

ORDINANCE NO. 3275

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA24-001 AMENDING THE REFERENCE DOCUMENT SECTION OF THE ONTARIO DEVELOPMENT CODE, TO AUTHORIZE OBJECTIVE DEVELOPMENT AND DESIGN STANDARDS FOR MULTIPLE-FAMILY AND MIXED-USE DEVELOPMENT, AND FINDING THE ACTION TO BE EXEMPT FROM CEQA.

WHEREAS, for the last several years, the State has enacted housing-related statutes that either limit or prohibit the use of local subjective standards for new development; and

WHEREAS, the City has historically regulated new housing development through a mix of subjective and objective standards to ensure that each project is reasonable and compatible with surrounding uses and City goals and objectives; and

WHEREAS, the City's current objective standards on their own are not sufficient to ensure that new housing development is reasonable or compatible; and

WHEREAS, as state law has evolved to increasingly limit the City's use of subjective standards, the need for more and more-thoughtful objective standards has become urgent; and

WHEREAS, specifically the approval of multiple-family residential and mixed-use residential development projects in various zoning districts based solely on the default standards currently in the City's Development Code, without additional appropriate objective regulations governing project design, site planning, building massing, height, setback, landscape, building type, architectural review, and similar criteria, threatens to adversely impact the character of existing neighborhoods and to negatively impact property values, personal privacy, and fire safety; and

WHEREAS, the City desires now to amend its local regulatory scheme to provide reasonable and appropriate objective standards, in compliance with state law and the City's own adopted housing element; and

WHEREAS, to protect public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Government Code section 36937(b) and the City of Ontario Municipal Code; and

WHEREAS, as part of the implementation of the City's Housing Element Update the City prepared this Development Code Amendment to implement multiple-family residential and mixed-use residential objective development and design standards consistent with the policy program for these standards; and

WHEREAS, the urgency ordinance will allow the City to respond and impose consistent development standards to address the anticipated increase in housing development project applications. The ODDS adoption by urgency ordinance be followed at the earliest possible time by a non-urgency ordinance that will be considered for approval by the Planning Commission before returning to the City Council for ultimate adoption; and

WHEREAS, on June 4, 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; and

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1: *Incorporation of Recitals.* The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2: *Environmental Determination and Findings.* Adoption of this urgency ordinance has been assessed under CEQA and is deemed exempt based on CEQA Guidelines Section 15183, as it involves the adoption and implementation of Design Standards. This falls under the exemption for Projects Consistent with a Community Plan, General Plan, or Zoning, as it directs staff to adopt standards aligned with the General Plan Housing Element policy for multiple-family residential development. The determination relies on Section 15004, providing guidance on the timing of environmental review. While projects using the Design Standards may need environmental documents, the adoption of Objective Development and Design Standards is exempt from CEQA as it won't significantly impact the environment. Staff recommends City Council acknowledge the exemption, accept the NOE, and instruct staff to file the document under CEQA and the CEQA Guidelines (14 CCR Section 1500 et seq.).

SECTION 3: *General Plan Consistency.* This ordinance is, as a matter of law, consistent with the City's General Plan under the principles, goals and policies contained within the Vision, Governance, Policy Plan (general plan), and City Council Priorities components of The Ontario Plan ("TOP"). More specifically, the goals and policies of TOP that are furthered by the proposed Project are as follows:

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner

(2) Vision.

Distinctive Development:

- Commercial and Residential Development

- Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

(3) Policy Plan (General Plan)

Land Use Element:

- Goal LU-1 Balance. 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-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

Housing Element:

- Goal H-2 Housing Supply & Diversity. Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
 - H-2.5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.
 - H-2.6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

Community Economics Element:

- Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.
 - CE-1.6 Diversity of Housing. We collaborate with residents, housing providers, and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to encourage the development of housing supportive of our efforts to attract business in growing sectors of the community while being respectful of existing viable uses.

- Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.
 - CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.
 - CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

Community Design Element:

- Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.
 - CD-1.2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.
- Goal CD-2 Design Quality. A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.
 - CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:
 - Building volume, massing, and height to provide context-appropriate scale and proportion;
 - A true architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting; and
 - Exterior building materials that are articulated, high quality, durable, and appropriate for the architectural style.

- CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.
- CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:
 - Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
 - Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.
- Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
 - CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.
 - CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

SECTION 4: Code Amendment. The REFERENCE Section of the Ontario Development Code is hereby amended to read in its entirety as follows:

Reference J – Objective Development & Design Standards.

This section incorporates by reference the Objective Development and Design Standards, or “ODDS,” that are adopted and amended by the City Council by resolution. The ODDS are binding requirements and standards.

SECTION 5: Effective Date. This ordinance takes effect immediately upon its adoption.

SECTION 6: Submittal to HCD. The City Clerk shall submit a copy of this ordinance along with the ODDS and the resolution adopting the ODDS to the Department of Housing and Community Development within 60 days after adoption.

SECTION 7: 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 8: 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 4th day of June 2024.



PAUL S. LEON, MAYOR

ATTEST:



SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Robert D. Duvall", is written over a horizontal line.

BEST BEST & KRIEGER LLP
CITY ATTORNEY

