



# CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

April 6, 2020

Ontario City Council Chambers, 2 PM  
303 East "B" Street, Ontario

## **SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT CITY OF ONTARIO ZONING ADMINISTRATOR MEETINGS**

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Zoning Administrator for the City of Ontario is required to limit in-person attendance at the upcoming Zoning Administrator meeting. Members of the public may utilize alternative measures established by the City of Ontario to view the Zoning Administrator meeting and/or to communicate your opinions to the Zoning Administrator. To view the meeting, please go to <http://www.ontarioca.gov/agendas/zoning> and follow the link on that webpage to view the meeting.

Members of the public who wish to provide comment on an item may do so in one of the following manners:

1. **EMAIL**: You can email comments to [planningdirector@ontarioca.gov](mailto:planningdirector@ontarioca.gov) no later than 12:00 PM on the day of the meeting. All comments received by the deadline will be printed for Zoning Administrator consideration before action is taken on that matter. Please identify the agenda item that you wish to address in your comments. All written comments will be included in the record.
2. **TELEPHONE BEFORE THE MEETING**: You can call (909) 395-2036 no later than 12:00 PM on the day of the meeting and let them know that you would like to make a comment on an agenda item.
3. **IN WRITING DURING THE MEETING**: The meeting will be broadcast utilizing software that allows members of the public to make written comments. Your written comments will be read by a staff member to the Zoning Administrator during their consideration of that item.

Any members of the public who require special assistance or a reasonable accommodation to participate in the meeting of the Zoning Administrator may contact Gwen Berendsen at (909) 395-2036 or [planningdirector@ontarioca.gov](mailto:planningdirector@ontarioca.gov) at least 24 hours prior to the meeting.

All documents are available for public review at the City of Ontario Planning Department located at City Hall, 303 East "B" Street, Ontario, California by scheduling an appointment with the Planning Department by calling (909) 395-2036.


## **PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-014:** A Conditional Use Permit to establish a second floor 504-square foot Accessory Dwelling Unit (ADU) addition to an existing detached garage on 0.206-acre of land located at 926 North San Antonio Avenue, within the LDR-5 (Low Density Residential - 2.0 to 5.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) 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); (APN: 1048-032-02) **submitted by Gabriela Cibrian.**

If you wish to appeal a decision of the Zoning Administrator, you must do so within ten (10) days of the Zoning Administrator action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Zoning Administrator in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

I, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **April 2, 2020**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

April 6, 2020

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP19-014

**DESCRIPTION:** A Conditional Use Permit to establish a second floor 504-square foot Accessory Dwelling Unit (ADU) addition to an existing detached garage on 0.206 acres of land located at 926 North San Antonio Avenue, within the LDR-5 (Low Density Residential - 2.0 to 5.0 DU/Acre) zoning district; (APN: 1048-032-02). **Submitted by Gabriela Cibrian.**

## ***Part I—BACKGROUND & ANALYSIS***

GABRIELA CIBRIAN, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP19-014, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 0.206 acres of land located at 926 North San Antonio Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Single-Family Home	Low Density Residential (2.1-5 du/ac)	LDR-5 (Low Density Residential, 2.1-5 du/ac)	N/A
<i>North</i>	Single-Family Home	Low Density Residential (2.1-5 du/ac)	LDR-5 (Low Density Residential, 2.1-5 du/ac)	N/A
<i>South</i>	Single-Family Home	Low Density Residential (2.1-5 du/ac)	LDR-5 (Low Density Residential, 2.1-5 du/ac)	N/A
<i>East</i>	Single-Family Home	Low Density Residential (2.1-5 du/ac)	LDR-5 (Low Density Residential, 2.1-5 du/ac)	N/A
<i>West</i>	Single-Family Home	Low Density Residential (2.1-5 du/ac)	LDR-5 (Low Density Residential, 2.1-5 du/ac)	N/A

Prepared: JA 03/23/2020	Reviewed: CM 03/30/20	Decision: [enter initial/date]
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**(2) Project Analysis:**

**(a) Background** — The project site is developed with a 1,496-square foot single-family home and 504-square foot detached garage. The existing single-family home was built in 1940 and consists of a single-story, frame stucco house, with two bedrooms and one and one-half baths, and no garage. In 1962, building permits were approved and issued for the detached two-car garage at the rear of the property. The Applicant is proposing the construction of a 504-square foot Accessory Dwelling Unit (“ADU”) as a second-floor addition to the existing detached garage (see Exhibit B: Site Plan, attached). The City’s Development Code requires that any detached accessory residential structure in excess of two stories or 16 feet in height requires the approval of a Conditional Use Permit. The subject application was submitted in fulfillment of this requirement.

**(b) Proposed Use** — The proposed ADU will have one bedroom, one bathroom, a kitchen and living room, and an overall building height of 23.25 feet (see Exhibit C: Floor Plan, attached). The existing garage is setback 9.87 feet from the rear (south) property line, 9.83 feet from the interior side (east) property line, and 31 feet from the existing home to the west. The ADU will be constructed to match the existing home in terms of colors, materials, and trim. The two required enclosed parking spaces for the main dwelling will continue to be provided within the two-car garage and two unenclosed parking spaces will be provided on the existing driveway for the ADU.

**(c)** The existing one-story single-family home on the property is an American Traditional architectural style that has been modified over the years. The second-floor addition to the existing detached garage will be designed to complement the architectural design of the existing single-family home (See Exhibit D: Proposed Elevations). The proposed second-floor addition to the existing detached garage will feature a stucco finish with tongue and groove horizontal siding on the gable ends to match the existing home. A proposed roof overhang above the garage door, along with a contrasting belly band surrounding the entire building, will alleviate the massing. The balcony will feature a wood railing and posts, and French doors leading out from the living area of the ADU. A variety of windows are also proposed along each elevation, except for the east elevation to provide additional privacy for the adjacent resident. The ADU will feature substantial window trim (surrounds) on each window to match the existing home. Staff has placed a condition of approval on the project that all new construction shall be built to match the existing home, including but not limited to, colors, exterior materials and finishes, trim and fascia, and roofing. Additionally, the existing vinyl fence along Berkeley Court will be moved 33 feet from center line of the street, to meet right-of-way dedication requirements per the Engineering Department conditions of approval.

**(d) Land Use Compatibility** — The Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public health,

safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity. The existing single-family residential home and proposed ADU are located within an established single-family neighborhood, surrounded by predominantly single-family residential uses. Although the project site is primarily surrounded by single-story residential homes, the proposed second floor ADU is setback over 102 feet from San Antonio Avenue to the west and 24 feet from Berkeley Court to the north. The overall height of the structure is well below the Development Code allowance of 35 feet for the neighborhood. The proposed use is consistent with the surrounding residential uses; therefore, no significant negative impacts are anticipated.

**(e) Recommendation** — Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the proposed use will not expose the surrounding residences to any impacts beyond those that would normally be associated with any other residential use similarly permitted within the LDR-5 zoning district.

**(3) Airport Land Use Compatibility Plan:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (hereinafter referred to as “ALUCP”), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. 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 ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

**(4) Departmental Review:** Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

**(5) Public Notification:** The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

**(6) Correspondence:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

### ***Part II—RECITALS***

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part I, above; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, Ontario Development Code Table 2.01-1 (Review Matrix) establishes that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including noise, safety, airspace protection, and overflight impacts of current and future airport activity, and as a result of the review, the proposed project has been determined to be consistent with the ALUCP policies and criteria; and

WHEREAS, on April 6, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jeanie Irene Aguilo, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [insert speaker's name], the applicant/representing the applicant, explained the business operation and spoke in favor of the application.

(3) [insert additional speaker info]

(4) [insert additional speaker info]

(5) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

WHEREAS, all legal prerequisites to the adoption of this Decision have occurred.

### ***Part III—THE DECISION***

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(1) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(2) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the State CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, including, but not limited to one single-family residence, or a second dwelling unit in a residential zone.

(3) Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving authority for the Project, the Zoning Administrator finds and determines that based on the facts and information contained in the Application and supporting documentation, the proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.



(4) Pursuant to the requirements of Development Code Section 4.02.015.D (Findings and Decision), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed ADU will be located at 926 North San Antonio Avenue, which is designated for the LDR-5 (Low Density Residential, 2.1-5 du/ac) zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the LDR-5 zoning district. The proposed ADU will be constructed above an existing garage with an overall height of approximately 23.25 feet, well below the Development Code allowance of 35 feet in height and will be observing the existing garage's setbacks. The overall lot coverage will remain at approximately 32 percent. State of California guidelines allow for ADUs for residential units, which is in keeping with the surrounding land uses.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed ADU will be located at 926 North San Antonio Avenue, which the Policy Plan Master Land Use Plan designates for Low Density Residential land uses. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of residential land uses in the area of the project site. The proposed ADU will provide for an accessory dwelling in the existing residential neighborhood.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The proposed ADU land use is located with Low Density Residential (2.1-5 du/ac) land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the LDR-5 (Low Density Residential, 2.1-5 du/ac) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. With approval of the Conditional Use Permit, the proposed ADU will meet all Development Code standards, including those related to setbacks, height, parking, density, lot coverage, and building area.



(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including: [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, it is found and determined that the Project, implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Zoning Administrator has required certain safeguards and has imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code is maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

#### **Part IV—ZONING ADMINISTRATOR ACTION**

Based upon the findings and conclusions set forth in Parts I through III above, the Zoning Administrator hereby approves File No. PCUP19-014, subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

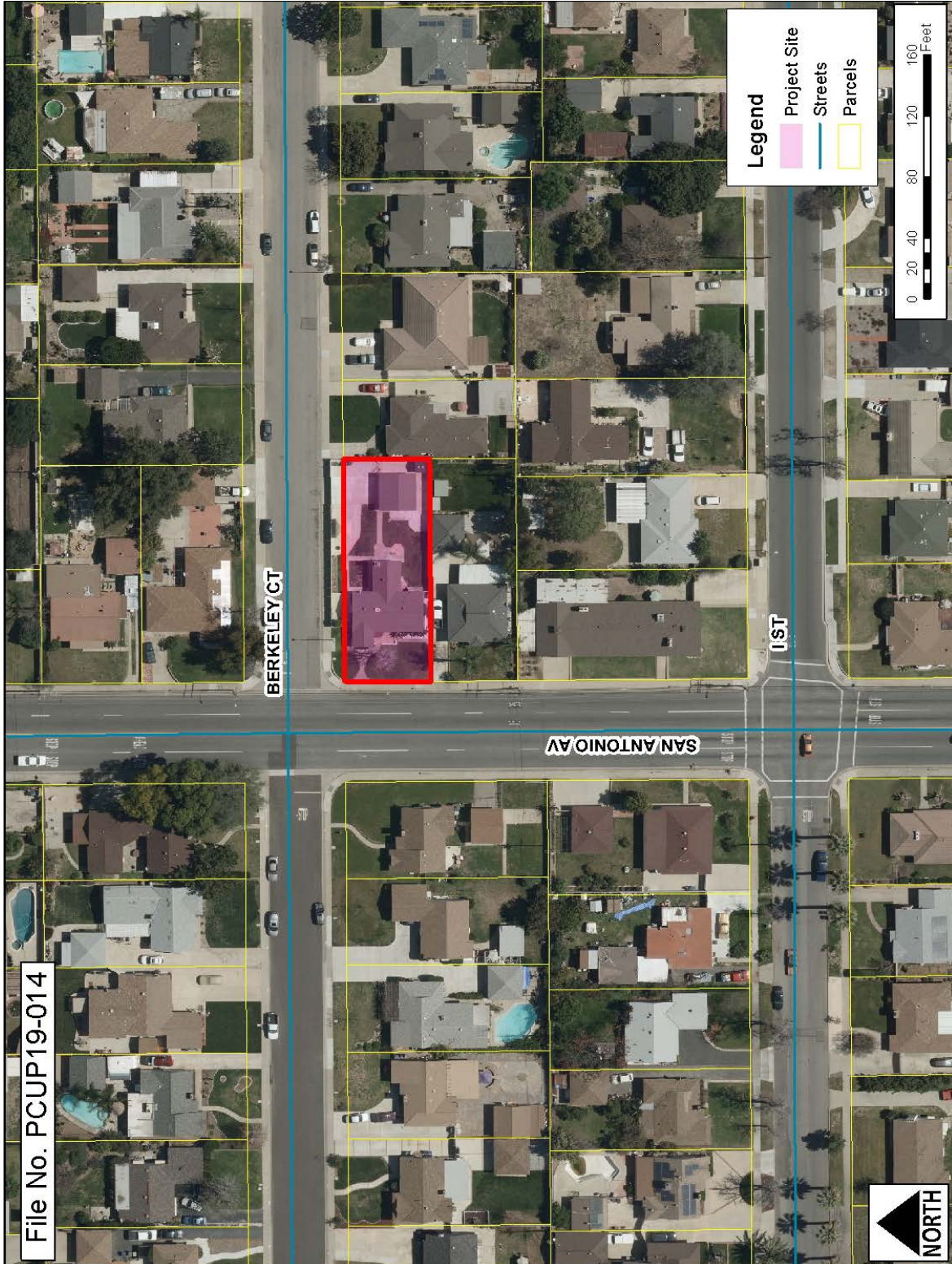
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APPROVED AND ADOPTED this 6th day of April 2020.

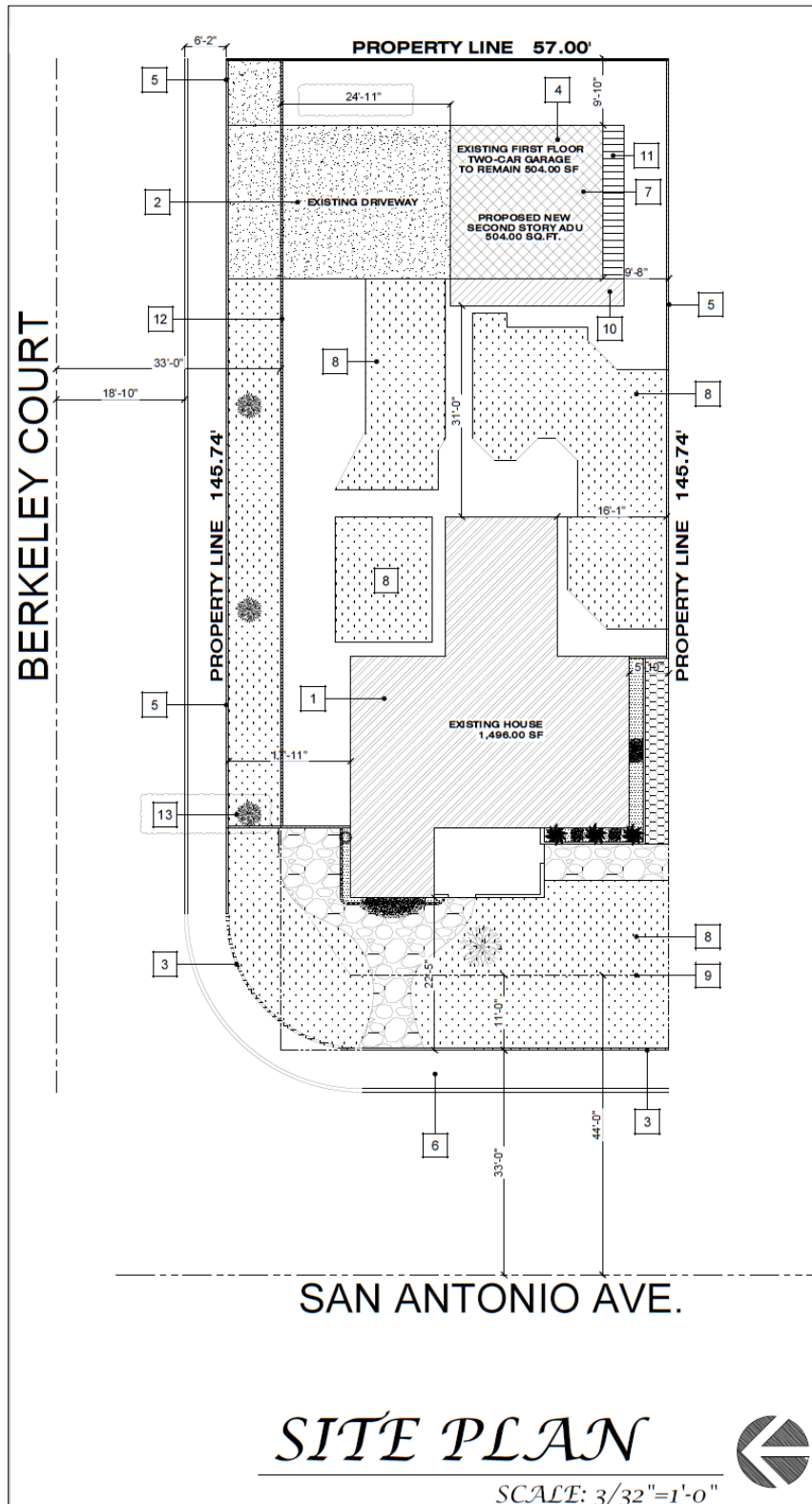
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Cathy Wahlstrom  
Zoning Administrator

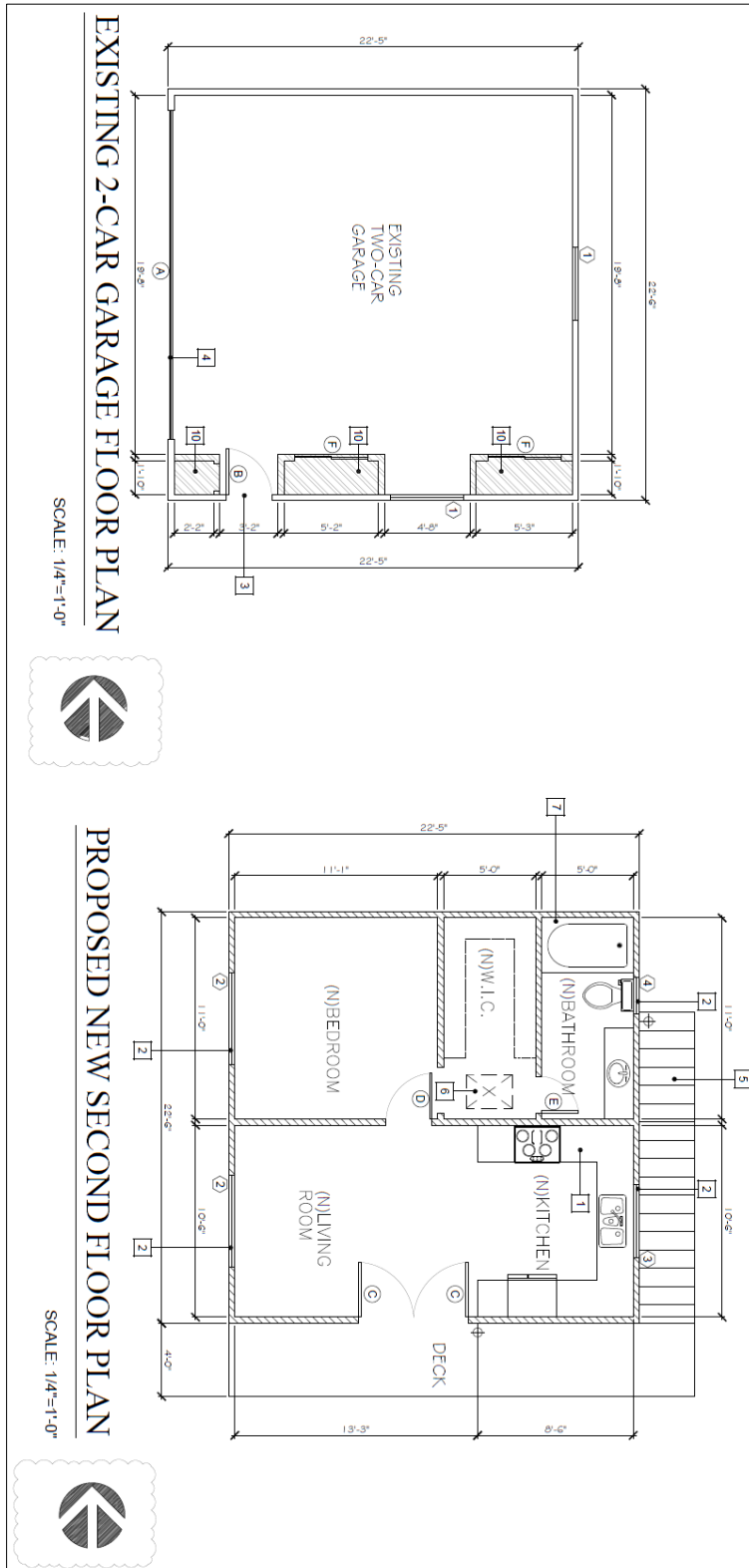
**Exhibit A: Aerial Photograph**



**Exhibit B: Site Plan**

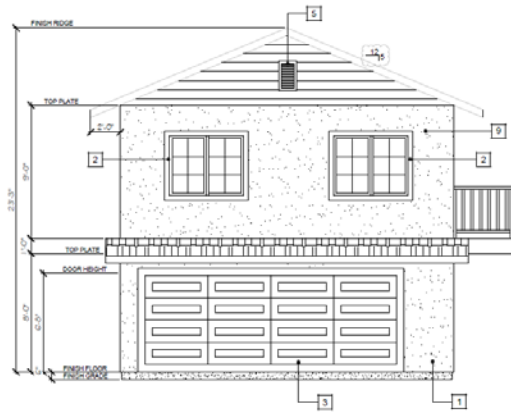


**Exhibit C: Floor Plan**

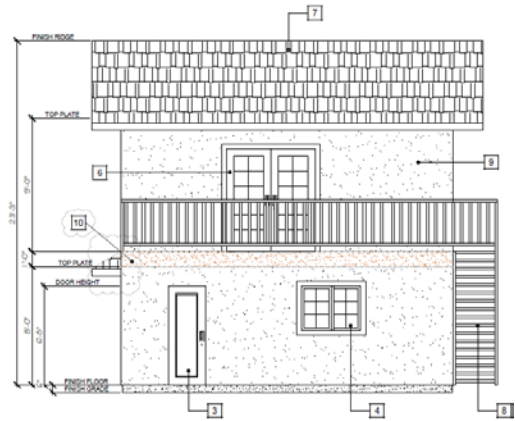




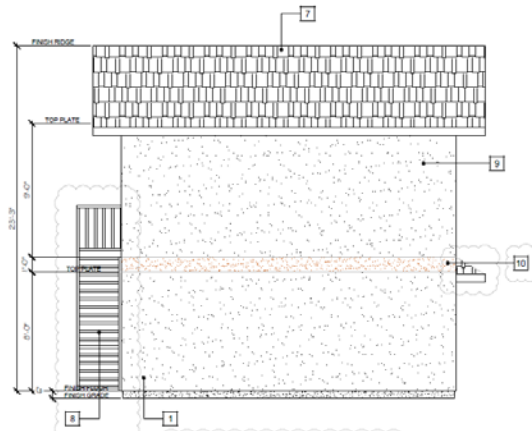
**Exhibit E: Elevations**



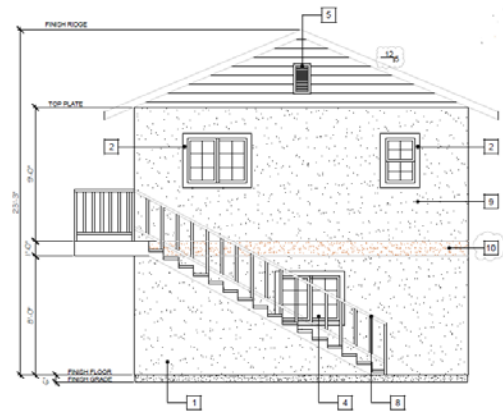
**1 NORTH ELEVATION**  
 1/4"=1'-0"



**2 WEST ELEVATION**  
 1/4"=1'-0"



**3 EAST ELEVATION**  
 1/4"=1'-0"



**4 SOUTH ELEVATION**  
 1/4"=1'-0"

**NUMBERED KEY NOTES**

- 1 EXISTING STUCCO
- 2 NEW WINDOW, LOW-E, DOUBLE GLASS, ENERGY SAVER.
- 3 EXISTING EXTERIOR DOOR TO REMAIN
- 4 EXISTING WINDOW TO REMAIN
- 5 NEW ATTIC VENTS
- 6 NEW EXTERIOR DOOR
- 7 NEW DESERT TAN ROOFING, CLASS "A" ICC# ESR-AC438-ASTM D 3462, ER 2453-04 OVER 1-LAYER #30 FELT, USE # 11 X 1-1/4" ELECTRO-GALV. ROOFING NAILS. (FIRE RETARDANT).
- 8 NEW OUTDOOR STAIRS
- 9 NEW STUCCO TO MATCH EXISTING 2-LAYERS OF GRADE "D" PAPER WATER RESISTIVE BARRIER, COLOR TO MATCH EXISTING.
- 10 BELLY BAND AROUND THE BUILDING WILL BE COVERED WITH STUCCO IN DIFFERENT COLOR TO PROVIDE CONTRAST.

**Exhibit D: Site Photos**



View facing southeast



View facing south



View facing west



View facing south

## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*





City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
Fax: 909.395.2420

*Planning Department  
Land Development Division  
Conditions of Approval*

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**Meeting Date:** April 6, 2020

**File No:** PCUP19-014

**Project Description:** A Conditional Use Permit to establish a second floor 504 square-foot Accessory Dwelling Unit (ADU) addition to an existing detached garage on 0.206 acres of land, located at 926 North San Antonio Avenue, within the LDR-5 (Low Density Residential - 2.0 to 5.0 DU/Acre) zoning district; (APN: 1048-032-02) **submitted by Gabriela Cibrian**

**Prepared By:** Jeanie Irene Aguilo, Associate Planner  
Phone: 909.395.2418 (direct)  
Email: jaguilo@ontarioca.gov

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The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

**1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

**2.0 Special Conditions of Approval.** In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

**2.1 Time Limits.** Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

**2.2 General Requirements.** The Project shall comply with the following general requirements:

**(a)** All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

**(c)** The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

**2.3**     Landscaping.

**(a)**     The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

**(b)**     Comply with the conditions of approval of the Planning Department, Landscape Planning Division.

**(c)**     Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

**(d)**     Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

**2.4**     Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

**2.5**     Parking, Circulation and Access.

**(a)**     The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

**(b)**     The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

**2.6**     Mechanical and Rooftop Equipment.

**(a)**     All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

**(b)**     All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

**2.7**     Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

**2.8**     Environmental Review.

**(a)**     The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines.

**(b)**     If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

**2.9** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**2.10** Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.


**2.11** Additional Requirements.

(a) All new construction shall be built to match the existing home, including but not limited to, colors and materials, trim and fascia, roofing, stucco, etc.

(b) All Ontario Development Code standards regarding Accessory Dwelling Units shall apply and be maintained for the duration of the use.

(c) All conditions and requirements for all City of Ontario Departments shall be adhered to.

**CITY OF ONTARIO  
LANDSCAPE PLANNING DIVISION  
303 East "B" Street, Ontario, CA 91764**

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
	02/21/20
Jamie Richardson, Sr. Landscape Planner	Date

Reviewer's Name: <b>Jamie Richardson, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2615</b>
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D.A.B. File No.: PCUP19-014	Plan check #:	Case Planner: Jeanie Aguilo
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Project Name and Location: ADU - Proposed Second-Story Addition 926 N San Antonio
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Sent to: Elvira Kennedy – <a href="mailto:vk-contractors@hotmail.com">vk-contractors@hotmail.com</a> 11548 Antique Dr. Jurupa Vallev. CA 91752
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<input checked="" type="checkbox"/>	<b>Plans dated (02/05/20) accepted for construction with corrections required checked below. The Building Department has been notified. Any changes to approved plans require a re-submittal for review and written approval by the Landscape Planning Division</b>
<input type="checkbox"/>	<b>Corrections required. Plans received ( ) not accepted. Correct plans as noted. Resubmit <u>2 sets</u> to the Planning Department for routing to the Landscape Planning Division or submit electronically to <a href="mailto:landscapeplancheck@ontarioca.gov">landscapeplancheck@ontarioca.gov</a>.</b>

Response sheet required with resubmittal or plans will be returned incomplete.

**Show on plan check**

1. Sheet L-5, Detail A: Tree planting: Trees shall be double staked. Stakes shall be minimum 7'-8' above grade, 3'-4' below, and tied to the canopy for wind protection. Tree ties shall be flexible (min. 4 required) secure to pole with galvanized nail. Rootball shall be 2" above finish grade. Note: Stakes shall not pierce rootball and shall extend into undisturbed soil.
2. Sheet L-5, Detail E: Root barriers, if required by owner, shall be max 12" deep linear application only.
3. Sheet L-5, Detail C: Provide a full on center spacing for plant material adjacent to paving
4. Landscape renovations shall include a weather-based controller with weather sensor and system tune up to prevent any overspray or run off.
5. Repair or replace any missing irrigation components to match.
6. Repair irrigation to prevent any runoff or overspray on to paving.
7. Replace any missing or damaged trees, shrubs and groundcovers.
8. 55% of front yard must be living vegetation. Consider replacing areas of the artificial turf and rock with low water-use groundcover such as blue chalk sticks or rosemary. 5% of landscape may be dg or gravel.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP19-014

Address: 926 North San Antonio Avenue

APN: 1048-032-02

Existing Land Use: Single Family Unit

Proposed Land Use: CUP to establish an ancillary 504 SF ADU

Site Acreage: 0.20 acres Proposed Structure Height: 22 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 7/25/19

CD No.: 2019-048

PALU No.: \_\_\_\_\_

### The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input type="radio"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 FT +</u>	
<input type="radio"/> Zone 5			

### The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

This proposed Project is:   
  Exempt from the ALUCP   
  Consistent   
  Consistent with Conditions   
  Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be an existing land use and is not subject to the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: \_\_\_\_\_



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Information Technology & Management Services Department Conditions incorporated)

**ZA MEETING DATE:** April 6<sup>th</sup>, 2020

**PROJECT:** PCUP19-014, a Conditional Use Permit to establish a 504 square-foot ADU as a second-floor addition to an existing detached garage on 0.206 acres of land.

**APN:** 1048-032-02

**LOCATION:** 926 North San Antonio Avenue

**PROJECT ENGINEER:** Antonio Alejos, Assistant Engineer [A.A.](#) (909) 395-2384

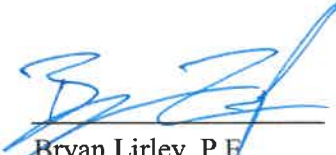
**PROJECT PLANNER:** Jeanie Aguilo, Associate Planner (909) 395-2418

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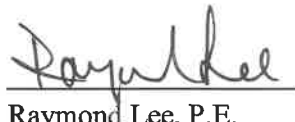
**The following items are the Conditions of Approval for the subject project:**

1. Prior to issuance of a certificate of occupancy the applicant/developer shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. According to the available information, your lot is not a recognized parcel. In order to approve any permits, we need you to provide a deed dated prior to March 4, 1972 that describes the current boundaries. If a deed cannot be found that shows the current boundaries, the applicant/developer shall prepare and submit and complete a Certificate of Compliance. This condition will need to be completed prior to the issuance of a building permit.
3. The applicant/developer shall in-fill the existing northerly driveway approach on San Antonio Avenue property frontage with new curb, gutter and sidewalk per the latest Design Guidelines/City Standard Drawings.
4. The applicant/developer shall process a Fence Letter Agreement for an existing vinyl fence along Berkeley Court property frontage and retaining curb that encroaches into the public right-of-way at the southeast corner of San Antonio Avenue and Berkeley Court.
5. The applicant/developer shall apply for an Encroachment Permit for any work proposed in the public right-of-way.

6. The applicant/developer shall pay all Development Impact Fees (DIF) to the Building Department.

  
\_\_\_\_\_  
Bryan Lirley, P.E.  
Principal Engineer

3/19/20  
Date

  
\_\_\_\_\_  
Raymond Lee, P.E.  
Assistant City Engineer

3/19/20  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Jeanie Irene Aguilo  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** July 1, 2019  
**SUBJECT:** PCUP19-014

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1. The plan **does** adequately address the departmental concerns at this time.  
No comments.

KS:lr



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Irene Aguilo, Associate Planner  
Planning Department

**FROM:** Michelle Starkey, Deputy Fire Marshal  
Bureau of Fire Prevention

**DATE:** July 9, 2019

**SUBJECT:** PCUP19-014 A Conditional Use Permit to establish a 504 square-foot ADU on top of an existing detached garage on 0.206 acres of land located at 926 North San Antonio Avenue, within the LDR5 zoning district (APN: 1048-032-02).

- 
- The plan **does** adequately address the departmental concerns at this time.
- No comments
  - Report below.

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For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov](http://www.ontarioca.gov) , click on Fire Department and then on forms.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Irene Aguilo, Associate Planner

**FROM:** Officer Emily Hernandez, Police Department

**DATE:** July 07, 2019

**SUBJECT:** PCUP19-014 – A CONDITIONAL USE PERMIT TO ESTABLISH A 504 SQUARE-FOOT ADU LOACTED AT 926 N. SAN ANTONIO AVENUE

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The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for walkways, driveways, doorways, parking lots, hallways, stairwells, and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.
- Stairwells shall be constructed so as to either allow for visibility through the stairwell risers or to prohibit public access to the areas behind stairwells.

The Applicant is invited to contact Emily Hernandez at (909) 408-1755 with any questions or concerns regarding these conditions.