

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

January 28, 2014

<u>CONTENTS</u>	<u>PAGE</u>
PLEDGE OF ALLEGIANCE .....	2
ANNOUNCEMENTS.....	2
PUBLIC COMMENTS.....	2
CONSENT CALENDAR	
A-01. Minutes of November 18, 2013 and December 16, 2013.....	2
A-02. PDEV13-033 .....	2
PUBLIC HEARINGS	
B. File Nos. PDEV12-018, PCUP12-028, PVAR13-001, PVAR13-002, and PVAR13-003.....	3
C. File No. PCUP09-013.....	5
D. File No. PDA14-001 .....	7
MATTERS FROM THE PLANNING COMMISSION.....	8
DIRECTOR'S REPORT.....	8
ADJOURNMENT .....	8

# CITY OF ONTARIO PLANNING COMMISSION

## MINUTES

January 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, Vice-Chairman Willoughby, Delman, Downs, Gregorek, Mautz, and Ricci

**Absent:** None.

**OTHERS PRESENT:** Planning Director Murphy, City Attorney Gomer, Senior Planner Mercier, Senior Planner Batres, Deputy Fire Chief Andres, Assistant City Engineer Lee, Sr. Management Analyst Melendrez, and Planning Secretary Romero

### PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Mr. Willoughby.

### ANNOUNCEMENTS

Mr. Murphy stated item A-02 is being requested to be continued to February 25, 2014.

### PUBLIC COMMENTS

No one responded from the audience.

### CONSENT CALENDAR ITEMS

#### A-01. MINUTES APPROVAL

Planning Commission Minutes of November 18, 2013 and December 16, 2013, approved as written.

**A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV13-033:** A Development Plan to establish a Master Plan for Del Rancho Park located on approximately 4.75 acres within the Open Space zone, generally located along the northwest corner of Cypress Avenue and Laroda Court. 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. Staff has determined that the project is categorically exempt from the requirements of the California Environmental

Quality Act pursuant to Section 15061(b)(3). (APN's: 1014-501-03, 04, 05, 06); City Initiated.

#### PLANNING COMMISSION ACTION

*It was moved by Gregorek, seconded by Willoughby, to approve the Planning Commission Minutes of November 18, 2013, as written. The motion was carried 7 to 0.*

*It was moved by Mautz, seconded by Willoughby, to approve the Planning Commission Minutes of December 16, 2013, as written. The motion was carried 6 to 0 with Gage abstaining.*

*It was moved by Downs, seconded by Mautz, to continue item A-02 to February 25, 2014. The motion carried 7 to 0.*

#### PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE REVIEWS FOR FILE NOS.: PDEV12-018, PCUP12-028, PVAR13-001, PVAR13-002 AND PVAR13-003: A Development Plan (File No. PDEV12-018) to construct a public self-storage facility totaling approximately 103,150 square feet on 3.5 acres of land; A Conditional Use Permit (File No. PCUP12-028) to establish and operate a 103,150 square foot self-storage facility; a Variance (File No. PVAR13-001) to exceed the Floor Area Ratio (FAR) from .40 to .68; a Variance (File No. PVAR13-002) to reduce required landscape coverage from 15% to 9%; and a Variance (File No. PVAR13-003) to reduce building setbacks along the south property line from 20-feet to 1-foot, 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 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. Pursuant to the California Environmental Quality Act a Mitigated Negative Declaration has been prepared for the project; **submitted by Patterson Development Company, LLC.** (APN: 1015-181-07)

Senior Planner Luis Batres presented the staff report and asked the Planning Commission to approve File Nos. PDEV12-018, PCUP12-028, PVAR13-001, PVAR13-002, and PVAR13-003, pursuant to the facts and reasons contained in the staff report and attached resolutions.

Mr. Downs asked if the easement under the bridge is vacated if it will be considered property of CalTrans.

Mr. Batres answered yes.

Mr. Murphy stated he suspects the applicant would do what is necessary to avoid the involvement of CalTrans.

Raymond Lee, Assistant City Engineer, appeared and spoke about the proposed re-route

on the design plan. He stated the relocation of the easement had already been included in the original plan which is between Building B and Building C.

Mr. Ricci asked if the parking lot is continuous and not divided between the two businesses.

Mr. Batres stated that is correct.

Mr. Willoughby asked if there is a Manager's residence for the storage business.

Mr. Batres answered no.

Mr. Willoughby asked if Building A will block the view of Building C from Mountain Avenue.

Mr. Batres answered there will be a line of visibility.

Mr. Willoughby asked if there will be new planters towards El Pescador.

Mr. Batres stated that anything that is being modified will include new landscaping.

Mr. Willoughby asked if they will be slurry sealing or resurfacing the parking area.

Mr. Batres stated the parking area will be slurry sealed and striped.

Mr. Willoughby asked if there is new lighting planned for the parking lot.

Mr. Batres answered yes.

### PUBLIC TESTIMONY

Pat Patterson, Patterson Dev. Co., LLC, 567 San Nicolas #260, Newport Beach, CA 92660, appeared and spoke.

Mr. Gage asked about the south elevation of Building B. He asked if there will be any graffiti deterrent for the wall.

Ariel L. Valli, Valli Arch. Group, 12 Journey #270, Aliso Viejo, CA 92656, appeared and spoke. He spoke about the graffiti resistant coating that will be used on the south wall of Building B.

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

Mr. Delman stated he is pleased to see the reuse of the land lot building.

Ms. Mautz stated this is a great improvement and the architectural job is outstanding.

Mr. Ricci commended Mr. Batres for the presentation and the architect for a beautiful building.

## PLANNING COMMISSION ACTION

*It was moved by Ricci, seconded by Delman, to adopt the Mitigated Negative Declaration, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, none. The motion was carried 7 to 0.*

*It was moved by Willoughby, seconded by Downs, to adopt File Nos. PDEV12-018, PCUP12-028, PVAR13-001, PVAR13-002 AND PVAR13-003, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, none. The motion was carried 7 to 0.*

- C. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT MODIFICATION FOR FILE NO. PCUP09-013; A City initiated Conditional Use Permit (File No. PCUP13-039) to modify or revoke a previously approved Conditional Use Permit (File No. PCUP09-013, Decision No.: 2009-11), establishing alcoholic beverage sales and live entertainment, in conjunction with Playas Del Sol Restaurant (formerly B's Sports Bar & Grill), located at the northeast corner of Holt Boulevard and Benson Avenue, at 1542 West Holt Boulevard, within the C3 (General Commercial) 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 exempt from environmental review pursuant to State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies). (APNs: 1010-552-14 & 1010-552-15); **City Initiated.**

Associate Planner John Hildebrand III stated staff is recommending the Planning Commission approve the modification to File No. PCUP09-013 (PCUP13-039), pursuant to the facts and reasons contained in the staff report and attached resolution.

Corporal Steve Munoz appeared and spoke about the numerous recent incidences that occurred at the restaurant.

Mr. Hildebrand stated staff is recommending a Conditional Use Permit modification and spoke about the modifications.

Mr. Ricci asked where the service call regarding an assault with a deadly weapon came from.

Corporal Munoz stated the initial service call came from Montclair Police Department.

Officer Quinones appeared and spoke about the incident of the disturbance call.

Mr. Willoughby asked if July 7, 2013, was the first service call on record.

Corporal Munoz answered yes; there were minimal calls prior to 2013. He also spoke about Facebook posts found by Officer Sturgis regarding an event that took place without a Temporary Use Permit.

Mr. Gage asked about the Alcoholic Beverage Control investigation.

Corporal Munoz stated there have been at least three undercover operations where alcohol was sold after 10:00 p.m.

Mr. Gregorek asked for the criteria to suspend an alcohol license.

Corporal Munoz stated he is unaware of the specific number of violations that are permitted by Alcoholic Beverage Control until an alcoholic license is suspended.

### PUBLIC TESTIMONY

Kevin O'Connell, attorney, appeared and spoke. He stated he has not seen reports from Alcoholic Beverage Control violations. He is requesting the sale of alcohol until 2:00 a.m.

Mr. Murphy spoke about what has been done in the past by modifying Conditions of Approvals and gave the businesses a three-month period to improve. Assuming they are successful in the improvement, they could then request to extend business hours. He asked Mr. O'Connell if it would meet his client's needs if we were to allow alcohol sales until 11:00 p.m. on Friday and Saturday nights.

Mr. O'Connell answered yes.

Mr. Murphy suggested alcohol sales to end at 10:00 p.m. Sunday through Thursday.

Steve Tseheridis, 891 South Bluebird Circle, Anaheim, CA 92807, owner, appeared and spoke. He stated he is not going to wait for neither the Police Department nor the City of Ontario to terminate their business. If they do not comply within six months, he will terminate the business himself.

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

Mr. Willoughby asked for clarification of security needs.

Mr. Murphy stated security is needed when there is live entertainment. Pay per view events does not constitute live entertainment.

Mr. Gregorek asked how long it typically takes Alcoholic Beverage Control to process applications.

Corporal Alvarez stated the process takes one to two months.

Mr. Ricci asked if at least one security guard should be conditioned for extended hour nights.

Mr. Murphy stated it is the Planning Commission's discretion however that is not typically how it has been approached in the past.

Mr. Willoughby asked Mr. O'Connell if his client would be willing to provide security guards for events such as UFC fights.

Mr. Gage re-opened the public hearing.

Mr. O'Connell stated his client would be willing to provide security on nights of UFC fights, however he would not see it necessary to provide security on nights of extended hours where there are no events.

Mr. Gage closed the public hearing.

Ms. Mautz asked Alcoholic Beverage Control is likely to extend hours given the number of incidences already on record.

Corporal Alvarez spoke about the process of Alcoholic Beverage Control to remove or add conditions.

Mr. Downs asked for examples of live entertainment.

Mr. Murphy answered, a 7-piece band, a disc jockey, and karaoke are considered live entertainment.

#### PLANNING COMMISSION ACTION

*It was moved by Willoughby, seconded by Ricci, to adopt File No. PCUP09-013 (PCUP13-039) with modifications and subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, none. The motion was carried 7 to 0.*

- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-001:** A Development Agreement Amendment (First Amendment) between the City of Ontario and Ontario Schaefer Holdings, LLC,, (The Avenue SP) (File No. PDA14-001) to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders. The environmental impacts of this project were previously considered in The Avenue Specific Plan EIR (SCH # 2005071109), certified by the City Council on December 19, 2006. This Application introduces no new significant environmental impacts. (APN: 0218-201-15 and 44); submitted by Ontario Schaefer Holdings, LLC. **City Council action is required.**

Planning Director Scott Murphy presented the staff report and asked the Planning Commission to recommend approval of File No. PDA14-001, pursuant to the facts and reasons contained in the staff report and attached resolutions.

Mr. Downs asked about the reduction of public service funding.

Mr. Murphy spoke about the extensive analysis the Finance Department performs, referred to as the "GAP."

### PUBLIC TESTIMONY

Jason Lee, applicant, appeared and spoke.

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

### PLANNING COMMISSION ACTION

*It was moved by Mautz, seconded by Downs, to recommend adoption of File No. PDA14-001, Development Agreement, Roll call vote: AYES, Delman, Downs, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, none. RECUSE, Gregorek. The motion was carried 6 to 0 with Gregorek abstaining.*

### MATTERS FROM THE PLANNING COMMISSION

#### Old Business Reports From Subcommittees

**Historic Preservation (Standing):** Mr. Delman stated they met on January 9, 2014 and approved the request to remove a single-family residence from the City's list of eligible historic resources. File No. PHP13-010.

They also discussed the request to revise a previously approved certificate of appropriateness for the Frankish building, as they incorrectly replaced the store front windows.

**Development Code Review (Ad-hoc):** This subcommittee did not meet.

**Zoning General Plan Consistency (Ad-hoc):** This subcommittee did not meet.

#### New Business

Mr. Gregorek spoke about setting standards and conditions for abandoned and operating businesses.

Mr. Gage stated he is open to that idea.

Mr. Murphy suggested using the Development Code Review subcommittee time to discuss these types of matters.

### NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

### DIRECTOR'S REPORT

None at this time.

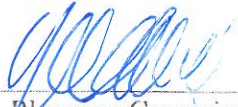
### ADJOURNMENT

The meeting was adjourned at 8:25 p.m. Mr. Willoughby motioned to adjourn, seconded



by Mr. Gregorek.

  
Secretary Pro Tempore

  
Chairman, Planning Commission