

ORDINANCE NO. 3281

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC23-004, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DISTRICT FOR [1] 134.42 ACRES FROM THE ARMSTRONG RANCH SPECIFIC PLAN TO OS-R (OPEN SPACE RECREATION) ZONING DISTRICT LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, WEST OF UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE; [2] 51.57 ACRES FROM THE ARMSTRONG RANCH SPECIFIC PLAN TO CCS (CONVENTION CENTER SUPPORT COMMERCIAL) ZONING DISTRICT GENERALLY LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND WEST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL; [3] REMOVE THE AH (AFFORDABLE HOUSING) OVERLAY ZONING DISTRICT ON 36.18 ACRES OF LAND LOCATED SOUTH OF RIVERSIDE DRIVE, NORTH OF CHINO AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR WHISPERING LAKES LANE, AND WEST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE, AND [4] ADD THE AH (AFFORDABLE HOUSING) OVERLAY ZONING DISTRICT ON 19.25 ACRES OF LAND WITHIN THE SP (SPECIFIC PLAN)/AG (AGRICULTURAL) OVERLAY LOCATED NORTH OF ONTARIO RANCH ROAD, SOUTH OF SCHAEFER AVENUE, EAST OF THE UNIMPROVED RIGHT-OF-WAY FOR VINEYARD AVENUE, AND WEST OF THE UNIMPROVED RIGHT-OF-WAY FOR HELLMAN AVENUE. (APNS: 0218-101-01, 0218-101-02, 0218-101-03, 0218-101-04, 0218-101-05, 0218-101-06, 0218-101-07, 0218-101-08, 0218-102-10, 0218-102-11, 0218-111-04, 0218-111-05, 0218-111-06, 0218-111-08, 0218-111-09, 0218-111-11, 0218-111-12, 0218-111-45, 0218-111-49, 0218-111-50, 0218-181-02, AND 0218-181-15.

WHEREAS, The Zoning Map amendment includes the following:

Rescind the Armstrong Ranch Specific Plan and rezone the following (see Exhibit A: Proposed Zone Change):

- Convert 134.42 acres from the Armstrong Ranch Specific Plan to OS-R (Open Space Recreation) zoning district located south of Riverside Drive, north of Chino Avenue, west of unimproved right-of-way for Whispering Lakes Lane, and east of the unimproved right-of-way for Vineyard Avenue.
- Convert 51.57 acres from the Armstrong Ranch Specific Plan to CCS (Convention Center Support Commercial) zoning district generally located south of Riverside Drive, north of Chino Avenue, east of Whispering Lakes Lane, and west of the Cucamonga Creek Flood Control Channel. and west of the Cucamonga Creek Flood Control Channel.

- Remove the AH (Affordable Housing) overlay zoning district on 36.18 acres of land located south of Riverside Drive, north of Chino Avenue, and east of the unimproved right-of-way for Vineyard Avenue.
- Add the AH (Affordable Housing) Overlay zoning district on 19.25 acres of land within the SP (Specific Plan)/AG (Agricultural) Overlay generally located north of Ontario Ranch Road, south of Schaefer Avenue and east of the unimproved right-of-way for Vineyard Avenue; and

WHEREAS, a Scoping Meeting, organized in conjunction with the Notice of Preparation ("NOP"), introduced the Project and the Subsequent Environmental Impact Report (SEIR) process was hosted by the Planning Department on Thursday, September 27, 2023, at the Westwind Recreation Center in response to the NOP. The meeting provided an opportunity for agency representatives and the public to collaborate with the City in defining the scope and content of the environmental analysis for the SEIR. Copies of the NOP were made available for public review at the City of Ontario Planning Department and the City's website; and

WHEREAS, an NOP for the Draft Environmental Impact Report ("Draft EIR") was reissued on November 14, 2023. The public review period extended from November 14, 2023, to December 15, 2023. The NOP was published in the Inland Valley Daily Bulletin on November 14, 2023. The NOP was posted at the San Bernardino County Clerk's office on November 14, 2023. Copies of the NOP were made available for public review at the City of Ontario Planning Department and the City's website; and

WHEREAS, a scoping meeting for the Draft EIR was held virtually on Wednesday December 6, 2023, at 6:00 pm. The notice of a public scoping meeting was included in the NOP; and

WHEREAS, preparation of a Draft EIR, which was made available for a 45-day public review period beginning April 4, 2024, and ending May 20, 2024. The scope of the Draft EIR was determined based on the State and Local California Environmental Quality Act ("CEQA") Guidelines, comments received in response to both NOPs, and comments received at the scoping meetings conducted by the City of Ontario. The Notice of Availability ("NOA") for the Draft EIR was sent on April 4, 2024 to interested persons and organizations, the State Clearinghouse for distribution to public agencies, posted at the San Bernardino County Clerk's office and the City of Ontario, and published in the Inland Valley Daily Bulletin. Additionally, copies of the Draft EIR were made available for review at City Hall, the Ovitt Family Community Library, as well as on the City's website; 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 ("ONT 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, the proposed Project is located within the Airport Influence Area of Chino Airport, within the City of Ontario boundary, and is subject to, and must be consistent with, the policies criteria set forth in Reference I, Chino Airport Land Use Compatibility Plan (CNO ALUCP), which applies only to jurisdictions within City of Ontario, and addresses the safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000, et seq.); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendation to City Council 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, as the first action on the Project on June 25, 2024, the Planning Commission adopted a Resolution recommending the City Council certify the Final EIR (SCH# 2023110328) and approve the Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on June 25, 2024, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, on July 16, 2024, the City Council adopted a Resolution certifying the Final EIR (SCH# 2023110328) and approved the Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on July 16, 2024, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND 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 Project, the City Council has reviewed and considered the information contained in the Final EIR and supporting documentation. Based upon the facts and information contained in the Final EIR and supporting documentation, including all written and oral evidence presented to the City Council, the City Council finds as follows:

- (1) The environmental impacts of this Project were reviewed in conjunction with the Ontario Regional Sports Complex ("OSRC") Final EIR (State Clearinghouse No. 2023110328) that was prepared; and
- (2) The Final EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The Final EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and
- (4) The Final EIR reflects the independent judgment of the City Council.

SECTION 2: *City Council Action.* Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the Final EIR complies with CEQA for the following reasons:

- (1) The Final EIR analyzes the environmental effects of the Project and finds that, if the OSRC is adopted as proposed by this plan, and with the implementation of proposed mitigation measures, the following impacts will still be significant and unavoidable: agricultural resources (loss of Prime Farmland soils), air quality (inconsistent with AQMP cumulative impacts for long-term regional operational emissions), greenhouse gasses emissions (inconsistent with plans adopted to reduce GHG emissions, magnitude of GHG emissions), noise (mobile source), and transportation (increase in vehicle miles traveled); and
- (2) The City Council further finds that the Findings of Facts and Statement of Overriding Considerations, demonstrates that the OSRC's benefits outweigh its significant and unavoidable impacts, and therefore the City would be justified in approving the OSRC notwithstanding said significant and unavoidable impacts.

SECTION 3: *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 TOP.

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

- (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 Project, 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, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the California Airport Land Use Planning Handbook and the Chino ALUCP.

SECTION 5: 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 4, 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 LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU-1.6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

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

- Goal LU2: Compatibility between a wide range of uses.
 - LU-2.1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

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

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.
 - LU-5.7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

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

Safety Element — Noise Hazards:

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

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

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

- (2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed zoning changes are compatible with the existing zoning and land uses in the surrounding area. In addition, Land Use Policies LU-2.3, LU-2.4, LU-2.5, and LU-2.6 would reduce the amount of conflict between contradicting land uses; and
- (3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The implementation of the Project would not lead to physical improvements that could potentially divide an established community. Moreover, the Land Use Policies LU-2.3, LU-2.4, LU-2.5, and LU-2.6 would serve to minimize conflicts between conflicting land uses. As a result, no adverse impacts are anticipated; and
- (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 proposed zone changes are aimed at facilitating the systematic development of the Project sites. This will be achieved by rezoning parcels that constitute the Project sites, rendering it physically conducive for any anticipated future development and associated permitted land uses.

SECTION 6: ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the CITY COUNCIL hereby APPROVES the herein described Application, as detailed in "Exhibit A" attached hereto and incorporated herein by this reference.

SECTION 7: ***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 8: ***Effective Date.*** This Ordinance takes effect immediately upon its adoption.

SECTION 9: ***Publication.*** The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, within 15 days after its adoption.

SECTION 10: This Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

SECTION 11: 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 twice, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 6th day of August 2024.



PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:



BEST BEST & KRIEGER LLP
CITY ATTORNEY

Exhibit A: File No. PZC-23-004 Proposed Zone Change

