

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

October 26, 2011

<u>CONTENTS</u>	<u>PAGE</u>
PLEDGE OF ALLEGIANCE	2
ANNOUNCEMENTS.....	2
PUBLIC COMMENTS.....	2
CONSENT CALENDAR	
A-01. Minutes of September 27, 2011	2
PUBLIC HEARINGS	
B. File No. PDET11-001.....	2
C. File No. PSPA11-003	9
D. File Nos. PCUP11-019, PCUP01-054.....	6
E. File No. PCUP08-038.....	10
F. File No. PHP11-015	10
G. File No. PADV11-004.....	11
MATTERS FROM THE PLANNING COMMISSION.....	11
DIRECTOR'S REPORT.....	12
ADJOURNMENT	12

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

October 26, 2011

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

COMMISSIONERS

Present: Chairman Delman, Vice-Chairman Gage, Downs, Gregorek, Hartley, Reyes, and Willoughby

Absent: None.

OTHERS PRESENT: City Attorney Raymond, Blum, Batres, Hildebrand III, D. Ayala, and Govea

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Mr. Reyes.

ANNOUNCEMENTS

Mr. Gage spoke about the upcoming Spirit Walk being held by Ontario Heritage taking place on October 29, 2011 at 10:00 a.m. to 12:00 p.m. at Bellevue Memorial Park.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning Commission Minutes of September 27, 2011, approved as written.

It was moved by Gregorek, seconded by Downs, to approve the Planning Commission Minutes of September 27, 2011, as written. The motion was carried 6 to 0. RECUSE, Willoughby.

PUBLIC HEARING ITEMS

- B. DETERMINATION OF USE (FILE NO. PDET11-001)** – A request to determine that a Goodwill retail store and collection center is similar to and no more objectionable than other permitted or conditionally permitted uses in the Commercial/Office designation of the California Commerce Center North (Ontario Mills) Specific Plan. Staff has

determined that the proposed project is categorically exempt from environmental review in accordance with Section 15060(b)(3) of the California Environmental Quality Act; **submitted by Daybreak Properties, LLC.**

Planning Director, Jerry Blum, presented the staff report. He stated that staff is recommending the Planning Commission approve File No. PDET11-001, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Downs asked if a drop off zone will exist.

Mr. Blum answered the rear of the building will be used for loading and unloading items. The donations are coming from private sector people which is a front store operation.

Mr. Gage asked if the City of Ontario is recommending no drop offs at this location.

Mr. Blum stated the City of Ontario is recommending the donation drop off center not be allowed at this location.

Mr. Gage asked how we will prohibit donations from being dropped off at the location.

Mr. Blum stated the Conditional Use process will state there will be no drop offs allowed and signs will have to be posted stating the same at the location.

Mr. Reyes asked if this item is approved, does that mean another “thrift store” can come in through the Conditional Use Permit process.

Mr. Blum stated they would have to go through the Conditional Use Permit process.

Mr. Gage asked if the Goodwill store would be able to sell items on tables outside the front of the building.

Mr. Blum answered the Development Code states retail establishments have to be inside unless a Conditional Use Permit is submitted. This allows the business to vend outdoors eight times per year for a total of thirty-two times a year.

Mr. Blum explained this item is for a Determination of Use not a Conditional Use Permit.

Mr. Delman asked if this item is approved, can the City of Ontario stipulate drop off restrictions.

Mr. Blum answered yes, that is one way to restrict the drop offs but the Determination of Use is the current approach.

Mr. Gregorek asked if this item will come back to the Planning Commission with a Conditional Use Permit.

Mr. Blum stated it would go the Zoning Administrator hearing next.

Mr. Reyes inquired about the definition of a thrift store.

Mr. Blum stated the difference is that a thrift store is the sale of used merchandise. A retail store is the sale of new product.

Mr. Downs inquired about the difference of used items and rubbish.

Mr. Blum stated there is no distinction. If its been used then it is not new.

Mrs. Hartley spoke about The Assistance League in Rancho Cucamonga.

PUBLIC TESTIMONY

Ben Day, Daybreak Properties spoke at the podium. He apologized for the misunderstanding of the definition of donated items. He spoke about the surrounding corporate high-end tenants and he would not want to depreciate the value of the shopping center. Goodwill is presenting themselves in a positive way for the shopping center. No trucks will be allowed to drop off in the front. Signs will be posted for no after hour drop offs with video monitors for any potential violators. They will have someone checking for any unauthorized drop offs each morning.

Mr. Gregorek stated he has a concern about cars making drop offs in the back of the building.

Mr. Day stated designated trucks are allowed to drop off in the back of the building. No cars are permitted in the rear of the building to drop off items. The smaller items will be brought in through the front of the store.

Donna Snell, Director of Stores of Goodwill and Ray Ellis, Director of Retail, spoke at the podium. They spoke about the \$106 million operation. Mr. Ellis stated they anticipate they are going to receive a lot of donations and they staff accordingly. Staff will review each item and take in approved donations.

Mr. Willoughby spoke about potential overload of items.

Ms. Snell stated the store has the proper means to transport any overload of items.

Mr. Gage asked if any specialized items will be for sale.

Ms. Snell stated all stores sell household items. No large appliances are sold.

Mr. Gage asked about any potential outdoor retail sales.

Ms. Snell stated there will be no outside retail.

Mrs. Hartley inquired about the location of drop offs.

Ms. Snell stated there will be signage to direct towards permitted drop off areas.

Mr. Reyes asked if they have processing centers.

Ms. Snell stated if it is a store that uses a particular item, then they take it in. If the item is not sold at that location then its transported to a post retail market section. The “new model” is the feeling of shopping in a retail store. The bins are located inside of the store. Hours of operation are seven days a week 9:00 a.m. to 8:00 p.m. and 10:00 a.m. to 8:00 p.m. on Sunday. Shelving and racks are chrome and gondola flooring. Everything is new and or custom made.

Carol Plowman, Broker, thanked Mr. Blum and staff for their work on this project.

Mr. Willoughby asked Mr. Day about the penalty fee for unauthorized drop offs.

Mr. Day read a paragraph on fees that are set for unauthorized drop offs.

Mr. Blum asked Mr. Day to define drop off area.

Mr. Day stated the drop off area for clothing items will be through the front door. Larger items will be directed to the rear double doors.

Mark Smith, General Manager Ontario Mills, spoke in favor of the Goodwill store. He stated Goodwill operates in a different way than other thrift stores.

Mr. Reyes asked if Ontario Mills Mall operates the retail stores by Chic-Fil-A.

Mr. Smith answered no.

Mr. Reyes asked about any vacancies Ontario Mills Mall has.

Mr. Smith answered no vacancies currently exist inside Ontario Mills Mall. He cannot speak for the outside of Ontario Mills Mall.

Ms. Plowman stated this was the largest space available around the Ontario Mills Mall area.

Mr. Willoughby asked Mr. Smith about the types of clientele Goodwill will expect.

Mr. Smith stated he did not realize until tonight’s meeting that the approval of this item would change the meaning of retail. He expressed concern about supporting a different thrift store in the future that would not operate as well as Goodwill.

Mr. Day spoke about this item being a site specific request not a site plan.

Mr. Blum stated the item not being site specific. The determination being made is inclusive of all commercial markets around the Ontario Mills Mall.

Dusty Clay, Property Manager Daybreak Plaza, asked if Mr. Blum can set conditions that would not allow another thrift store in the area that would not operate as well as Goodwill.

Mr. Blum answered yes and no. The City of Ontario would have to have compelling reasons to deny another thrift store in the area.

Mr. Gage asked if the Rancho Cucamonga thrift store is considered a “power center.”

Ms. Plowman stated the definition of a “power center” is a minimum of one-hundred thousand square feet of space with multiple national tenants. This is considered a retail strip center.

Mr. Gregorek asked where the proposed site is located.

Mr. Blum answered it is located on the northeast quadrant of map provided to the Commissioners.

Mr. Reyes stated his concern is the location of the drop off area.

Mr. Gregorek stated there seems to be a misunderstanding of what was agreed upon. He asked if it would be possible continue this item.

Mr. Delman agreed with Mr. Gregorek.

Mr. Reyes spoke about striving for the excellence of retail stores in the City of Ontario.

Mr. Gage stated his concern is mainly about the definition of Goodwill.

PLANNING COMMISSION ACTION

File No. PDET11-001. It was moved by Gregorek, seconded by Willoughby, to continue File No. PDET11-001 to November 22, 2011 Planning Commission meeting. Roll call vote: AYES, Hartley, Reyes, Willoughby, Downs, Gregorek, and Delman; NOES, Gage; ABSENT, none. RECUSE, none. The motion was carried 7 to 0.

- D. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP01-054:** A Conditional Use Permit to reestablish alcoholic beverage sales at Bar La Botana, located near the Southwest corner of Mission Boulevard and Mountain Avenue at 858 South Mountain Avenue, within the C1 (Shopping Center Commercial) zoning district. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). **Submitted by Bar La Botana.** (APN: 1011-381-03).

Richard Holdaway, attorney for Bar La Botana, requested item D is heard before item C due to a family emergency he has tonight.

Associate Planner, John Hildebrand III, presented the staff report. He stated that staff is recommending the Planning Commission approve File Nos. PCUP01-054 and PCUP11-019, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mrs. Hartley asked about the noise levels and if the glass windows in front of the building still exist.

Mr. Hildebrand stated the noise issue is referenced in the Conditional Use Permit. Noise cannot exceed sixty-five decibels directly outside of the facility. Maximum coverage on windows is 25%.

Mr. Blum stated the conditions for windows states it to allow visibility in the building from the outside.

Mr. Willoughby asked about the entertainment provisions.

Mr. Hildebrand stated forms of entertainment are allowed during operational hours but they still have to abide by the Development Code. Karaoke use needs a Conditional Use Permit.

Mr. Reyes inquired on the hours of operation.

Mr. Hildebrand answered 7:00 a.m. – 2:00 a.m.

PUBLIC TESTIMONY

Richard Holdaway, attorney for Bar La Botana, expressed appreciation in moving this item up to be heard before item D due to a family emergency. He spoke about the juke box reference to in the Staff Report. He requested the deletion of the word "not" under juke boxes. The dancing should be separated from the juke box. He spoke about the security requirements.

Manuel Marin, business owner, spoke about hours of operation.

Mr. Gage questioned what action will be taken if patrons begin to dance at the bar.

Mr. Holdaway answered music will be turned off if dancing occurs.

Mrs. Hartley asked if the railing will be a permanent structure. She asked about the occupancy and if a kitchen existed.

Mr. Holdaway stated the railing is removable. The permitted occupancy is currently seventy-five. There is a kitchen with a limited menu offered.

Mr. Delman asked for clarification on the railing use. He stated he would like to see the dance floor covered with tables and chairs to prevent dancing.

Mr. Holdaway stated the railing can be taken down for special events and live entertainment will be limited.

Mr. Reyes asked if a cover charge existed.

Mr. Holdaway answered there may be a cover charge for special events.

Mr. Delman questioned Corporal Alvarez about the Police Department's perspective on this item.

Corporal Alvarez stated we are dealing with an establishment with a past history with the Police Department. He stated it is easier to have security guards before an incident occurs.

Mr. Blum stated the issue with the juke box is a fairly standard condition.

Mr. Willoughby stated reduced security can create more issues.

Corporal Alvarez stated Bar La Botana staff was not able to control the crowd in the past.

Mr. Reyes asked if the bar need security.

Corporal Alvarez answered inside bar security is necessary with live entertainment and dancing together.

Mr. Holdaway stated the removal of the juke box will lessen the attraction of attendance.

Mr. Willoughby recommended a compact disc player or satellite music to be play in lieu of a jukebox.

Mr. Blum stated the condition for the security is a standard condition for all similar businesses in the City.

Mrs. Hartley asked if the railing can be made a permanent fixture.

Mr. Holdaway answered it could be arranged to make the railing a permanent fixture.

Mr. Gregorek stated he is willing to give Mr. Marin another chance and he is in support of this item.

The public testimony was closed

PLANNING COMMISSION ACTION

File Nos. PCUP01-054 and PCUP11-019. It was moved by Willoughby, seconded by Gregorek, to adopt a Resolution to approve a Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Hartley, Reyes, Willoughby, Gage, Gregorek, Hartley, and Delman; NOES, none; RECUSE, Downs; ABSENT, none. The motion was carried 6 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT FILE NO. PSPA11-003:** A Specific Plan Amendment to the California Commerce Center North/Ontario Gateway Plaza Wagner Properties (Ontario Mills) Specific Plan, establishing standards and regulations for Temporary Uses within the Ontario Mills Mall, affecting properties generally located at the southeast corner of Milliken Avenue and Fourth Street. The project is exempt from environmental review pursuant to State CEQA Guidelines Section § 15321 (Class 21-Enforcement Actions by Regulatory Agencies). (APN: 238-014-36). **Submitted by Ontario Mills Mall. City Council action is required.**

Senior Planner, Luis Batres, presented the staff report. He stated that staff is recommending the Planning Commission approve File No. PSPA11-003, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Downs asked if the Ontario Mills Mall can have multiple events simultaneously.

Mr. Batres answered they have the ability to have multiple events at the same time.

Mr. Gage asked if any used items will be allowed to be sold.

Mr. Batres answered they are not permitted to sell used items but they are allowed to hold fundraisers and concerts.

Mr. Reyes asked if they will offer valet parking.

Mr. Blum referred the question to the General Manager of the Ontario Mills Mall.

PUBLIC TESTIMONY

Mark Smith, General Manager of the Ontario Mills Mall, stated they opened, expanded and renovated twenty-five stores this year. He stated valet parking is still operating on Friday Saturday and Sunday.

Mr. Willoughby asked if the summer concert series is the type of entertainment that will be provided.

Mr. Smith answered yes.

The public testimony was closed

Mr. Gregorek stated he is glad to see the Ontario Mills Mall is taking action.

PLANNING COMMISSION ACTION

File No. PSPA11-003. It was moved by Gregorek, seconded by Downs, to adopt a Resolution recommending approval of the Specific Plan Amendment to the City Council, subject to conditions of approval. Roll call vote: AYES, Gregorek, Hartley, Reyes, Willoughby, Downs, Gage, and Delman; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

- E. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP08-038:** A Conditional Use Permit to establish live entertainment at Bar La Botana, located near the Southwest corner of Mission Boulevard and Mountain Avenue at 858 South Mountain Avenue, within the C1 (Shopping Center Commercial) zoning district. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). **Submitted by Bar La Botana.** (APN: 1011-381-03).

Associate Planner, John Hildebrand III, presented the staff report. He stated that staff is recommending the Planning Commission approve File No. PCUP08-038, pursuant to the facts and reasons contained in the staff report and attached resolution.

PUBLIC TESTIMONY

The public testimony was closed

PLANNING COMMISSION ACTION

File Nos. PCUP08-038. It was moved by Gregorek, seconded by Willoughby, to adopt a Resolution to approve a Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Reyes, Willoughby, Gage, Gregorek, Hartley, Reyes, and Delman; NOES, none; RECUSE, Downs; ABSENT, none. The motion was carried with 6 AYE votes.

- F. **FILE NO. PHP11-015:** A request for a Mills Act Contract for a 2,417 square foot Mediterranean Revival style residential building, within the R1-Single Family Residential zone, located at 1232 North Euclid Avenue, a designated local landmark (APN: 1047-531-05); **submitted by Sean McMillin. City Council action is required.**

Associate Planner, Diane Ayala, presented the staff report. She stated that staff is recommending the Planning Commission approve File No. PHP11-015, pursuant to the facts and reasons contained in the staff report and attached resolution.

PUBLIC TESTIMONY

No one responded from the audience.

The public testimony was closed

PLANNING COMMISSION ACTION

File Nos. PHP11-015. It was moved by Willoughby, seconded by Hartley, to adopt a Resolution to approve a Mills Act Contract, subject to conditions of approval. Roll call vote: AYES, Willoughby, Downs, Gregorek, Hartley, Reyes, and Delman; NOES, none; RECUSE, Gage; ABSENT, none. The motion was carried 6 to 0.

G. FILE NO. PADV11-004: (Mills Act Monitoring Program Report (2011)).

Associate Planner, Diane Ayala, presented the staff report. She stated that staff is recommending the Planning Commission approve File No. PADV11-004, pursuant to the facts and reasons contained in the staff report.

PUBLIC TESTIMONY

The public testimony was closed

PLANNING COMMISSION ACTION

File No. PADV11-004. It was moved by , seconded by , to approve Ontario Mills Mall Act Monitoring Program Report (2011). Roll call vote: AYES, Gage, Gregorek, Hartley, Reyes, Willoughby, Downs, and Delman; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

ABC Licensing Guidelines Committee: This subcommittee did not meet.

Airport Land Use Compatibility: This subcommittee did not meet.

Development Code Review: The next meeting will take place on November 8, 2011.

Historic Preservation: This subcommittee did not meet.

Rules and Procedures Review: This subcommittee did not meet.

Zoning General Plan Consistency: Mr. Delman stated this subcommittee is working on changing the zoning equivalents to meet the General Plan.

New Business

Mr. Reyes recommended interested Planning Commissioners review the City GIS system for mapping purposes.

Nominations

Mr. Gage nominated the new housing project at Edenglen for new “green” homes.

Mr. Reyes nominated Kaiser Hospital on Vineyard Avenue for Special Recognition.

Mr. Willoughby asked if letters have gone out in reference to parking at Holiday Express Hotel.

Mr. Blum stated letters were sent out.

DIRECTOR'S REPORT

Mr. Blum stated if anyone on the Planning Commission has an idea that is Planning related he appreciates the opportunity to be aware of it before it is taken to other staff.

ADJOURNMENT

The meeting was adjourned at 9:41 p.m. Mr. Delman motioned to adjourn, seconded by Mr. Gregorek.


Secretary Pro Tempore


Chairman, Planning Commission