

**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

May 25, 2021

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**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

May 25, 2021

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Gage at 6:30 PM

COMMISSIONERS

Present: Chairman Gage, Vice-Chairman Willoughby, DeDiemar, Gregorek, Lampkin, and Ricci

Absent: None

OTHERS PRESENT: Planning Director Zeledon, City Attorney Otto, Principal Planner Mercier, Sustainability Manager Ruddins, Senior Planner Ayala, Senior Planner Mejia, Associate Planner Aguilo, Associate Planner Antuna, Associate Planner Chen, Assistant City Engineer Lee, Fire Chief Gerken, Officer Paine, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Ricci.

ANNOUNCEMENTS

Mr. Zeledon stated that Item A-02 received a letter from Supporters' Alliance for Environmental Responsibility ("SAFER") withdrawing their previous comments regarding this project. He also stated that Items E & F are requesting to be continued to the June 22, 2021 meeting, to give the applicant time to address CEQA comments received by Supporters' Alliance for Environmental Responsibility ("SAFER"). He explained that Items C & D would be presented together, as well as Items G & H will be presented together.

Mr. Willoughby stated he would like to open and close tonight's meeting in honor and memory of Mr. James Downs, a past Commissioner, who served on this board for many years and was an advocate for the City of Ontario, who recently passed away.

Mr. Lampkin stated this is his first in person meeting and wanted to express his appreciation of the confidence in him to take on this position. He stated he didn't have the opportunity to work with Mr. Downs, and what he has discovered is that the people on the commission are very knowledgeable and know the direction the city would like to go in and he expressed his condolences to the Downs family and his thanks for this opportunity.

Mr. Gage stated he would like to open the historic part of this meeting in remembrance of Beverly Cleary, a well-known author, who has a historic connection to the city. He stated that she came to Ontario in 1934, to attend Chaffey Jr. College which was free at that time, where she mentioned in her memoirs, was where she found her passion for writing. He stated she lived in the College Park District and when she first arrived in Ontario and drove up Euclid Ave., she could smell the oranges.

PUBLIC COMMENTS

Xochitl stated she had sent in a public comment and read her public comment, and Ms. Mejia read it in Spanish.

My name is Xochitl and I am here today to bring attention in providing information to our community members in a fair and just way. I am here to advocate for those individuals who cannot make it here in person because they are given incorrect or misleading information. When members of communities want to be heard, the city and committees have a responsibility to do their best to encourage involvement and not suppress any one voice. This morning at 6 am, the website stated that this meeting will be held via zoom. Within a matter of hours, the website changed and now not available le in English at all. My request is that this committee and all committees refrain from suppressing the communities voice. Thank You for understanding and your future cooperation. #equalinformationforall

She then stated she is an advocate for the citizens, for better communication within the community. She stated since Ontario was incorporated in 1891 the demographic has changed and the rate of growth within the city is changing and not everyone is aware of all the happenings. She stated with so much happening at once it is hard to attend all the meetings and she requests these meetings be made available via zoom and email or phone call communications for public comments, for those who are unable to attend or are fearful of attending. She stated she lives close to the boarder of Chino and ever decision effect different areas of the community and with each project comes more traffic issues and more trucks using neighborhood streets and more bottlenecking to leave or arrive. She stated to please create a platform where all residents can be heard safely.

Tom Burciaga stated he wanted to tell the commission they are doing a great job for the city of Ontario and welcomed Mr. Lampkin to the Commission. He stated it is important to have the right people in these positions, who have the passion for the city, this city which is his city and expressed he is thankful and appreciative.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV20-005: A Development Plan to construct a 256,711 square foot industrial building on 11.3 acres of land located at 875 West State Street, within the IL (Light Industrial) zoning district. The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), which was certified by City Council on January 27, 2010. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1011-161-04 and 1011-161-05) **submitted by Inland Harbor LLC. This item was continued from the April 27, 2021 Planning Commission meeting.**

It was moved by DeDiemar, seconded by Lampkin, to approve the Consent Calendar, including the Planning/Historic Preservation Minutes for April 27, 2021, as written and the Development Plan, File No. PDEV20-005, subject to the conditions of approval. The motion was passed unanimously 6 -0.

HISTORIC PRESERVATION / PLANNING COMMISSION PUBLIC HEARING ITEMS

B. TWENTY-FIRST ANNUAL MODEL COLONY AWARDS FILE NO. PHP21-008: A request for the Historic Preservation Commission to accept the nominations for the Twenty-first Annual Model Colony Awards; **submitted by City of Ontario. City Council presentation of Awards.**

Associate Planner Antuna, presented the staff report. She stated that City Council proclaimed May Historic Preservation Month in Ontario with a theme of “Preserving the Past and Embracing the Future.” She described the nominations for the Model Colony Awards: Award of Merit to Dr. Jerome Titus Home, Award of Merit to the Starbucks in-fill in downtown Euclid Ave., and the George Chaffey Memorial Award to Robert Gregorek. She stated that staff is recommending the Planning Commission approve File No. PHP21-008, Model Colony Nominations, pursuant to the facts and reasons contained in the staff report.

PUBLIC TESTIMONY

Richard Galvez congratulated the presentation and stated these point out the position of the Commission on improving the quality of life in the Historic part of the city and when other items come forward the commission will be tested on preserving the quality of life for all the citizens of Ontario. He stated these three items are excellent for the history of the city.

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

Mr. Willoughby stated the Model Colony Awards are always a highlight for the commission and the planning department and the city. He stated we have quite a few historic properties in the city and the residents do such a great job in maintaining them and it is a pleasure to see them coming before us and with Mr. Gregorek leaving in a few months, these are worthy of the recognition and he thanked the staff for keeping everything in line.

Mr. Gregorek stated he is thankful for the Model Colony Award program and for the state allowing the Planning Commissioners to be Historic Commission as well, as Ontario is one of the few cities with this and we know how to separate the two where we must. He stated Historic Preservation has come a long way, from going through inventory and cutting it down to those that were worthy and had to make some tough decision to make sure we had the most noteworthy structures that contributed to the historic nature that is important to the city. He stated there is a lot of work still to be done and resources that staff still bring up. He expressed his thankfulness for all the staff and commissioners in the past and present that have brought it to this point.

Mr. Ricci stated that Mr. Gregorek has been a tremendous influence on him and the historic commission and is the longest seated commissioner in Ontario history, who has seen the developments throughout the years and he had a hand in it and he is a renowned geologist and has had to reclude himself from several project because he worked on them and had his hands in the development, and he has his roots here in the city. He stated he is grateful for him and Bob is going to be missed.

Mr. Gage stated that he has served with Commissioner Gregorek for many years and has seen him in action, as a part of the Historic Preservation, helping to coordinate and get things together and be part of the 78 Mills Act Contracts, of people investing in their historic homes and Bob was always a part of this steadfast and a compliment to Historic Preservation and is worthy of this honor.

HISTORIC PRESERVATION PLANNING COMMISSION ACTION

Acting as the Historic Preservation Commission, it was moved by Willoughby, seconded by Ricci, to approve the Nominations for the Model Colony Merit Awards, File No. PHP21-008. Roll call vote: AYES, DeDiemar, Gage, Gregorek, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

Acting as the Historic Preservation Commission, it was moved by Ricci, seconded by Lampkin, to approve the Nomination for the Model Colony George Chaffey Memorial Award, File No. PHP21-008. Roll call vote: AYES, DeDiemar, Gage, Lampkin, Ricci,

and Willoughby; NOES, none; RECUSE, Gregorek; ABSENT, none. The motion was carried 5 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW FOR FILE NO. PUD21-001:** An Amendment to the Emporia Family Housing Planned Unit Development to expand the project area from approximately 2.80 acres of land to 4.95 acres of land, establish minimum building setbacks from Palm Avenue and Transit Street rights-of-way, modify minimum parking requirements, allow on-street loading, and update the planting palette. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for this project. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 1049-051-04, 1049-054-02, 1049-054-03, 1049-054-04, 1049-054-06, 1049-059-06, and 1049-059-07) **submitted by The Related Companies of California, LLC. City Council action is required.**
- D. **ENVIRONMENTAL ASSESSMENT, CERTIFICATE OF APPROPRIATENESS, TENTATIVE PARCEL MAP, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PHP21-003, PMTT21-004 AND PDEV21-008:** A Certificate of Appropriateness (File No. PHP21-003) to demolish 2 historic Tier III buildings located within the project site and a Tentative Parcel Map (File No. PMTT21-004/TPM 20339) to consolidate 4 lots and the vacation of an adjoining section of Fern Avenue, for a total of 2.15 acres of land, in conjunction with a Development Plan (File No. PDEV21-008) to construct 50 multiple-family affordable housing dwelling units, generally located at the northwest and southwest corners of Emporia Street and Palm Avenue, within LUA2-N (Arts District-North) and LUA-3 (Holt Boulevard District) of the MU-1 (Downtown Mixed-Use) zoning district. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for this project. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 1049-054-02, 1049-054-03, 1049-054-04, 1049-054-06, 1049-059-06, and 1049-059-07) **submitted by The Related Companies of California, LLC.**

Senior Planner Ayala presented the staff report. She described the history of the original PUD and the Amendment to expand the area. She stated that Phase I was completed in 2020 and the two historic properties involved in the Phase II that would be demoed. She described the Amendment to the Emporia Family Housing PUD, the circulation plan, parking requirements, parcel map, and the portion of Fern Ave. being vacated to connect phase I & II, site plan, landscape plan, including open space and floor plans, proposed elevations, architectural style, community building, recreation area. She explained the need to demolish the two building and the need for a Certificate of Appropriateness, and the Mitigation prior to demo permits being issued. She stated that staff is recommending the Planning Commission recommend approval of the Addendum and File No. PUD21-001, and approve the Certificate of Appropriateness, File No. PHP21-003, the Tentative Parcel Map, File No. PMTT21-004, and the Development Plan, File No. PDEV21-008, pursuant to the facts and reasons contained in the staff report.

Ms. DeDiemar wanted to know if the American Legion building is currently occupied.

Ms. Ayala stated yes, it is occupied.

Ms. DeDiemar wanted to know what the American Legion is planning to do.

Ms. Ayala stated they would be relocating to another site in Ontario.

Ms. DeDiemar wanted to know if they agreed with this move.

Ms. Ayala stated yes.

Mr. Willoughby wanted to know how the parking is working in Phase I and if it is fully occupied.

Ms. Ayala stated that Phase I is fully occupied and 53 onsite spaces that are available with Phase I haven't been assigned and they have found that most households are one vehicle

Mr. Willoughby wanted to know if the commission had ever approved adjacent off-site parking for a development before.

Mr. Zeledon stated yes, we have in the past, the code allows for it within 1500 feet of project sight.

Mr. Willoughby wanted to know if the parking would be covered or open.

Ms. Ayala stated they will all be open parking.

Mr. Lampkin wanted to know if the parking lot to the south would include security.

Ms. Ayala stated that part of the Conditions of Approval the applicant would have to submit a full security plan and that they will be gating of the south parking and have video cameras, as in Phase I, and she deferred any further clarification to the applicant.

Mr. Gage wanted to clarify that less parking needed for lower income projects?

Ms. Ayala stated that Emporia Phase I is an example that demonstrates that for affordable housing there are less vehicles used, due to lower household incomes.

Mr. Zeledon stated that this is work force housing and it is right off Holt Blvd., which is a heavily used transit corridor, one of the heaviest used in San Bernardino and provides opportunities for the residents to us transit, which we want to encourage.

PUBLIC TESTIMONY

Randy Mai, the applicant with Related California stated he was here to answer questions. He stated that with affordable housing the need for parking is less likely to need the spaces, and they plan the community accordingly. He stated that in order to get tax dollars for these projects they need to be in areas that have easy access to transportation and transit, and that in Phase I they included a bus stop on Holt Blvd.

Mr. Lampkin wanted to know if like in Emporia Phase I where they preserved the history, will Emporia Phase II also preserve the history.

Mr. Mai stated that in Phase II along Emporia Street in the landscape area there will be pedestals that will speak to the history of the area, just like on Transit Street in Phase I.

Mr. Lampkin wanted to know the security plan for the parking area to the south.

Mr. Mai stated there would be security cameras and gated access for tenants.

Mr. Lampkin wanted to know if that parking area would also be for visitor parking.

Mr. Mai stated that visitor parking is located on street.

Mr. Willoughby wanted to clarify that the off-site parking would be fenced and gated.

Mr. Mai stated that is correct.

Mr. Willoughby wanted to know if there would be storage for each unit.

Mr. Mai stated there would be individual storage for each unit.

Mr. Willoughby wanted to know if both Phases would have access to the pool.

Mr. Mai stated yes, that is correct, both Phases would have access.

Mr. Willoughby wanted to clarify the same is true of the club house.

Mr. Mai stated that is correct.

Richard Galvez spoke and congratulated the developer and stated that low income housing is needed in Ontario, as the median rent is \$2500 and very expensive, and these projects give my children opportunity to stay in Ontario, and he hopes the commission will continue to support these types of projects.

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

Mr. Gage stated he appreciated Mr. Galvez's comments. He stated he is usually a stickler for parking and we do need affordable housing in Ontario, and the downtown area is changing and we need affordable housing to keep our citizens here. He stated he likes the idea of connecting the two projects and a nice tot lot. He stated he has parking reservations but there is transportation nearby and will be for this project.

Mr. Lampkin also stated his appreciation to Mr. Galvez. He stated that this project shows that low income housing doesn't have to look a certain way and is glad they are expanding what is an impressive project. He stated that there are workforce programs being offered in Phase I to help residents and that he is appreciative of these types of efforts to keep residents in the city.

Mr. Willoughby stated that the affordable housing like in Phase I and another project on east side of town, that are showing the quality that Ontario can produce for our residents and more of it is needed, and glad to hear how the parking is working in Phase I, as there were concerns about the parking. He also thanked staff and the developer for a great project.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Lampkin, to recommend adoption of a resolution to approve the Addendum, and the Planned Unit Development Amendment, File No. PUD21-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

It was moved by Willoughby, seconded by Ricci, to adopt a resolution to approve the Certificate of Appropriateness, File No., PHP21-003, the Tentative Parcel Map, File

No. PMTT21-004 and the Development Plan, File No. PDEV21-008, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

- E. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT FOR FILE NO. PSPA20-003:** An Amendment to the California Commerce Center Specific Plan, changing the land use designation on 10.64 acres of land from Commercial/Food/Hotel to Light Industrial, to be consistent with The Ontario Plan Policy Plan (General Plan) Industrial (0.55 FAR) land use designation, located at the northeast corner of Haven Avenue and Airport Drive, within the California Commerce Center Specific Plan. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for this project. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0211-222-66) **submitted by Vogel Properties, Inc. City Council action is required.**
- F. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV20-008:** A Development Plan to construct a 200,291-square foot industrial building on 10.64 acres of land located at the northeast corner of Haven Avenue and Airport Drive, within the proposed Light Industrial land use district of the California Commerce Center Specific Plan. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for this project. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0211-222-66) **submitted by Vogel Properties, Inc.**

Applicant is requesting that this item be continued to the June 22, 2021 Planning Commission meeting.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Willoughby, to continue the Addendum, the Specific Plan Amendment, File No. PSPA20-003, and the Development Plan, File No. PDEV20-008, to the June 22, 2021 Planning Commission meeting. The motion was unanimously carried 6 to 0.

- G. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT FOR FILE NO. PSPA20-006:** An Amendment to the Subarea 29 Specific Plan to increase the overall density within Planning Area 27 (Cluster Homes – 7-14 du/ac) from 4.8 to 4.9 dwelling units per gross acre and establish a new residential product type (Motorcourt Cluster D – 8-Plex). Planning Area 27 is bounded by Merrill Avenue to the north, Southern California Edison easement to the west, and the San Bernardino County Flood Control District and the City of Eastvale to the south. Staff has prepared an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (State Clearinghouse No. 2004011009) for this project. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area

of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics; (APN: 0218-331-42) **submitted by SL Ontario Development Company, LLC. City Council action is required.**

- H. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT20-012 (TM 20389):** A Tentative Tract Map (TTM 20389) to subdivide 5.99 acres of land into one numbered lot and three lettered lots for condominium purposes. The project is bounded by Merrill Avenue to the north, Southern California Edison easement to the west, and the San Bernardino County Flood Control District and the City of Eastvale to the south. Staff has prepared an Addendum to the Subarea 29 Specific Plan Environmental Impact Report (State Clearinghouse No. 2004011009) for this project. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics; (APN: 0218-331-42) **submitted by SL Ontario Development Company, LLC.**

Associate Planner Aguilo presented the staff report. She described the project site and the land use map for the Specific Plan, the surrounding area and the changes to the Specific Plan, adding the Motorcourt Cluster 8 plex. She described the tentative tract map and the conceptual site plan. She stated that staff is recommending the Planning Commission recommend approval of the Addendum and File No. PSPA20-006, and approve the Tentative Tract Map, File No. PMTT20-012, pursuant to the facts and reasons contained in the staff report.

PUBLIC TESTIMONY

Mr. Sage McCleve, the applicant, representing SL Development thanked staff and stated he was available to answer questions.

Mr. Gage wanted to know why the increase in density.

Mr. McCleve stated this is a challenging site with the site being bordered by the SCE easement, and they wanted to reduce the powerline interaction, and with the 8 pack Motorcourt cluster they were able to have only 10 homes that will back on to the power lines.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by DeDiemar, to recommend adoption of a resolution to approve the Addendum, and the Specific Plan Amendment, File No.

PSPA20-006, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

It was moved by Ricci, seconded by Gregorek, to adopt a resolution to approve the Tentative Tract Map, File No., PMTT20-012, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, Lampkin, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 6 to 0.

- I. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV18-022 AND PCUP18-021:** A Development Plan (File No. PDEV18-022) to construct a 6,870 square foot industrial building in conjunction with a Conditional Use Permit (File No. PCUP18-021) to establish and operate a towing service and short-term storage of automobiles, vans, light trucks, and tractor trucks on 3.1 acres of land located at 580 East Belmont Street, within the IL (Light Industrial) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1049-491-01, 1049-491-02 and 1049-491-03) **submitted by Four Sisters Enterprises LLC.**

Principal Planner Mercier presented the staff report. He described the property and the surrounding area. He described the Land Use map in the Policy plan and the timeline history of the project. He described the site plan, accesses, landscape, the fuel tank location which in the COAs is requiring the fuel tank be moved away from the existing homes, floor plan, elevations, and perspective drawings. He described the proposed operations including office hours, customers service hours and towing hours, the vehicles being used, security and the contract with Ontario Police Department, including the current contract which would require special inspection of this facility and approval by PD. He explained the healthy risk assessment that was done, the traffic assessment comparing other options and the noise assessment that was completed. He described the notifications sent to the areas in English and Spanish and the community meetings and the issues brought forth at that meeting, including reduction of property value, safety concerns, location of the fuel tank, increased traffic, and the HRA being biased, and relocation of the project. He stated that staff is recommending the Planning Commission approve the Conditional Use Permit, File No. PCUP18-021, and the Development Plan, File No. PDEV18-022, pursuant to the facts and reasons contained in the staff report.

Ms. DeDiemar wanted to know with the property having an industrial land use since 1947, how did the residential get put there.

Mr. Zeledon stated the vacant land had the land use prior to construction of the residential and that was before the airport was developed but with the expansion of the airport those areas remain industrial because it is meant as a transition buffer area.

Ms. DeDiemar wanted to know if residents when they purchased their homes, were apprised to the abutment to industrial.

Mr. Zeledon stated that it's hard to tell, but most likely no, and explained that we currently have disclosures with new development regarding these issues, but that was not the case back when these homes were developed and they were probably not notified it was zoned industrial.

Ms. DeDiemar wanted to know if the property has always been vacant.

Mr. Zeledon stated there was a commercial industrial use project to the north, and then there was a development brought forward, but was never constructed and the property has been vacant since the late eighties or nineties.

Ms. DeDiemar wanted to clarify that there industrial there before and that this would be a second use.

Mr. Zeledon stated yes.

Mr. Willoughby wanted to clarify that 2 HRAs were done.

Mr. Zeledon stated just one HRA was done.

Mr. Willoughby wanted to clarify that the Fire Department had reviewed and approved the use of the fuel tank for this project.

Mr. Zeledon stated yes that Fire had looked at the fuel tank for the project and is recommending approval of it.

Mr. Willoughby wanted to know if they thought of making Phillips the access point, or was it a conscious effort to take the access off Belmont.

Mr. Zeledon stated having residential surrounding the project it made sense to have all the traffic off Belmont across from industrial to limit the impacts to the residential.

Mr. Willoughby wanted to clarify there would be restricted access off Sultana.

Mr. Zeledon stated that the project is conditioned that they would use Campus not Sultana.

Mr. Willoughby wanted to know how often train spur was used.

Mr. Zeledon stated that he doesn't have stats but it does stop on the intersections sometimes and it provides service to some of the other industrial uses in the area.

Mr. Lampkin wanted clarity regarding the community concerns about students walking back and forth from their residents to school, and what the area looks now and what it would look like if the project is approved, in regard to safety.

Mr. Zeledon stated the project would provide frontage improvements on Phillips Street, which aren't improved now, which would include landscape and 5 foot sidewalks, which would provide pedestrian connectivity and make a safer condition, as basically there is just dirt there now. He stated they would also have to improve the frontage along Belmont and Sultana.

Mr. Lampkin wanted to know if a property value assessment was done would they have to take into consideration the zoning and potential uses.

Mr. Zeledon stated we don't really get into property values, but typically when we get calls from brokers regarding the zoning on property, they take into account the potential uses and the zoning is also disclosed, but it's not being evaluating on the project going in right now, but the potential uses for the zoning.

Mr. Lampkin wanted to know if the industrial zoning was in place since 1947, was the light industrial

overlay in the area also placed there since 1947.

Mr. Zeledon stated no that the light industrial overlay is to the west of the property, because they are in the safety impact zone of the airport, but this property is in the noise impact area only and the overlay was put in with the General Plan update in 2010.

Mr. Lampkin wanted to clarify what the landscape coverage minimum requirement was.

Mr. Zeledon stated that for corner properties it is 15 percent.

Mr. Ricci wanted to know if the east side of property would have sidewalks put in as well.

Mr. Zeledon stated the portion between the project site and Monterey would remain the same, as there is a rail easement there.

Mr. Ricci wanted to know if the north side of Belmont is currently lighted.

Mr. Zeledon stated there is lighting on the north side, but the project will be required to update the lighting to meet the spacing requirements.

Mr. Ricci wanted to clarify that lighting would be improved all the way around the property.

Mr. Zeledon stated that is correct.

Mr. Gregorek wanted to know why the fuel tank would be above ground.

Mr. Zeledon stated that is a question for the applicant, but most likely because it is cheaper to put it above ground.

Mr. Lampkin wanted to know if any data was collected regarding calls for service from PD to the property in its current state.

Mr. Zeledon stated there is code case related incidents such as homelessness and illegal dumping to the property but nothing that he knows of relating to crime, however PD may be able to answer that question.

Ms. DeDiemar wanted to know who made the estimate of the number of trips.

Mr. Zeledon stated they had the applicant look at all his facilities and do an analysis of the average trip traffic, and our own traffic division came up with 34 per day for industrial use, but the analysis was done from actual data from the applicant.

Mr. Gage wanted to know why this project needs a CUP.

Mr. Zeledon stated that this is not an outright permitted use here, because of the nature of the use which could have impacts to the surrounding residents, and that any project would require a CUP because of noise, parking, hours of operation, or alcohol, and they look at all the impacts, and mitigate the impacts, rather than an outright permitted use.

Mr. Gage stated that City Council sent this back to the Planning Commission because of new information and wanted to know what that new information is.

Mr. Zeledon stated that when the applicant came in staff was given the hours of operation and the scope of the operation but when it went to City Council, the applicant provided new information regarding towing semi-trucks to the site and 24 hour operations, so City Council wanted it to come back to staff and

give a full picture of the operation and give the public the opportunity to comment on it, so that everything would be transparent with the project.

Mr. Willoughby wanted to clarify that a CUP gives the city more oversight on the operations, because there are certain conditions assigned to them.

Mr. Zeledon stated that is correct.

PUBLIC TESTIMONY

Mr. Manny Acosta, the applicant with Pepe's towing stated he is excited about this project, to be able to service the Police Department and the citizens and he is here to answer any questions.

Ms. DeDiemar wanted to know why they were told this would be an 8-5 operation when that information was inaccurate.

Mr. Acosta stated the business hours are 8-5, for people to pick up their vehicles, but the towing service is always in service 24 hours, when working with law enforcement agencies and that it was a misunderstanding between office and towing hours.

Ms. DeDiemar wanted to know how would the commission know that.

Mr. Acosta stated it was a miss-interpretation.

Mr. Willoughby wanted to know if the towing trucks would be stationed here all day or are they stationed other places around town, to get an idea of truck trips.

Mr. Acosta stated that they stage the trucks throughout the city for response time, as they pride themselves on responding quickly, so as not to keep the officers waiting.

Mr. Willoughby wanted to clarify that they would not be coming in and out of the tow yard unless they were dropping off a vehicle.

Mr. Acosta stated that is correct.

Mr. Willoughby wanted to clarify that the trip generation information supplied was based on their other tow yards.

Mr. Acosta stated yes, and that they rely on the traffic studies done, and he believes there were two risk assessment studies done and both came back favorable to low traffic in the area.

Mr. Willoughby wanted to clarify that the towing of heavy equipment was very limited.

Mr. Acosta stated yes, it is very low.

Mr. Lampkin wanted to know why the fuel tank would be above ground.

Mr. Acosta stated it is an environmental concern to have them above ground and the cost well, but the tanks are so well built and they extremely safe and solid. He stated they have never had a problem with their other sites, and the Fire Department is hands on to make sure they stay safe and clean and diesel is not a combustible liquid, it is a lot safer.

Mr. Lampkin wanted to know during off hours what protocol would be put into effect to mitigate the

noise.

Mr. Acosta stated at night keep the trucks off sight and they won't use access except on Belmont, and diesel vehicle not as loud as they use to be and trucks are quiet.

Mr. Lampkin wanted to know if he had communicated with the community regarding their input on the site plan and architecture and if there was any landscaping by the railroad track and the brick wall on the east side elevation and why only 15% landscaping.

Mr. Acosta stated that they are just following the code.

Mr. Lampkin wanted to know if they have concerns regarding graffiti on that wall.

Mr. Acosta stated they take care of it immediately, and that some of the other yards get graffiti sometimes but they take care of it, and at the other sight in the city it is not a problem, and they have a lot of wall that runs along the railroad.

Mr. Ricci wanted to clarify that for sound mitigation there was a switch to turn off the backup beepers.

Mr. Acosta stated yes.

Mr. Ricci wanted to clarify that all the vehicles are diesel.

Mr. Acosta stated yes, they are all diesel.

Mr. Ricci wanted to know if they are newer models purchased after the EPA standards had changed.

Mr. Acosta stated they are all within five years, for all the trucks.

Mr. Gage wanted to know if noise mitigation had changed with the truck washing area.

Mr. Acosta stated there was a specific study done for this and it turned out low.

Mr. Gage wanted to know if the insurance allows for backup beeping to be turned off.

Mr. Acosta stated it has never been an issue with the insurance, they do it for their own safety, not an insurance requirement.

Mr. Gage wanted to know if they would have noise from dogs.

Mr. Acosta stated there would be no dogs on the property, they would have security.

Mr. Gage asked if he agreed to all the Conditions of Approval for the project.

Mr. Acosta stated yes.

Mr. Ricci asked if he was okay with the condition to move the fuel tank.

Mr. Acosta stated yes.

Mr. Willoughby wanted to clarify the color of the building.

Mr. Zeledon stated it would be the tan color the illustration of the 3D perspective was to give an idea of

the building and it would be more of an earth tone.

Mr. Acosta stated when we first applied all agencies sat together to discuss the project and the Police Department was part of that and they had no concerns, and we are in excellent standing with PD.

Mr. Zeledon stated there was a Spanish interpreter available.

Mr. Richard Galvez stated this is a beautiful project and something that would go well in every neighborhood in the city. He stated it's about the quality of life and the mission statement that states quality of life is what's important for the citizens. He stated when he moved here 1982 on Belmont by Bonview, that is the land that has been left behind by the city, from Belmont to Phillips those areas are an eye sore. He stated we need to look at what's best for the residents and that the applicant has 3 other areas that are already established, and those neighborhoods didn't get involved or were too scared to take on city hall, but we have to look at the quality of life that we want our residents to have throughout the city, and it be the same in all areas. He stated their properties are their investment and to bring a junk yard to their neighborhood, tells these residents that they haven't been forgotten and not bring projects that will bring death.

Wayna Gomez at 908 W. Elm St., stated she came to support the community and represent those that couldn't be here or were afraid to be here because of intimidation and retaliation from project attorneys and sometimes city officials, and she wants to represent the people of the community. She stated there are 3 schools in that neighborhood and all of us want our residents to live in a healthy community and have a quality of life. She stated where she lives, she wouldn't want a tow truck operation to come in and effect the property values and add noise and this is a community that has been forgotten. She stated this is not a bad project but it is not for this community that has homes in the area. She stated that she hoped the commission would think about our communities and about their health and safety and with what happened with the fireworks and having the chemicals there, and with the recycling nearby that has fires frequently, that's scary and could be dangerous. She stated these people should be able to have the same pride of ownership as anywhere else in the city. She stated that she heard Mr. Acosta talk about the improvements that are going to be done, but has anyone seen what the property looks like lately all overgrown and unkept, and someone owns the property now and who is going to make sure the promises of these modifications are kept up and why can't the city improve this residential area. She stated this is really an area that has been forgotten.

Celina Lopez at 3045 S. Archibald, brought her three year old daughter Halina, to talk about what she likes to do at the park. She stated her daughter likes walking in our area in South Ontario and we have beautiful parks and don't have to worry about a tow yard in our neighborhood. She stated that she lived about a mile away from this area and this is where our ancestors live and how they are being pushed away by unsafe projects and caved in by industrial projects, and they are the people who have built Ontario and have lived there for 40 -50 years and they can't fight the fight of a tow yard. She stated that she received a cease and desist order from Mr. Acosta's attorneys on February 23rd regarding two items: for saying peachy and an article she posted from the Daily Bulletin on social media, which is public record. She stated Mr. Acosta uses intimidation and that on March 30th he went to the residents and said he could build whatever he wanted and he intimidated the residents, and is this how projects get pushed forward. She stated we need to consider projects that are quality of life projects and that she advocates for anyone not having a quality of life. She stated they are not against this project, just not in this area. She stated that there has been the ability to change the zoning all this time and the city never did, and they did not explore other options, and the commissioners and the city have failed this community.

Rev. Mondo Miona lives on Third Ave., and stated he doesn't agree with this project and he has lived in city for over 25 year and they are building in the heart of the city of Ontario and he is disappointed with this, and with building warehouses on the east side and more commercial buildings close to this area. He stated he has his family here and enjoys this area and it's a healthy area, but not for this project. He stated he was working around the neighborhood and talking with the people and they don't know about this meeting and he told them what is being built here and most of the people don't know.

Marcela who lives on the corner of Fern and Phillips, wanted to come and express her support for the community, in opposition of the project and that she is an Ontario resident who loves everything about Ontario, loves the employees and the community members. She stated she is excited they want to expand their business, great city to have that business, and she wants their tax money in the city, but the location needs to be reconsidered. She stated that the trip analysis compared it to other kinds of projects, but it wasn't compared to green spaces which would be less, and expressed that the city has a 294 acre deficit of green parks and that people of color are three times more likely to live in an area that is nature deprived. She stated the need to develop projects that benefit our children and the generations of people that live there and reconsider and relocate. She wanted to know why a green space area can't be a transition between residential and industrial areas. She stated that diesel engines add to the production of damaging ozone that impacts trees and vegetation and we need to have something that will impact the city in a positive way, and think of other alternatives like art walls and parks would make more of a difference. She expressed the need for the Commissioners to choose Ontario and develop stuff that will enrich all of us. She stated she wanted to be a voice for those that couldn't stay.

Xochitl who resides in the area at Euclid and Walnut, was here to advocate for communication, but after hearing the people speak and not what people who live in the community want and these are pillars of the community and their voice needs to be heard. She stated this project isn't something for a community. She also questioned the trip numbers within a 24 hours period to the yard, and stated they need to be looked, because how is it a viable business with only just short of 3 trips, which doesn't make sense and she pointed out that it states the business hours are from 8-5, unless they make an appointment after hours and who's to stop them from making those appointments. She stated that with the project the community is going to get safer sidewalks and lights, but it only comes with a business being built and why isn't this being offered to the community as a standard of living, rather than with a business. She asked why isn't a project like the low income housing project presented earlier being offered and maybe a land swap could be made for housing in that area versus a tow yard and she believes there is more to be done and the environmental issues need to be looked at, especially the chemicals used to clean the fuel tank and see what it does to the water system, as we are in a well system in Ontario that could get contaminated very easily. She stated there is still more homework to be done and they need to find an alternative, maybe more housing and not a junk lot.

The applicant declined to rebut.

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

Mr. Lampkin asked the city attorney if we have a legal liability for not letting the property owner develop the property when they meet all the requirements.

Ms. Otto stated the city does have an obligation to allow a property owner to build on the property with

an allowable use, and there is a CUP involved and the commission could say they are not satisfied with the findings and there is no legal obligation, if the findings cannot be met.

Mr. Lampkin stated it was mentioned about utilizing the space for green space, and he wanted to know are there parks nearby and if there was a park space here who would maintain it.

Mr. Zeledon stated the property is zoned light industrial and to rezone that to open space is highly unlikely because of the airport impacts and the same thing with residential, and the only conducive uses are light industrial. He stated Bonview park is about a ¼ mile away and when the 2010 General Plan was done, we realized it is also impacted by noise from the airport. He stated this is not a land use issue but a zoning issue, but realistically going to commercial, open space, or residential would be difficult because of the airport impacts.

Mr. Lampkin wanted to clarify that residential would not go well because of the airport impacts.

Mr. Zeledon stated that is correct, and that as projects come through it is our job to make sure that they meet code and are safe and add value to the neighborhoods, and we try to get the most out of each project to add aesthetics and value to the community.

Mr. Lampkin thanked Officer Paine for his service and stated he wanted to know if PD has had issues with the property in its current state and would having a business there change that.

Officer Paine stated that the most typical calls would be for illegal dumping or trespassing.

Mr. Lampkin wanted to know if there was illegal dumping is there a cost to the city.

Officer Paine stated they would call it in to the city yard and they roll a crew out to clean the mess up.

Mr. Ricci wanted to clarify that diesel fuel has a higher flash point.

Chief Gerken stated that is correct it has a higher flash point of about 136 degrees Fahrenheit and is extremely safe, because it doesn't just ignite, like gasoline.

Mr. Ricci thanked him for their service with the fireworks incident.

Mr. Willoughby wanted to know if there is a pollution and containment plan for the diesel fuel if it leaks out.

Chief Gerken stated that above ground fuel tanks are regulated through the city with a permitting process as well as through the county agency that inspects the above ground storage units and has standards in place for accidental release and they must adhere to those standards.

Mr. Lampkin stated these decisions are difficult, especially when you have the residents that want what they want and there is a property owner that can build and there are rules that go with that. The city of Ontario has this history of zoning and we must look at that history as to why it is the way it is. He stated that his concern is the safety of what is there now, no sidewalks, railroad tracks with no safety features and the resident's concerns that we are trying to have conditions to mitigate those or the alternative of having nothing there and it's not safe as it is and it helps mitigate crime and dumping on an empty lot, that comes at the city's expense.

Mr. Gregorek stated it's a difficult decision but with the airport it has a great effect of what we can do and we have CUP to keep them inline and if they don't tow the line, we have recourse, and if there are violations being documented and it comes back and we need to revoke the CUP, we can and with the sidewalks and safety precautions going in, he would be in favor of this.

Mr. Willoughby stated that Bonview Park, the Dorothy Quesada Community Center and De Anza park are all in the area, and we would all like to see more parks but that takes money to maintain them. He stated we also have the FAA to deal with and if we knew what the airport area would become 74 years ago, we would most likely not have any homes there and as PD has mentioned there is illegal dumping that exists now. He stated with a CUP if the conditions aren't followed, we can always revoke the CUP. He stated that we want things to be run properly and this is a difficult decision, but an industrial project was approved in 2007 that would have generated a lot more trips and issues than this, and we have to make the hard decisions based upon zoning and the other requirements and issues regarding a piece of property.

Ms. DeDiemar stated the Planning Commission has to represent the residents and the community and the Planning Department has done an excellent job meeting the requirements and she was satisfied with how they have addressed the concerns of the residents, however she would have the same concerns if she lived there. She stated that going from vacant lot to something that will impact the community and even though the land use is permitted, there are things that the residents will never like or except and this is a very old use and probably two generations from the people who moved in next to that allowed land use and she is sympathetic to the concerns of the residents. She is troubled that they feel that nobody cares about their concerns, and if that were true there wouldn't be this meeting tonight and she has seen that Pepe's towing met the minimum requirements but doesn't see any good faith effort, to go beyond the minimum requirements, to address the concerns or to extend a hand to help the residents adjust to this use. She is asking the Planning Department if they can hold another meeting to see if they can work out some of these issues and to make the Planning Commission decision easier for everyone to accept.

Mr. Gage thanked the residents and apologized for its placement on the agenda and commended the Planning Department for having community meeting to get community input and the input and meetings and the effort to mitigate every concern the residents have. He stated he has a lot of concern when this many people come out, and he really listened to a lot of you and one person asked why there can't be curbs and landscape on a city street without a development, certainly in places without the developer paying for them. He stated with noise 8-5 operation by appt goes past those time and 24 hour basis for operation and haven't mitigated all the noise and certainly 2 tows a day is questionable and over the years CUPs are hard to stop and really find evidence to turn it around. He stated that he can't vote for this project

Mr. Ricci thanked the residents of the community for staying and being engaged and we want people to be passionate about these projects. He stated that while representing the community something that stuck with him was a project that came to us in August and looked like a really good project and really nice people, then it went back and forth and the community came out and spoke out against it and the applicant ended up writing a letter and stated they felt bullied by the community and withdrew their application. He expressed that he doesn't want us to be not excepting of a business owner that wants to expand his business and the planning department has done mitigation of what can be done to make this project better. He stated that everyone would like to have a park in their neighborhood, but we have an applicant that is willing to put in the infrastructure and incur the cost and unfortunately we are limited to what can be put there and yet if we put in more residential there would be more trips a day. He stated what he doesn't want to say that this is a property that he purchased and he isn't able to build. He stated he would love to see a park but not in standing with the airport use and people need to comprehend and understand what can go in here and turning down an applicant that is willing to incur the cost of making the neighborhood safer. He stated he would be in favor of the project.

Mr. Lampkin stated that he feels for the residents that came in today and the CUP if there are violations encourage residents to do what you can to engage and see residents start to have these conversations outside of these meeting to work with the business owners and work together.

Mr. Willoughby stated he would like to add that he has heard that this commission isn't interested in

certain parts of this community and this is his 11th year on the commission, and we are a committee that is concerned for every part of the city, there was another project that came in for this area but we didn't feel this was a fit and turned it down and when you look at the land use and codes and staff has done their due diligence to make it work with mitigations and this Commission and Council and Planning Department are concerned about every area of the city.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by Gregorek, to adopt a resolution to approve the Conditional Use Permit, File No., PCUP18-021, and the Development Plan, File No. PDEV18-022, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gregorek, Lampkin, Ricci, and Willoughby; NOES, Gage; RECUSE, none; ABSENT, none. The motion was carried 5 to 1.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met on May 13, 2021. Model Colony Awards and Certificate of Appropriateness for the American Legion building.

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

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

New Business

None at this time.

NOMINATIONS FOR SPECIAL RECOGNITION

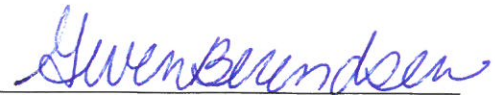
None at this time.

DIRECTOR'S REPORT

Mr. Zeledon stated the Monthly Activity Reports for April are in their packets.

ADJOURNMENT

Willoughby motioned to adjourn the meeting in memory of Commissioner Downs, seconded by Gregorek. The meeting was adjourned at 10:08 PM, to the next meeting on June 22, 2021.



Secretary Pro Tempore



Chairman, Planning Commission