

CITY OF ONTARIO PLANNING COMMISSION

MINUTES

August 27, 2013

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CITY OF ONTARIO PLANNING COMMISSION

MINUTES

August 27, 2013

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

COMMISSIONERS:

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

Absent: None.

OTHERS PRESENT: Planning Director Blum, Assistant Planning Director Murphy, City Attorney Gomer, Senior Planner Zeledon, Senior Planner Mullis, Associate Planner Burden, Assistant City Engineer Lee, Sr. Management Analyst Melendrez, and Planning Secretary Romero

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Ms. Mautz.

ANNOUNCEMENTS

Mr. Delman requested to move item F to the beginning of the agenda.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning Commission Minutes of July 23, 2013, approved as written.

A-02. TIME EXTENSIONS FOR ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP 18065 (FILE NO. PMTT06-011), TT 18066 (PMTT06-012), TT 18067 (PMTT06-009), TT 18068 (PMTT06-010), TT 18073 (PMTT06-015), TT 18074 (PMTT06-016), TT 18075 (PMTT06-017), TT 18076 (PMTT06-018), TT 18077 (PMTT06-024), TT 18078 (PMTT06-020), TT 18079 (PMTT06-023), TT 18080 (PMTT06-021), AND TT 18081 (PMTT06-022) - Tentative Tract Maps to subdivide properties located on the east side of Archibald Avenue between Eucalyptus Avenue and the County Line Channel. The environmental impacts of this project were previously considered in the Subarea 29 Specific Plan EIR (SCH # 2004011009),

certified by the City Council on October 19, 2006. This Application introduces no new significant environmental impacts; **submitted by SL Ontario Development Corporation** (APN: 0218-014-01, 02, 03, 04, 06, and 07; 0218-033-01 through 04; 0218-042-01 through 05; and 218-052-02 and 03). **City Council Action is required.**

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Willoughby, to approve the Consent Calendar items as presented. The motion carried 6 to 0 with Gregorek absent.

PUBLIC HEARING ITEMS

Commissioner Gregorek took his seat at the dais.

- F. **FILE NO. PHP13-004 and PHP13-006:** A request for a Local Landmark (File No. PHP13-004) and Tier (File No. PHP13-006) designations for a 2,846 square foot Tudor Revival style, single family home, within the R1- Single Family Residential zone, located at 324 East I Street (APN: 1048-251-15); **submitted by Janette De La Rosa Ducut.** The Local Landmark and Tier designations are not considered a project pursuant to Section 21065 of the CEQA Guidelines. **City Council action is required.**

Associate Planner Diane Ayala presented the staff report and asked the Planning Commission to recommend approval of File Nos. PHP13-004 and PHP13-006, pursuant to the facts and reasons contained in the staff report and attached resolutions.

PUBLIC TESTIMONY

No one responded from the audience.

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

Mr. Delman stated this is a beautiful home.

Mr. Gregorek commended the appeal of the home.

Mr. Gage commented on how valuable the City's Historic Preservation program is to the community.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Downs, to recommend adoption of the Local Landmarks File Nos. PHP13-004 and PHP13-006, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, None. The motion was carried 7 to 0.

- B. **ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE NO. PZC13-002:** A Zone Change to change the zoning designations on approximately 400 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. (APNs: see separate list). **City initiated. City Council action is required.**

Mr. Blum read into record that staff is in receipt of correspondence from Ontario-Montclair School District requesting that Group G5 be pulled from the zone change tonight. The proposed zone change for Group G5 is from PF (Public Facility) to M2.

Associate Planner Clarice Burden presented the staff report and asked the Planning Commission to recommend approval of File No. PZC13-002 to City Council, pursuant to the facts and reasons contained in the staff report and attached resolution.

PUBLIC TESTIMONY

Maria Machuca, 611 N. Sunset Avenue, West Covina, CA 91790, appeared and spoke in opposition to Group F2. She explained that she owns industrially zoned properties containing residential units and is concerned about more intense industrial uses next to her residents. The proposed zone change for Group F2 is from M1 to M2.

Mr. Blum stated the properties in question have been industrially designated and zoned for many years. These properties are considered non-conforming. They are on the edge of a major airport. The properties use will remain residential as long as she uses the property as residential.

Mr. Blum spoke to Ms. Machuca about the differences between M1 and M2 zoning.

Bob Zens, property owner, 1493 E. Philadelphia Ontario, CA, appeared and spoke in opposition of the item in Group I1.

Franz Foels, 2929 Wagon Train Lane Diamond Bar, CA 91765, appeared and spoke in opposition of the item in Group I1.

Jack Bock, 2141 S. Parco Avenue Ontario, Ca 91761, appeared and spoke in opposition of the item in Group I1.

The speakers for Group I1 expressed concerns over the more limited uses allowed in the M1 zone. The proposed zone change for Group I1 is from M2 to M1.

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

Mr. Blum spoke about the similarities of M1 and M2 uses stating there would be minimal impacts on the properties in Group I1.

Mr. Gregorek asked for the major differences between M1 and M2 zones.

Mr. Murphy stated the difference would be uses that have the potential to affect the residences such as businesses that would give off odors or excessive noise.

Mr. Blum read a list of uses that would be permitted in the M2 zone and not in the M1 zone.

Mr. Willoughby stated that it is his understanding that Mr. Zens and Mr. Bock could operate their businesses in either M1 or M2 zones.

Mr. Blum stated the machine shop would be considered non-conforming. An expansion could be made under a conditional use permit.

Mr. Downs asked about Ms. Machuca's property.

Mr. Blum stated Ms. Machuca's properties have residential uses and are considered non-conforming in an industrial zone.

Mr. Ricci asked if a business owner in an M2 zone would be able to have a show room.

Mr. Blum stated yes.

Ms. Mautz suggested the speakers from Group I1 meet with staff to alleviate concerns they have about the zone changes. She suggested pulling Group I1 from the zone change at this time.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Ricci, to recommend approval of the various Zone Changes pulling Groups G5 and I1, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, None. The motion was carried 7 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT FOR FILE NO. PDCA13-004:** An Ordinance of the City of Ontario, California, amending the provisions of Title 9 (Development Code) of the Ontario Municipal Code addressing Medical Marijuana Dispensaries to include changes to the definitions portion of that section. Staff is recommending the adoption of an Addendum to The Ontario Plan Environmental Impact Report (SCH No. 2008101140), which was certified by the City Council on January 27, 2010. The Addendum finds that the proposed Development Code Amendment introduces no new significant environmental impacts. **City Initiated. City Council action is required.**

Assistant Planning Director Scott Murphy presented the staff report and asked the Planning Commission to recommend approval of File No. PDCA13-004, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Gage asked about research of any benefits of medical marijuana.

Mr. Murphy stated there are a number of claims about the benefits of medical marijuana however the city still recognizes the fact that the Federal Government bans it.

PUBLIC TESTIMONY

No one responded from the audience.

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

Mr. Willoughby spoke about the track record of the mobile dispensaries getting robbed.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Downs, to recommend adoption of the Development Code Amendment, File No. PDCA13-004, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, None. The motion was carried 7 to 0.

- D. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA13-003:** A Development Agreement Amendment (Second Amendment) between the City of Ontario and SL Ontario Development Company (Subarea 29 – Park Place) (File No. PDA13-003) to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders LLC and to provide for phasing of the construction of public infrastructure as provided in the phased Tract Map No. 18913-1. . The environmental impacts of this project were previously considered in the Subarea 29 Specific Plan EIR (SCH # 2004011009), certified by the City Council on October 19, 2006. This Application introduces no new significant environmental impacts; (APN: 0218-014-01 through 07; 0218-022-01 through 04 and 10 through 12; 218-033-01 through 06; 0218-042-01 through 05 and 13; and 0218-052-02-through 05). **Submitted by SL Ontario Development Corporation. City Council action is required.**

Assistant Planning Director Scott Murphy presented the staff report and asked the Planning Commission to recommend approval of File No. PDA13-003, pursuant to the facts and reasons contained in the staff report and attached resolution.

PUBLIC TESTIMONY

John Snell, Lewis Companies, 1156 N. Mountain Avenue Upland, CA, appeared and spoke.

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

Ms. Mautz expressed her pleasure to see development in the New Model Colony.

Mr. Gregorek concurred with Ms. Mautz.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Gregorek, to recommend adoption of the Development Agreement, File No. PDA13-003, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, None. The

motion was carried 7 to 0.

- E. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP FILE NO. PMTT13-007 (TT18913)**: A request to phase a previously approved Tentative Tract (TT17821) to subdivide 277.74 acres of land into 20 numbered lots and 40 lettered lots ("A" Map), within the central portion of the Subarea 29 Specific Plan of the New Model Colony generally located south of Eucalyptus Avenue, north of the Riverside County Line, east of Archibald Avenue and west of Haven Avenue. The environmental impacts of this project were analyzed in the EIR (SCH#2004011009) prepared the Subarea 29 Specific Plan (File No. PSP03-003). All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT and Chino. **Submitted by SL Ontario Development Company** (APN: 218-014-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, and 17, 218-022-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, and 12, 218-033-01,02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, and 14, 218-042-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, and 12, 218-052-01 02, 03, 04, 05, 06, 07, 08, 09, 10 and 11).

Senior Planner Rudy Zeledon presented the staff report and asked the Planning Commission to approve File No. PMTT13-007, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Willoughby asked if the signal on Merrill Avenue and Loop Street would be a part of phase 2.

Mr. Zeledon stated yes.

PUBLIC TESTIMONY

John Snell, Lewis Companies, 1156 N. Mountain Avenue Upland, CA, appeared and spoke.

Mr. Willoughby asked for a tentative time frame on phase 1.

Mr. Snell stated they plan to begin grading on September 18, 2013.

Mr. Willoughby asked for the number of dwellings in phase 1.

Mr. Snell answered 435 dwellings.

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

Mr. Gregorek asked about the number of dwellings that would require a school to be built in the area.

Mr. Snell stated it is up to the school district to build a new school in a new development. He stated the school district is aware of this new development. It takes 3-5 years to build

a new school.

Mr. Blum stated when 50% of the units of a development have been occupied then a park must be developed.

Mr. Delman expressed his enthusiasm for a new development in this area.

PLANNING COMMISSION ACTION

It was moved by Delman, seconded by Willoughby, to adopt the Tentative Tract Map, File No. PMTT13-007, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, Willoughby, and Gage; NOES, none; ABSENT, None. The motion was carried 7 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): Mr. Delman stated they met on August 8, 2013 to discuss tonight's Local Landmark and Tier Designation.

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

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

New Business

NOMINATIONS FOR SPECIAL RECOGNITION

Mr. Blum stated Mercedes Benz Auto Dealership of Ontario was not able to attend tonight. They will be in attendance at next month's meeting.


DIRECTOR'S REPORT

Mr. Blum spoke about AB1234 Ethics Training which is now due for all Planning Commissioners. Please see Jeanina Romero for instructions.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m. Mr. Gregorek motioned to adjourn, seconded by Ms. Mautz.


Secretary Pro Tempore



Chairman, Planning Commission