

# CITY OF ONTARIO PLANNING COMMISSION

## MINUTES

October 28, 2014

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# CITY OF ONTARIO PLANNING COMMISSION

## MINUTES

October 28, 2014

**REGULAR MEETING:** City Hall, 303 East B Street  
Called to order by Chairman Gage at 6:30 p.m.

### COMMISSIONERS

**Present:** Chairman Gage, Delman, Downs, Gregorek, Mautz, and Ricci

**Absent:** Willoughby

**OTHERS PRESENT:** Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Senior Planner R. Ayala, Senior Planner D. Ayala, Associate Planner Mejia, Planning Intern Antuna, Sr. Management Analyst Melendrez, Assistant City Engineer Lee, and Planning Secretary Romero

### PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Delman.

### ANNOUNCEMENTS

Mr. Murphy stated item D has been withdrawn and items E, G, H, and J are being requested for continuance.

### PUBLIC COMMENTS

Robert Larabee, 615 West H Street, Ontario, CA, read aloud a script from the Congressional Prayer Council Foundation in regards to the support of Councilman Alan Wapner.

### CONSENT CALENDAR ITEMS

#### **A-01. MINUTES APPROVAL**

Planning Commission Minutes of September 23, 2014, approved as written.

*It was moved by Delman, seconded by Ricci, to approve the Planning Commission Minutes of September 23, 2014, as written. The motion was carried 5 to 0 with Gregorek and Willoughby absent.*

### PUBLIC HEARING ITEMS

#### **B. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND**

**CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV14-002 AND PCUP14-005:** A Development Plan to construct a 2,200 square-foot convenience store in conjunction with an existing vehicle fueling station and a Conditional Use Permit for the expansion of alcoholic beverage sales and to establish a Type 21 (Off-Sale General) ABC license, on 0.89-acres of land, located near the northwest corner of Haven Avenue and I-10 Freeway, at 3445 East Shelby Street, within the Garden Commercial land use designation of the Wagner Specific Plan. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). (APN: 0210-182-13); **submitted by Haven Mini Mart, Inc. This item was continued from September 23, 2014.**

Associate Planner, John Hildebrand, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV14-002 and PCUP14-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gregorek arrived at 6:46 p.m.

Mr. Ricci requested a security camera system to be installed on the premises to manage alcohol sales and loitering.

Mr. Hildebrand stated that part of the conditions of approval include having a security camera system installed.

### **PUBLIC TESTIMONY**

Ali Olfati, Architect, appeared and spoke in favor of the project.

Mr. Ricci expressed his concern for the security system.

Mr. Youssef stated it is an excellent idea to have a security system in place.

Nivin Youssef, Chief Financial Officer, Haven Mini Mart, stated they already have an existing security camera system on the premises.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Ms. Mautz stated the security camera puts everyone's mind at ease.

Mr. Delman stated it will improve this site.

Mr. Gage agreed.

### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Downs, to adopt a resolution to approve the*

*Development Plan and Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- C. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV12-019 & PCUP12-032:** A Development Plan to construct a 5,760 square-foot commercial building and a Conditional Use Permit to establish a caretakers unit on 0.14-acres of land, located at 559 West Brooks Street, within the M1 (Limited Industrial) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332 (In-Fill Development Projects). (APN: 1049-021-26); **submitted by M. L. Engineering. This item was continued from September 23, 2014.**

Associate Planner, John Hildebrand, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PDEV12-019 and PCUP12-032, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

#### **PUBLIC TESTIMONY**

No one responded.

#### **PLANNING COMMISSION ACTION**

*It was moved by Gregorek, seconded by Delman to continue this item to the next meeting. Roll call vote: AYES, Delman, Downs, Gregorek, Ricci, and Gage; NOES, Mautz; RECUSE, none; ABSENT, Willoughby. The motion was carried 5 to 1.*

- D. **APPEAL OF DEVELOPMENT ADVISORY BOARD DECISION NO. DAB14-69, APPROVING ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN FOR FILE NO. PDEV14-041:** An appeal of Development Advisory Board Decision No. DAB14-069, approving a modification to a previously approved Development Plan (**File No. PDEV12-018**) that proposed to construct a public self-storage facility on 3.5 acres of land for property generally located at the northwest corner of the 60 Freeway and Mountain Avenue, at 2314 S. Mountain Avenue, within the C1 (Shopping Center Commercial) zone. The modification proposes to add a 36,762 square foot (3<sup>rd</sup> Story) addition to an existing 73,525 square foot commercial building for a total building square footage of 115,138 square feet. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the Ontario Airport Land Use Compatibility Plan (ALUCP). An addendum to The Ontario Plan ("TOP") EIR (SCH# 2008101140) has been prepared for this project pursuant to the requirements of California Environmental Quality Act. (APN: 1015-181-07); **submitted by Patterson Development Company, LLC.**

**Planning Director Murphy** stated that staff is in receipt of a letter from the appellant withdrawing the appeal. Therefore, no further action is required by the Commission.

**PLANNING COMMISSION ACTION**

*The appeal of the Development Plan was withdrawn. No further action is required by the Planning Commission.*

- E. **ENVIRONMENTAL ASSESSMENT AND PARCEL MAP REVIEW FOR FILE NO. PMTT14-027:** A Parcel Map (PM 19579) for financing and conveyance purposes, which subdivides 45.26 acres of land into 4 lots generally located at the southwest corner of Inland Empire and Archibald Avenue, within the Meredith International Center Specific Plan. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines (APNs: 0110-321-05, 27, and 28); **submitted by Craig Development Corp.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is recommending the Planning Commission continue File No. PMTT14-027 to the next Planning Commission meeting.

No one responded.

**PUBLIC TESTIMONY**

No one responded.

**PLANNING COMMISSION ACTION**

*It was moved by Gregorek, seconded by Mautz, to continue the Parcel Map. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- F. **ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT FILE NO. PGPA14-002 AND ZONE CHANGE FILE NO. PZC14-003:** A public hearing to consider a General Plan Amendment (**File No. PGPA14-002**) to revise the Land Use Element of The Ontario Plan-Policy Plan, Exhibits LU-01 Official Land Use Plan and LU-03: Future Buildout to: 1) change the land use designation for 6.11 acres of land located at 2041 East 4<sup>th</sup> Street from General Commercial to Low Medium Density Residential (5.1-11 du/ac); 2) modify the Future Buildout Table to be consistent with the land use designation changes; and 3) a zone change request (**File No. PZC14-003**) from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential- 5.1-11 du/ac) to create consistency between the proposed zone change and proposed general plan land use designation amendment. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. A Mitigated Negative Declaration has been prepared for this project pursuant to the

requirements of California Environmental Quality Act. (APN: 0110-441-10); **submitted by Warmington Residential. City Council action is required.**

Associate Planner, Lorena Mejia, presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of File Nos. PGPA14-002 and PZC14-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage asked how the density compare to the 2004 development to the west.

Mr. Murphy stated it was a higher density than what is being proposed with this project.

Mr. Gage asked what is going to exist across the street

Mr. Murphy stated the current Specific Plan calls for an intense mixed-use development as does the General Plan. We have an application submitted requesting a General Plan Amendment and a Specific Plan Amendment that would change the northern portion of the property to industrial.

### **PUBLIC TESTIMONY**

Phil Becera, Warmington Residential, appeared and spoke in favor of the project.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Mr. Downs stated he is looking forward to new projects in this area.

Mr. Gage stated he is sad to see the Daily Bulletin go elsewhere.

### **PLANNING COMMISSION ACTION**

*It was moved by Delman, seconded by Ricci, to adopt the Mitigated Negative Declaration. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

*It was moved by Ricci, seconded by Delman, to adopt a resolution to approve the General Plan Amendment, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

*It was moved by Delman, seconded by Downs, to adopt a resolution to approve the Zone Change, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- G. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV14-023:** A Development Plan to construct 92 single family homes on approximately 10.8 acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue between Haven and Turner Avenues. The

proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT and Chino Airports. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was prepared pursuant to the requirements of California Environmental Quality Act. (APN's.: 0218-201-05, 30, 39, 42, 43 and 45); **submitted by Brookfield Residential. This item was continued from September 23, 2014.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is recommending the Planning Commission continue File No. PDEV14-023 to the next Planning Commission meeting.

No one responded.

#### **PUBLIC TESTIMONY**

No one responded.

#### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Gregorek, to adopt a resolution to continue the Development Plan. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- H. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, TENTATIVE TRACT MAP TT 18997, AND PLANNED RESIDENTIAL DEVELOPMENT REVIEW FOR FILE NOS. PDEV14-017, PMTT14-009 & PRD14-002:** A Development Plan to construct 131 condominium units and a Tentative Tract Map (TT 18997) to subdivide 7.8 acres of land into a common lot subdivision for condominium purposes in conjunction with Planned Residential Development, at the northwest corner of Euclid Avenue and SR-60, located at 2324 South Euclid Avenue, within the R2- Medium Density Residential (11-18 du/ac) Zoning District. The environmental impacts of this project were previously analyzed in a Mitigated Negative Declaration that was prepared pursuant to the requirements of California Environmental Quality Act and approved by the Ontario City Council on July 1, 2014 (File No. PGP13-006). This Application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1051-061-01); **submitted by South Coast Communities, LLC.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is recommending the Planning Commission continue File Nos. PDEV14-017, PMTT14-009, and PRD14-002 to the next Planning Commission meeting.

No one responded.

**PUBLIC TESTIMONY**

No one responded.

**PLANNING COMMISSION ACTION**

*It was moved by Delman, seconded by Downs, to adopt a resolution to continue the Development Plan, Tentative Tract Map, and Planned Residential Unit. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- I. **ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE FILE NO. PZC14-004:** Change of zoning designation of forty-four properties, generally bound by Francis St. to the north, Spruce St. to the south, San Antonio Ave. to the east, and Redwood Ave. to the west, from AR (Agricultural Residential) to R1 (Single Family Residential). The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. The environmental impacts of this project were previously analyzed in an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts. (APNs: 1050-341-01, 1050-341-04 thru 05, 1050-341-09 thru 35, 1050-342-01 thru 07, 1050-624-15, 1050-631-09 thru 12, 1050-634-114, and 1050-631-38); **submitted by Pio & J Designers. City Council action is required.**

Senior Planner, Diane Ayala, presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of File No. PZC14-004, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Ricci asked for the square footage of the lot.

Ms. Ayala answered 1.63 acres.

**PUBLIC TESTIMONY**

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

No one responded.

**PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Delman, to adopt a resolution to approve the Zone Change, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*



- J. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, TENTATIVE TRACT MAP TT 18713 AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS. PDEV14-019, PMTT14-012 & PHP14-009:** A Development Plan and Certificate of Appropriateness to retain two existing single family homes and to construct four new single family homes on approximately 1.63 acres of partially developed land generally located by the southwest corner of Francis Street and San Antonio Avenue, a historic eligible site, at 1816 & 1834 S. San Antonio in conjunction with Tentative Tract Map (TT 18713) to subdivide the subject site into six single family lots and in the proposed R1 (Single Family Residential) Zoning District. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to § 15331 (Historical Resource Restoration/Rehabilitation) and 15332 (In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1050-341-05); **submitted by Pio & J Designers.**

Planning Director, Scott Murphy, presented the staff report. He stated that staff is recommending the Planning Commission continue File Nos. PDEV14-019, PMTT14-012, and PHP14-009 to the next Planning Commission meeting.

No one responded.

#### **PUBLIC TESTIMONY**

No one responded.

#### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Downs, to adopt a resolution to continue the Development Plan, Tentative Tract Map, and Historical Preservation item. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- K. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA14-003:** An Amendment to Title 9 of the Ontario Municipal Code to prohibit the cultivation of marijuana within the City-limits of the City of Ontario. The project is not subject to CEQA pursuant to Sections 15061(b)(3) and 15060(c)(3) of the Guidelines; **City Initiated. City Council action is required.**

Senior Planner, Richard Ayala, presented the staff report. He stated that staff is recommending the Planning Commission recommend approval of File No. PDCA14-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage asked if the report states that there are no medical purposes for marijuana.

Mr. Murphy stated it is not legally recognized by the Food and Drug Administration.

#### **PUBLIC TESTIMONY**

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Ms. Mautz commended the presentation of staff.

Mr. Gregorek concurred.

Mr. Gage asked if local law would change if the Federal Government changes its legal status on marijuana.

Mr. Rice stated if the Federal Law permits the cultivation of marijuana, it does not necessarily mean that the state or the city change its stance.

Mr. Murphy stated we would not be required to allow cultivation of marijuana if it was legally recognized by the Federal Government.

#### **PLANNING COMMISSION ACTION**

*It was moved by Gregorek, seconded by Downs, to adopt a resolution to approve the Development Code Amendment, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- L. **MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP14-008:** A Mills Act Contract for a 3,600 square foot Tudor Revival style residential building, within the R1-Single Family Residential Zoning District, located at 324 East I Street, a designated local landmark. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines (APN: 1048-251-15); **submitted by Janette De La Rosa Ducut. City Council action is required.**

Planning Intern, Elly Antuna, presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of File No. PHP14-008, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

#### **PUBLIC TESTIMONY**

No one responded.

As there was no one else wishing to speak, Chairman Gage closed the public testimony

Mr. Gage stated the Mills Contracts are beneficial to our city as staff mentioned.

#### **PLANNING COMMISSION ACTION**

*It was moved by Delman, seconded by Mautz, to adopt a resolution to approve the Mills*

*Act Contract, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Gage; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

## **MATTERS FROM THE PLANNING COMMISSION**

### **Old Business Reports From Subcommittees**

**Historic Preservation (Standing):** This subcommittee met on October 14, 2014. They approved the item on the Hansen House and approved a Certificate of Appropriateness for the Espinoza property on Francis Street and San Antonio Avenue. He also stated Chaffey High School will be installing security fencing.

Mr. Gregorek stated they also spoke about the widening of the median on Euclid Avenue; just south of the I-10 freeway, for a dedicated right-turn lane on 6<sup>th</sup> Street. He also inquired about the project on Vineyard Avenue and Walnut Street.

Mr. Murphy stated that he will research information on this and get back to Mr. Gregorek.

### **New Business**

Mr. Gage spoke about 1429 Campus Avenue; stating there is a cement pad which covers more than 50 percent of the yard.

## **NOMINATIONS FOR SPECIAL RECOGNITION**

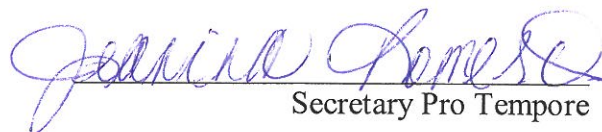
None at this time.

## **DIRECTOR'S REPORT**

Mr. Murphy spoke about the December meeting date. The Planning Commission agreed upon December 15, 2014 to meet. The Briefing will be on December 11, 2014.

## **ADJOURNMENT**

The meeting was adjourned at 7:56 p.m. Delman motioned to adjourn, seconded by Ricci.

  
Secretary Pro Tempore

  
Chairman, Planning Commission