

ORDINANCE NO. 2947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS WHICH ARE ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2013, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, existing City regulations establish, pursuant to the Development Code, a regulatory framework for controlling the development and use of land, which generally require a developer to submit and have approved by the City, a Development Plan, and in some cases, a Conditional Use Permit and/or Variance application. City regulations further provide for the expiration of Development Plans, Conditional Use Permits and Variances after specified periods of time, including two (2) years for Development Plans and one (1) year for Conditional Use Permits and Variances; and

WHEREAS, with the slow recovery in the economy, developers, and land and business owners face the prospect of having their Development Plan, Conditional Use Permit and Variance approvals expire before they can obtain financing or have their projects make any sort of economic sense to build; and

WHEREAS, the proposed measure is necessary to the support of the future economic recovery of the City. Over the past few years, the building industry has been mired in a deep recessionary trough and, because of the difficulty of securing financing, many projects for which Development Plans, Conditional Use Permits and Variances have already been approved, will expire within the next year, thereby, requiring developers to go through the entitlement process again, if a time extension is not requested; and

WHEREAS, the building industry wants to be in a position to take full advantage of any economic resurgence; and

WHEREAS, this measure is proposed in order to spare developers, landowners and business owners within the City the added time and expense of obtaining new approvals when the economic picture brightens in the future; and

WHEREAS, the activity is not a project as defined in Section 15378 of the California Environmental Quality Act Guidelines; and

WHEREAS, on November 15, 2011, the City Council of the City of Ontario opened and continued a public hearing to consider the proposed ordinance; and

WHEREAS, on December 6, 2011, the City Council conducted a public hearing to consider the proposed ordinance, 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 ORDAINED by the City Council of the City of Ontario, as follows:

SECTION 1. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment directly or indirectly it prevents changes in the environment pending the completion of the contemplated Zoning Ordinance review

SECTION 2. 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 above, the City Council hereby concludes that:

1. The proposed measure is necessary to the support of the future economic recovery of the City, as the building industry has been hindered by recession followed by a slow economic recovery, and because of the difficulty of securing financing, many projects for which Development Plans, Conditional Use Permits and Variances have already been approved will soon expire within the next year, thereby, requiring developers to go through the entitlement process again, if a time extension is not requested; and

2. The proposed measure will spare developers, landowners and business owners within the City the added time and expense of obtaining new approvals when the future economic picture brightens, thereby aiding the City in a rapid economic recovery.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby approves the introduction of an ordinance granting a one (1) year time extension to all active Development Plan, Conditional Use Permit and Variance approvals, which are active and due to expire on or before March 1, 2013.

SECTION 4. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid, unconstitutional or otherwise struck-down by a court of competent jobs, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more portions of this ordinance might be declared invalid.

SECTION 5. 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 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2011.


PAUL S. LEON, MAYOR

ATTEST:


MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:


BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2947 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2011 and adopted at the regular meeting held December 20, 2011 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS: LEON, DORST-PORADA, MAUTZ AND
BOWMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: WAPNER


MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2947 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2011 and that Summaries of the Ordinance were published on December 13, 2011 and December 27, 2011, in the Inland Valley Daily Bulletin newspaper.

MARY E. WIRTES, MMC, CITY CLERK

(SEAL)