, and maintenance of housing for all economic and social groups in the City. State law requires the housing element to analyze potential and actual governmental and nongovernmental constraints to the production, maintenance, and improvement of housing for all persons of all income levels, including persons with disabilities.

This chapter analyzes the following three potential constraints to the production, maintenance, and improvement of housing in Ontario:

- **Market factors.** Including the demand for housing, development costs, availability of financing, the price of land, and other factors affecting supply, cost, and affordability of housing.
- **Governmental factors.** Including land use regulations, residential development standards, building codes, local fees and taxes, permit procedures, and other local policies.
- **Environmental factors.** Including the adequacy of infrastructure, public services, and water supply to support new development within the older and newer portions of the community.

The constraints analysis must also demonstrate local efforts of the City of Ontario to remove governmental constraints that hinder achievement of its various housing goals. Should actual constraints preclude the achievement of state and local housing goals, a jurisdiction is required to address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.

This section reviews the City's General Plan, Zoning Ordinance, Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and other housing and planning documents to analyze public policies and governmental regulations that may limit housing opportunities in Ontario. Also presented are ways in which the City has acted to remove or mitigate potential constraints to the production of housing.

Market Factors

The feasibility of building new single-family and multiple-family housing depends on a number of market factors: land costs, the availability or lack of infrastructure and services for the site, the cost of site improvements, construction costs, the availability of financing, and the achievable sales price or rent structure. Fees charged for housing also play into the overall financial pro forma for new housing. This section details these market factors and its overall impact on housing costs.

Land Costs

Land costs typically represent one of the largest components of the total cost of new housing. Because the availability of land has dwindled over the past years, land costs have increased, as have housing prices. Land costs vary throughout the community and depend on the underlying zoning for the site (single- or multiple-family), whether infrastructure is needed, the surrounding area, and location.

In Ontario, land costs range significantly, depending on whether the site is vacant, improved, and has infrastructure in place to support immediate development. Available properties for sale on LandandFarm.com indicate vacant land in central Ontario ranges from \$8 to \$20 per square foot with infrastructure in place. In northwest Ontario, available land costs range from \$7 to \$15 per square foot. Table H-26 illustrates the cost of residentially zoned land in Ontario.

The City of Ontario anticipates significant residential development in the New Model Colony area, south of State Route 60 and Riverside Drive. Within this area, land has sold for \$10 to \$15 per square foot for developable lots. Currently, vacant lots fronting major arterials are on the market for \$13 per square foot with infrastructure in place. If infrastructure is not in place, raw land has sold for \$6 to \$8 per square foot. Recently, with changes in the housing market, residential land prices may dip to \$3 per square foot for land without infrastructure.

Table H-26
Typical Vacant Land Costs in Ontario

<i>Location</i>	<i>General Plan Districts</i>		
	<i>Single-Family Residential</i>	<i>Multiple-Family Residential</i>	<i>Commercial (Mixed Use)</i>
West Ontario – Rural	\$7 to \$15/sf	N/A	N/A
Central Ontario	\$8 to \$20sf	\$16 to \$20/sf	N/A
New Model Colony	\$10 to 15/sf with infrastructure in place; \$6 to \$8/sf without		

Source: City of Ontario 2013

Construction Costs

Construction costs are the largest component of housing. Construction costs include labor and materials. Backbone infrastructure costs in the New Model Colony will also increase the cost of development and lower land costs. Like all cost components, the cost of constructing housing can vary significantly by project type (e.g., apartments, townhomes, single-family homes), the quality of construction materials, the location of new housing, the number of stories of the project, whether underground or subsurface parking is required, labor costs, and profit margin.

R. S. Means Construction Cost data (2012) provides manuals for calculating the average cost per square foot for residential construction. According to standard estimates, the cost for good housing in the five-county SCAG region ranges from \$71 to \$109 per square foot for single-family dwellings. The lower end of the cost range can be expected to contain limited site work, while the higher end includes site work.

Based on recent residential projects built in Ontario, the construction cost was \$132,000 per apartment unit and \$181,000 for townhome units. The City's higher construction costs reflect the standards for quality construction and amenities that contribute to higher home values over time. These requirements are intended to address the lack of quality construction in past years, which today requires the City to implement extensive and costly housing rehabilitation programs.

Financing Costs

The cost and availability of financing can impact a household's ability to purchase a home or to perform necessary maintenance and repairs. Mortgage loans for homes range between 3 and 8 percent for a standard fixed-rate loan with a 30-year term. In recent years, interest rates have fluctuated widely with the national economy and can have a dramatic impact on housing affordability. For example, a 1 percent increase in the interest rate can increase the monthly payment by \$250 for a single-family home and \$175 for the average-priced condominium in Ontario. An increase in interest rate could reduce the number of households who qualify to purchase a home.

As prices for market-rate housing increase, the subsidies to bridge the amount a household can afford to pay and the market price of the unit have become very high. As a result, substantial financial subsidies, often from multiple funding sources, are required to finance the construction of affordable housing. However, only a few affordable housing developers can assemble multiple funding sources and have experience in complying with the complex regulatory requirements governing the use of various funding programs.

Program Response

Although state Housing Element law does not require the City of Ontario to mitigate the impact of market factors on the feasibility of constructing affordable housing, the City does implement many programs to help facilitate the construction of affordable housing and assist renters and homeowners. Programs 4, 14 and 17 help mitigate the impact of market factors and achieve the City's affordable housing goals. In some cases, the market downturn also provides the City with a greater ability to influence land costs, such as through land writedowns.

Land Writedowns

Because of the high cost of residential land and its impact on the feasibility of constructing affordable housing, the City has a program (Program 18) to help developers purchase or lease land. For the Mercy House Continuum of Care Program, the City and/or the Ontario Housing Authority is leasing some properties to Mercy House for a

minimum of \$1 per year to help support the operation of the homeless COC (Program 26).

Working with Nonprofits

The City's affordable housing program works with developers, both nonprofit and for-profit, to facilitate the packaging of financial deals to allow for the construction of affordable housing. All of the recent affordable housing projects built in the City have a range of public and private funding sources that have been leveraged together.

Developer Concessions

The City of Ontario implements various housing programs to reduce or modify development standards that add costs to constructing affordable housing. These may include modification of parking, open space, and other standards through administrative exceptions. Moreover, considerable fee reductions are offered in return for affordability agreements. Finally, developers of affordable housing are also able to secure density bonuses that work to increase the cash flow of a project and indirectly mitigate the cost of construction, land costs, and financing constraints. Each of these incentive programs is described later.

Development Fees and Taxes

The City charges a range of development fees and exactions to recover the costs of providing services to new development. Fees are designed to ensure that developers pay a fair pro rata share of the costs of providing infrastructure and compensate the City for processing the application. The types of fees and their amounts are regulated by the Government Code.

- ***Planning and Building Fees.*** The City charges local fees to recover the cost for processing applications, building permits, and services.
- ***Local Impact Fees.*** Ontario charges fees to construct infrastructure (water, sewer, library, etc.) required to serve new development, including housing.
- ***Regional Impact Fees.*** Regional or government entities charge fees to provide infrastructure and services for each new development project, such as schools and regional wastewater entities.
- ***New Model Colony Fees.*** Developers pay fees to construct improvements in accordance with City master plans, specific plans, subdivision requirements, and developer agreements.

Table H-27 itemizes fees charged for prototypical projects in Ontario. Generally, fees range from \$20,000 to \$38,500 in the Original Model Colony. Fees in the New Model Colony range from \$20,000 to \$44,000 per unit due to the lack of infrastructure in that area.

Table H-27
Residential Development Fees

Fee Category	Original Model Colony			New Model Colony		
	Single-Family	Condominiums	Apartment Units	Single-Family	Condominiums	Multiple-Family
City Planning	\$540	\$302	\$194	\$540	\$302	\$194
City Building Permits	\$3,127	\$1,190	\$1,195	\$3,127	\$1,680	\$1,195
Public Safety (Police/Fire)	\$631	\$550	\$550	\$920	\$793	\$793
Streets, Signals, Bridges	\$2,440	\$1,629	\$1,008	\$4,030	\$2,691	\$1,665
Storm Drainage (per acre)	\$3,384	\$1,087	\$505	\$5,807	\$1,318	\$1,075
Water Distribution	\$4,988	\$3,410	\$2,301	\$7,618	\$4,183	\$2,219
Parks and Recreation	\$8,782	\$7,784	\$6,160	\$8,782	\$7,784	\$6,160
Sewer Connect (per du)	\$1,551	\$1,357	\$1,163	\$1,012	\$767	\$463
All Others	\$2,248	\$1,481	\$1,038	\$3,616	\$2,297	\$1,813
School District (per sq. ft.)	\$4.51/sf	\$4.88/sf	\$5.12/sf	\$3.64/sf	\$3.64/sf	\$3.64/sf
Total Fees per Unit						
Planning	\$540	\$302	\$194	\$540	\$302	\$194
Building	\$3,127	\$1,190	\$1,195	\$3,127	\$1,680	\$1,195
Impact	\$34,851	\$24,615	\$18,872	\$40,521	\$25,293	\$18,556
Total	\$38,518	\$26,108	\$20,261	\$44,188	\$27,275	\$19,945

Source: City of Ontario 2012

Affordable Housing Reductions

Although development fees add to the cost of residential construction, they are not considered a constraint to the production of affordable housing. In compliance with Government Code Section 66005, a local government is required to ensure that fees do not exceed the estimated reasonable cost of providing the service. Government Code Section 66001 requires that impact fees have a reasonable nexus to the project and the fee amount be reasonably related to the cost of providing services and capital facilities. Moreover, the City offers significant fee reductions for qualified projects.

With the adoption of Resolution No. 2007-023, the City Council determined that the development and redevelopment of affordable housing is of utmost importance to promote the objectives of the General Plan, the Housing Element, revitalization objectives, and the

overall supply of decent and affordable housing. Therefore, the City Council approved the reduction of development impact fees for projects covered by an Affordable Housing Agreement with the City.

The ordinance sets a sliding scale of fee reductions for qualified residential projects, with potential fee reductions shown in Table H-28. All qualified projects must make available a minimum of 20 percent of affordable units for very low-income households and the remaining units affordable to low-income households. To assist New Model Colony developers and their substantial commitment to fund infrastructure improvements, the City issues reimbursements or credits to the developer for the eligible costs of public infrastructure based on the estimated eligible construction costs identified in the Master Facilities Plan that will serve their project.

Table H-28
Residential Development Fee Credits

Project	Original Model Colony	
	Percentage of Maximum Fee	Dollar Amount of Possible Reduction
Where 10% of units are affordable	65%	\$15,000 to \$17,000/du
Where 15% of units are affordable	35%	\$28,000 to \$33,000/du
Where 15% of units are affordable	15%	\$37,000 to \$43,000/du
Multistory Building with Mixed Uses	50%	\$21,000 to \$25,000/du
- with Structured Parking	10%	\$39,000 to \$45,000/du

Source: City of Ontario 2007

Notes:

For the above projects, a minimum of 20 percent of the affordable units must be affordable to very low-income households and the remainder must be affordable to low-income households

Fee reductions do not apply to the Streets, Signals, and Bridges Fee category attributable to the 36 regional projects constructed by SANBAG under the Measure I program.

Land Use Controls

The Land Use Element prescribes the allowable uses of land in Ontario. Land use categories are provided to guide the type of development, intensity or density of development, and the permitted uses of land. The City’s Development Code implements the General Plan by providing specific direction and development standards within each of the general land use categories. Previously, the City had separate categories for its New Model Colony area.

As part of the 2030 General Plan update, the City revised its General Plan land use designations, most notably combining several previous designations (Planned Residential Overlay and Mobile Home District) into new land use designations. The new General Plan land use designations apply to the New Model Colony. Also, the density for

medium-density and high-density residential were increased substantially, and a new mixed-use category was created.

Table H-29 represents the 2030 General Plan land use designations, corresponding zoning districts, and the permitted densities for residential development.

Table H-29
Primary General Plan Land Uses Allowing Housing

<i>2030 General Plan</i>	
<i>General Plan Land Use</i>	<i>Zoning District and Allowable Density</i>
Rural	AR District 0.0–2.0 du/ac
Low Density	R1 and RE Districts 2.1–5.0 du/ac
Low Medium Density	R1.5 District 5.1–11.0 du/ac
Medium Density	R2 District 11.1–16 du/ac R3 District 16.1–25.0 du/ac
High Density	HDR-45 25.1–45.0 du/ac
Mixed Use	Conditionally permitted use in C1, C3 zones Permitted use in C2 Zone 30–125 du/ac
Mobile Home	Mobile Home Park District 5.1 – 8.0 du/ac

Source: City of Ontario 2013. .

To provide for greater land use controls and guidance, Ontario has 40 different Specific Plans, 15 of which contain significant residential uses. Pursuant to the annexation of the dairy lands south of the city in 1998, the City is processing Specific Plans for the New Model Colony as well. Table H-30 displays the Specific Plan areas that are primarily residential.

Table H-30
Existing Specific Plans with Residential Uses

No.	Specific Plan	Description	Development Status
1	Ontario Center (1987)	701-acre residential, commercial, industrial, and office development plan	Partially developed
2	Ontario Festival (2003)	37.6-acre commercial and residential development	32 acres vacant
3	Meredith Center (1981)	258-acre multiple use commercial, office, hotel, and residential development	Vacant
4	Mountain Village	Pedestrian-oriented commercial/retail/residential district; entertainment destination with "round-the-clock" district	Built Out
5	Borba Village	32-acre residential, neighborhood commercial, and open space linked by a pedestrian corridor	Partially Developed
6	Creekside (1994)	410-acre planned residential community with 9 activity centers, with lake and school site	Built out
7	Wagner Specific Plan (1992)	Now converted from commercial to residential specific plan proposing 275 units on 45 acres of land, 11 of which are residential	Partially developed
No.	New Model Colony	Description	Development Status
8	Countryside (2006)	178-acre master-planned residential with 819 single-family homes	approved
9	Edenglen (2005)	160-acre master planned community with 277 single-family and 307 multiple-family residences	Partially developed
10	Rich-Haven	510.6-acre traditional neighborhood design, residential, and regional commercial/mixed use with 2,732 single-family and 1,524 multi-family units	Approved
11	Esperanza	223-acre residential planned community with 914 single-family and 496 multiple-family homes	Approved
12	Sub-Area 29	532-acre planned residential, commercial, and recreational uses with 2,291 single-family units	Approved
13	The Avenue	560-acre specific plan with 2,020 single-family and 586 multiple-family residences with parks	Approved
14	West Haven Specific Plan	200-acre residential development with 753 single-family residences	Approved
15	Parkside	250-acre planned community with 437 single-family and 1,510 multiple-family homes and 50 acres of parks	Approved

Environmental Factors

Environmental and infrastructure issues affect the amount, location, and timing of new residential development. New housing opportunities create challenges regarding public infrastructure extensions and expansions, and encroachment into agricultural land. In addition, the availability of adequate water, public infrastructure such as wells and wastewater treatment facilities, and other public services and facilities can impact the feasibility of new residential development.

A lack of water and wastewater capacity or infrastructure can present a barrier to the development of affordable housing in many jurisdictions. The status of current infrastructure capabilities and capacities by planning area are presented below.

- ***Campus Site.*** The site has no development or environmental constraints, and is ready to be developed immediately
- ***Downtown.*** The City recently installed sewer infrastructure along East Holt Boulevard to accommodate development projected under the General Plan. The capacity is adequate to serve the projected new residential and commercial development in the Downtown and Emporia District. There is adequate water for the sites and no known environmental constraints. Roadway improvements have also been completed along Holt Boulevard.
- ***East Holt.*** The City recently installed sewer infrastructure along East Holt Boulevard to accommodate development projected under the General Plan. Sewer capacity is now adequate to accommodate projected new residential and commercial development in the Downtown, Emporia District, and East Holt. There are no known water constraints that would preclude or delay the development of housing in any of these three areas.
- ***Mountain Corridor.*** The corridor is ripe for conversion due to its underutilized nature, new general plan land use designation that doubles or triples the allowable density, and the construction of capital improvement projects along the corridor that address water and sewer needs.
- ***Euclid Corridor.*** Water and sewer infrastructure is currently in place to support residential development. However, the properties on Fern Avenue, north of Philadelphia Street, and on Philadelphia Street, between Fern Avenue and Euclid Avenue, are on septic systems and will require sewer facilities. In these cases, developers will be required to make on-site improvements. Given the project size possible on these sites, the cost of these

types of improvements is not anticipated to preclude or delay the construction of housing.

- **Grove Corridor.** The sites are predominantly vacant and have no infrastructure or environmental constraints that would preclude or delay development. Adequate water and sewer capacity is available.
- **Mission Corridor.** Currently, there are no known constraints that would preclude or delay development of these sites. Water infrastructure and sewer infrastructure is in place and adequate to accommodate the development. The sites do not contain any environmental hazards, as they are predominantly residential and commercial in nature
- **Ontario Airport Metro Center.** Master plans for infrastructure will need to be prepared as will appropriate environmental clearance for these projects. There is adequate sewer and water capacity for each of these sites proposed to be developed during the planning period.
- **New Model Colony.** The City entered into an agreement with a consortium of 14 developers to fund \$430 million in infrastructure (streets, drainage, water, parks, etc.) that will serve the eastern portion of NMC.

Housing Opportunities

California law requires that all local governments adopt and administer programs to facilitate and encourage the provision of a range of types and prices of housing for all income levels. The City's Development Code implements the intent of the General Plan by specifying the type of housing allowed, the location of residential uses, the permitted density, and the permitting processes involved for different types of housing.

Table H-31 summarizes the types of conventional housing allowed in each zoning district and whether the use is permitted by right or conditionally permitted. Where no notation is provided, the use is prohibited. Following is an explanation of the housing types and their legal or planning context.

Table H-31
Conventional Housing Permitted by Zoning District

Residential Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations
	AR	RE	R1	R1.5	R2	R3	HDR 45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH	
Accessory Structures, including guesthouses, garages, carports, garden and tool sheds, and other ancillary buildings and structures	A/C	A/C	A/C	A/C	A/C	A/C	A/C	--	--	--	--	--	--	U	--	--	--	A	--	--	--	See Sec 9-1.1440.A and Sec 9-1.1305
Caretaker Quarters	--	--	--	--	--	--	--	--	--	--	--	A/C	--	--	A/C	A/C	A/C	A	--	A/C	--	See Sec 9-1.1305
Mixed-Use Developments	--	--	--	--	--	--	--	--	--	C	P	C	--	U	--	--	--	--	--	--	--	See Sec. 9-1.1635.A
Mobile Home Parks	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	
Multiple Family Dwellings	--	--	--	P	P	P	P	--	--	--	--	--	--	U	--	--	--	--	--	--	--	
Second and Senior Second Dwellings	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	See Sec 9-1.1440.A
Senior Citizen Housing	--	--	--	--	C	C	P	--	--	C	P	C	--	--	--	--	--	--	--	--	--	
Single-family Dwellings (one unit per lot)	P	P	P	P	P	P	--	--	P	--	--	--	--	--	--	--	--	P	--	--	--	Within the AG zoning district, the minimum lot size is 10 acres. A specific plan shall be required for any subdivision/master planned development.
Emergency Shelters	--	--	--	C	C	C	--	--	--	--	C	C	--	--	P	C	C	--	C	--	C	See Sec. 9-1.1305
Supportive Housing	P	P	P	P	P	P	P	--	--	--	--	--	--	--	P	C	C	--	C	--	P	See Sec. 9-1.1305
Transitional Housing	P	P	P	P	P	P	P	--	--	--	--	--	--	--	P	C	C	--	C	--	P	See Sec. 9-1.1305
Transitional Living Centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	--	See Sec. 9-1.1305

P=Permitted Use C=Conditionally Permitted Use A=Ancillary Use U= Refer to Underlying Zone Standards -- = Prohibited

Source: City of Ontario, 2013.

Single- and Multiple-Family Housing

The City permits single-family and multiple-family housing types as a by-right use in their respective zoning districts. To facilitate higher-density housing, the City has updated the Zoning Chapter of the Development Code to include the HDR-45 District that permits multiple family dwellings by right. The City has adopted a Planned Unit Development (PUD) Overlay District that conditionally permits a range of housing types in every residential zone. Under a PUD, the City may permit attached and detached single-family residences, townhomes, patio homes, and zero lot line and any other type of housing product permitted by the regulations of the underlying zone. The PUD is a tool to encourage and facilitate innovative design, variety, and flexibility in housing products that would otherwise not be allowed in other zoning districts.

Mixed Use

Mixed use is a building or structure with a variety of complementary uses—such as residential, office, manufacturing, retail, public, or entertainment—in an integrated development project that has both significant functional interrelationships and a coherent physical design. Mixed use can be vertically integrated or horizontally placed (side by side). Mixed-use developments are conditionally permitted in the C1 and C3 zoning districts and permitted by right in the C2 zoning district. The mixed use General Plan designation is being applied in the Ontario Airport Metro Center, Downtown, and the New Model Colony.

Mobile Homes and Manufactured Housing

California law (Government Code) specifies that permanently sited manufactured homes that are built to the HUD Code may generally not be excluded from lots zoned for single-family dwellings (unless more than 10 years old) and are subject to the same rules as site-built homes, except for certain architectural requirements. A city may not require an administrative permit, planning or development process, or requirement that is not imposed on a conventional single-family dwelling.

The City allows, by right, manufactured housing in all residential zones. Mobile homes are also allowed by right in the mobile home (MH) park zone. Mobile home units may also be used as accessory rental units subject to certain construction standards (e.g., National Mobile Home Construction and Safety Standards of 1974), locational criteria (e.g., not located in the Euclid Corridor or areas with a 65 CNEL or higher), and design standards. According to the 2012 Department of Finance numbers, an estimated 2,175 mobile homes are located in the city.

Second Units

A second unit is a detached or attached living quarter with its own kitchen and bathroom facilities, for rental purposes, intended for the elderly or for family members. Second units provide an important source of affordable housing for persons and families of low and moderate income, particularly family members, and the City of Ontario actively facilitates and encourages the development of such residential uses subject to conditions.

Ontario permits second units in the AG, AR, RE, R1, R1.5, and R2 residential zones on lots with an existing single-family home. Typically, second units can be no larger than 650 square feet in size, not including any required parking. Other design criteria are applicable, including landscaping, design, open space, setbacks, and height. The City of Ontario permits about 12 second units annually.

Special Needs Housing

State law requires that housing elements analyze the needs of certain groups of households that have special housing needs. Furthermore, state and federal fair housing laws are designed to ensure that persons and families with special housing needs (disabled people, homeless people, etc.) have adequate access to a full range of housing opportunities. An important component of meeting this challenge is to ensure that adequate housing opportunities are permitted in the community.

Table H-32 summarizes the types of special needs housing allowed in each zoning district in Ontario and whether the type of housing is permitted by right or conditionally permitted. Where a land use is not expressly permitted, the use is considered prohibited by the Municipal Code.

Table H-32
Special Needs Housing Permitted by Zoning District

Special Needs Uses	Residential Zoning Districts							Professional and Commercial Zoning Districts							Industrial Zoning Districts			Other Zoning Districts				Additional Regulations	
	AR	RE	R1	R1.5	R2	R3	HDR 45	AP	NC	C1	C2	C3	C4	EA	M1	M2	M3	AG	PF	OS	MH		
Senior Housing																							
Senior Citizen Housing	--	--	--	--	C	C	P	--	--	C	P	C	--	--	--	--	--	--	--	--	--	--	
Assisted Living/Congregate	--	--	--	--	C	C	C	--	--	C	--	C	--	--	--	--	--	C	--	--	--	--	See Sec. 9-1.1305
Convalescent Care	--	--	--	--	C	C	C	--	--	--	C	C	--	--	--	--	--	--	--	--	--	--	
Residential Care for the Elderly																							
Community Care Facilities																							
Residential Care <6 clients*	P	P	P	P	P	P	P	--	--	--	--	--	--	U	--	--	--	--	--	--	--	--	
Residential Care 7+ clients*	--	--	--	--	C	C	C	--	--	C	--	C	--	U	--	--	--	--	--	--	--	--	
Non-licensed Care Facilities																							
Boarding/Rooming House	A/ P	A/ P	A/ P	A/P	A/ P	A/ P	A/P	--	--	--	--	--	--	U	--	--	--	A/ P	--	--	--	--	See Sec. 9-1.1305
Sober Living Homes	A/ P	A/ P	A/ P	A/P	A/ P	A/ P	A/P	--	--	--	--	--	--	U	--	--	--	A/ P	--	--	--	--	See Sec. 9-1.1305
Homeless Facilities																							
Emergency Shelters	--	--	--	C	C	C	--	--	--	--	C	C	--	--	P	C	C	--	C	--	C	--	See Sec. 9-1.1305
Supportive Housing	P	P	P	P	P	P	P	--	--	--	--	--	--	--	P	C	C	--	C	--	P	--	See Sec. 9-

																						1.1305
Transitional Housing	P	P	P	P	P	P	P	--	--	--	--	--	--	--	P	C	C	--	C	--	P	See Sec. 9-1.1305
Transitional Living Centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	--	--	See Sec. 9-1.1305
Farmworker Housing																						
Caretaker's Unit	--	--	--	--	--	--	--	--	--	--	--	A/C	--	U	A/C	A/C	A/C	A	--	A/C	--	See Sec. 9-1.1305
Guest Quarters	A/C	--	--	--	--	--	--	U	--	--	--	A	--	--	--	See Sec 9-1.1440.A and Sec 9-1.1305						
Second Units	P	P	P	P	P	--	--	--	--	--	--	--	--		--	--	--	P	--	--	--	See Sec 9-1.1440.A

P=Permitted Use C=Conditionally Permitted Use A=Ancillary Use U= Refer to Underlying Zone Standards -- = Prohibited
Source: City of Ontario, 2013.

Senior Housing

The Development Code contains regulations that encourage the production or location of a continuum of housing suitable for seniors in the city. The intent of these ordinances is to ensure that seniors have the ability to remain in Ontario throughout their lives regardless of medical condition.

The major types of senior housing facilities are summarized below.

- ***Senior Housing.*** Senior housing is not specifically defined in the Development Code, but is typically intended to be reserved for seniors (either 55 and older or 65 and older). The City permits by right senior housing in the HDR-45 zone and conditionally permits senior housing in the R2, R3, C1, and C3 zones and offers significant incentives for new senior housing.
- ***Congregate Care/Assisted Living.*** Congregate care facilities provide communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and support services appropriate for residents. Congregate facilities are conditionally permitted in the R2, R3, HDR-45, C1, and C3 zones.
- ***Convalescent Homes.*** Convalescent homes (rest or nursing homes) are lodging and care facilities for convalescents, invalids, or aged persons, in which surgery is not performed and primary treatment given in hospitals or sanitariums is not provided. These uses are permitted conditionally in the R2, R3, HDR-45, C2, and C3 zones.
- ***Community Care Facilities.*** As discussed in later sections, the City also allows State-licensed community care facilities and residential care facilities for the elderly, in all single-family residential zones in the community, as required under the California Community Care Facilities Act and other sections of the Health and Safety Code.



The City has excellent examples of facilities offering continuum of care options for seniors. Inland Christian Home, a nonprofit provider of health and retirement care services for the elderly, has five facilities that provide accommodations for seniors. These include apartments, care facilities, assisted living, and skilled nursing facilities. Other facilities providing comprehensive care for seniors are being developed in Ontario.

Community Care Facilities

The Welfare and Institutions Code (Lanterman-Petris Act) and the Health and Safety Code (Community Care Facilities Act) declare that it is the policy of the state that people with a wide variety of disabilities are entitled to live in normal residential settings. The Health and Safety Code (California Residential Care Facilities for the Elderly Act) also extends this protection to elderly persons. State law sets forth regulations and guidelines for care facilities that preempt or limit many local regulations.

Facilities covered under these acts include:

- Residential facility
- Adult day program
- Therapeutic day services facility
- Foster family agency or home
- Small family home
- Social rehabilitation facility
- Community treatment facility
- Transitional shelter care facility
- Transitional housing placement facility
- Residential care facility for the elderly
- Alcoholism or drug abuse recovery or treatment facility
- Congregate care facility

The Health and Safety Code (Section 1500 et seq.) requires that licensed community care facilities serving six or fewer persons be (1) treated the same as a residential use, (2) allowed by right in all residential zones, and (3) treated the same with respect to regulations, fees, taxes, and permit processes as other residential uses in the same zone. The Health and Safety Code extends this protection to residential care facilities for the elderly (Section 1569.84 et seq.), to alcoholism or drug abuse recovery or treatment facilities (Section 11834.22 et seq.), and to congregate care facilities (Section 1267.16 et seq.), all of which serve no more than six clients.

Community care facilities serving six or fewer people are allowed by right in the AR, RE, R1, R1.5, R2, R3, and HDR-45 zones. Licensed

community care facilities are also subject to the same development standards, fees, taxes, and permitting processes as other similar residential uses in the same zone. Large facilities (seven or more persons) are required to secure a conditional permit.

Boarding, Lodging, or Rooming House

In recent years, boarding, lodging, and rooming houses have become more popular types of housing. In contrast to community care facilities licensed by the State of California, these are nonlicensed facilities. According to the City's Development Code, this category refers to a residence or dwelling other than a hotel wherein one or more rooms with or without individual or group cooking facilities are rented, leased, or subleased to individuals under separate agreements either written or oral.

Unlike licensed community care facilities, cities can regulate such uses. "A city may prohibit, limit or regulate the operation of a boarding house or rooming house business in a single family home located in a low density residential (R-1) zone, where boarding house is defined as a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities are: rented to individuals under separate rental agreements or lease in order to preserve the residential character of the neighborhood" (86 Ops. Cal. Atty. Gen. 30 (2003)).

Boarding, lodging, or rooming homes have, at times, been a source of concern that they be operated in a manner compatible with residential neighborhoods. To that end, the City Municipal Code requires that such homes cannot be occupied by more than one federal, state, or youth authority parolee. Moreover, all such homes shall require boarders to sign a "Crime-Free Lease Addendum" to their rental or lease agreement. Sober living facilities are included within this category and require a planning permit, which is granted via a ministerial process.

Single-Room Occupancy

The City permits single-room occupancy (SRO) uses within the community. The Development Code defines SRO uses as a cluster of five or more dwelling units on one property for weekly or longer tenancy, and providing sleeping and living facilities for one or two persons within the unit, in which sanitary facilities are also normally provided and cooking facilities may be provided within each unit or shared by multiple units. SROs are conditionally permitted in three zones (C2, C3, and C4).

To secure a conditional use permit, a comprehensive management plan must be submitted with applications for conditional use permits. The operator must submit a plan that includes the company or agency

responsible for resident selection, day-to-day maintenance of the facility, proposed security arrangements, and background information and references about the proposed management company or agency. Moreover, SROs may not be located within 500 feet of any school for children, church, day-care facility, or other existing SRO facility.

Housing for Homeless People

In recognition of the homeless population in Ontario, and with the desire to act affirmatively to address the issue, the City entered into an agreement with Mercy House to implement a Continuum of Care Plan. Under this plan, Mercy House will create a homeless intake center, emergency shelter, transitional housing, and permanent affordable housing with supportive services. Regulations, cited below, were subsequently adopted to facilitate the completion and implementation of the Continuum of Care Plan.

- ***Emergency Shelters.*** The City's Development Code permits by right an emergency shelter (defined as transitional shelter/housing) in the M1 zone, and conditionally permits an emergency shelter in the R1.5, R2, R3, C1, C2, M2, M3, PF, and MH zones. No development standards or occupancy standards are in place.
- ***Transitional Housing.*** The City's Development Code permits by right transitional housing in the AR, RE, R1, R1.5, R2, R3, HDR 45, M1, and MH zones and conditionally permitted transitional housing in the M2, M3, and PF zones. No development standards are in place, as the projects are subject to standards in the underlying zone.
- ***Supportive Housing.*** The City allows supportive housing, which is affordable housing with on- or off-site services that help a person or family with multiple barriers to employment and housing stability lead a more independent and productive life. Supportive housing is permitted by right in the AR, RE, R1, R1.5, R2, R3, HDR 45, M1, and MH zones and conditionally permitted transitional housing in the M2, M3, and PF zones.

In accordance with SB2 requirement, the City's Development Code allows transitional and supportive housing by right in all residential zones. The Development Code has been amended to create an Emergency Shelter Overlay which allows emergency shelters in the overlay area by right (subject to the base zone standards) consistent with SB 2.

The overlay zone is an approximately 500-foot deep area on the north side of Mission Boulevard and bounded by Benson Avenue on the west and Magnolia Avenue on the east. The overlay area is suitable for emergency shelters since it is near two transit routes (Mission Boulevard and Mountain Avenue) and services such as a grocery store. The overlay zone will comprise 36 acres of land, of which 6 acres are vacant. The area has 38 parcels (5 parcels of which are vacant). Many of the parcels in the proposed overlay district are underutilized, providing many opportunities for developing new facilities or reusing or converting underutilized buildings into one or more shelters. The overlay zone contains five properties that have transient lodging that might be suitable for conversion to an emergency shelter, should one be warranted in the community. Figure H-8 provides a map for the location of the Emergency Shelter Overlay.

Figure H- 8
Emergency Shelter Overlay



Farmworker Housing

The City has established an Agricultural Overlay District, which covers the entire New Model Colony area. The intent of the Agricultural Overlay District is to allow for the continuation of agricultural uses on an interim basis until such time as a specific plan is proposed for urbanized uses. The Agricultural Overlay District is designed to limit land use activity to uses compatible with and supportive of agricultural uses.

Within this district, the Municipal Code allows for the following uses consistent with the intent of the District:

- **Caretaker's Quarters.** Caretaker's quarters are designed to accommodate employees living on sites with agricultural operations in the Agricultural Overlay District. The unit size is restricted to no more than 1,500 square feet. These uses are permitted as an accessory use in the AR zone and conditionally permitted in the C3, M1, M2, M3, and OS zones.
- **Guest Quarters.** Guest houses are permitted in the AR, RE, R1, and R1.5 zones, subject to the same development standards as the primary unit. The unit must not exceed 650 square feet, kitchen or food preparation areas are not permitted, and quarters are reserved for use of the residents of the property, their nonpaying guests, family, or domestic employees. Guest houses shall not be rented.

The Health and Safety Code (Section 17021.6) declares that each city must permit and encourage the development and use of sufficient numbers and types of employee housing facilities commensurate with local needs. Section 17021.5 requires that employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation, treated as a residential use of property, and that the use not be subject to any regulations or fees not otherwise required of a single-family residence within the same zone. For facilities with 7 to 12 units or spaces, the use shall be considered an agricultural use, subject only to regulations applied to any agricultural use in the same zone, and the permitted occupancy may include employees who do not work on the property where the employee housing is located.

Agricultural employment is relatively minor in the community, and the type of agricultural work is year-round and not migrant labor. However, the City's Development Code does not specify whether farm worker housing is permitted or prohibited in the community. To eliminate the ambiguity in land use direction the Development Code was recently updated to ensure that present local regulations affirmatively support the creation of farmworker housing envisioned under state law.

Development Standards

The Zoning Ordinance provides more specific residential development standards that determine building height, density, setbacks, parking, etc. Residential development standards are designed to promote a more livable environment, with adequate yards for children, height restrictions and setbacks to ensure privacy from adjacent homes, and minimum unit sizes to ensure adequate living areas for families.

Conventional Residential Development

Table H-33 describes the most common development standards in Ontario, such as density ranges, lot standards, open space requirements, and building standards. The following discussion analyzes the City’s development standards as they apply to different types of housing.

**Table H-33
Residential Development Standards**

Development Standards	Residential Zones						
	AR	RE	R1	R1.5	R2	R3	HDR-45
Density Ranges			1-5	5.1 – 11	11.1-16	16.1-25	25.1-45
Maximum Density (PRD)	2	2	5	11	16	25	45
Lot Standards							
Maximum Lot Coverage	30%	40%	50%	60%	60%	60%	100%
Minimum Lot Size (sf)							
Single-family	18,000	10,000	7,200	5,000	5,000	5,000	---
Multiple-family	N/A	N/A	8,000	6,000	6,000	6,000	20,000
Min. Lot Dimensions (Width and Depth)	100 x 135	70 x 100	60 x 75	50 x 100	50 x 100	50 x 100	100 x 200
Open Space							
Front Setback	30'	30'	20'	20'	20'	20'	5'
Side Setback	20'	10'	10'	10'	10'	10'	10'
Rear Setback	25'	25'	20'	20'	15'	15'	10'
Landscaping Area Required	Setback area	Setback area	Setback area	Setback area	Setback area	Setback area	Setback area
Building Standards							
Maximum Units/Building	N/A	N/A	N/A	4	6	12	n/a
Maximum Height (ft).	35	35	35	35	35	55	75'
Maximum Stories	2.5	2.5	2.5	2.5	2.5	4	-

Source: City of Ontario Development Code, 2013.

Mixed-Use Development

The City of Ontario actively encourages and facilitates the planning and production of mixed-use housing, vertically and horizontally integrated. Mixed-use developments contain buildings or structures with a variety of complementary uses, such as residential, office, manufacturing, retail, public, or entertainment, in an integrated development project that has significant functional interrelationships and a coherent physical design. Mixed-use projects can be found along the I-10 corridor, in the historic Downtown area, and in the newly developing New Model Colony area.

The development standards for these types of units are typically addressed in three ways—Planned Unit Development, specific plan, or Zoning. The Ontario Airport Metro Center area and the New Model Colony are required to have specific plans. Mixed-use areas within the Original Model Colony typically revert to residential standards in the Development Code. Focus areas like the Ontario Town Square (12-block area in Downtown) have specialized residential development standards. Table H-34 displays the key residential development standards in Ontario. As part of the 2030 General Plan update and implementation program, the City recently updated (in April 2013) the Development Code to include a new HDR-45 zoning district that allows from 25 to 45 dwelling units per acre.

Table H-34
Generalized Mixed-Use Standards

Development Standards	Commercial Zones			
	NC	C1	C2	C3
Density Ranges				
Floor Area Ratio	0.40	.40	0.30	0.40
Minimum Site Area per Dwelling Unit	Refer to R1.5 District	N/A	Governed by planned development regulations	
Minimum Lot Size (sf)	7,200	10,000	10,000	10,000
Min. Lot Dimensions (Width and Depth)	60 x 100	100 x 100	None	100 x 100
Open Space				
Front Setbacks	20	20	15	20
Side Setbacks	10–20	10–40	15–20	20–40
Rear Setbacks	10–15	10–15	15–20	20–25
Landscaping	Shall cover the entire front street, and interior side yard			
Maximum Number of Units per Bldg	4 units	N/A	Governed by planned development regulations	
Maximum Height (ft).	35 feet	35 feet	75 feet	55 feet
Maximum Stories	2.5 stories	2.5 stories	6 stories	4 stories

Source: City of Ontario Development Code, June 2003

Permitted Density

Residential density is often equated with the affordability of housing. The City allows a base density of 4 units per acre in the R1 zone, 8 units per acre in the R1.5 zone, 13 units per acre in the R2 zone, and 20 units per acre in the R3 zone. Recognizing the importance of a variety of densities to facilitate and encourage a range in types and prices of housing, the City offers three key ways to receive additional density increases.

- **Planned Residential Overlay District.** The City offers a 25 percent residential density increase above that allowed in each respective zoning district for planned residential developments or mixed-use developments pursuant to a conditional use permit issued by the Planning Commission. These conditions are:
 - The project provides exceptional benefits in employment, fiscal, social, housing, and economic needs of the city
 - The project provides exceptional architectural and landscape design amenities that exceed standards and design guidelines
 - The project provides new public facilities that are needed by the city beyond those required for the project
 - The project does not create unmitigable traffic impacts and overburden utilities serving the area
- **Senior Housing/Congregate Care.** The City allows a base density of 25 units per acre for the C1, C2, and C3 zones, 16 units per acre for the R2 zone, and 25 units per acre for the R3 zone. The City allows a 20 percent “state” density bonus for qualified projects. The City allows an additional density bonus of 10 percent wherever an applicant makes at least 50 percent of the additional units affordable at affordable rents or affordable housing costs to very low/low-income seniors. The guidelines apply to projects that satisfy the following criteria:
 - Projects are within $\frac{1}{4}$ to 1 mile of the following: transit facility, park/open space, medical facility, library and pharmacy.
 - Projects provide high-speed Internet, a service coordinator to assist with activities of daily living, and an exercise facility.
 - Units are at least 450 square feet for a studio, 550 square feet for a one-bedroom unit, and 650 square feet for a two-bedroom unit.
- **State Density Bonus.** In compliance with state density bonus law, the City of Ontario allows qualified residential projects to receive a density bonus plus appropriate development incentives when the residential project sets aside the required number of units for affordable housing. Density bonuses are also allowed for senior housing (described in greater detail above).

Parking Standards

In an urban environment, parking standards are critical to prevent traffic congestion caused by a shortage of parking spaces and the loading and unloading of trucks on public streets to result in maximum efficiency, protect the public safety, provide for the special needs of the physically handicapped, and where appropriate, insulate surrounding land uses from their impact.

City parking standards are also designed to ensure that sufficient on-site spaces are available to accommodate vehicle ownership rates of residents (which is typically more than 2 cars per homeowner and 1.4 vehicles for renters), the needs of the business community, and the rate of overcrowding. Table H-35 summarizes the common parking standards for residential uses, and the following text describes potential reductions of standards.

Table H-35
Parking Standards for Housing

<i>Housing Types</i>	<i>Requirement</i>
Single-Family (one per lot)	2 spaces within enclosed garage
Multiple-Family	1.5 spaces per studio unit (1 space covered) and an additional 0.25 parking space per additional bedroom up to 2 bedrooms
Mobile Home Park	2 spaces per unit, tandem allowed
Second Units	1 space per unit
Residential Care 7+ clients	0.5 spaces per bed. 1 space per employee of the largest shift
Boarding/Rooming House/SRO	1 space per room or suite or 1 space per 2 beds, whichever is greater
Senior Housing	1 space per unit, including 50% in garage or a carport
Transitional Shelter/Housing	Based on type of units and use
Assisted Living/Congregate Care	0.5 spaces per bed. 1 space per employee of the largest shift

Source: City of Ontario Development Code, June 2003

Note: Additional guest spaces are required for multiple-family uses and institutional uses

The Planning Commission may reduce the number of required parking spaces under two conditions: (1) if multiple uses use the same joint parking facilities when operations for the respective uses are not normally conducted during the same hours or when peak use differs; or (2) when demonstrated that the use will not use the required number of spaces due to the nature of the specific use or manner in which the use is conducted. The latter is subject to a study to justify the parking demand.

The City has adopted a flexible parking approach to facilitate revitalization of the city’s historic Downtown through a mix of housing types and prices. The Downtown Parking Model continues to provide

flexible parking requirements for multiple-family, mixed-use development, adaptive reuse, and live-work within the Downtown. The model considers parking supply, shared parking, and peak or non-peak demand from any combination of 30 land uses. Downtown parking standards are now performance-based rather than based on a prescriptive standard.

Open Space

The City of Ontario values the incorporation of an appropriate amount and quality of open space in residential projects, particularly higher-density housing. Ensuring an adequate amount of open space enhances higher-density residential projects by providing appropriate levels of privacy, provides green infrastructure that reduces runoff, softens concrete hardscape and beautifies residential projects, improves the value of the property, and creates a more desirable living environment for residents. The City’s open space standards are shown in Table H-36.

Table H-36
Open Space Standards for Housing

Housing	Lot Coverage	Open Space	
		Private	Common
Single-Family Units	30% to 50% depending on residential zone	Governed by lot size/coverage	Governed by lot size/coverage
Multiple-Family Units	60% for all multiple-family residential zones	100 to 150 square feet per unit	250 square feet per housing unit
High-Density Residential Units (HDR-45)	100%	60 square feet per unit	250 square feet per dwelling
Mobile Home Park	Same as the underlying zone	None specified	300 square feet per pad
Planned Residential Development	Same as the underlying zone	400 to 450 square feet per unit	20% of the total site area
Congregate Care or Senior Housing	Same as the underlying zone	75 square feet per unit or bed	75 square feet per unit or bed

Source: City of Ontario Development Code, March 2013

The Subdivision Chapter of the Development Code provides additional detail on the appropriate types of private and common open space for multiple-family projects. For instance, common open space does not include driveways, sidewalks, parking areas, or service areas, but may include playgrounds, lawn areas, swimming pools, tennis and sport courts, and other outdoor recreational facilities. Private open space typically is accessible only to occupants of a particular unit and often consists of a fenced yard, fenced patio, or balcony. In addition to project-specific requirements, residential developers must also contribute to the City’s goal of providing 3 acres of parks per 1,000 residents through payment of a park impact fee.

The City's Development Code allows a variance or administrative exception process, where needed, to provide relief from typical residential development standards that preclude the full enjoyment and use of residential property. However, to obtain density bonus allowances, open space requirements must be met. The variance and administrative exception process is more fully described below.

Variance Process

The City has established a variance and administrative exception process to facilitate the resolution of practical difficulties or unnecessary physical hardships that may arise due to the size, shape, or dimensions of a site or the location of existing structures thereon, or from geographic, topographic, or other physical conditions on the site or in the immediate vicinity.

The two primary means of obtaining additional flexibility in residential development standards are:

- **Administrative Exception.** The City may grant an administrative exception of up to 10 percent from any numerical development standard set forth in the Development Code, except for standards for floor area ratios and residential density. The Zoning Administrator is empowered to approve the exception.
- **Variance.** Variances may be granted for the following development requirements: landscaping, screening, site area, site dimensions, yards and projections into yards, heights of structures, distances between buildings, open space, off-street parking, and loading. The Planning Commission can grant the request after a public hearing.

The Planning Commission or Zoning Administrator, as applicable, may grant a variance or administrative exception provided that the following findings can be made:

- 1) Special property circumstances and literal interpretation and enforcement of the Code would result in practical difficulties or unnecessary physical hardship inconsistent with the objectives of the City's Development Code or General Plan.
- 2) Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- 3) Approval of the administrative exception/variance will not constitute a grant of special privilege inconsistent with the

limitations of other properties classified in the same zoning district.

- 4) Exceptional/extraordinary circumstances or conditions applicable to the site involved or to the intended use of the property do not apply generally to other properties in the same zone.
- 5) Granting of the administrative exception/variance will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Building Codes and Subdivision Improvements

The City of Ontario implements and enforces building codes, property maintenance standards, subdivision improvement requirements, and other municipal codes to ensure quality housing and neighborhoods for residents. Although building codes and subdivision improvement requirements do raise construction costs, the public interest is best served when buildings adhere to proper construction and engineering practices and neighborhoods have appropriate infrastructure suitable to their design.

Building Codes

Every three years, the State of California adopts new codes that contain the latest advances in construction practices and engineering concepts. The California Building Standards Commission adopts the California Building Codes based on “model” codes produced by professional organizations. Local agencies must adopt these codes, but may make amendments to address geological, climatic, or topographical conditions provided the modifications are no less restrictive than the state standards.

The new state codes incorporate, by reference, the Model Codes published by the International Code Council (ICC), which recently consolidated multiple regional codes into a single set of codes applicable throughout the United States. The City has adopted the most recent building codes to reflect the latest advances in construction technology and building practices. The following codes are currently being implemented:

- 2010 California Building Code/2009 International Building Code
- 2010 California Electrical Code/2008 National Electrical Code
- 2010 California Mechanical Code/2009 Uniform Mechanical Code

- 2010 California Plumbing Code/2009 Uniform Plumbing Code
- 2010 California Green Buildings Standards Code
- 2008 Building Energy Efficiency Standards
- 2007 California Fire Code/2006 International Fire Code

According to the local building official, the City has made some minor modifications to the building codes. Local amendments are minimal and related to administrative procedures. Such amendments do not materially increase the cost of residential construction and are similar to the amendments adopted in jurisdictions throughout the county. The City has not imposed any building codes other than those mentioned above.

Therefore, the new building codes do not present a potential or actual constraint to the development, maintenance, and improvement of housing.

Subdivision Requirements

The City of Ontario's Subdivision Code requires that all new residential developments incorporate a standard set of subdivision requirements and infrastructure improvements to the property in compliance with City specifications and applicable General Plan or Specific Plan provisions. This requirement ensures that the subdivision is served by an adequate level of services that contribute to the long-term sustainability of the development.

The type and dimensions of subdivision improvements depend on a number of factors, including topography, density and intensity of development, project size, and other factors. The following list indicates typical infrastructure improvements that are required in subdivisions:

- Dedication of the ultimate street right-of-way if not currently existing at its ultimate width. Most local streets are a 60-foot right-of-way. Arterial streets start at 88-foot rights-of-way.
- Installation of paving, curb, gutter, and sidewalk along the street frontage at the ultimate right-of-way location.
- Installation of streetlights, street trees, fire hydrants, and other needed improvements across the property frontage.
- Undergrounding of all overhead telephone, cable, and electrical lines (less than 34kV) in accordance with City ordinances.

- Extension and/or installation of existing underground dry utilities needed to serve the development project (such as gas, telephone, cable, and electrical).
- Extension/installation/relocation of wet utilities (sewer, water, storm drain) needed to serve the site, if any. If no storm drain system exists to serve the site, on-site retention would be required.
- Payment of Development Impact Fees (DIF). These fees are used to fund expansions to public facilities and improvements, such as water, sewer, parks, fire and police, transportation systems, and other improvements. Developers may be eligible for DIF credit if they are installing master-planned facilities to serve their sites.

Permit Approval Process

The City of Ontario uses a standard development review process to ensure that residential projects are of high-quality construction and design. The time frame for processing proposals depends on the complexity of the project, the need for legislative action, and environmental review.

Table H-37 and the text below describe the steps to process proposals for residential development.

- **Initial Project Submittal.** The first step in the development review process is the initial submittal of the development application to either the Building Department (for a single-family home) or to the Planning Department (for an apartment or condominium). The initial submittal may be preceded by an initial consultation with the Planning or Building Department as requested by the applicant to determine appropriate submittal requirements.
- **Development Plan Review.** The Building or Planning Department then routes the application to affected departments for their review and comment. The purpose of the review is to ensure that new development or expansion of existing uses or structures occurs in a manner consistent with the General Plan and with the objectives and standards of the Development Code, and that reasonable conditions are placed on the project to maintain public health, safety, and welfare.
- **Design Review.** While the project is reviewed by the affected City departments, the Planning Department conducts design review. Design review is intended to ensure that the proposed architectural treatment of new buildings and structures,

including landscaping, open space, and signs, is consistent with the objective and illustrative design guidelines contained in the Development Code, Municipal Code, and expectations of the City. If the property is designated in a historic area of the community, additional reviews may be required consistent with state and local law.

- ***Environmental Review.*** City staff initiates the environmental review process to the extent required by the project. Most standard infill development projects require an initial study and negative declaration or mitigated negative declaration under the California Environmental Quality Act (CEQA). In some cases, an environmental impact report is required for sensitive projects or for specific plans. In these cases, the developer pays a standard fee for the required type of environmental review. The completion of the environmental review is timed to coincide with the forwarding of the application to the Planning Commission.
- ***Development Advisory Board (DAB).*** The DAB meets to review the project and its conformance with the previous conditions, the Development Code, Municipal Code, and other requirements of the City of Ontario. The DAB may review the site in relation to location of buildings on adjoining sites, any physical constraint identified on the site, the characteristics of the area in which the site is located, the degree to which the proposed development will complement or improve the quality of development in the vicinity of the proposed project, and the extent to which adverse impacts to surrounding properties will be minimized.

The DAB has the authority to hear and decide on development plan review applications, substantial modifications to previously approved development plan review applications, environmental assessments associated with any of the above applications, and tentative maps. The DAB may also make recommendations as to the need for variances, conditional use permits, specific plans, etc. Once the review is completed, the DAB makes recommendations to the Planning Commission for appropriate action. To ensure a timely review, the members of the DAB are the same individuals who conducted the initial review of the application.

- ***Planning Commission Action.*** Planning Commission action is required for single-family tracts, multiple-family projects, specific plans, etc. In most cases, the Planning Commission does not act as a Design Review Board, unless a significant project is proposed or the applicant is appealing recommendations of the

Development Advisory Board. The Planning Commission typically approves recommendations of the DAB, but may require modifications.

Table H-37
Permit Processing Procedures

Processing Steps	Residential Products		Time Frame
	Four or Fewer Housing Units	Five or More Housing Units*	
Submit Initial Application	Required	Required	
Design Review	N/A	Required	Concurrent with project processing
Environmental Clearance	N/A	Required	
City Review & Modifications	Required	Required	30 to 60 days
Developer Makes Modifications	Required	Required	30 to 60 days
Development Advisory Board	N/A	Required	30 days
Planning Commission Action	N/A	Required	30 days
Building Permits Issued	Required	Required	Over the counter
Total	2 to 3 months	5 to 6 months	

Source: City of Ontario 2012

* Also applies to more than 2 units on a single lot

- **Approval Findings and Decision.** A Development Plan shall be acted upon by the Approving Authority based upon the information provided in the submitted application, evidence presented in the Planning Department’s written report, and testimony provided during the public hearing, only after considering and clearly establishing all of the below-listed findings, and giving supporting reasons for each finding. The application shall be denied if one or more of the below-listed findings cannot be clearly established.
 - The proposed development at the proposed location 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;
 - The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;

- The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project;
- The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.

The City is charged with the responsibility of ensuring that residential projects are decent, safe, and well designed. And although the permit approval process adds to the length of time required to process applications, it does not add any undue constraints the development of housing.

Design Review

Design review is a critical component of Ontario's overall housing strategy. Poor quality design, in the long term, leads to the premature deterioration of housing, a decline in the quality of neighborhoods, and resident opposition or "NIMBYism." However, in order to achieve the City's housing goals, providing a level of certainty to the development community is important. Developers need to know how to design their projects and neighborhoods to meet City expectations and avoid adverse public opinion and project denials.

Recognizing the need to balance the City's housing goals, neighborhood stabilization, and revitalization goals, the City adopted Residential Design Guidelines in 2003. The guidelines provide guidance, objective standards, and graphics to illustrate the preferred and discouraged methods of planning, neighborhood design, and construction.

Topics include:

- ***Developments and Subdivisions.*** Include mixed-use housing, walkable neighborhoods, street networks, and open spaces.
- ***Open Space and Landscaping.*** Include common open space, common recreation facilities, pathways, parks, and trails.
- ***Lots and Buildings.*** Include size and dimensions, model variety, building orientation, garage placement, and fences and walls.
- ***Building Design.*** Include building types, massing and roof form, garage design, accessory structures, and architectural details.

The Development Advisory Board conducts design review for residential projects exceeding four units. To ensure the process does not unduly lengthen the time period for project approval, design review is conducted concurrently with project review. The majority of multiple-family projects are approved within five to six months of project submittal, which includes the processing of environmental documentation. This process allows approvals to be secured without a public hearing.

For large projects requiring more design creativity, the City has adopted a PUD ordinance or Planned Residential Development Overlay to provide for more flexibility in design. This strategy was successfully employed for six blocks in the Downtown. The City also adopted a performance-based parking model that allows parking requirements to be based on the demand for parking rather than traditional, more rigid standards. This process has resulted in hundreds of new homes in Downtown Ontario.

Housing for People with Disabilities

Section 65008 of the Government Code requires localities to analyze potential and actual constraints on the development, improvement, and maintenance of housing for persons with disabilities, demonstrate efforts to remove governmental constraints, and include programs to accommodate housing designed for people with disabilities. This section addresses these requirements.

Allowance of Land Uses

State law requires group homes serving six or fewer persons be (1) treated the same as any residential use, (2) allowed by right in all residential zones, and (3) subject to the same standards, fees, taxes, and permitting procedures as those imposed on the same type of housing in the same zone. These laws ensure that housing opportunities are available for people with disabilities and that such uses are not discriminated against. The City currently permits such uses by right in all residential zones.

State law requires local governments to identify adequate sites, development standards, and a permitting process to facilitate and encourage the development of emergency shelters and transitional housing.

New Construction/Building Codes

Cities that use federal funds must, in all new construction and substantial rehabilitation projects, ensure that at least 5 percent of the units are accessible to persons with mobility impairments and another 2 percent are accessible to persons with hearing or visual impairments. Multiple-family housing must be built so that (1) the public and common-use portions of such units are readily accessible and usable by persons with disabilities; (2) doors allowing passage into and within such units can accommodate wheelchairs; and (3) all units contain adaptive design features.

HUD also recommends, but does not require, that all design, construction, and alterations incorporate, wherever practical, the concept of visitability. This recommendation is in addition to requirements of Section 504 and the Fair Housing Act. Recommended construction practices include wide openings for bathrooms and interior doorways and at least one accessible means of egress/ingress per unit. The City enforces federal and state accessibility laws through the building plan check and permit process.

Rehabilitation of Units

In an older community with many homes built prior to the development of modern accessibility standards for people with disabilities, allowing the retrofit of homes for people with disabilities is an important issue. Federal law requires that substantial rehabilitation projects using federal funds set aside units for disabled people, and HUD encourages visitability standards. Providing options for rehabilitating housing to modern accessibility standards allows people to live in an independent housing arrangement.

To accommodate the needs of disabled people, the City allows property owners to install features that accommodate a disability (e.g., ramp to the front door) without the need to apply for a variance. The City allows retrofit of a residential structure upon submittal of plans and the payment of a normal building plan check and permit issuance fee. To assist in the retrofit costs, the City's CARES program provides grants to qualified low-income residents to make accessibility improvements to their homes.

Definition of Family

Fair housing laws prohibit restrictive definitions of family that discriminate against households based on the number, personal characteristics, or the relationship of occupants to one another.

The City's Development Code defines a "family" as a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. A household is defined as a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

To ensure compliance with State Law, the City has included program 28 to update its family definition to state "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit."

Spacing and Concentration

The City of Ontario abides by the spacing and concentration limits set forth by the California Department of Social Services with respect to residential care facilities. The only spacing concentration is for single-room occupancy hotels, which shall not be located within 500 feet of any public or private school for children under 18, church, child day-care facility, or other existing single-room occupancy facility.

Development Standards

To facilitate the construction of housing for people with disabilities, including seniors, builders can seek specific development incentives. For instance, the City allows an additional density bonus of 10 percent above state law requirements when more than 50 percent of senior units are affordable to lower-income seniors. The Development Code allows reduced parking requirements of one space per unit. Boarding and rooming houses have similarly lower standards than other residential uses. Open space standards for senior projects are lower than for other residential uses. While small residential care facilities are treated the same as single-family homes, as consistent with state law requiring similar treatment, large residential care facilities are required to have only 0.5 parking space per unit. Further modifications can be sought through administrative exceptions.

Reasonable Accommodation

The federal Fair Housing Act and California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation when such accommodation may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling.

In 2006, the City adopted Ordinance No. 2837 to allow reasonable accommodations from certain land use, permitting, and building codes. The ordinance set up a process to evaluate requests for reasonable accommodations related to specific applications of the zoning law to allow for full use and enjoyment of a dwelling and to authorize the application of exceptions to the zoning law, if warranted, to comply with state and federal fair housing law. Application for reasonable accommodation shall be made pursuant to the provisions listed for an administrative exception.

With respect to the approval process, the applicant must file an application and pay an administrative fee. Public notice requirements shall be pursuant to the provisions listed for a homeowner variance. The Zoning Administrator may approve, deny, or conditionally approve the request. The Zoning Administrator must issue administrative variance findings to approve such a request. If the project is deemed to be of significant controversy, the matter may be referred to the Planning Commission. All decisions made on the matter may be appealed to the City Council.

In summary, the City of Ontario continues to ensure that people of all abilities have opportunities to find housing in the community.

Energy Conservation Opportunities

Rising energy costs, dependence on fossil fuels, and increasing evidence of the adverse impacts of global warming have provoked the need in California and nationwide to improve energy management strategies. Buildings use 76 percent of all electricity generated in the United States for their operation and generate 40 percent of carbon dioxide, a major component of greenhouse gases (GHG), which are primarily responsible for global climate change. How we design, build, and operate buildings thus has profound implications for energy use and resulting global warming.

Although the State has long supported energy conservation, recent state laws have been enacted to combat GHG emissions and increase energy independence. In 2006, the State Legislature adopted AB 32, the Global Warming Solutions Act of 2006, which created the first comprehensive, state regulatory program to reduce GHG emissions to 80 percent below

1990 levels by 2050. SB 1368 bars California energy providers from entering into long-term contracts with high-polluting power generators in an effort to encourage the development of the state's renewable energy portfolio.

Promoting energy conservation has become a consistent theme in regulations, green building practices, and general business operations. For Ontario, opportunities abound to promote energy-efficient practices in the siting, design, construction, and renovation of housing stock. These practices not only respond to regulatory requirements but also can generate significant community, environmental, and economic benefits.

Neighborhood Design

Energy management is rarely a driving consideration for local, land use decision-making authorities. In fact, most land use frameworks—general plans, specific plans, zoning ordinances—do not provide sufficient language for these authorities to require developers to incorporate energy-efficient site planning. The Subdivision Map Act makes references to providing passive or natural heating or cooling opportunities, but no prescriptive guidance is provided. Accordingly, such site planning is often the result of individual developers who recognize the economic and marketing value of an energy-efficient community design.

Strategies to reduce energy demand begin with efficient site planning. Sizing and configuring lots to maximize a building's solar orientation (east-west alignment for southern exposure) facilitates optimal use of passive heating and cooling techniques. Infill development reduces potential energy costs of new infrastructure needed to service the site. Placing housing near jobs, services, and other amenities reduces energy consumption related to transportation. Other design strategies with beneficial energy implications include narrowing street widths to reduce the urban heat island effect, installing broad-canopied trees for shade, and clustering compact development to reduce automobile use.

Building Design

Title 24, Part 6, California Energy Efficiency Standards, requires all residential construction to meet minimum energy conservation standards through either a prescriptive or a performance-based approach. The former approach requires each individual component of a building to meet an identified minimum energy requirement. The performance-based approach, on the other hand, allows developers to choose a range of measures which, in totality, meet specified energy conservation targets. With either of these options, mandatory components must still be installed, such as minimum insulation, HVAC, and efficient water heating equipment.

In addition to California’s Title 24 standards, all residential projects are subject to meeting the state building codes, which also include energy conservation standards. The California Building Standards Commission adopted the California Building Codes in 2008 based on “model” codes produced and updated periodically by various professional organizations. The City of Ontario has adopted these standards, which apply to all new residential buildings constructed after January 1, 2010. The City of Ontario enforces Title 24 as the primary means for ensuring new housing incorporates the latest energy-efficient technologies.

Green Standards Design

In 2010, California’s Building Standards Commission adopted the California Green Building Code (CALGreen), making California the first state to adopt a uniform green building code. The City of Ontario has adopted the minimum standards of CALGreen to ensure energy efficiency, water conservation, material conservation and resource efficiency, and environmental quality are considered in all new buildings.

The building industry has developed different “green” building programs. The Building Industry Association sponsors a voluntary program called Green Builder. The program focuses on energy efficiency, water conservation, wood conservation, advanced ventilation, and waste diversion. Certified homes incorporate water-efficient landscaping and fixtures, utilize high-efficiency insulation and ventilation systems, contain environmentally sound building materials, initiate waste reduction methods during construction, and exceed Title 24 Building Code energy standards by 15 percent.

Other green building programs have also been sponsored by other agencies. The US Green Building Council (USGBC) sponsors another building certification program called Leadership in Energy and Environmental Design (LEED). The LEED program is a national rating system for green buildings that focuses on commercial and multiple-family residential projects. The USGBC reviews projects for conformance based on various efficiency, sustainability, materials quality, and design factors, and then issues certifications based on points achieved.