

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

January 22, 2013

<u>CONTENTS</u>	<u>PAGE</u>
PLEDGE OF ALLEGIANCE	2
ANNOUNCEMENTS.....	2
PUBLIC COMMENTS.....	2
CONSENT CALENDAR	
A-01. Minutes of December 20, 2012.....	2
A-02. Time Extensions for Environmental Assessments and Tentative Maps	3
A-03. PMTT06-066	4
PUBLIC HEARINGS	
B. File Nos. PGPA11-002 and PZC12-003	4
MATTERS FROM THE PLANNING COMMISSION.....	10
DIRECTOR'S REPORT	11
ADJOURNMENT	11

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

January 22, 2013

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

COMMISSIONERS

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

Absent: Delman.

OTHERS PRESENT: City Attorney Trindle, Planning Director Blum, Assistant Planning Director Murphy, Senior Planner Mullis, Associate Planner Burden, Assistant City Engineer Lee, Sr. Management Analyst Scott Melendrez, Deputy Fire Chief Andres, and Planning Secretary Govea

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Mr. Reyes.

SPECIAL CEREMONIES

Presentation to former Commissioner Barbara Hartley.

Seating of new Commissioners Sheila Mautz and Fausto Reyes.

ANNOUNCEMENTS

No one responded from the audience.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning Commission Minutes of December 20, 2012, approved as written.

It was moved by Downs, seconded by Gregorek, to approve the Planning Commission Minutes of December 20, 2012, as written. The motion was

carried with 4 AYE votes with Gage and Mautz abstaining and Delman absent.

A-02. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 17749 (FILE NO. PMTT06-003) - A Tentative Tract Map (TT 17749) to subdivide 63.8 acres of land into 4 parcels within the proposed Esperanza Specific Plan, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 17932 (FILE NO. PMTT06-004) - A Tentative Tract Map (TT 17932) to subdivide 17.75 into 82 residential lots and 2 lettered lots within Planning Area 9 of Esperanza Specific Plan, located on the southeast corner of Mill Creek Avenue and Merrill Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 17933 (FILE NO. PMTT06-005) - A Tentative Tract Map (TT 17933) to subdivide 23.31 acres into 107 residential lots and 24 lettered lots, within Planning Area 9 of Esperanza Specific Plan, located on the northeast corner of Mill Creek Avenue and Bellegrave Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 17931 (FILE NO. PMTT06-007) - A Tentative Tract Map (TT 17931) to subdivide 19.92 acres into 100 residential lots and 3 lettered lots, within Planning Area 10 of Esperanza Specific Plan, located on the northeast corner of Mill Creek Avenue and Merrill Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 17935 (FILE NO. PMTT06-013) - A Tentative Tract Map (TT 17935) to subdivide 8.2 acres into 61 lots, within the Esperanza SP, located at the northwest corner of Milliken Avenue and Bellegrave Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 17936 (FILE NO. PMTT06-014) - A Tentative Tract Map (TT 17936) to subdivide 15.9 ac into 90 lots, within the Esperanza SP, located at the NWC of Milliken Avenue and Bellegrave Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 18380 (FILE NO. PMTT06-056) - A Tentative Tract Map (TT 18380) to subdivide 73.76 acres of land into 7 lots within the draft Esperanza Specific Plan, located at the northeast corner of Mill Creek Avenue and Bellegrave Avenue. The environmental impacts of this project were previously considered in the Esperanza Specific Plan EIR (SCH # 2002061047), certified by the City Council on January 16, 2007. This Application introduces no new significant environmental impacts.

These time extension requests are submitted by GDC Investments 6, LP, and GDCI-RCCD, LP. City Council action is required on the applications.

- A-03. TIME EXTENSION FOR ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 18419 FILE NO. PMTT06-066** - A Tentative Tract Map (TT 18419) to subdivide 38.75 acres of land into 234 residential lots and 18 lettered lots within Planning Areas 6A and 6B of The Avenue Specific Plan, located on the southeast corner of Archibald Avenue and Schafer Avenue. 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; **submitted by Ontario Schaeffer Holdings, LLC** (APN No. 0218-201-15) City Council Action is required.

PLANNING COMMISSION ACTION

Time extension requests. It was moved by Mautz, seconded by Willoughby, to recommend approval of the Time Extensions for Environmental Assessments and Tentative Maps. The motion was carried with 5 AYE votes with Gregorek abstaining and Delman absent.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT AND ZONE CHANGE REVIEW FOR FILE NOS. PGPA11-002 AND PZC12-003:** A General Plan Amendment (**File No. PGPA11-002**) to change the land use designations on certain properties located throughout the City and modify the Future Buildout Table to be consistent with the land use designation changes (amending Exhibits LU-01 and LU-03) and a Zone Change (**File No. PZC12-003**) to change the zoning designations on certain properties located throughout the City in order to make the zoning of the properties consistent with the Policy Plan (General Plan) of The Ontario Plan land use designations of the properties. 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 is recommending the adoption of an addendum to an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. **City initiated.** (APNs: Various). City Council action is required.

Planning Director Jerry Blum read the item in to record. Senior Planner Melanie Mullis presented the staff report. It was stated that staff is recommending the Planning Commission recommend approval of File Nos. PGPA11-002 and PZC12-003, pursuant to

the facts and reasons contained in the staff report and attached resolutions.

Mr. Gregorek confirmed the speakers will be called to the podium by areas.

PUBLIC TESTIMONY

Mohamed Jaurad spoke on behalf of his father, Samey Jaurad, 2442 Lazy Brook Lane, Hacienda Heights, CA 91745, appeared and spoke about Map Area G (Group G and PGPA Subarea 12) along the railroad track. He feels it will make more sense to rezone to light industrial.

Ms. Mullis spoke to Mr. Jaurad about his concerns. She stated staff is not proposing the zone change at this time since the business park zone has not been created. This is a change to the General Plan.

Mr. Willoughby asked if Mr. Jaurad is in support of the change.

Mr. Jaurad answered yes.

Hubie Byrne, 6399 Wilshire Blvd. #604, Los Angeles, CA 90048, appeared and spoke about Map Area B (Group E and PGPA Subarea 8). He commended staff for their work and initiative to change the General Plan.

Mr. Blum stated it would be impossible to have a high density residential development in that area. This area is already C1 shopping center so no zone change proposed.

Tamer Wali, 417 West F Street, Ontario, CA 91762, appeared and spoke about Map Area E (Group BS and PZC Subarea 38). He gave a presentation on his plans to possible add two more structures to his property.

Mr. Willoughby asked if Mr. Wali's plans were submitted to the City of Ontario in 2008.

Mr. Wali stated he tried to submit his plans but the home value declined.

Mr. Willoughby asked for the square footage of Mr. Wali's lot.

Mr. Wali answered 8,500 square feet.

Ms. Mullis spoke about her conversation with Mr. Wali which took place about a week ago. She stated she found no formal application of plans submitted and she does not believe he spoke to the Historic Preservation staff about his plans. She asked at the time for a copy of the plans he prepared but has still not received them. Three units on this lot did not seem possible as it would not meet the parking standard.

Mr. Wali stated he would like his property zoned as commercial since that is the zoning of his neighbors' properties but this is not possible since he has a historical property.

Mr. Gage asked about the building to the south of Mr. Wali.

Mr. Wali stated it is a medical building.

Mr. Blum stated there are many mixed uses in this particular area. Commercial designation at Mr. Wali's property would present a problem. He stated that staff's point has been under R3 technically 8,500 square feet can support three units by density only. He can get two units under R1.5.

Mr. Wali stated if staff will work with him on having two units total he will be content.

Michael Durbin, 1160 East G Street, Ontario, CA 91764, appeared and spoke about Map Area G (Group BG and PZC Subarea 20). He requested more information on the zone change.

Ms. Mullis explained the definitions of the zone change to Mr. Durbin.

Ms. Mullis stated staff is in receipt of a letter from Sovereign Grace Baptist Church expressing their concern of the zone change. Ms. Mullis stated either zone would allow the church to continue its services.

Mr. Blum stated the letter expressed concern about eminent domain. He stated as you know without the Redevelopment agency, eminent domain would be a difficult task. The city has no plans of eminent domain and no plans to deny building permits as churches are allowed in any zone in the city with a Conditional Use Permit.

Steve Marquedarl, 1168 East G Street, Ontario, CA 91764, appeared and spoke. He stated staff addressed his concerns.

Sergio Sanchez, 731 Woodlawn Street, Ontario, CA 91761, was called to the podium but was not present.

Kenneth Schlener, 759 Woodlawn Street, Ontario, CA 91761, was called to the podium but was not present.

Dennis Parker, (no street number given), Sultana, Ontario, CA 91764, appeared and spoke about Map Area F (Group BR and PZC Subarea 37).

Mr. Willoughby asked how many units are on the property.

Mr. Parker answered four units.

Ms. Mullis stated Mr. Parker's units would not have to be demolished however if more than fifty percent of the units were destroyed by a fire it could not be rebuilt.

Mr. Parker expressed concern about the property value.

Mr. Willoughby asked staff if Mr. Parker sold the property if the new owner be able to continue with four units as long as they were not destroyed by fire.

Ms. Mullis stated that is correct.

Mr. Blum asked for Mr. Parker's lot size.

Mr. Parker stated his lot size is between 10,000 to 11,000 square feet. He owns both parcels. He again expressed concern for his property value.

Mr. Gage asked staff if the city has authority to keep the zoning on Mr. Parker's property that has four units.

Mr. Blum stated it would be creating a spot zone which would not be consistent with the General Plan.

Kenneth Schlener re-entered the Chambers to speak about Map Area O (Group BN and PZC Subarea 32). He requested no zone change take place.

Ms. Mullis spoke about area O since this is the area that was supposed to become Industrial. Staff created a transitional overlay of this area which limits the amount of additional residential units.

Mr. Schlener stated he respectfully disagrees.

Mr. Blum stated the resolution that came about for this area was that the residents could remain in their homes but at some point in the future staff believes that the growth in the airport would cause a great amount of over-flight in this area.

Ms. Mullis stated the new zoning in this area would still allow for the ability to sell their properties as Residential and the ability to get home insurance.

Ms. Burden did a second call for Sergio Sanchez but he was not present.

Jorge Murcia, 911 S. Campus Avenue, Ontario, CA 91761, appeared and spoke about Map Area O (Group BN and Subarea 32) with Richard Ayala, Senior Planner, as the interpreter. He expressed concern for his property value.

Mr. Blum asked what his intention was with this property.

Mr. Ayala stated that Mr. Murcia resides in one unit and the other unit is rented.

Mr. Blum stated that arrangement would not change under this revision.

Mr. Ayala stated that Mr. Murcia's other concern is that he would not be able to rebuild as is if it were destroyed by fire.

Mr. Blum stated this is true.

Ms. Mullis stated if both units were destroyed in a fire he could build a single family home with a second unit of 640 square feet as long as he continues to reside in one of the units.

Mr. Ayala asked on behalf of Mr. Murcio what would happen if Mr. Murcio does not reside in either unit.

Mr. Blum stated the owner would be required to live on the new site.

Mr. Willoughby asked if Mr. Murcio could rent both units out after the zone change.

Ms. Mullis answered yes.

Mr. Ayala asked on behalf of Mr. Murcio if there is anything in writing that Mr. Murcio can have in regards to this information.

Mr. Blum stated staff can process a letter explaining the non-conforming information of the Development Code.

Mr. Gage called for a five-minute recess.

Meeting called to session by Vice-Chairman Gage.

Ms. Mullis gave a presentation on the zone change from AR to R1 zoning.

Guadalupe Tule, 1919 Redwood Avenue, Ontario, CA 91762, appeared and spoke about Map Area R (Group AU and PZC Subarea 5). He expressed his concern about having animals on his property and spoke about a neighborhood meeting where they gave staff feedback on the zone change and inquired on the "vote."

Mr. Reyes asked for the size of Mr. Tule's lot.

Mr. Tule answered 10,000 square feet.

Mr. Willoughby asked for the dimensions.

Mr. Tule answered overall 85 feet by 85 feet.

Mr. Blum stated the issue is the minimum lot size for the AR zone is 18,000 square feet. He spoke about the history of the zoning in this area. He stated seven out of sixty parcels in this area may meet the minimum lot size.

Ms. Mullis stated the property owners who currently have large animals that were legally established will be allowed to continue to keep their large animals as long as the keeping of the animals did not discontinue over ninety days and all other Development Code provisions were met.

Mr. and Mrs. John Lourero, 529 W. Francis Street, Ontario, CA 91762, appeared and spoke about Map Area R (Group AU and PZC Subarea 5). They expressed concern about their property value and large animal keeping.

Mr. Blum spoke about the minimum lot requirements in area R and spoke about zoning consistency for the General Plan.

Danielli Dos Santos, 202 W. Philadelphia Street, Ontario, CA 91762, was called to the podium but was not present.

Mike Salch, 124 W. Philadelphia Street, Ontario, CA 91762, appeared and spoke about Map Area T (Group AX and PZC Subarea 8). He expressed concern for the agriculture in this area.

Mr. Blum stated the use would be non-conforming as explained earlier. The residents could continue to keep their large animals in this area as long as they meet the Development Code requirements. He explained the City Council will take final action.

Mr. Salch explained that the next speaker Salomon Llamas left the meeting and was here to speak about the same concern.

(No speaker card given to Secretary therefore no name provided), attendee from audience appeared and spoke about the north portion of area R.

Ms. Mullis explained the properties would change from R1 to AR zoning.

Vanessa Estrada, 623 E. Phillips Avenue, Ontario, CA 9176(?), appeared and spoke on behalf on her mother's property (Group BN and PZC Subarea 32). She expressed concern about the airport influence area.

Ms. Mullis spoke about safety zones and the noise contour. She explained all areas in the City of Ontario are considered airport influence areas. She stated the area at Phillips Avenue would change from R2 to R1. R1 zoning would permit the primary single family home to continue and allows a second unit up to 640 square feet on same property as long as the owner lives in one of the units.

Mr. Blum spoke about the future growth of the airport and stated staff received positive feedback when they walked the neighborhoods and surveyed residents regarding the zone change.

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

Mr. Blum stated staff concurred during the recess to pull the area of Sultana Avenue and E Street aside and take a look at the best use of the area if the Commission agrees to do so.

Mr. Gage asked the Commission for comments.

No comments made.

Mr. Gage asked for information on the "vote" that was mentioned during the public testimony in area AU.

Ms. Mullis stated thirty-fourty percent did not agree with the proposal but staff only

received about a ten percent response rate on area AU.

Mr. Blum stated that six people responded out of sixty properties and fifty-three lots in this area would not meet the AR designation.

Mr. Downs asked if area BR is to be pulled out of the vote under item four "Rezoning."

Mr. Blum stated that was a recommendation of staff to pull area BR from the vote tonight but it is ultimately up to the Commissioners to make that decision.

Mr. Reyes stated he agrees with staff's recommendation to pull BR from the vote for further clarification. He would like to know which properties are historical in this area.

Mr. Gregorek agreed with Mr. Reyes.

PLANNING COMMISSION ACTION

CEQA Determination. It was moved by Willoughby, seconded by Gregorek, to adopt the CEQA Determination for The Ontario Plan revisions, subject to conditions of approval, and based on facts and reasons contained in the staff report and resolutions. Roll call vote: Downs, Gregorek, Mautz, Reyes, Willoughby, and Gage; NOES, none; ABSENT, Delman. RECUSE, none. The motion was carried 6 to 0.

Mr. Gregorek expressed his appreciation to staff for their work on this item and he thanked the residents who attended tonight's meeting.

Mr. Gage stated it is not easy to vote on these types of projects. He appreciates everyone who attended and who gave their input. He encouraged the attendees to continue giving their input at the City Council level.

Mr. Reyes thanked all in attendance. He has been trying to promote attendance of these meetings.

File No. PGPA11-002. It was moved by Willoughby, seconded by Mautz, to adopt a Resolution to recommend approval of the General Plan Amendment, subject to conditions of approval, and based on facts and reasons contained in the staff report and resolutions. Roll call vote: Gregorek, Mautz, Reyes, Willoughby, Downs, and Gage; NOES, none; ABSENT, Delman. RECUSE, none. The motion was carried 6 to 0.

Mr. Willoughby explained to the audience that The Ontario Plan is available on the City of Ontario's website.

File No. PZC12-003. It was moved by Gregorek, seconded by Downs, to adopt a Resolution to recommend approval of the Zone Change and to exclude area "BR" from the vote, subject to conditions of approval, and based on facts and reasons contained in the staff report and resolutions. Roll call vote: Mautz, Reyes, Willoughby, Downs, Gregorek, and Gage; NOES, none; ABSENT,

Delman. RECUSE, none. The motion was carried 6 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): Mr. Gage spoke about a 200 square-foot addition to 428 W. D Street. He spoke about the Historic District which staff will be working on. They received an update on the Historic Wall in the Town Square area.

Airport Land Use Compatibility (Ad-hoc): This subcommittee did not meet.

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

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

ABC Licensing Guidelines Committee (Ad-hoc): This subcommittee did not meet.

New Business

Mr. Gregorek spoke about truck traffic on Euclid Avenue and Grove Avenue.

Mr. Blum stated this is correct based upon research.

Mr. Murphy stated he put in a call to our Code Enforcement staff to make them aware of this issue.

NOMINATIONS FOR SPECIAL RECOGNITION

Mr. Reyes recommended special recognition to El Pescador Restaurant on the corner of Mountain Avenue and the 60 freeway.

DIRECTOR'S REPORT

Mr. Blum congratulated Mr. Gage on running a great meeting tonight in the absence of Chairman Delman.

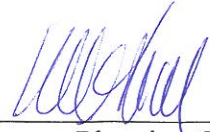
Mr. Blum read a statement relevant to the new year.

Mr. Blum spoke about former Planning Commission attorney Jamie Raymond.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m. Mr. Gage motioned to adjourn, seconded by Mr. Gregorek.


Secretary Pro Tempore



Chairman, Planning Commission