

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

January 26, 2016

Ontario City Hall
303 East "B" Street, Ontario, California 91764

6:30 P.M.

WELCOME to a meeting of the Ontario Planning/Historic Preservation Commission.

All documents for public review are on file in the Planning Department located at 303 E. B Street, Ontario, CA 91764.

- *Anyone wishing to speak during public comment or on a particular item should fill out a green slip and submit it to the Secretary.*
- *Comments will be limited to 5 minutes. Speakers will be alerted when their time is up. Speakers are then to return to their seats and no further comments will be permitted.*
- *In accordance with State Law, remarks during public comment are to be limited to subjects within the Commission's jurisdiction. Remarks on other agenda items will be limited to those items.*
- *Remarks from those seated or standing in the back of the chambers will not be permitted. All those wishing to speak including Commissioners and Staff need to be recognized by the Chair before speaking.*
- *The City of Ontario will gladly accommodate disabled persons wishing to communicate at a public meeting. Should you need any type of special equipment or assistance in order to communicate at a public meeting, please inform the Planning Department at (909) 395-2036, a minimum of 72 hours prior to the scheduled meeting.*
- *Please turn off all communication devices (phones and beepers) or put them on non-audible mode (vibrate) so as not to cause a disruption in the Commission proceedings.*

ROLL CALL

Delman __ Downs __ Gage __ Gregorek __ Mautz __ Ricci __ Willoughby __

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

Citizens wishing to address the Planning/Historic Preservation Commission on any matter that is not on the agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes.

Please note that while the Planning/Historic Preservation Commission values your comments, the Commission cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.

CONSENT CALENDAR ITEMS

All matters listed under CONSENT CALENDAR will be enacted by one summary motion in the order listed below. There will be no separate discussion on these items prior to the time the Commission votes on them, unless a member of the Commission or public requests a specific item be removed from the Consent Calendar for a separate vote. In that case, the balance of the items on the Consent Calendar will be voted on in summary motion and then those items removed for separate vote will be heard.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of December 22, 2015, approved as written.

- A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020**: A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential. Continued from 12-22-15**

PLANNING COMMISSION PUBLIC HEARING ITEMS

For each of the items listed under PUBLIC HEARING ITEMS, the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed five (5) minutes to make a presentation on the case. Members of the public will then be allowed five (5) minutes each to speak. The Planning Commission may ask the speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three minutes to

summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.

B. ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP15-016:

An Appeal of the Zoning Administrator's decision to deny the establishment of and operation of an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AG\SP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue. 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 a Mitigated Negative Declaration of environmental effects for the project. (APNs: 1053-101-01, -02, and 1053-091-01); **submitted by Harvest Power.**

1. CEQA Determination

Motion to Approve/Deny Mitigated Negative Declaration

2. File No. PCUP15-016 (Conditional Use Permit)

Motion to Approve/Deny

C. ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP15-014:

An Appeal of the Zoning Administrator's decision to deny the establishment of a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) on a 0.58 acre site, located at 1065 West Holt Boulevard within the CC (Community Commercial) zoning district. 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. The project is exempt from environmental review pursuant to State CEQA Guidelines Section § 15301 (Existing Facilities); (APN: 1011-132-06); **submitted by Travis Companies.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15301

2. File No. PCUP15-014 (Conditional Use Permit)

Motion to Approve/Deny

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing):
- 2) New Business
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT

- 1) Monthly Activity Report

If you wish to appeal any decision of the Planning/Historic Preservation Commission, you must do so within ten (10) days of the Commission action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Planning/Historic Preservation Commission 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 in written correspondence delivered to the Planning/Historic Preservation Commission at, or prior to, the public hearing.



I, Marci Callejo, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, January 22, 2016**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Marci Callejo, Secretary Pro Tempore



Scott Murphy, Planning Director
Planning/Historic Preservation
Commission Secretary

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

MINUTES

December 22, 2015

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

MINUTES

December 22, 2015

REGULAR MEETING: Ontario Convention Center – Ball Room A
2000 E. Convention Center Way, Ontario, CA 91764
Called to order by Chairman Willoughby at 6:31 PM

COMMISSIONERS

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

Absent: Gage and Ricci

OTHERS PRESENT: Planning Director Murphy, City Attorney Rice, Principal Planner Wahlstrom, Principal Planner Zeledon, Senior Planner Mercier, Senior Planner Ayala, Assistant Planner Antuna, Assistant City Engineer Lee, and Planning Secretary Callejo

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Mautz.

ANNOUNCEMENTS

Staff is recommending that agenda item A-02 be continued to the next Planning Commission meeting to be held on January 26, 2016.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of November 24, 2015, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020: A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the

policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential. Continued form 11-24-15.**

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Gregorek, to approve the Planning Commission Minutes of November 24, 2015, as written and to continue Item A-02 to the January 26, 2016 meeting. The motion was carried 5 to 0. Gage and Ricci were absent.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT AND ZONE CHANGE REVIEW FOR FILE NOS. PGPA15-002 AND PZC15-003:** A City initiated request to: 1) Change the General Plan land use designation from Business Park to Industrial (Exhibit LU-01) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes (**File No. PGPA15-002**) and 2) Rezone from IL (Light Industrial) with Emergency Shelter Overlay to IG (General Industrial) with Emergency Shelter Overlay (**File No. PZC15-003**) on sixteen properties generally located 260 to 625 feet north of Mission Boulevard between Benson and Magnolia Avenues in order to make the zoning consistent with The Ontario Plan land use designations of the properties. 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**. 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. (APNs: 1011-211-07, 1011-211-10, 1011-211-12 thru 21, 1011-221-01 thru 03, and 1011-221-20); **City initiated. City Council action is required.**

Planning Director Murphy, presented the staff report. Mr. Murphy started by stating that in November 2015, the City Council considered several zone changes which the Planning Commission moved forward and included about 1200 parcels. During the Planning Commission and City Council meetings, there were several concerns voiced by property owners within the area and are the first tier highlighted on the map. Mr. Murphy went on to say it was mostly property owners who expressed their concerns about their properties being changed from M3 (General Industrial) to a new zoning designation of IL (Light Industrial) given the fact that the uses were heavier in nature. The City Council concurred with their concerns and directed staff to make an application for a General Plan Amendment and Zone Change to include those heavier uses. Mr. Murphy said that there is a Business Park designation to act as a buffer to the south as well. He stated that staff is requesting the Planning Commission recommend City Council approve the Addendum of the previous EIR and File Nos. PGPA15-002 and PZC15-003.

No one responded.

PUBLIC TESTIMONY

Or no one responded.

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

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Downs, to recommend adoption of an Addendum of the previous EIR, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

It was moved by Delman, seconded by Gregorek, to recommend adoption of a resolution to approve the General Plan Amendment and Zone Change, File Nos. PGPA15-002 & PZC15-003, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

- C. **ENVIRONMENTAL ASSESSMENT DEVELOPMENT PLAN, TENTATIVE PARCEL MAP, AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS. PDEV15-031, PMTT15-003 (PM 19682) & PHP15-009:** A Development Plan (File No. PDEV15-031) to construct a 239,400-square foot industrial building on approximately 10.8 acres of land; a Tentative Parcel Map (File No. PMTT15-003; PM 19682) to subdivide the project site into 2 parcels; and a Certificate of Appropriateness (File No. PHP15-009) for a Tier II historic eligible structure (the existing Sunkist Water Tower) to facilitate the relocation of the structure to the northeasterly corner of the project site to accommodate the construction of the proposed industrial building, located on the west side of Campus Avenue, between Sunkist and California Streets, at 616 East Sunkist Street, within the M3, (General Industrial), zoning district (zone change to IL, Light Industrial, currently in process). Staff finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are recommended that will reduce identified effects to a level of nonsignificance; therefore, adoption of a Mitigated Negative Declaration of environmental effects is recommended. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1049-221-01) **Submitted by Commerce Construction Co., LP.**

Senior Planner, Chuck Mercier, presented the staff report. Mr. Mercier stated that the project is located at Sunkist Street and Campus Avenue and comprised of approximately 11 acres of land. In 2008, the City entered into an agreement with Sunkist to purchase the project site and worked with Sunkist to ensure the existing buildings would be raised. At the close of escrow in 2012, the only remaining structures on the project site were a 110-foot tall non-operational water tower and a small SCE substation on the southwest corner of the site. In July of this year, the City Council approved the sale of the site to Majestic Reality. Mr. Mercier continues by stating that Commerce Construction, the construction arm of Majestic Reality is now requesting tentative parcel map approval to subdivide the

property into two parcels and development plan approval to construct a 239,400-square foot industrial building on the 10.8-acre lot. Mr. Mercier says the remaining parcel will be retained by the City and will be sold to Majestic Reality once the removal of the SCE substation occurs, which may take 18 months to two years to occur. Mr. Mercier went over the landscaping requirements and how it exceeds the minimum requirements. He explains this will take place on the north, east and southern parts of the building. Parking will be on the southern part of the property and more will be added once the smaller parcel is added into the property. He described the building architecture structure and design. Mr. Mercier explained that in addition, Certificate of Appropriateness approval for facilitation the relocation of the water tower to the northeasterly corner is also being requested. This will accommodate the construction site for the proposed industrial building. The Sunkist Water Tower is a Tier II, local historic resource eligible for a local landmark designation. Mr. Mercier explained that while the water tower's setting, and association with the processing plant operation, are not intact, the water tower is a familiar symbol to the local community. The Historic Preservation Subcommittee (HPSC) reviewed and recommended approval to the Historic Preservation Commission with the conditions of approval. He stated that staff is recommending the Planning Commission adopt the Mitigated Negative Declaration and approve File Nos. PDEV15-031, PMTT15-003 and PHP15-009 pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

PUBLIC TESTIMONY

Kevin McCarthy of Majestic Reality from the City of Industry appeared on behalf of the Applicant.

Mr. Willoughby questioned if the entire 239,000+ square feet of the building was to be used by the same tenant.

Mr. McCarthy stated that is correct.

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

Ms. Mautz stated she was glad to see a business go in and taking such an effort to retain a historic resource in the City of Ontario and has her whole-hearted support.

Mr. Willoughby echoes her statements especially knowing how many jobs it will create and glad to see the water tower being looked after.

PLANNING COMMISSION ACTION

It was moved by Mautz seconded by Delman, to approve the CEQA Determination and Mitigated Negative Declaration, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

It was moved by Downs, seconded by Gregorek, to approve the Development Plan and Tentative Parcel Map, File Nos. PDEV15-031 and PMTT15-003, subject to

conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

Acting as the Historic Preservation Commission, it was moved by Mautz, seconded by Delman, to approve the Certificate of Appropriateness, File No. PHP15-009, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA15-003:** A revision to certain provisions of the comprehensive update to the City of Ontario Development Code (introduced by the City Council on 9/1/2015), as follows: [1] add Reference I - Public Art Program, to promote public art and art in public places; [2] add Reference G – Landscape Design and Construction Guidelines; [3] modify Table 5.02-1, Land Use Matrix, to allow “salvage facilities” as a permitted land use within the proposed IG (General Industrial) and IH (Heavy Industrial) zoning districts; and [4] modify Section 5.03.350, Salvage Facilities, to modify the operational and performance standards for salvage facilities. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) and Mitigation Monitoring Program, certified by the City of Ontario City Council on January 27, 2010. This project introduces no new significant environmental impacts. 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 ONT Airport Land Use Compatibility Plan (ALUCP); **City Initiated. City Council action is required.**

Planning Director, Scott Murphy, presented the staff report. Mr. Murphy first stated that there are four different components to this Development Code Amendment and the first one identified was the addition of a public art program. He shared that at this point the City is not ready to come forward with details and they’re still trying to work out the nuances, as dealing with public art can be a tricky business. So, at this point, Mr. Murphy stated the Planning Commission is not being asked to recommend anything to the City Council on that component and they’ll come back at a future date when they have those details are worked out. Mr. Murphy went on to state that in considering Reference G which includes landscape design and construction guidelines, these are items which are already in the code today or best practices used by our landscape team over the last several years. They also recognize that we are in an environment which deals with water shortages, water conservation and looking at more California friendly and native plant materials. The design guidelines provide developers materials on how to comply with those requirements, both in the design and construction stages of development. The third component deals with salvage facilities. Mr. Murphy explained that during that same City Council meeting in November 2015, there was a lot of discussion about salvage facilities and whether they would be appropriate in the General Industrial category. What staff has done is tightened up provisions for this type of use. One of the provisions states the separation needs to be 750 feet from residential zoned properties. There is no provision that states the amount can be less if the residents allow - staff thinks it should be 750 feet regardless. He continued by stating staff incorporated many of the provisions which were brought up from a previous

project, which included equipment that included dust and noise control elements. Mr. Murphy said staff believes that salvage facilities can be permitted within the General and Heavy Industrial categories with the incorporation of those provisions. He states that the fourth component was that previously the use was a conditionally permitted use in the Heavy Industrial category and, given the new provisions, it would be a permitted use. Mr. Murphy requests the Planning Commission recommend approval to the City Council for the Addendum to the previous EIR and File No. PDCA15-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby questioned if the current facilities are in what would be the IG (General Industrial) zone?

Mr. Murphy stated yes. They are currently in the M3, what would change to the IG zone, which would be effective January 1, 2016.

PUBLIC TESTIMONY

Or no one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Delman, seconded by Mautz, to recommend adoption of an Addendum of the previous EIR, Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

It was moved by Mautz, seconded by Downs, to recommend adoption of a resolution to approve the Development Code Amendment, File No. PDCA15-003, subject to conditions of approval. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE ACTION

- E. **LOCAL LANDMARK DESIGNATION FOR FILE NO. PHP15-008:** A request for a Local Landmark designation for a 1,371 square foot, one story, Mediterranean Revival Bungalow style residential building, within the R1 (Single Family Residential) Zoning District located at 428 East Plaza Serena Street (APN: 1048-072-21); **submitted by Lori Ayala. City Council action is required.**

Assistant Planner, Elly Antuna, presented the staff report. Ms. Antuna stated the City's first Local Landmark Designation was the William Barton Fallis House in 1993. Since that time, the City has designated over 90 properties as Local Landmarks. She went on to explain that

a historic resource can be designated as Local Landmark if it meets certain criteria. Ms. Antuna explains some of the criteria that is established in the Development Code to designate a property, including reflecting local history, importance of a person in the City's history and architecture. The property nominated is located at 428 East Plaza Serena Street and named the John J. Voss House and was constructed in 1928. Mr. Voss was a factory worker for General Electric and the first resident of the home. It is an example of a Mediterranean Revival Bungalow architectural style home. She went over many of the home's interior and exterior features. Ms. Antuna explained the Historic Perseveration Subcommittee reviewed this item at their meeting on November 12, 2015, and recommended approval to the Historic Preservation Commission as a Local Landmark No. 96. With that, she stated that staff is requesting the Planning Commission recommend approval to the City Council for File No. PHP15-008.

No one responded.

PUBLIC TESTIMONY

Lori Ayala, the property owner appeared and spoke. Ms. Ayala stated she has lived in the home with her husband for 11 years and they are proud to live there and preserve this historic home. She hopes it becomes a landmark.

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

Mr. Gregorek stated this is another good example of the Historic Preservation program.

PLANNING COMMISSION ACTION

Acting as the Historic Preservation Commission, it was moved by Gregorek, seconded by Mautz, to recommend approval of the Local Landmark Designation File No. PHP15-008. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, and Willoughby; NOES, none; RECUSE, none; ABSENT, Gage and Ricci. The motion was carried 5 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): met on Thursday, December 17, 2015 for a Special Meeting

- *The Subcommittee recommended approval for a Certificate of Appropriateness to relocate the 110 foot Sunkist Water Tower*

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

None at this time.

DIRECTOR'S REPORT

Mr. Murphy stated that the Monthly Activity Report and a copy of the CLG (Certified Local Government) report is in their Agenda Packet. He also stated it would be appropriate for the Chairman to refer the report to City Council for their review. Chairman Willoughby asked the Director to see the CLG report be sent to the City Council.

Ms. Mautz wished everyone a very Merry Christmas and Happy New Year.

Mr. Willoughby thanked staff for a great 2015 and for working on the Sares Regis project. He also commended everyone for the work going on in Ontario Ranch.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by Mautz. The meeting was adjourned at 7:13 PM.

Secretary Pro Tempore

Chairman, Planning Commission



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Scott Murphy, Planning Director

DATE: January 26, 2016

SUBJECT: ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020: A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential.**

The applicant has indicated that revisions are being considered for the project. As a result, the above referenced project is being continued indefinitely. The project will be re-advertised for a future Planning Commission public hearing. No further action is required by the Commission at this time.



PLANNING COMMISSION STAFF REPORT

January 26, 2016

SUBJECT: An Appeal of the Zoning Administrator decision to deny the establishment and operation of an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AG\SP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue. (APNs: 1053-101-01, -02, and 1053-091-01); **submitted by: Harvest Power.**

PROPERTY OWNER: Inland Harbor, LLC

RECOMMENDED ACTION: That the Planning Commission uphold the Zoning Administrator Decision No. 2015-026 and deny File No. PCUP15-016, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 34.76 acre portion of 37.4 acres of land located at 7435, 7345 and 7365 East Schaefer Avenue, within the AG (Agriculture Overlay) zoning district, and is depicted in **Figure 1: Project Location**, to the right. The project site is bounded by Schaefer Avenue to the north, Edison Avenue to the south, Euclid Avenue to the west, and the Bon View Avenue to the east. The property surrounding the project site is characterized by agricultural land uses with a water treatment facility to the east and agricultural uses and dairy farms to the north, west and south. The existing surrounding land uses and zoning and general plan land use designations are listed in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

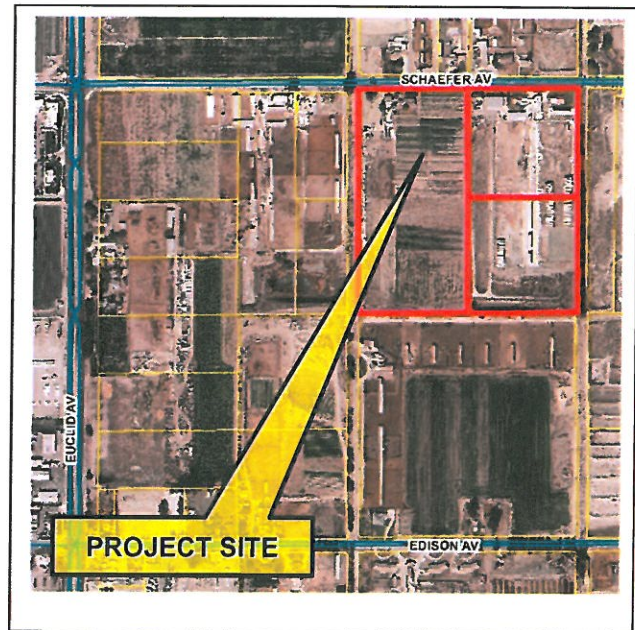


Figure 1: Project Location

Case Planner:	Jeanie Irene Aguilo	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	June 16, 2015	ZA	12/08/2015	Denied	Recommend
Hearing Deadline:	n/a	PC	01/26/2016		Final
		CC			

PROJECT ANALYSIS:

Background— On June 16, 2015, Harvest Power has applied for a Conditional Use Permit (PCUP15-016) requesting approval to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on the site of a former dairy farm, located at the southeast corner of Schaefer Avenue and Campus Avenue.

On November 24, 2015, the Zoning Administrator held a special public hearing to consider the application. On December 8, 2015, the Zoning Administrator denied the Conditional Use Permit (CUP) based on the facts that the CUP did not comply with The Ontario Plan Land Use Policies pertaining to compatibility between uses. A copy of the Zoning Administrator's Decision, which includes a full description and analysis of the proposed use, along with the Zoning Administrator's findings and determination, is included as **Appendix A** of this report.

Appeal— On December 16, 2015, Harvest Power ("Appellant") submitted an appeal of the Zoning Administrator's decision to deny File No. PCUP15-016. A copy of the Appeal application and Appellant statement is included with this report as **Appendix B**. The basis for the applicant's appeal lies in their belief that information presented during the Zoning Administrator public hearing, which was important to the full understanding of the proposed uses, was not readily understood by the Zoning Administrator due to lack of well thought revised exhibits and written clarifications. The applicant further asserts that had the additional information and clarifications provided with the appeal application been available during the public hearing, a favorable outcome would have resulted.

In response to the Zoning Administrator's Decision denying File No. PCUP15-016, the Appellant has addressed each of the findings specifically established by the Decision. Listed below is each finding established by the Zoning Administrator Decision, the Appellant's statement establishing the bases for their appeal, and staff's response to the Appellant's comments:

Zoning Administrator Finding 1: The proposed location of the requested Conditional Use Permit will not be consistent with the Policy Plan component of The Ontario Plan and may be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The Ontario Plan (TOP) Policy LU2-2, Buffers, states "We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur." Policy LU2-5, Regulation of Uses, states "We regulate the location, concentration and operations of uses that have impacts on surrounding land uses." City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a ½-mile separation between green waste facilities and residential properties and sensitive land uses (schools, day care facilities, elderly care facilities, hospitals, etc.).

The project location is less than ½-mile from residential property and a church with day care services.

Appellant Statement: *The Facility is generally surrounded by operating dairies and agricultural operations and will receive manure and green waste from these businesses. This site was chosen specifically because of its close proximity to the agricultural operations to provide them with a local facility to receive and compost their manure. This Facility would enable the existing agricultural operations to use a local composting Facility for properly handling their manure, thereby reducing unnecessary trips to more distant composting facilities. Additionally, the Facility will receive green waste from local communities to assist those communities in achieving their State-mandated recycling requirements. Moreover, a composting facility as proposed is an allowable use in the New Model Colony, subject to an approved Conditional Use Permit.*

In working with Staff on the project, it was understood that the buffer requirements of City Council Resolution No. 2013-127 were a City policy intended to guide development, but was not a mandatory requirement. There are in fact two sensitive receptors located in close proximity to the Facility: (1) Approximately 35 single-family and multi-family homes located on the west side of Euclid Avenue and 600 feet north of Schaefer Avenue in the City of Chino; and (2) a church with a day care is located at the northeast corner of Fern Avenue and Edison Avenue in the City of Chino. In compliance with City Council Resolution 2013-127, Harvest Power would receive and process green waste in the portion of the site that is outside of the ½ mile radius from the residents. Exhibit 1 (see Appendix C) depicts the area that the green waste will be processed, and indicates that it is farther than ½ mile from the residents. Given the confusion about the precise location of the intended activities at the Facility, the specific areas for the composting of manure and green materials are now identified more clearly on Exhibit 1 (see Appendix C). The Exhibit demonstrates the Facility will compost manure only within the northwest quadrant of the Facility as shown in Exhibit 1 (see Appendix C); whereas the remainder of the Facility will be permitted to receive both manure and green waste as the supply of material dictates. In no instance will the manure and green waste be co-mingled into a single pile. The church and daycare facility are located on a single lot that is primarily located at the northeast corner of Fern Avenue and Edison; however, there is a driveway from Euclid. The church and daycare are located in two separate and distinct buildings on the property. As shown on Exhibit 2 (see Appendix D), the entire daycare facility is located more than ½ mile from the southwestern boundary of the Facility. However, the church and driveway are within ½ mile of the facility. As discussed above, it appears there was confusion by the Zoning Administrator on how the facility would operate and the manure and green waste will not be mixed. Similar to the residences, Exhibit 2 (see Appendix D) demonstrates that the green waste will be processed outside of the ½ buffer from the church property. Based on the foregoing and as shown in Exhibits 1 and 2 (see Appendices C and D), the Facility meets the City Council Resolution because it's green waste processing/composting is located ½ mile from both the residents and the church/daycare.

Staff Response: The appellant has clarified that the project site is consistent with the Policy Plan component of The Ontario Plan. Exhibits 1 and 2 (Appendices C and D) demonstrate that the operation of the facility complies with Resolution No. 2013-127 and adequately addresses the concerns stated by the Zoning Administrator.

Zoning Administrator Finding 2: The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located, including Article 1: Purposes and Objectives. City Council Resolution No. 2013-127 identifies the intent of the guidelines as providing distance criteria for new composting facilities stemming from resident input at neighborhood meetings on composting facility applications and based on an “outpouring of testimony against the location of these composting facilities. The reasons stated for the opposition includes odors, dust, pathogens, and increased truck traffic along existing streets.” The application encroaches into the distance separation identified between composting facilities and residential and sensitive land uses.

Appellant Statement: *Harvest Power is proposing to locate the green waste processing on the eastern and southeastern portion of the site so it is also outside of the ½ mile buffer from the residential and sensitive land uses. With this operational change, the Facility is in compliance with the buffer requirements of City Council Resolution 2013-127. The Facility will comply with the conditions of approval and mitigation measures required by the City as well as receive the required composting permits from the AQMD, the Regional Water Quality Control Board – Santa Ana Region and CalRecycle. Each of these agencies has its own set of regulation for composting operations and Harvest Power will comply with each agency’s permits.*

Staff Response: The appellant has shown that the project site will be consistent with the Ontario Development Code and shall be compliant with Resolution No. 2013-127 through Exhibits 1 and 2 (see Appendices C and D).

Zoning Administrator Finding 3: Traffic generated by the proposed Conditional Use Permit may overload the capacity of the surrounding street system. Schaefer Avenue is currently a two-lane road, sized to accommodate anticipated trips associated with agricultural uses. A typical dairy anticipates 12-15 truck trips per week. The project proposes up to 50 trucks per day during normal operations and up to 100 trucks per day during peak season, a substantial increase over existing traffic.

Appellant Statement: *The Facility is located ¼ mile east of Euclid Avenue and Euclid Avenue is a designated truck route. The Facility encompasses two former dairies. Based on information from local dairyman, each dairy generated approximately 8 truck trips per day for milk, feed, manure and general deliveries for a total of 16 trips per day. The Zoning Administrator mistakenly references that the prior operators generated 15 truck trips per week.*

Although the number of trips is expected to increase to an average of 50 trucks per day (and could increase to 75-100 trips per day during the spring and fall seasons), the City's Engineer Department determined that the increase in trips could be accommodated by specific road improvements. Specifically, the Engineering Department required the Facility to install the following:

- *Design/construct an inbound right-turn lane 100 feet long plus required transition (Engineering Condition No. 2),*
- *Consolidate the existing westerly driveway into new proposed driveway and provide truck turning templates to show adequate ingress and egress by semi-trucks (Engineering Condition No. 4), and*
- *Design/Construct driveway throat to accommodate.*

Exhibit 3 (see Appendix E) is a site plan for the Facility that also depicts the above traffic improvements. Based on the review by the City's Engineering Department, the traffic generated by the Facility will not impact Schaefer Avenue.

Staff Response: The appellant has demonstrated that that the project site will not overload the capacity of the surrounding street system as the proposed land use is consistent with the agricultural uses. In addition, the conditions of approval will appropriately mitigate issues that may occur within the surrounding street system.

Zoning Administrator Finding 4: The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes, including Division 5.03 *Standards for Certain Land Uses, Activities and Facilities*. City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a ½-mile separation between green waste facilities and residential properties and sensitive land uses. The project location is less than ½-mile from residential property and a church with daycare services.

Appellant Statement: *With the clarification about the location of the processing of the green waste, the Facility complies with the applicable provisions of the Ontario Development Code, Municipal Code and City Council Resolution 2013-127. As described in previous sections and in Exhibits 1 and 2 (Appendices C and D), the Facility's green waste will meet the ½ mile buffer from the residences and the church/day care property. The Facility has been thoroughly reviewed by the City Departments and each Department assigned appropriate conditions of approval. Staff's analysis of the project and recommendation of approval was and is accurate.*

Staff Response: The appellant has shown that the project site will be consistent with the Ontario Development Code and shall be compliant with Resolution No. 2013-127 through Exhibits 1 and 2.

CONCLUSION: Staff recommends that the Planning Commission consider all public testimony on the appeal and, after receiving all testimony, take one of the following actions:

- 1) Uphold the Zoning Administrator's decision and deny the appeal; or
- 2) Approve the Conditional Use Permit application, overturning the Zoning Administrator's decision, subject to the conditions contained in Appendix F, with the added conditions that all green waste composting shall be conducted at least ½-mile from sensitive land uses (as shown in Appendices C and D) and that no digestate (fats, oils and grease) be composted on-site.

AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE: The project site is located within the Airport Influence Area of Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines. Furthermore, to ensure that the mitigation measures are implemented, a Mitigation Monitoring and Reporting Program has been prepared for the Project pursuant to CEQA Guidelines Section 15097, which specifies responsible agencies/departments, monitoring frequency, timing and method of verification and possible sanctions for non-compliance with mitigation measures. The environmental documentation for this project is available for review at the Planning Department public counter.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Dairy Cattle Ranch	LMDR / OS-NR	SP(AG)
<i>North</i>	Dairy Cattle Ranch	LDR	SP(AG)
<i>South</i>	Dairy Cattle Ranch	LMDR / MDR / OS-NR	SP(AG)
<i>East</i>	Water Treatment Facility	LDR / OS-NR	SP(AG)
<i>West</i>	Dairy Cattle Ranch	MDR / OS-NR	SP(AG)

APPENDIX A
Zoning Administrator Decision No. 2015-26

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-026

HEARING DATE: November 24, 2015

DECISION DATE: December 8, 2015

FILE NO.: PCUP15-016

SUBJECT: A Conditional Use Permit to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76-acre portion of a 37.4-acre parcel of land within the AG\SP (Agriculture Overlay) zoning district, located at the southwest corner of Schaefer Avenue and Campus Avenue, at 7435, 7345 and 7365 East Schaefer Avenue.

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

HARVEST POWER, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP15-016, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 37.4 acres of land located at 7435, 7345 and 7365 East Schaefer 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>Site</i>	Dairy Cattle Ranch	LMDR / OS-NR	SP(AG)
<i>North</i>	Dairy Cattle Ranch	LDR	SP(AG)
<i>South</i>	Dairy Cattle Ranch	LMDR / MDR / OS-NR	SP(AG)
<i>East</i>	Water Treatment Facility	LDR / OS-NR	SP(AG)
<i>West</i>	Dairy Cattle Ranch	MDR / OS-NR	SP(AG)

Approved By:
CM Senior Planner

(b) Project Analysis:

(1) Background—Harvest Power is proposing to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on the site of a former dairy farm, located at the southeast corner of Schaefer Avenue and Campus Avenue (**Exhibit A: Aerial Map**). The facility will clean, screen, grind, blend, and compost organic materials, including green materials (trimmings), manure, digestate from anaerobic digestion of food and green sources, and small amounts of food materials, such as fats, oils, and grease. Landscape maintenance vehicles will deliver the material to the site for processing. The majority of the green material entering the site will already be cleaned and ground. The unground green materials, and any food materials, will be processed through a grinder. Grinding equipment will reduce all plant debris by chopping it into a fine material. Once processed, the compost product will be sent to the staging area, where it will either be sold directly in bulk or mixed with other amendments, such as gypsum, to form specialized products (**Exhibit B: Site Plan**). The staging process is necessary to destroy any bacteria that may be within the material. Once the staging process is complete, the material is available for use as a mulch or ground cover. Harvest Power is anticipating that a majority of the processed material will be sold to wholesalers, with a small portion sold directly to customers. During normal operation, an average of 35-50 truck trips for material delivery and/or pickup will occur per day and may increase to 75-100 trucks per day during peak seasons in the fall and spring.

The project site is a former dairy farm. As a result, the site was designed to retain all dirt/manure onsite, during rain events (**Exhibit C: Site Photos**). The site has been graded so that all water drains internally into a central retention area. At the southeast portion of the site, there are two additional stormwater ponds for additional water retention. Furthermore, the facility perimeter will be bermed to prevent water from entering or leaving the site. In the event of a future rain, green waste material would not drain off the site. The retention system previously used when the dairy farm was active will be continued to be used and operated.

(2) Operations—The facility will operate from 6:00am through 6:00pm, Monday to Saturday, and employ approximately 10 people. The public will not generally access the site; however, individual landscapers may be able to recycle green materials and purchase compost from the site. Composting operations include the import of, on average, 500 combined tons per day of green waste and cattle manure from landscaping companies and dairies in the surrounding area. The amount may go up to 1,000 tons per day during the fall and spring seasons, as those are peak seasons for green materials productions. The manure will be stored on-site and will be treated until it has been fully composted. The finished compost product will be placed into separate piles, where it is either sold directly in bulk or mixed with other amendments such as gypsum, to form specialized products. During the composting process, the material will be placed into windrows, not exceeding 15-feet in height, 25-feet in width, and 250-feet in length, for fire protection measures, pursuant to the Ontario Fire Department's standard requirements.

No additional new buildings will need to be constructed as a result of the composting use. The existing on-site building located at the main entrance will adequately serve the use in providing office and employee space. The residences at 7435, 7445, and 7477 E. Schaefer Avenue (northeastern portion of the site) will remain residential, and will not be part of the composting facility operation. Machinery, including a compost turner, grinder, trommel screen (used to separate materials by size), loaders, a scale, and a water truck, and various other smaller pieces of equipment, will be brought on-site in support of the use.

Harvest has several facilities across North America, including two large windrow composting facilities in the Central Valley. The facility design will comply with the State of California/Regional Water Resources Control Board General Order for Composting Facilities, South Coast Air Quality Management District, CalRecycle and Regional Water Quality Control Board. In addition, mandated Best Management Practices and testing for minimizing dust, odor, and leachate will be adhered to and records kept demonstrating compliance. Prior to operation of the facility, Harvest will install Decagon soil moisture probes into the lowest point of the large north-south oriented pond to monitor soil moisture, soil electrical conductivity and temperature. These probes will be installed at 1', 2', and 5' depths in the event that water collects in the pond. These probes will provide a means of monitoring water infiltration into the ground. By monitoring the probes and documenting soil moisture, assurance can be provided that even in the event water collects in the pond, it is not infiltrating to a depth of 5' below ground level. In the event that the probe at the 5' depth level becomes saturated, Harvest can modify the pond's surface to further reduce infiltration.

A minimal amount of site work will be necessary to implement the use. The primary entrance to the site, located on the northwestern portion of the site, from Schaefer Avenue, will be reconstructed to support trucks and utilize rumble plates to prevent material from leaving the site. The entrance to the facility will be paved with asphalt and from there, "all weather" surface will continue through to the truck scale area. The roads throughout the rest of the facility will be an "all-weather" surface material, pursuant to the Ontario Fire Department's standard requirements. The driveway at the eastern edge of the site will be used for emergency entrance and exit only, in which the applicant will provide signage accordingly. In addition, berms will be constructed along the entire perimeter of the facility to screen the composting use from view, as well as prevent material from leaving the site during a rainstorm event. The berms will be regularly inspected and repaired as needed. Additionally, a landscaped berm will be constructed along Schaefer Avenue, from the proposed office on the west to the residences on the east, to provide for additional screening. Also, the existing ranch houses along Schaefer Avenue will screen the composting operations behind, from street view.

The site generally drains to the south, whereby wastewater from rain storms or general operations will drain into an existing retention area, which was designed previously as part of the site's engineered waste management plan, to contain animal waste runoff, when the site was an operating dairy cattle ranch. This drainage system and waste

retention basin will remain in effect to support the green waste and manure composting use. Additionally, two high capacity water tanks will be installed near the two wells on site, around the perimeter of the composting area, to provide irrigation service for the composting process, as well as fire mitigation (**Exhibit B: Site Plan**).

(3) Surrounding Sensitive Uses—The project site is located approximately one-half mile from the nearest residential tract (**Exhibit D: Buffer Map**). Between the manure composting site and the nearest residential tract, are several operating dairy cattle ranches and a plant nursery. Due to the distance between the project site and the nearest residential tract, it is not anticipated that the manure composting use will create any impacts above and beyond those that are typically associated with the other agricultural uses existing throughout the surrounding area.

(4) Land Use Compatibility—The project site is located within the Specific Plan (Agriculture) zoning district. Within this district, green waste processing facilities are a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses within the surrounding area will not be exposed to any impacts resulting from the green waste processing facility beyond those that would normally be associated with any other use similarly allowed within the Specific Plan (Agriculture) zoning district. However, the City of Chino currently owns property adjacent to the east of the project site and has expressed concerns regarding the proposed land use. The Chino site is currently being developed to serve as the Eastside Water Treatment Facility with reservoir storage facilities and pumping station. The City of Chino has opposed the project due to the possible groundwater and air quality concerns (**Exhibit E: City of Chino Comments**). Below are Chino's concerns and staff's response:

- Groundwater quality impacts from potential contaminants leaching into the groundwater as a result noted composted materials/wastes, especially the fats, grease and oils.

Harvest will install Decagon soil moisture probes into the lowest point of the large north-south oriented pond to monitor soil moisture, soil electrical conductivity and temperate. These probes will be installed at 1', 2', and 5' depths in the event that water collects in the pond. These probes will provide a means of monitoring water infiltration into the ground. By monitoring the probes and documenting soil moisture, assurance can be provided that even in the event water collects in the pond, it is not infiltrating to a depth of 5' below ground level. In the event that the probe at the 5' depth level becomes saturated, Harvest can modify the pond's surface to further reduce infiltration. The probes soil moisture, conductivity, and temperature data will be recorded and transmitted by a 3G cellular device to a remote server for storage and internet accessibility. In addition, Harvest will comply with a Stormwater Pollution Prevention Plan (SWPPP) and Odor Minimization Plan to facilitate for any off-site nuisance.

- Impairment of stored drinking water from odors and particulates migrating towards the City's vented reservoir storage facilities (one – 4 million gallon reservoir, and one ½ million gallon reservoir) and water treatment plant building from prevailing southwest winds.

The facility is required to develop an Odor Impact Mitigation Plan (OIMP) to comply with the full CalRecycle permit. The OIMP includes contact information and specific protocols designed to prevent odor, and address odor issues if they do arise. The OIMP focuses on processes to prevent odor from migrating off site during the feedstock delivery, composting and curing phases and the protocol to deal with odor issues if they do arise. The processes include standard BMPs such as mixing the commingled materials with green materials immediately upon arrival at the site, and incorporating into compost windrows (or CASP) as soon as possible within a maximum of 48 hours, and all the process protocols detailed in AQMD Rule 1133.3. Watering of windrows is required prior to or during turning mitigating emissions and dust. The turning of windrows helps ensure proper density and porosity for oxygen transfer and prevents anaerobic odors. A specific protocol for neighbor notification and response to neighbor issues is also included. The facility will be required to comply with this OIMP; oversight will be conducted by employees of the San Bernardino County Health Department as local enforcement for CalRecycle. The final copy will be approved by CalRecycle and a copy will be forwarded to the County. The documents required by CalRecycle also include vector attraction reductions protocols to ensure that flies are not an issue on or off the site.

- Windblown debris/trash accumulating along the fence-line of the two neighboring properties.

Harvest will contract with haulers directly to control the materials entering and leaving the site. Majority of the green materials coming to the site will already be clean and ground. In addition, the composting facility will provide limited access to the general public. This allows for the composting facility to regulate the incoming materials and prevent excessive debris and trash to accumulate on site.

- Negative effects to City facilities from vectors attracted to the composting facility.

The project site is a former dairy farm. As a result, the site was already designed and has already been graded so that all water drains internally into a several storage basins. The storage basins will be inspected annually and cleaned as needed or if accumulated sediment/debris is found. In addition, on site staff will walk the site regularly to monitor the perimeter of the site throughout the day to ensure that there is no off site nuisance from odor, vectors or debris generated from the composting facility.

- Dust created by truck traffic accessing the site via the unpaved access road boarding adjacent to the City's property.

The composting facility is set back at minimum of 100' from the eastern property line and there are no travel corridors in this setback. The existing driveway on the eastern boundary will be used for emergency entrance and exit only, in which the applicant will provide signage accordingly. A row of trees along the eastern boundary and a berm also separate the two properties. The primary entrance to the site, located on the northwestern portion of the site, from Schaefer Avenue, will be reconstructed to support trucks and utilize rumble plates to prevent material from leaving the site. The entrance to the facility will be paved with asphalt and from there, "all-weather" surface will continue through to the truck scale area. The roads throughout the rest of the facility will be an "all-weather" surface material, pursuant to the Ontario Fire Department's standard requirements. In addition, low emissions requirements are set forth in the mitigation measures in the Mitigation Monitoring Reporting Program.

- Potential for fire created from heat generated by compost piles (a recent fire occurred at the intersection of Chino Avenue and Grove Avenue). These compost fires are typically allowed to burn themselves out. The stifling plumes of smoke would infiltrate the venting systems of the Chino facilities causing health concerns.

The applicant will abide by the current California Fire Code and all related standards. The applicant will operate under the fire protection plan developed in cooperation with the Ontario Fire Department. The Fire Department will have keys to all gates at the facility. Water tanks will be designed and equipped so as to couple with fire department equipment. In addition, all materials will be continuously monitored for temperature and moisture and turned to ensure that it meets the time and temperature reduction requirements for pathogen reduction set by CalRecycle and for reduction of Volatile Organic Compounds (VOC) as required by the Air District.

Staff believes the conditions of approval will serve adequate to mitigate any issues that have been mentioned.

(c) Airport Land Use Compatibility Plan: This 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(d) 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.

(e) Assembly Bill No. (AB52) Consultation: The City of Ontario consulted with the Soboba Band of Luiseño Indians pursuant to AB52. The consultation included contacting the local Native American individuals identified by the NAHC via informative letters mailed on August 24, 2015. Consultation with the Soboba Band had occurred on October 21, 2015, and based on the disturbed nature of the area to support the agricultural use, the Soboba Band did not have any specific concerns regarding known cultural resources in the specified areas that the project encompasses and, therefore, has concluded consultation of the project.

(f) 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.

(g) Correspondence: As of the preparation of this Decision, Planning Department staff has received both written and verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application. The concerns were mainly focused on the operations of the composting facility and the kinds of impacts that would affect the surrounding areas. Staff further stated that the concerns would be noted as part of the analysis of the proposed project.

PART B: RECITALS

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

WHEREAS, Ontario Municipal Code Section 9-1.0405(f) provides 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, on October 19, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Scott Murphy, the Zoning Administrator opened the public hearing and indicated that staff has requested to continue the item to the next regular Zoning Administrator meeting on November 2, 2015.

(b) There being no one else to offer testimony regarding the application, the Zoning Administrator continued public hearing; and

WHEREAS, on November 2, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Scott Murphy, the Zoning Administrator opened the public hearing and indicated that staff has requested to continue the item indefinitely until further issues have been resolved. The Zoning Administrator recommended a special meeting be conducted for the item and staff agreed to notice the item for a special Zoning Administrator hearing on November 24, 2015.

(b) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing; and

WHEREAS, on November 24, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed special public hearing on the application, as follows:

(a) Jeanie Irene Aguilo, *Assistant Planner*, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Scott Murphy, the Zoning Administrator opened the public hearing had several questions regarding the information about digestate from anaerobic digestion of food and green sources, truck routes, clarification about "all weather" surfaces, and the use of probes for monitoring saturation and the ponds.

(c) Ms. Aguilo had replied that the Applicant can answer in regards to the digestate and probes information. She had also stated that the main truck route is on Euclid Avenue to Schaefer Avenue. Trucks would queue at the northwestern entrance on Schaefer Avenue to be weighed on the scale. The drive approach would be constructed to support trucks and utilize rumble plates to prevent material from leaving the site. The roads throughout the rest of the facility will be an "all-weather" surface material, which is compacted gravel.

(d) Mr. Murphy then proceeded to ask questions about the Conditions of Approval including a conflict between Planning Department conditions regarding berm setback. In addition, Mr. Murphy asked how condition 8.4 regarding nuisance issues will be addressed.

(e) Ms. Aguilo responded that the condition will be corrected to state that the berms shall be set back at least 10 feet from public right of ways boundaries and 5 feet from any other property lines or one half the height of the berm, whichever is greater. Mr. Zeledon also stated that the nuisance will be based complaints.

(f) Mr. Murphy had no further questions for staff and stated that two letters had been received dated November 24, 2015 from the City of Chino and Betty and Case Zwart opposing the project.

(g) Linda Novick, the applicant/representing the applicant, explained the business operation and spoke in favor of the application.

(h) Mr. Murphy had asked Ms. Novick about what the digestate from anaerobic digestion of food and green sources was regarding and the use of fats, oils, and grease. In addition, he asked about the ponds, odor impacts, and if there is an immediate need for a grinder.

(i) Ms. Novick had stated that majority of those items would be food and green materials collected from surrounding contracted municipalities and landscaping businesses. The fats, oils, and grease is used for natural convection ventilation for composting piles. She stated that the three ponds are 25 year, 24 hour ponds. She states that Harvest will comply with odor mitigation plans to prevent off-site odors. She had also explained that it is anticipated that majority of the materials coming on site will already be ground, but would prefer that the permit allow for a grinder if necessary in the future.

(j) Mr. Murphy had asked if Ms. Novick had any questions regarding the Conditions of Approval. Ms. Novick had stated she is fine with them and thanked staff for working with them. Mr. Murphy then opened it up for public testimony.

(k) Landon Kern, Associate Civil Engineer, from the City of Chino appeared and spoke. He stated that they have some concerns with their water treatment facility just to the east of the proposed site. He further stated that he had concerns with the location of the proposed project in regards to the prevailing winds, water quality, and public health.

(l) Gil Aldaco, Water Utilities Supervisor, from the City of Chino appeared and spoke against the project and reiterated the issues brought up by his colleague Mr. Kern.

(m) Ed Haringa, rents property at 7520 Schaefer Avenue, closest to the site and owns property at 7439 Chino Avenue. He appeared and spoke against the project. He had stated that he represents family owned cattle dairy farms and was speaking on behalf of 6 families. He mentioned the issues he has dealt with to other composting facilities in the area, concerns about air quality, and increased traffic.

(n) Gary Reitsma, resides at 8089 Chino Avenue, appeared and spoke against the project because the site is not within an enclosed building and the Santa Ana winds will be an issues.

(o) Rob Vandenheuvel, representing the Milk Producers Council, a non-profit organization, appeared and spoke against the project. He referenced Resolution 2013-127 and brought up the requirement for sensitive land uses.

(p) 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 C: THE DECISION

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

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

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(1) The proposed location of the requested Conditional Use Permit will not be consistent with the Policy Plan component of The Ontario Plan and may be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The Ontario Plan (TOP) Policy LU2-2, Buffers, states “We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.” Policy LU2-5, Regulation of Uses, states “We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.” City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a ½-mile separation between green waste facilities and residential properties and sensitive land uses (schools, day care facilities, elderly care facilities, hospitals, etc.). The project location is less than ½-mile from residential property and a church with day care services.

(2) The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located, including Article 1: Purposes and Objectives. City Council Resolution No. 2013-127 identifies the intent of the guidelines as providing distance criteria for new composting facilities stemming from resident input at neighborhood meetings on composting facility applications and based on an “outpouring of testimony against the location of these composting facilities. The reasons stated for the opposition includes odors, dust, pathogens, and increased truck traffic along existing streets.” The application encroaches into the distance separation identified between composting facilities and residential and sensitive land uses.

(3) Traffic generated by the proposed Conditional Use Permit may overload the capacity of the surrounding street system. Schaefer Avenue is currently a two-lane road, sized to accommodate anticipated trips associated with agricultural uses. A typical dairy anticipates 12-15 truck trips per week. The project proposes up to 50 trucks per day during normal operations and up to 100 trucks per day during peak season, a substantial increase over existing traffic.

(4) The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes, including Article 13: Land Use and Special Requirements and Article 32: General Development Requirements and Exceptions. City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a ½-mile separation between green waste facilities and residential properties and sensitive land uses. The project location is less than ½-mile from residential property and a church with daycare services.

(c) The Zoning Administrator hereby finds and determines that 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.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby **denies** File No. PCUP15-016.



APPROVED by the Zoning Administrator of the City of Ontario on this 8th day of December 2015.



Scott Murphy
Zoning Administrator

Exhibit A: Aerial Map

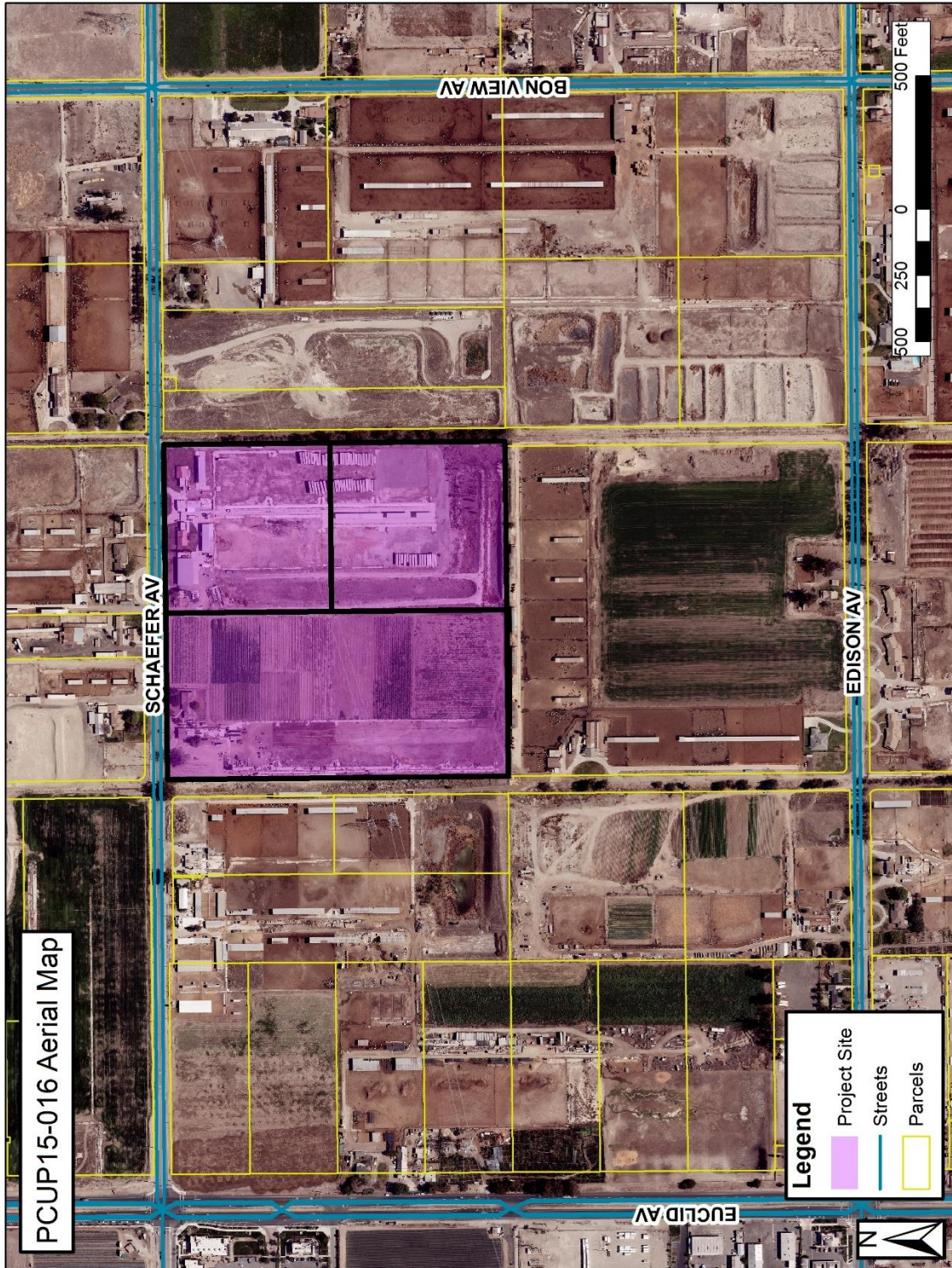


Exhibit C: Site Photos



PLANNING DEPARTMENT CONDITIONS OF APPROVAL
FILE NO.: PCUP15-016

Jeanie Aguilo

From: Aldaco, Gil [GALdaco@CityofChino.org]
Sent: Monday, July 20, 2015 2:39 PM
To: Jeanie Aguilo
Cc: Chris Lovell; Crosley, Dave; Ruiz, Frank; Himaya, Tomas; Vicario, Pete; Kern, Landon; sandrews@sandrewsengineering.com
Subject: File No. PCUP15-016 (7435 Schaefer Avenue)

Good afternoon Jeanie,

The land use would seem to be a fitting operation except for the neighboring drinking water facilities. As you know, the City of Chino is constructing a multi-million dollar water treatment facility, reservoir storage facilities, and pumping station on the neighboring property (7537 Schaefer Avenue). In regards to the proposed land use, I have the following concerns:

1. Groundwater quality impacts from potential contaminants leaching into the groundwater as a result noted composted materials/wastes, especially the fats, grease and oils.
2. Impairment of stored drinking water from odors and particulates migrating towards the City's vented reservoir storage facilities (one – 4 million gallon reservoir, and one ½ million gallon reservoir) and water treatment plant building from prevailing southwest winds.
3. Windblown debris/trash accumulating along the fence-line of the two neighboring properties.
4. Negative effects to City facilities from vectors attracted to the composting facility
5. Dust created by truck traffic accessing the site via the unpaved access road boarding adjacent to the City's property.
6. Potential for fire created from heat generated by compost piles (a recent fire occurred at the intersection of Chino Avenue and Grove Avenue). These compost fires are typically allowed to burn themselves out. The stifling plumes of smoke would infiltrate the venting systems of the Chino facilities causing health concerns.

This list is preliminary and subject to additional concerns brought to light by others of my agency. Based on the short list of concerns I would recommend rejection of the CUP proposal. Should you have any questions or desire to discuss my comments please do not hesitate to call.

Gilbert R. Aldaco
Water Utilites Supervisor
City of Chino Public Works
5050 Schaefer Avenue
Chino, CA 91710
909.334.3425
galdaco@cityofchino.org

APPENDIX B
Appellant Statement

Appeal of Zoning Administrator Decision – PCUP 15-106

Harvest Power California, LLC, submits the following in support of its appeal of the denial of Conditional Use Permit 15-016 (“PCUP 15-016”) to allow an organic materials composting facility. Based on the following information, Harvest Power requests the Planning Commission reverse the Zoning Administrator’s denial and approve PCUP 15-016 subject to the conditions of approval proposed by City staff.

Background

On December 8, 2015, the City of Ontario Zoning Administrator (“Zoning Administrator”) denied PCUP 15-016 to allow Harvest Power California, LLC (“Harvest Power”) to construct and operate a 34.76-acre organic waste composting facility (“Facility”) at the southwest corner of Schaefer Avenue and Campus Avenue, at 7435, 7345 and 7365 East Schaefer Avenue. The Facility is proposed on land that was previously occupied by two dairies. The Facility will receive, process (i.e., grind, compost and cure) and market compost made from manure and compost made from green waste. The Facility will not mix or otherwise combine (“co-compost”) the manure and green waste, and each of these feed-stocks will be received, processed and marketed separately.

City Staff analyzed and recommended approval of PCUP 15-016 subject to conditions that would ensure compliance with not only the City’s Development Code but also with State law. Notwithstanding Staff’s recommendation, however, the Zoning Administrator denied PCUP 15-016 based on inaccurate information and/or a misunderstanding of the project. An analysis of the Zoning Administrator’s decision is set forth below.

(Please note that the numbering follows the findings listed in the December 8, 2015, Zoning Administrator’s decision. Language directly from the Zoning Administrator’s decision is written in **bold** typeface.)

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

The staff report for the project is accurate; however, the Zoning Administrator’s decision, specifically the findings, contains several inaccurate facts about the Facility that were incorrectly used as a basis for the denial.

- (b) **Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:**

(1) The proposed location of the requested Conditional Use Permit will not be consistent with the Policy Plan component of the Ontario Plan and may be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The Ontario Plan (TOP) Policy LU2-2, Buffers, states “We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.” Policy LU2-5, Regulation of Uses, states “We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.” City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a 1/2-mile separation between green waste facilities and residential properties and sensitive land uses (schools, day care facilities, elderly care facilities, hospitals, etc.). The project location is less than 1/2-mile from residential property and a church with day care services.

Contrary to the characterization in the Zoning Administrator’s decision, the Facility is compatible with surrounding uses. The Facility is generally surrounded by operating dairies and agricultural operations and will receive manure and green waste from these businesses. In fact, this site was chosen specifically because of its close proximity to the agricultural operations to provide them with a local facility to receive and compost their manure. This Facility would enable the existing agricultural operations to use a local composting Facility for properly handling their manure, thereby reducing unnecessary trips to more distant composting facilities. Additionally, the Facility will receive green waste from local communities to assist those communities in achieving their State-mandated recycling requirements. Moreover, a composting facility as proposed is an allowable use in the New Model Colony, subject to an approved Conditional Use Permit.

In working with Staff on the project, it was understood that the buffer requirements of City Council Resolution No 2013-127 were a City policy intended to guide development, but was not a mandatory requirement. There are in fact two sensitive receptors located in close proximity to the Facility: (1) Approximately 35 single-family and multi-family homes located on the west side of Euclid Avenue and 600 feet north of Schaefer Avenue in the City of Chino; and (2) a church with a day care is located at the northeast corner of Fern Avenue and Edison Avenue in the City of Chino. Each of these sensitive receptors is discussed below.

The residences are located within the ½ mile radius of the Facility. Based on the Zoning Administrator’s decision, however, it appears there was a mistaken understanding about the Facility’s operations, and confusion as to whether the Facility would be mixing the green waste and manure. As discussed above, the Facility will process manure and green waste separately as required by the permits that Harvest Power will obtain from the South Coast Air Quality Management District (“AQMD”). Thus, in compliance with City Council Resolution 2013-127, Harvest Power would receive and process green waste in the portion of the site that is *outside* of the ½ mile radius from the residents. Exhibit 1 depicts the area that the green waste will be processed, and indicates that it is farther than ½ mile from the residents. Given the confusion about the precise location of the intended activities at the Facility, the specific areas for the composting of manure and green materials are now identified more clearly on Exhibit 1. The Exhibit demonstrates the Facility will compost manure only within the northwest quadrant of the Facility as shown in Exhibit 1; whereas the remainder of the Facility will be permitted to receive both manure and green waste as the supply of material dictates. In no instance will the manure and green waste be co-mingled into a single pile.

The church and daycare facility are located on a single lot that is primarily located at the northeast corner of Fern Avenue and Edison; however, there is a driveway from Euclid. The church and daycare are located in two separate and distinct buildings on the property. As shown on Exhibit 2, the entire daycare facility is located more than ½ mile from the southwestern boundary of the Facility. However, the church and driveway are within ½ mile of the facility. As discussed above, it appears there was confusion by the Zoning Administrator on how the facility would operate and the manure and green waste will not be mixed. Similar to the residences, Exhibit 2 demonstrates that the green waste will be processed outside of the ½ buffer from the church property.

Based on the foregoing and as shown in Exhibits 1 and 2, the Facility meets the City Council resolution because it’s green waste processing/composting is located ½ mile from both the residents and the church/daycare.

(2) The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located, including Article 1: Purposes and Objectives. City Council Resolution No. 2013-127 identifies the intent of the guidelines as providing distance criteria for new composting facilities stemming from resident input at neighborhood meetings on

composting facility applications and based on an “outpouring of testimony against the location of these composting facilities. The reasons stated for the opposition includes odors, dust, pathogens, and increased truck traffic along existing streets.” The application encroaches into the distance separation identified between composting facilities and residential and sensitive land uses.

As discussed above, Harvest Power is proposing to locate the green waste processing on the eastern and southeastern portion of the site so it is also outside of the ½ mile buffer from the residential and sensitive land uses. With this operational change, the Facility is in compliance with the buffer requirements of City Council Resolution 2013-127. The Facility will comply with the conditions of approval and mitigation measures required by the City as well as receive the required composting permits from the AQMD, the Regional Water Quality Control Board – Santa Ana Region and CalRecycle. Each of these agencies has its own set of regulation for composting operations and Harvest Power will comply with each agency’s permits.

The regulatory agencies and Harvest Power are acutely aware of the concerns raised by citizens about compost facilities and identified by the Zoning Administrator (i.e. odors, dust, pathogens and traffic), and all have enacted regulations to ensure that such concerns are adequately mitigated. Because the Facility will be permitted and operated in strict compliance with all applicable regulations for a composting facility, the issues expressed by the community will be adequately addressed. The existing regulations from both CalRecycle and the AQMD specify operating parameters the Facility must follow to meet odor and vector attraction reduction requirements and to not generate dust. Specifically, the CalRecycle regulations, enforced by the San Bernardino County Environmental Health Department, have specific operational parameters to achieve pathogen reduction and vector attraction reduction through the use of best management practices. CalRecycle is also responsible for odor management and requires an Odor Impact Management Program (OIMP) for the Facility. Harvest Power has prepared an OIMP for the Facility that is currently being reviewed by CalRecycle; this document will be provided to City staff for its review as well.

In addition, the AQMD has regulations for green material composting facilities. First, the AQMD controls Volatile Organic Compounds (“VOC”) reduction through Best Management Practices. Second, the AQMD mandates dust control from all operations at the Facility. The Facility will have a paved entrance road

and all access roads within the facility will have an all-weather surface for not only dust control but a lot to meet the requirement of the Fire Department. Watering will be used to control dust from the composting operations. Pursuant to AQMD rules, during periods of high winds, compost piles and surfaces are watered and not turned.

Further, the Facility will not result in a significant increase in traffic. The property on which the Facility will be located was once two operating dairies. The City's Traffic Engineer reviewed the application and has recommended conditions of approval to address the truck trips to and from the site. A detailed discussion on traffic and the City's conditions of approval to address traffic concerns is discussed in Section 3 below.

In summary, the Facility will obtain permits from not only the City, but also CalRecycle, AQMD and the Regional Board. Each of these agencies, including the City, has rigorous inspection and reporting programs with which the Facility must comply. Harvest Power has the expertise and operating experience to ensure the Facility complies with the various agencies' composting regulations and the City's conditions.

(3) Traffic generated by the proposed Conditional Use Permit may overload the capacity of the surrounding street system. Schaefer Avenue is currently a two-lane road, sized to accommodate anticipated trips associated with agricultural uses. A typical dairy anticipates 12-15 truck trips per week. The project proposes up to 50 trucks per day during normal operations and up to 100 trucks per day during peak season, a substantial increase over existing traffic.

The traffic from the Facility will not overload Schaefer Ave. The Facility is located ¼ mile east of Euclid Avenue and Euclid Avenue along a designated truck route. The Facility encompasses two former dairies. Based on information from local dairyman, each dairy generated approximately 8 truck trips per day for milk, feed, manure and general deliveries for a total of 16 trips per day. The Zoning Administrator mistakenly references that the prior operators generated 15 truck trips per *week*. Initially, the Facility will generate at approximately 20 trucks per day (only slightly more than the previous uses). Although the number of trips is expected to increase to an average of 50 trucks per day (and could increase to 75-100 trips per day during the spring and fall seasons), the City's Engineer Department determined that the increase in trips could be accommodated by specific road improvements. Specifically, the Engineering Department required the Facility to install the following:

- Design/construct an inbound right-turn lane 100 feet long plus required transition (Engineering Condition No. 2),
- Consolidate the existing westerly driveway into new proposed driveway and provide truck turning templates to show adequate ingress and egress by semi-trucks (Engineering Condition No. 4), and
- Design/Construct driveway throat to accommodate 3 semi-trucks (WB-67) stored in series (Engineering Condition No. 5).

Harvest Power is currently processing construction plans for these street improvements with the City's Engineering Department. Exhibit 3 is a site plan for the Facility that also depicts the above traffic improvements. Based on the review by the City's Engineering Department, the traffic generated by the Facility will not impact Schaefer Avenue.

(4) The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes, including Article 13: Land Use and Special Requirements and Article 32: General Development Requirements and Exceptions. City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a 1/2-mile separation between green waste facilities and residential properties and sensitive land uses. The project location is less than 1/2-mile from residential property and a church with daycare services.

With the clarification about the location of the processing of the green waste, the Facility complies with the applicable provisions of the Ontario Development Code, Municipal Code and City Council Resolution 2013-127. As described in previous sections and in Exhibits 1 and 2, the Facility's green waste will meet the 1/2 mile buffer from the residences and the church/day care property. The Facility has been thoroughly reviewed by the City Departments and each Department assigned appropriate conditions of approval. Staff's analysis of the project and recommendation of approval was and is accurate.

- (c) The Zoning Administrator hereby finds and determines that 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.**

Harvest Power concurs with this finding.

Summary

Harvest operates over 35 facilities in North America, including two similar composting facilities in California's Central Valley. The facilities in California are located in agricultural areas, with scattered residences nearby. The facilities operate in strict compliance with local, regional and state-wide regulations. In addition, Harvest Power operates composting facilities in other states that are located in urbanized areas. These facilities are managed and operate in compliance with the applicable local and state laws. Approval of PCUP15-016 will enable the establishment of a composting facility that will be fully permitted to current regulations as well as provide a facility that can assist the agricultural operators to manage their manure as well as the City of Ontario to meet State mandated recycling goals.

APPENDIX C

Appellant Exhibit 1 – North Receptor

SENSITIVE RECEPTOR / RESIDENTIAL

HARVEST-ONTARIO SENSITIVE RECEPTOR EXHIBIT NORTHERN RECEPTOR

7435 & 7345/7365 SCHAEFER AVENUE, ONTARIO, CA 91761







1/4 MILE RADIUS LINE FROM NORTHERN SENSITIVE RECEPTORS

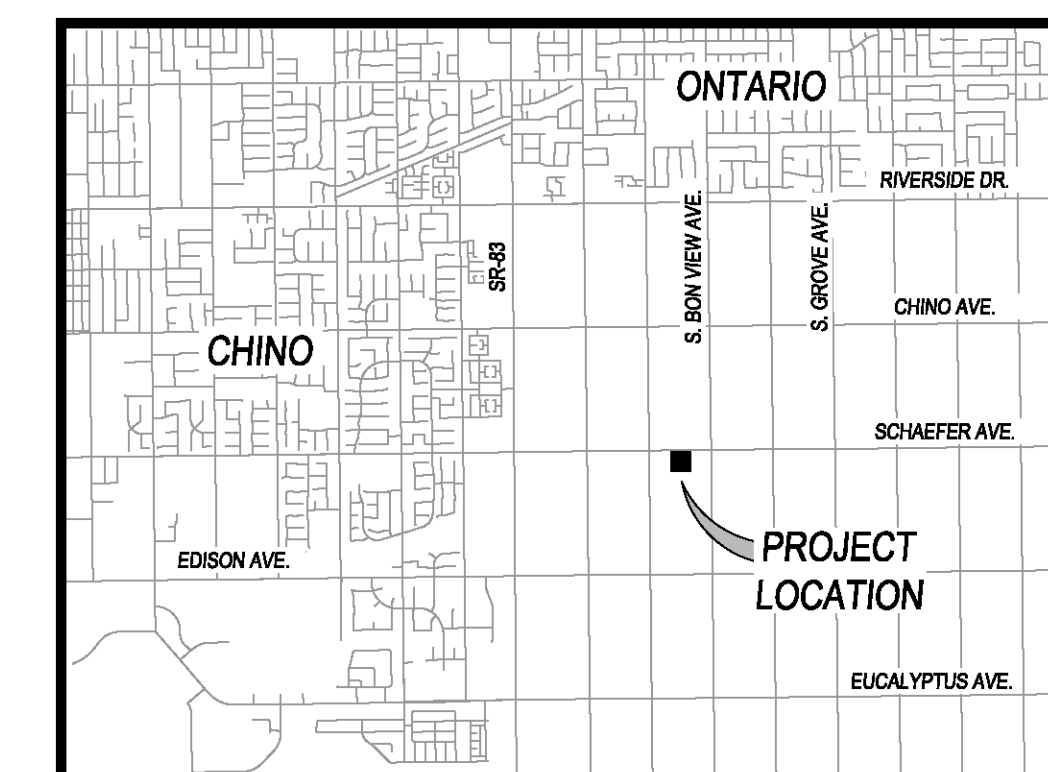
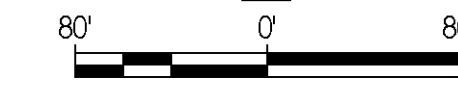
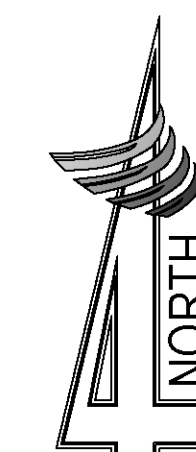
1/2 MILE RADIUS LINE FROM NORTHERN SENSITIVE RECEPTORS

2640.00'

1320.00'

LEGEND

-  1/4 MILE RADIUS FROM SENSITIVE RECEPTOR
-  1/2 MILE RADIUS FROM SENSITIVE RECEPTOR
-  SENSITIVE RECEPTOR
-  DAY CARE FACILITY
-  MANURE COMPOSTING PERMITTED
-  GREEN MATERIAL COMPOSTING PERMITTED



VICINITY MAP
SCALE: NTS

PLEASE NOTE: AERIAL, PROPERTY LINES AND OTHER ITEMS ARE FOR REPRESENTATION ONLY AND NOT BASED UPON A TOPOGRAPHICAL SURVEY





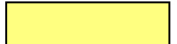

APPENDIX D

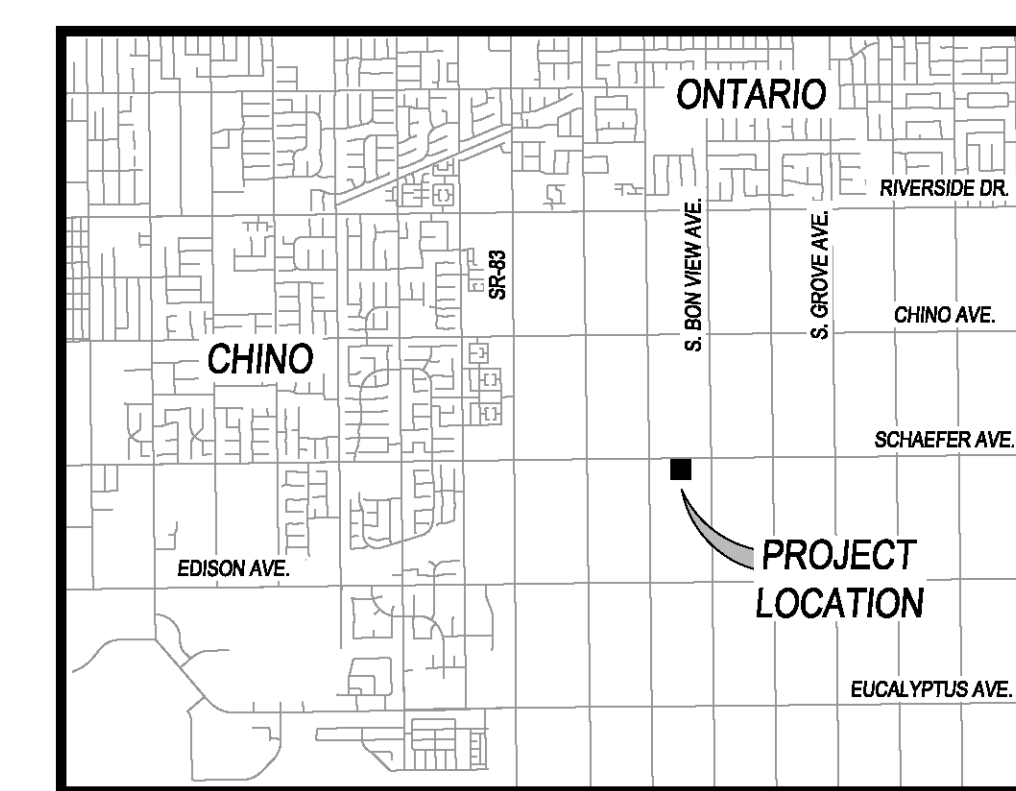
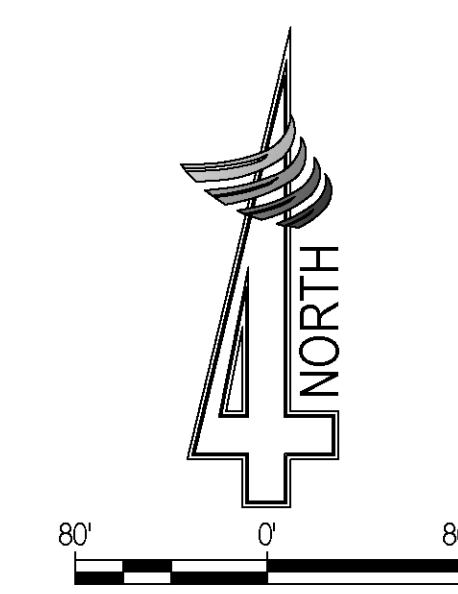
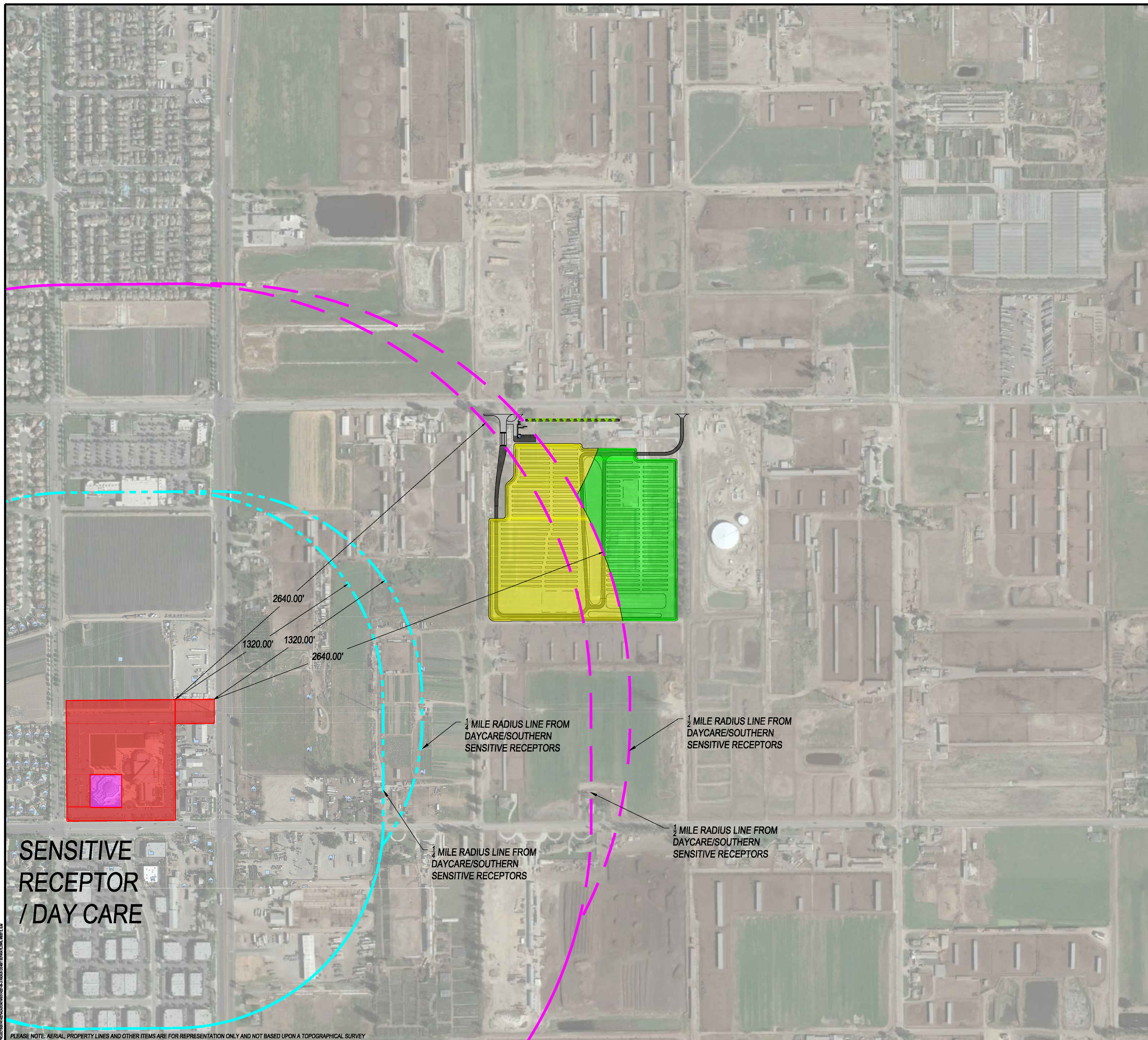
Appellant Exhibit 2 – South Receptor

HARVEST-ONTARIO SENSITIVE RECEPTOR EXHIBIT SOUTH RECEPTOR

7435 & 7345/7365 SCHAEFER AVENUE, ONTARIO, CA 91761

LEGEND

-  1/4 MILE RADIUS FROM SENSITIVE RECEPTOR
-  1/2 MILE RADIUS FROM SENSITIVE RECEPTOR
-  SENSITIVE RECEPTOR
-  DAY CARE FACILITY
-  MANURE COMPOSTING PERMITTED
-  GREEN MATERIAL COMPOSTING PERMITTED



VICINITY MAP
SCALE:NTS

PLEASE NOTE: AERIAL, PROPERTY LINES AND OTHER ITEMS ARE FOR REPRESENTATION ONLY AND NOT BASED UPON A TOPOGRAPHICAL SURVEY

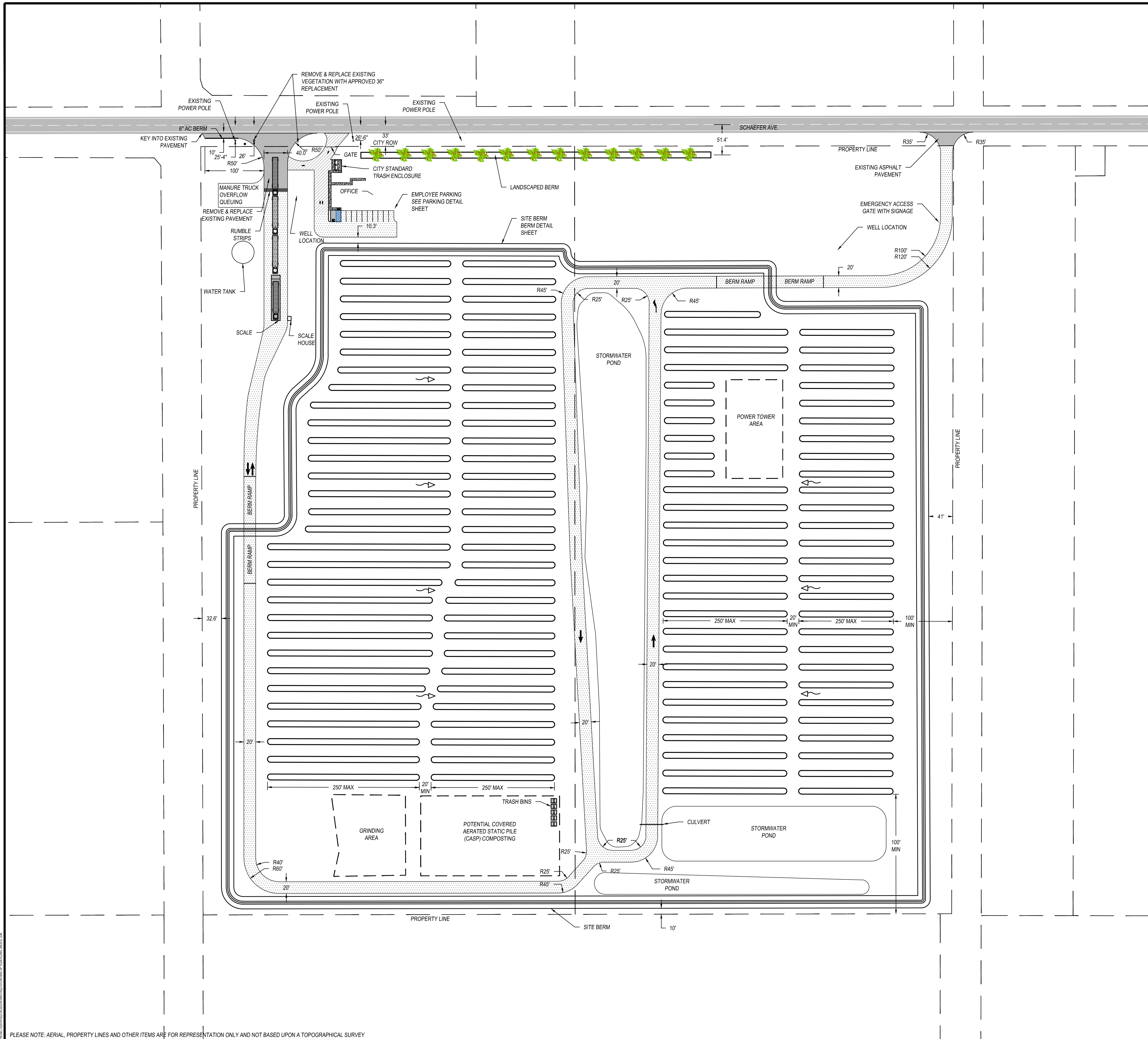
APPENDIX E

Appellant Exhibit 3 – Site Plan



HARVEST-ONTARIO SITE PLAN

7435 & 7345/7365 SCHAEFER AVENUE, ONTARIO, CA 91761



PROPOSED SITE NOTES:

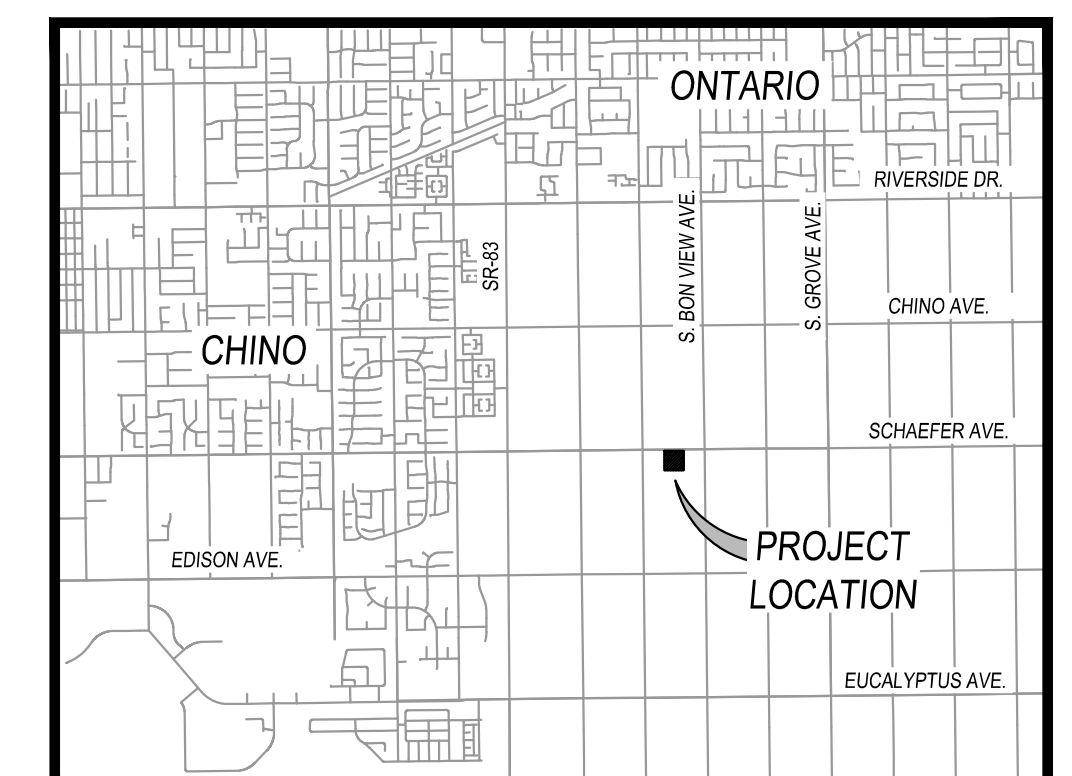
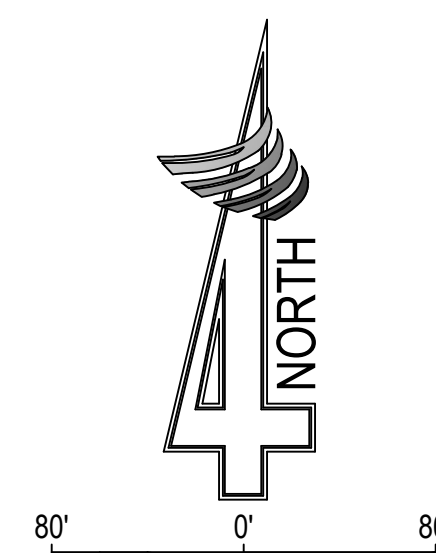
1. SITE PLAN SHALL MEET ALL CITY ENGINEERING AND N.P.D.'S REQUIREMENTS.
2. CONDITIONAL USE PERMIT TO ESTABLISH A GREEN WASTE AND MANURE PROCESSING FACILITY.
3. SPI(AG) ZONING DISTRICT
4. APN: 105-310-101, 105-310-102, 105-309-010
5. TOTAL ACREAGE: ~34 AC.
6. APPROXIMATE ANNUAL WATER USAGE: 1.5 MILLION GAL.
7. GRINDING EQUIPMENT SHALL MEET CITY NOISE STDS.
8. PROJECT SHALL NOT MODIFY EXISTING ONSITE DRAINAGE PATTERN AND BASIN LOCATIONS AT THE CENTRAL AND SOUTHERLY PORTION OF THE SITE.
9. FINAL BERM DETAILS WILL BE DETERMINED AFTER SURVEY OF PROPERTY HAS BEEN COMPLETED.
10. ALL LANDSCAPING PLANTED IN THE PROJECT AREA WILL BE DROUGHT TOLERANT AND SHALL BE APPROVED BY THE CITY OF ONTARIO PRIOR TO PLANTING.

FIRE DEPARTMENT OPERATIONAL REQUIREMENTS:

1. THE FOLLOWING ARE THE ONTARIO FIRE DEPARTMENT ("FIRE DEPARTMENT") REQUIREMENTS FOR THIS DEVELOPMENT PROJECT, BASED ON THE CURRENT EDITION OF THE CALIFORNIA FIRE CODE (CFC), AND THE CURRENT VERSIONS OF THE FIRE PREVENTION STANDARDS ("STANDARDS.")
2. THESE FIRE DEPARTMENT CONDITIONS OF APPROVAL ARE TO BE INCLUDED ON ANY AND ALL CONSTRUCTIONS DRAWINGS.
3. STORAGE SITE SHALL BE LEVEL AND ON SOLID GROUND OR OTHER ALL-WEATHER SURFACE (CA FIRE CODE, TITLE 24, PART 9, SECTION 1908.2)
4. PROPOSED COMPOST PILE (CA FIRE CODE, TITLE 24, PART 9, SECTION 1908.3). NOT TO EXCEED 10 FT. IN HEIGHT, 20 FEET IN WIDTH, AND 250 FT. IN LENGTH
5. PILES SHALL BE SEPARATED FROM ADJACENT PILES BY APPROVED APPARATUS ROADS (CA FIRE CODE, TITLE 24, PART 9, SECTION 1908.4)
6. ALL TURNS SHALL BE DESIGNATED TO MEET THE MINIMUM TWENTY FIVE FEET (25') INSIDE AND FOURTY-FIVE FEET (45') OUTSIDE TURNING RADIUS PER STANDARD #B-005.
7. FIRE DEPARTMENT ACCESS ROADWAYS THAT EXCEED ONE HUNDRED AND FIFTY FEET (150') IN LENGTH SHALL HAVE AN APPROVED TURN-AROUND PER STANDARD #B-002.
8. STORAGE, ACCUMULATION AND HANDLING OF COMBUSTIBLE MATERIALS AND CONTROL OF VEGETATION SHALL COMPLY WITH CHAPTER 3 OF TEH 2010 CFC (CA FIRE CODE SECTION 1908.5)
9. STATIC PILES SHALL BE MONITORED BY AN APPROVED MEAN TO MEASURE TEMPERATURES WITHIN THE STATIC PILES. INTERNAL TEMPERATURES SHALL BE MONITORED AND RECORDED WEEKLY. RECORDS SHALL BE KEPT ON FILE AT THE FACILITY AND MADE AVAILABLE FOR INSPECTION.
10. FIRE EXTINGUISHERS SHALL BE PROVIDED IN ACCORDANCE WITH 2010 CFC (CA FIRE CODE, SECTION 1908.8)
11. APPROVED MATERIAL-HANDLING EQUIPMENT SHALL BE AVAILABLE FOR MOVING MATERIALS DURING EMERGENCY OR FIREFIGHTING OPERATIONS (CA FIRE CODE, SECTION 1908.9)
12. OWNER OPERATOR SHALL DEVELOP AND SUBMIT A PLAN TO CITY FIRE FOR REVIEW AND APPROVAL (CA FIRE CODE, SECTION 1908.10)
13. THE REQUIRED FIRE FLOW PER FIRE DEPARTMENT STANDARDS, BASED ON THE 2013 CALIFORNIA FIRE CODE, APPENDIX B, IS 500 GALLONS PER MINUTE (G.P.M.) FOR 2 HOURS AT A MINIMUM OF 20 POUNDS PER SQUARE INCH (P.S.I.) RESIDUAL OPERATING PRESSURE.
14. THE PUBLIC WATER SUPPLY, INCLUDING WATER MAINS AND FIRE HYDRANTS, SHALL BE TESTED AND APPROVED BY THE ENGINEERING DEPARTMENT AND FIRE DEPARTMENT PRIOR TO COMBUSTIBLE CONSTRUCTION TO ASSURE AVAILABILITY AND RELIABILITY FOR FIREFIGHTING PURPOSES.
15. PORTABLE FIRE EXTINGUISHERS ARE REQUIRED TO BE INSTALLED PRIOR TO OCCUPANCY PER STANDARD #C-001. PLEASE CONTACT THE FIRE PREVENTION BUREAU TO DETERMINE THE EXACT NUMBER, TYPE AND PLACEMENT REQUIRED.
16. THE DEVELOPER/GENERAL CONTRACTOR IS TO BE RESPONSIBLE FOR REASONABLE PERIODIC CLEANUP OF THE DEVELOPMENT DURING CONSTRUCTION TO AVOID HAZARDOUS ACCUMULATIONS OF COMBUSTIBLE TRASH AND DEBRIS BOTH ON AND OFF THE SITE.
17. APPROVED NUMBERS OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. MULTI-TENANT OR BUILDING PROJECTS SHALL HAVE ADDRESSES AND/OR SUITE NUMBERS PROVIDED ON THE REAR OF THE BUILDING. ADDRESS NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. SEE SECTION 9-1.3280 OF THE ONTARIO MUNICIPAL CODE AND STANDARDS #H-003 AND #H-002.
18. THE STORAGE, USE, DISPENSING, OR HANDLING OF ANY HAZARDOUS MATERIALS SHALL BE APPROVED BY THE FIRE DEPARTMENT, AND ADEQUATE FIRE PROTECTION FEATURES SHALL BE REQUIRED. IF HAZARDOUS MATERIALS ARE PROPOSED, A FIRE DEPARTMENT HAZARDOUS MATERIALS INFORMATION PACKET, INCLUDING DISCLOSURE FORM AND INFORMATION WORKSHEET, SHALL BE COMPLETED AND SUBMITTED WITH MATERIAL SAFETY DATA SHEETS TO THE FIRE DEPARTMENT ALONG WITH BUILDING CONSTRUCTION PLANS.

LEGEND

- 65' LONG TRUCK, 50' TURNING RADIUS
- ALL WEATHER ROAD OR EQUIVALENT
- ASPHALT ROAD
- EXISTING PAVEMENT
- DRAINAGE/SLOPE DIRECTION ARROW



VICINITY MAP
SCALE: NTS

PLEASE NOTE: AERIAL, PROPERTY LINES AND OTHER ITEMS ARE FOR REPRESENTATION ONLY AND NOT BASED UPON A TOPOGRAPHICAL SURVEY

APPENDIX F
PCUP15-016 Conditions of Approval



CONDITIONS OF APPROVAL

DATE: November 24, 2015

FILE NO.: PCUP15-016

SUBJECT: A Conditional Use Permit to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AG\SP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435, 7345 and 7365 East Schaefer Avenue.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.0 GRAFFITI REMOVAL

- 2.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 2.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 2.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

3.0 SITE LIGHTING

- 3.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 3.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.
- 3.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps, ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

4.0 WALLS AND FENCES

- 4.1 A 10-foot high solid earthen berm shall be constructed along the Walker Avenue frontage to screen the composting operations.
- 4.2 Berms shall be a maximum height of 15 feet, but in no case higher than the allowed material rows.
- 4.3 Berms shall be set back at least 10 feet from public right of ways boundaries and 5 feet from any other property lines or one half the height of the berm, whichever is greater.

- 4.4 Berms should be comprised primarily of soil and no steeper than a 2:1 horizontal to vertical (h:v) slope ratio. Berms can be as steep as a 1.5:1 (h:v) slope ratio if properly evaluated, with appropriate calculations, by the City Engineer.
- 4.5 Berm shall be setback a minimum of 10 feet from the property line.
- 4.6 Berm shall be regularly maintained to ensure integrity, aesthetics, and management of stormwater runoff.

5.0 PARKING, CIRCULATION, AND ACCESS

- 5.1 Primary access to the composting portion of the property shall be taken from the west driveway access on Schaefer Avenue.
- 5.2 The composting operator shall train their truck drivers to deliver the composting materials over established truck routes, avoiding residential areas to the extent possible and to minimize the conflict with other vehicles.

6.0 ENVIRONMENTAL REVIEW

- 6.1 The proposed project will not have a significant effect on the environment, and a MITIGATED NEGATIVE DECLARATION has been prepared and adopted. All mitigation measures listed in the Initial Study shall be a condition of project approval and are incorporated herein by reference.
- 6.2 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.

7.0 ADDITIONAL FEES

- 7.1 After 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.
- 7.2 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", which will 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 the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

8.0 ADDITIONAL CONDITIONS

- 8.1 The project site has been entitled by the City of Ontario for composting of green waste and manure materials only. Solid waste processing, hazardous waste storage, bio-solids, or any material other than green waste and cattle manure is not permitted on-site and would be grounds for Conditional Use Permit revocation.
- 8.2 The on-site storage of trucks, equipment, material or anything other than the equipment directly related to the composting operations is not permitted and would be grounds for Conditional Use Permit revocation.
- 8.3 All composting material and equipment associated with this use shall be stored at the project site. No excess material or equipment associated with the use is permitted to be stored at another location. This Conditional Use Permit does not provide for off-site storage nor was off-site storage analyzed during the time of staff review.
- 8.4 Should the green waste grinding machinery become a nuisance, additional sound and vibration mitigation measures may become necessary. Applicant agrees to work with staff to implement appropriate mitigation solutions.

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

CONDITIONS OF APPROVAL	
Sign Off	
	10/13/15
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PCUP15-016 Rev 1	Case Planner: Jeanie Aguilo
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Project Name and Location:
 Composting Facility
 7435 West Schaefer Ave.

Applicant/Representative:
 Harvest Power
 6943 N. Golden State Blvd.
 Fresno, CA 93722

A Preliminary Landscape Plan (dated 9/1/15) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.

A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

1. Show existing trees on site plan and call out genus and species.
2. Call out or add a legend for proposed trees. Note if for fast growth, erosion control and/or shade.
3. Callout plants proposed along Schaefer such as erosion control groundcovers: Honeysuckle, Rosemary, etc. Replace berm on Schaefer ave with at-grade or concave shaped landscape area for water conservation.
4. Call out automatic irrigation system proposed such as dripline or rotary spray heads with 100% coverage and no run off or overspray.



CITY OF ONTARIO MEMORANDUM

TO: Jeanie Aguilo, Associate Planner
Planning Department

FROM: Adam A. Panos, Fire Protection Analyst
Fire Department

DATE: July 30, 2015

SUBJECT: PCUP15-016 / A Conditional Use Permit to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on 34.76 acres of land located at the southwest corner of Schaefer Avenue and Campus Avenue, at 7435 West Schaefer Avenue, within the SP(AG) zoning district (APN: 1053-101-02 and 02).

- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
 - Standard Conditions of Approval apply, as stated below.
- The plan **does NOT** adequately address Fire Department requirements.
- The comments contained in the attached report must be met prior to scheduling for Development Advisory Board.

SITE AND BUILDING FEATURES:

- A. Type of Building Construction Used: N/A
- B. Roof Materials Used: N/A
- C. Ground Floor Area(s): N/A
- D. Number of Stories: N/A
- E. Total Square Footage: N/A
- F. Type of Occupancy: N/A

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario website at www.ci.ontario.ca.us, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2013 California Fire Code, Appendix B, is 500 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- 3.2 Off-site street fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13R. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- 4.5 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

- 4.7 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.8 Hose valves with two and one half inch (2 ½") connections will be required on the roof, in locations acceptable to the Fire Department. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.
- 4.9 Due to inaccessible rail spur areas, two and one half inch 2-1/2" fire hose connections shall be provided in these areas. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

5.0 BUILDING CONSTRUCTION FEATURES

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1.3280 of the Ontario Municipal Code and Standard #H-003.
- 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

- 5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.


6.0 SPECIAL USES

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.

7.0 OTHER PROJECT SPECIFIC CONDITIONS

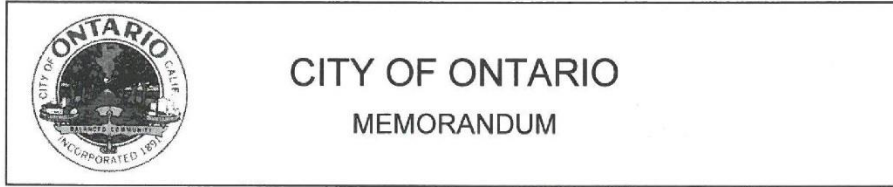
- 7.1 The requirements of the 2013 California Fire Code section 2808 and Ontario Fire Department Fire Protection Standard #F-008 shall be adhered to. Fire Department Standards are available on the web at www.ci.ontario.ca.us / Departments / Fire / Fire Prevention / Standards and Forms.

CITY OF ONTARIO
MEMORANDUM

TO: Jeanie Aguilo, Assistant Planner
FROM:  Brent Schultz, Housing and Municipal Services Director
DATE: July 21, 2015
SUBJECT: FILE NO. PCUP15-016

The Housing Department has the following comment on the above mentioned project:

- Business frontage area (Schaefer Avenue) contains large tumble weeds. Staff recommends that the unimproved parkway and the portion of the front yard setback area along the easterly property line, be weed abated.



TO: Otto Kroutil, Development Director
Scott Murphy, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Scott Melendrez, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
Sigfrido Rivera, Housing Manager
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering/NPDES
Mark Chase, Community & Public Services Director

FROM: Jeanie Aguilo,

DATE: June 22, 2015

SUBJECT: FILE #: PCUP15-016 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, July 6, 2015**.

- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on 34.76 acres of land within the AG\ISP zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 West Schaefer Avenue. APN: 1053-101-02 and 02

- The plan does adequately address the departmental concerns at this time.
- No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Police Department DOUGLAS SOREL Signature MOBIL ANALYST Title 7/15/15 Date



CITY OF ONTARIO
MEMORANDUM

TO: Otto Kroutil, Development Director
Scott Murphy, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Antonic Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
Julie Bjork, Housing Manager
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director

FROM: Jeanie Aguilo,

DATE: September 02, 2015

SUBJECT: FILE #: PCUP15-016 Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, September 16, 2015**

PROJECT DESCRIPTION: A Conditional Use Permit to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AGISP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue. APNs: 1053-101-01, -02, and 1053-091-01.

- The plan does adequately address the departmental concerns at this time.
- No comments
 - See previous report for Conditions
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Engineering (Land) [Signature] Eng. Assistant 11/09/15
Department Signature Title Date



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Traffic/Transportation Division and Municipal Utilities Agency, and Environmental Section Conditions incorporated)

DATE: 11/09/15

PROJECT: PCUP15-016, A Conditional Use Permit to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on 34.76 acres of land within the AG\SP zoning district located southwest corner of Schaefer Avenue and Campus Avenue.

APN: 1053-101-02

LOCATION: 7435 E Schaefer Avenue

PROJECT ENGINEER: Antonio Alejos


PROJECT PLANNER: Jeanie Aguilo

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

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The Developer/Applicant shall design/construct an inbound right-turn lane to serve the proposed project driveway. The right-turn lane shall be 100 feet long, plus required transition; in accordance with all applicable City standards. Conflicting utility poles, trees, fencing and other features shall be modified, relocated and/or removed. The Developer/Applicant shall submit a Public Street Improvement Plan to the City of Ontario Engineering Department for review.
3. The Developer/Applicant shall design/construct signing and striping improvements associated with street modification (right-turn lane) in accordance with all applicable City standards. The Developer/Applicant shall submit a Public Signing & Striping Improvement Plan to the City of Ontario Engineering Department for review.
4. The Developer/Applicant shall consolidate the existing westerly driveway serving the parcel with the proposed driveway. Proposed driveway shall be designed per City of Ontario Standard Drawings and associated return radii shall accommodate appropriate design for vehicle (truck) ingress/egress. A detailed truck turning exhibit to demonstrate truck ingress/egress and site circulation shall be provided to the City of Ontario Engineering Department for review.

1 of 2


5. The Developer/Applicant shall design/construct the driveway throat (distance from southerly driveway curb return to beginning of scale) to accommodate 3 semi-trucks (AASHTO WB-67) stored in series.
6. The Developer/Applicant shall be required to prepare and submit a Final Water Quality Management Plan (WQMP) to the City of Ontario Engineering Department for review if the new pavement (impervious surface) added to the site exceeds 10,000 square feet.
7. The Developer/Applicant shall be required to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City of Ontario Engineering Department for review if the project develops one (1) acre or more of total land area of which are part of a larger phased development that will disturb at least one acre of land.
8. The Developer/Applicant prior to business license issuance is required to apply for the Statewide General Industrial Permit as a Fertilizer (Mixing Only) Facility (SIC Code 2875) and provide proof of permit coverage with a Waste Discharger Identification Number (WDID).
9. The Developer/Applicant shall provide rumble plates to prevent tracking mud, manure, and food waste from truck tires onto the public roadway.
10. The Developer/Applicant must comply with all local water agencies regulations and Public Health & Safety Laws.
11. The Developer/Applicant shall submit a copy of the approved permit and/or other form of approval of the project from the following agency:
 - Chino Basin Water Master (Rights to On-site Water Wells)



Omar Gonzalez, P.E.
Senior Associate Civil Engineer

11/20/15

Date



Raymond Lee, P.E.
Assistant City Engineer

4/20/15

Date

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR DECISION NO. 2015-026 TO DENY THE ESTABLISHMENT OF AND OPERATION OF AN ORGANIC MATERIALS FACILITY (COMPOSTING OF GREEN WASTE, MANURE, FOOD MATERIALS, FATS OILS AND GREASE) ON A 34.76 ACRE PORTION OF 37.4 ACRE PARCEL OF LAND WITHIN THE AG (AGRICULTURE OVERLAY) ZONING DISTRICT LOCATED AT THE SOUTHWEST CORNER OF SCHAEFER AVENUE AND CAMPUS AVENUE AT 7435 EAST SCHAEFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1053-101-01, -02, AND 1053-091-01.

WHEREAS, HARVEST POWER ("Applicant") has filed an Application appealing Zoning Administrator Decision No. 2015-26, which denied a Conditional Use Permit (File No. PCUP15-016) to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on the site of a former dairy farm, located at the southeast corner of Schaefer Avenue and Campus Avenue, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 34.76 acres of land generally located at the southwest corner of Schaefer Avenue and Campus Avenue, at 7435, 7345 and 7365 East Schaefer Avenue within the AG (Agriculture Overlay) zoning district, and is presently improved with an organic materials facility; and

WHEREAS, the property to the north of the Project site is within the AG zoning district and is developed with a dairy farm. The property to the east is within the AG zoning district and is developed with the City of Chino's Eastside Water Treatment Facility. The property to the south is within the AG zoning district and is developed with a dairy farm. The property to the west is within AG zoning district and is developed with a dairy farm; and

WHEREAS, on June 16, 2015, the applicant submitted File No. PCUP15-016 requesting approval to establish and operate an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on the site of a former dairy farm, located at the southeast corner of Schaefer Avenue and Campus Avenue; and

WHEREAS, on November 24, 2015, the Zoning Administrator held a special public hearing to consider the application and concluded said hearing on that date; and

WHEREAS, on December 8, 2015 the Zoning Administrator rendered Decision No. 2015-034 denying Conditional Use Permit PCUP15-016 (Zoning Administrator's Decision No. 2015-26); and

WHEREAS, the Zoning Administrator's decision to deny the application denied the Conditional Use Permit (CUP) based on the facts that the CUP did not comply with The Ontario Plan Land Use Polices pertaining to compatibility between uses; and

WHEREAS, On December 16, 2015, the applicant submitted an appeal of the Zoning Administrator's decision to deny File No. PCUP15-016 and the basis for the appeal lies with the applicant's belief that the Zoning Administrator's Decision is not supported by the record; 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 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); and

WHEREAS, on January 26, 2016, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth, the Planning Commission hereby concludes as follows:

a. The proposed location of the requested Conditional Use Permit will not be consistent with the Policy Plan component of The Ontario Plan and may be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The Ontario Plan (TOP) Policy LU2-2, Buffers, states "We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur." Policy LU2-5, Regulation of Uses, states "We regulate the location, concentration and operations of uses that have impacts on surrounding land uses." City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure

compatibility with surrounding land uses. The Resolution specifies a ½-mile separation between green waste facilities and residential properties and sensitive land uses (schools, day care facilities, elderly care facilities, hospitals, etc.). The project location is less than ½-mile from residential property and a church with day care services.

b. The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located, including Article 1: Purposes and Objectives. City Council Resolution No. 2013-127 identifies the intent of the guidelines as providing distance criteria for new composting facilities stemming from resident input at neighborhood meetings on composting facility applications and based on an “outpouring of testimony against the location of these composting facilities.

The reasons stated for the opposition includes odors, dust, pathogens, and increased truck traffic along existing streets.” The application encroaches into the distance separation identified between composting facilities and residential and sensitive land uses.

c. Traffic generated by the proposed Conditional Use Permit may overload the capacity of the surrounding street system.

Schaefer Avenue is currently a two-lane road, sized to accommodate anticipated trips associated with agricultural uses. A typical dairy anticipates 12-15 truck trips per week. The project proposes up to 50 trucks per day during normal operations and up to 100 trucks per day during peak season, a substantial increase over existing traffic.

d. The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes, including Division 5.03 *Standards for Certain Land Uses, Activities and Facilities*.

City Council Resolution No. 2013-127 establishes guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a ½-mile separation between green waste facilities and residential properties and sensitive land uses. The project location is less than ½-mile from residential property and a church with daycare services.

SECTION 2. Based upon the findings and conclusions set forth in Sections 1 above, the Planning Commission hereby upholds the Zoning Administrator’s Decision No. 2015-026 and denies File No. PCUP15-016.

SECTION 3. 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 this approval. 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.

SECTION 4. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 5. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of January 2016, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Principal Planner/Acting Secretary of
Planning Commission

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Marci Callejo, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC16-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 26, 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marci Callejo
Secretary Pro Tempore



PLANNING COMMISSION STAFF REPORT

January 26, 2016

SUBJECT: An Appeal of the Zoning Administrator's decision to deny the establishment of a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) on a 0.58 acre site, located at 1065 West Holt Boulevard within the CC (Community Commercial) zoning district. **Submitted by: Travis Companies, Inc.**

PROPERTY OWNER: G&M Oil Gapco, LLC

RECOMMENDED ACTION: That the Planning Commission uphold the Zoning Administrator Decision No. 2015-034 denying File No. PCUP15-014, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 0.58 acres of land located at 1065 West Holt Boulevard, within the CC (Community Commercial) zoning district, and is depicted in Figure 1: Project Location, below. The project site is developed with an existing Chevron gas station and Extra-Mile convenience store that opened to the public in November 2015 after undergoing major site improvements.

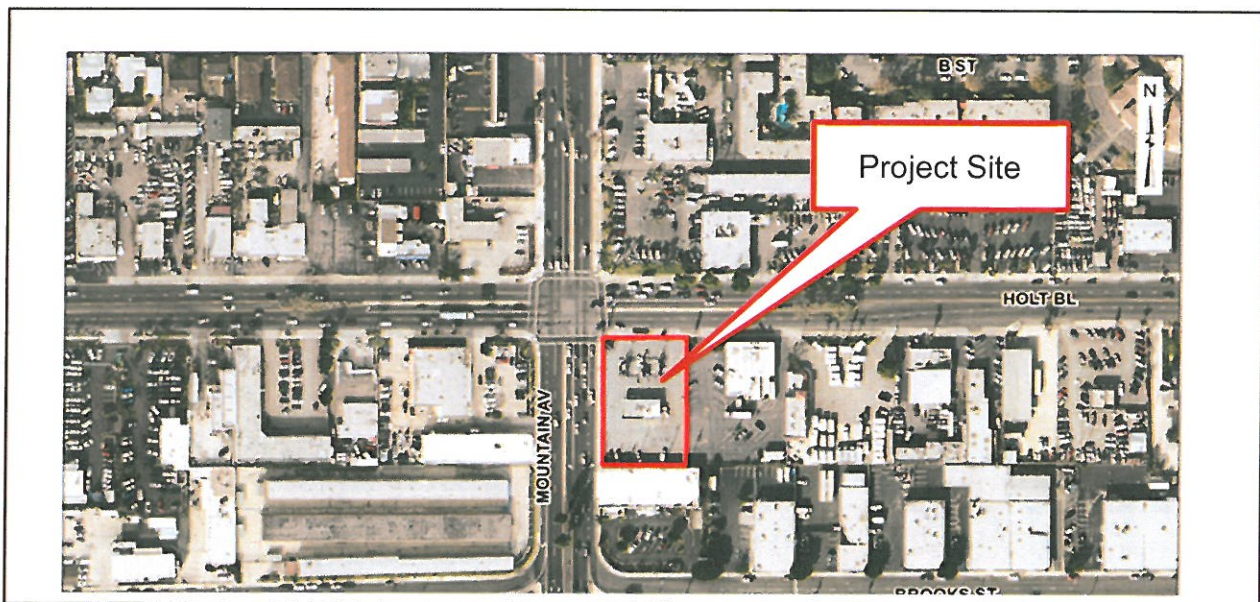
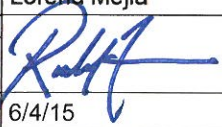


Figure 1: Project Location

Case Planner:	Lorena Mejia	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	6/4/15	ZA	12/23/15	Denied	Appealed
Hearing Deadline:	n/a	PC	1/26/16		Final
		CC			

PROJECT ANALYSIS:

[1] Background — A Conditional Use Permit (CUP) was submitted by Travis Companies on June 4, 2015 requesting an ancillary Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store, located on the southeast corner of Holt Boulevard and Mountain Avenue. On December 7, 2015 the Zoning Administrator held a public hearing to consider the application and subsequently denied the application. The Zoning Administrator's decision to deny the application was based upon the fact that the project did not meet the required CUP findings and it did not meet the required findings for Public Convenience and Necessity ("PCN") for off-sale licenses in an over-concentrated Census Tract. A copy of the Zoning Administrator's Decision No. 2015-34 denying File No. PCUP15-014 is attached as **Appendix A** and includes a full description and analysis of the proposed use along with the Zoning Administrator's findings and determination.

[2] Appeal — On January 4, 2016, Travis Companies, Inc. ("Appellant") submitted an appeal of the Zoning Administrator's decision to deny File No. PCUP15-014. The basis for the appeal lies in the Appellant's belief that the Zoning Administrator's Decision is not supported by the record and the Appellant Statement is included with this report as **Appendix B** and summarized below.

The applicant believes the decision rendered by the Zoning Administrator was not supported by the materials and public testimony presented during the public hearing and that the Zoning Administrator's decision was not supported by the facts, findings and recommendations presented in the City's Planning Staff report and further argues that the CUP request did satisfy the findings for public convenience and necessity.

[3] Staff Analysis — All requests for alcohol sales in the City of Ontario require a Conditional Use Permit prior to establishment of the use. In order for the hearing body to grant a CUP, all of the following findings must be considered and clearly established:

- 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 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 use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Development Code and any applicable specific plan or planned unit development; and

- The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.

When considering the establishment of additional alcoholic beverage licenses within an over-concentrated census tract, ABC generally defers the decision to approve or deny the license to the affected local jurisdiction provided that all PCN findings can be made. The project site is located within Census Tract 16.00, which is over concentrated with off-sale licenses. Per the current standards of ABC, 4 licenses are permitted within Census Tract 16.00 and 14 licenses are currently active. The PCN findings for off-sale licenses were adopted in 2011, by the Ontario City Council (Ordinance 2943) and are as follows:

- The retailer must occupy at least 12,000 square feet of gross floor area;
- No more than 10% of the floor area may be devoted to alcoholic beverage display;
- At least 10% of the floor area must be devoted to food sales;
- If location of the proposed business is within a high crime area, which is defined as Police Department calls for service to alcohol-related incidences of 20% or greater as compared to the average number reported for the City as a whole, the hearing body may use that fact in denying the application or the Public Convenience and Necessity finding required for ABC;
- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity; and
- The site is properly maintained, including building improvements, landscaping, and lighting.

The Zoning Administrator's Decision to deny the application lies in the fact that the following findings were not met. Also, included in the discussion below is the direct response to the Zoning Administrator's Decision by the Appellant if provided.

CUP Finding 1.: The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located.

ZA Discussion: Alcoholic beverage sales is allowed with Conditional Use Permit approval within the CC (Community Commercial) zoning district. Part of the analysis in evaluating the Conditional Use Permit is whether the proposed location is within a census tract that is over-concentrated for off-sale licenses and, if so, whether findings of public convenience and necessity ("PCN") can be made. The census tract in which the CUP is proposed is over-concentrated and adjoining census tracts are also over-concentrated. The City has established criteria under which PCN findings can be made – the proposed

use does not meet the PCN criteria established for minimum building area and minimum area devoted to food sales. Further, there are several businesses in close proximity that are approved for off-sale beer and wine (Type 20) and off-sale distilled spirits (Type 21) licenses that provide beer and wine sales to the public.

In conjunction with the application, the applicant has acquired two off-sale beer and wine (Type 20) licenses and surrendered them to ABC. While not in the same census tract, the surrendering of the licenses does reduce the total number of off-sale licenses in the City at this point in time. Unfortunately, there is no method of permanently removing these locations from future licensing. For example, the license acquired from 2645 East Riverside Drive is the former location of Fresh & Easy, who vacated the building several months ago. This building is in excess of 12,000 square feet and, depending on the tenant, could meet the PCN criteria established by the City. The result could be the addition of an off-sale license. The location at 3445 East Shelby Street is a gas station currently under renovation. The location was the subject of a CUP approval to upgrade their license from beer and wine (type 20) to distilled spirits (Type 21). While no license has been applied for at this time, it is anticipated that, upon completion of the renovation, the business will exercise their CUP for off-sale distilled spirits. Should this occur, the two licenses surrendered will be added back into the City total, resulting in a net increase of one off-sale license.

Appellant Response: No direct response provided.

CUP Finding 2.: The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

ZA Discussion: While the use is consistent with the uses allowed within the CC (Community Commercial) zoning district, the sale of the beer and wine is proposed within a census tract that is over-concentrated. Under provisions of Alcoholic Beverage Control, additional licenses within an over-concentrated census tract require local jurisdictions to make findings that the proposed off-sale license serve the PCN. The City has established criteria for determining PCN and the application does not comply with the criteria established for minimum building area and minimum area devoted to food sales.

Appellant Response: No direct response provided.

PCN Finding 1.: The retailer must occupy a minimum of 12,000 square feet of gross floor area.

ZA Discussion: The existing 2,009 square foot building does not meet the 12,000 gross floor area minimum requirement. The intent of the finding was to provide larger stores, offering a variety of products including food sales, with the ability to provide off-site sales for the convenience of their customers. Further, the City Council, in approving the provisions, established the minimum square footage of the building without respect to the

type of use. Staff's interpretation that gas stations with convenience markets are not subject to the minimum building square footage is contrary to City Council action.

Appellant Response: Although the ZA's decision indicates that the requirement for a minimum of 12,000 square feet of gross floor area has not been met, it is clearly indicated in the planning staff report that this 12,000 square foot requirement is not applicable to gas station convenience store type projects. The staff report further indicates that through an accepted City planning policy interpretation that the 12,000 square foot GFA only applies to larger retail stores and grocery/supermarkets, and that the City has allowed and approved off-sale licenses at gas stations in the past providing the other findings of the PCN are met.

PCN Finding 2.: At least 10% of the floor area is devoted to food sales.

ZA Discussion: The convenience store has a snack bar area that totals approximately 4% of the gross floor area, well below the 10 percent requirement.

Appellant Response: Ordinance 2943 requires that at least 10% of the GFA be devoted to food sales. Based on the existing food plan of the building, and based on the substantial amount of food products for sale in the building in walk-in coolers, on gondolas, in display cases, on top of counter tops and on shelves, the 10% requirement is easily met. Based on the floor plan the amount of square footage dedicated and used for the sale of food products (both beverages and consumables) is 708 square feet which amounts to a total percentage of 35.24% the GFA. This component of the PCN findings is easily met.

Appendix B, provides further discussion by the Appellant regarding how the findings for alcoholic beverage display, high crime rate, code violations and site maintenance are met.

[4] Conclusion — The Zoning Administrator, during his review of the proposed use, fully considered the concerns raised by the Appellant prior to taking action to deny File No. PCUP15-014. It is staff's belief that the Appeal Application does not introduce any evidence that the Zoning Administrator's Decision is not supported by the record. Therefore the Zoning Administrator's decision to deny the Conditional Use Permit Application should be upheld.

AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE: The project site is located within the Airport Influence Area of Ontario International Airport and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan (ALUCP).

ENVIRONMENTAL REVIEW: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, which consists of the operation, repair, maintenance,

permitting, leasing, licensing, or minor alteration of existing public or private structure, facility, mechanical equipment, or topographical features, involving no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions or operational changes and is therefore categorically exempt.

DEPARTMENT REPORTS: See department reports attached to Zoning Administrator Decision No. 2015-34 (Attached).

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Gas Station – Convenience Store	Business Park	C3 – Commercial Service	n/a
<i>North</i>	Motor Vehicle Sales	General Commercial	C3 – Commercial Service	n/a
<i>South</i>	Retail	Business Park	C3 – Commercial Service	n/a
<i>East</i>	Retail	Business Park	C3 – Commercial Service	n/a
<i>West</i>	Auto Repair	Business Park	C3 – Commercial Service	n/a

Exhibit A: Project Site

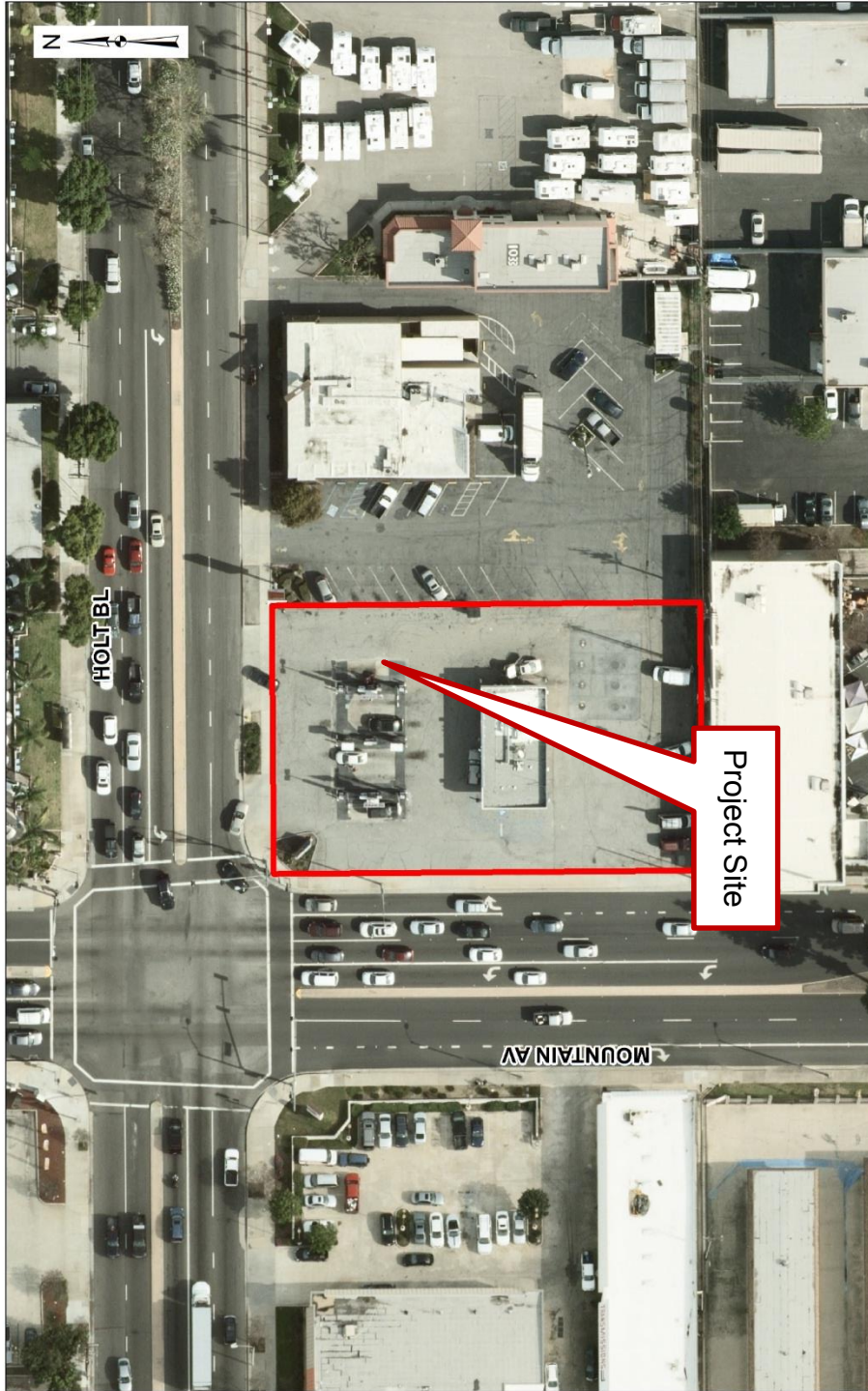


Exhibit B: Floor Plan

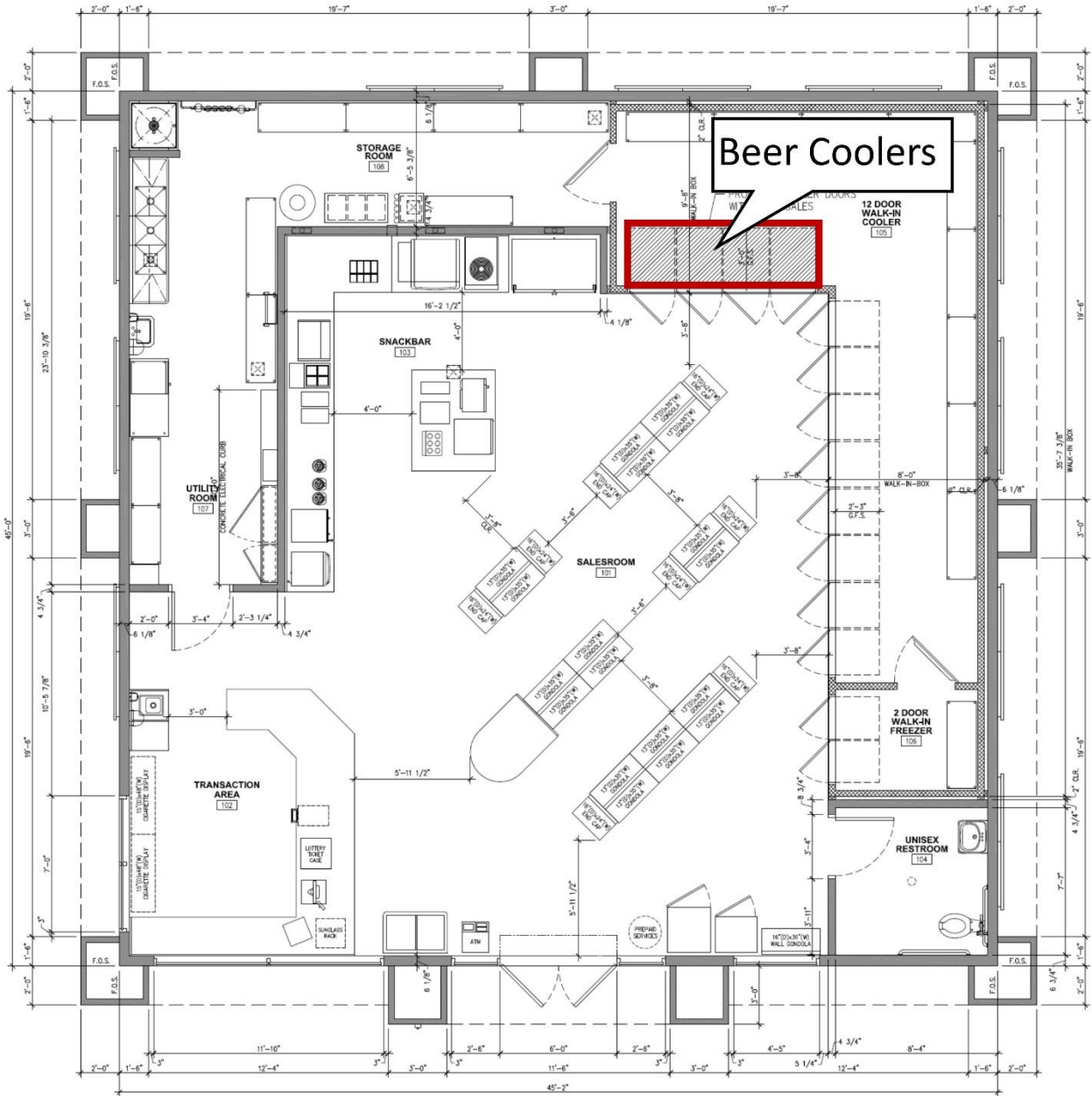


Exhibit C: Site Photos

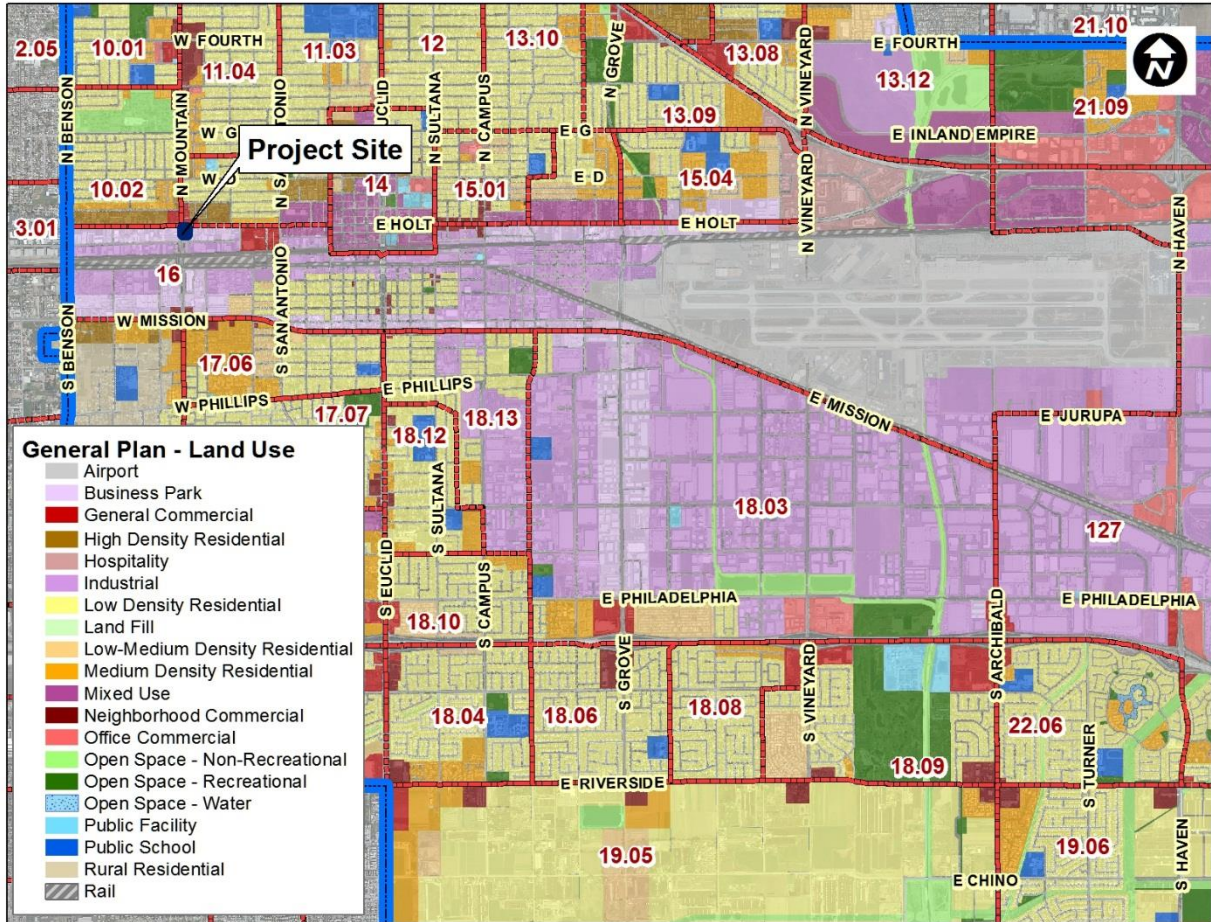


Looking southwest towards project site



Chevron convenience store building – Extra-Mile

Exhibit D: Census Tract Map & General Plan Land Use



APPENDIX A

Zoning Administrator Decision No. 2015-034

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-034

HEARING DATE: December 7, 2015

DECISION DATE: December 23, 2015

FILE NO.: PCUP15-014

SUBJECT: A Conditional Use Permit to establish a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) located at 1065 West Holt Boulevard within the C3 (Commercial Service) zoning district. Submitted by Travis Companies (APN: 1011-132-06)

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

TRAVIS COMPANIES, INC., (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP15-014, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 0.58 acres of land located at 1065 West Holt Boulevard, and is depicted in *Exhibit A: Project Vicinity*, attached. Existing land uses, Policy Plan and zoning designations on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>Policy Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Gas Station – Convenience Store	Business Park	C3 – Commercial Service	n/a
<i>North</i>	Motor Vehicle Sales	General Commercial	C3 – Commercial Service	n/a
<i>South</i>	Retail	Business Park	C3 – Commercial Service	n/a
<i>East</i>	Retail	Business Park	C3 – Commercial Service	n/a
<i>West</i>	Auto Repair	Business Park	C3 – Commercial Service	n/a

Approved By:

-1-

_____ Senior Planner

(b) Project Analysis:

(1) Background— In February of 2013 the Planning Commission approved a Development Plan (File No. PDEV07-025) for Chevron to construct a 2,009 square-foot convenience store, in conjunction with an existing fueling station, and a Variance (File No. PVAR12-003) to reduce the street-side building setback. The Development Plan approval also included additional landscaping and parking spaces and resurfacing of the parking lot. The project was recently completed in early November of 2015 and is now open and operating. In 2007, the applicant chose not to submit a Conditional Use Permit for Off-Sale Alcoholic beverage sales due to the over concentration of Off-Sale licenses within Census Tract 16.00.

The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity which grants, renews, and revokes all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. There are currently 14 Off-Sale licenses within Census Tract 16.00 and ABC only allows 4 Off-Sale licenses for the Census Tract. The California Alcoholic Beverage Control Act – Code Section § 23817.7 provides exceptions to the limits of Off-Sale Type 20 beer and wine licenses provided the following can be met:

- The applicant shows that public convenience or necessity would be served by the issuance;
- The applicant premises are located in a crime reporting district that is below 20 percent as defined by that Jurisdiction;
- The applicant premises are located in an area that falls below the concentration level of off-sale retail licenses to population in the county in which the applicant premises are located;
- The local governing body of the area in which the applicant premises are located, determines that public convenience or necessity would be served by the issuance; and
- ABC may impose reasonable conditions on a licensee as may be needed in the interest of the public health, safety, and welfare regarding signing, training for responsible beverage sales and hours, and mode of sale.

The City typically does not support increasing the number of licenses within a Census Tract unless Public Convenience and Necessity (PCN) findings can be made. The applicant submitted the request for a Conditional Use Permit in June and attempted to purchase a Type 20 ABC (Beer and Wine) Off-Sale license within the same Census Tract, in order to comply with City policies and not increase the total number Off-Sale licenses within Census Tract 16.00. However, the applicant was unsuccessful with securing a Type 20 Off-Sale license within Census Tract 16.00 and has instead purchased two Off-Sale Type 20 ABC (Beer and Wine) licenses within other Census Tracts within the City and has since surrendered the licenses lowering the number of licenses overall within the City. The table on the following page shows the location of licenses along with census tract and ABC Off-Sale concentration information:

Location	Name of Business	Census Tract	Number Off-Sale Licenses allowed by ABC	Current number Off-Sale Licenses	New Number of Off-Sale licenses within Census Tract
3445 East Shelby Street	Haven Mini Mart	15.04	4	4	3
2645 East Riverside Drive	Fresh & Easy	18.09	3	6	5

(2) Location & Operations — The applicant is requesting a Conditional Use Permit to establish an ancillary Type 20 ABC (Beer and Wine) Off-Sale license in conjunction with an existing Chevron Extra-Mile convenience store and vehicle fueling located at the southeast corner of Holt Boulevard and Mountain Avenue, at 1065 West Holt Avenue (**Exhibit B: Project Site**). Chevron gas station and Extra-Mile convenience store recently opened and is operating 24-hours a day, 7-days a week, and there 2-3 employees on site per shift. The applicant is proposing to allocate 4 coolers for alcohol sales that measure 27 square feet devoting approximately 1.3% gross floor area to alcohol sales, as shown in **Exhibit C: Floor Plan**. Chevron is owned by G&M Oil Gapco and holds over 40 active Off-Sale licenses throughout the State of California. G & M Oil has extensive experience with operating their convenience stores with ancillary Type 20 ABC licenses. All employees are trained and educated by the company and participate in State mandated ABC educational classes. As mentioned previously, the site was recently constructed and since opening the site has been well maintained and there are no outstanding Building Code, Health Code or Code Enforcement violations (**Exhibit D: Site Photos**).

(3) ABC Concentrations — The California Department of Alcoholic Beverage Control (ABC) is the State entity responsible for granting, renewing, and the revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 16.00 and ABC currently allows 4 Off-Sale Licenses and there are currently 14 licenses resulting in overconcentration. Census Tract 16.00 encompasses over 3,060 acres of land and is characterized by several commercial/industrial businesses, Ontario International Airport and a limited amount of residential (6,133 Census Tract population) bounded roughly by Holt Boulevard to the north, Haven Avenue on the east, Mission Boulevard to the south, and Benson Avenue to the west (**Exhibit E: Census Tract Map & General Plan Land Use**).

When considering the establishment of additional alcoholic beverage licenses within an over-concentrated census tract, ABC generally defers the decision to approve or deny the license to the affected local jurisdiction provided that the public convenience or necessity ("PCN") would be served by issuance of the license. The City typically does not support increasing the number of licenses within a Census Tract unless Public Convenience and Necessity (PCN) findings can be made. In 2011, the Ontario City

Council adopted Ordinance 2943 that outlined PCN findings to be made for Off-Sale licenses in over concentrated Census Tracts, which include the following:

- The retailer must occupy at least 12,000 square feet of gross floor area;
- No more than 10% of the floor area may be devoted to alcoholic beverage display;
- At least 10% of the floor area must be devoted to food sales;
- If location of the proposed business is within a high crime area, which is defined as Police Department calls for service to alcohol-related incidences of 20% or greater as compared to the average number reported for the City as a whole, the hearing body may use that fact in denying the application or the Public Convenience and Necessity finding required for ABC;
- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity; and
- The site is properly maintained, including building improvements, landscaping, and lighting.

All CUPs are reviewed by various City departments. The Ontario Police Department has reviewed the application and is recommending denial. However, if the Zoning Administrator elects to approve the CUP the Policed Department has included conditions of approval. The Police Department is recommending denial for the following reasons:

- The requested license is located in an over concentrated Census Tract; and
- It is the Police Department's opinion that the location does not meet the criteria for Personal Convenience and Necessity as defined by the Ontario City Council.

(i) Planning staff recognizes that many retailers sell alcoholic beverages, not as the primary source of revenue but as a convenience to their customers. Through the CUP process staff analyses and evaluates the location and scale of alcohol sales proposed and has approved several Off-Sale licenses for larger grocery and variety stores and more recently for gas station convenience stores in over concentrated areas. The City's ordinance for PCN findings require a retailer to occupy at least 12,000 square feet of gross floor area. Staff has made a policy interpretation that the 12,000 square feet of gross floor area minimum only applies to larger retail stores and/or supermarkets and has allowed gas stations with convenience stores to have Off-Sale licenses provided that all other findings are met. Gas stations are an outdoor use (gas pumps and canopy) and on-site convenience stores typically range anywhere between 1,500 – 6,000 square feet in size and sell a variety of products which generally include limited auto supplies, limited household goods, personal items, fountain drinks, lottery, chips, snacks, soft drinks, coffee, candy, packaged food, ice and alcohol as a convenience to their customers. In addition, the applicant is proposing 4 coolers for alcohol sales that equates to 1.5% of gross floor area well below the 10% percent requirement. Given the reasoning stated above and the minimal amount of floor area proposed for alcohol sales staff is recommending approval and has determined that the 12,000 square foot minimum does not apply to gas stations with convenience stores.

(4) **Land Use Compatibility** — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is an existing gas station with convenience store located at the southeast corner of Holt Boulevard and Mountain Avenue with access to the site provided from Holt Boulevard and Mountain Avenue. The property is zoned C3 (Commercial Service) and is surrounded by vehicle sales to the north, a paint store to the east, a thrift store to the south and vehicle repair to the west (**Exhibit F: Surrounding Businesses**). Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed ancillary use. Additionally, the primary use is a gas station with a secondary convenience store that provides a variety of items for customer convenience and the proposed 1.5% gross floor area that will be devoted to alcohol sales is well below the maximum allowed of 10%.

(c) **Airport Land Use Compatibility Plan:** This 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(d) **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.

(a) **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.

(b) **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 B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, on December 7, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a)** Lorena Mejia, Associate Planner presented the staff report on the proposed use, indicating the staff recommendation of approval with conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b)** The Zoning Administrator asked Police Corporal Steven Munoz what Public Convenience Findings (PCN) were not being met.
- (c)** Corporal Munoz explained the project site is located within an over-concentrated census tract for alcoholic beverage off-sale ABC licenses and surrounding tracts were also over concentrated and listed the name of other locations within the vicinity that had off-sale ABC licenses.
- (d)** Karl Huy, the applicant's representative, explained the business operation and spoke in favor of the application. He further explained their efforts to secure an ABC license within the existing Census Tract and not increase the total number of off-sale ABC licenses within the City.
- (e)** Sherri Olson, the applicant's representative explained that the applicant has an existing location within the City of Ontario with an off-sale ABC license that operates effectively and is always in full compliance. Ms. Olson further explained that the census tract in which they are currently located within contains large land area but a small number of residents making it difficult to adhere to ABC standards for number of licenses within a census tract. She further explained that the project site is located within a busy corridor of the City and the proposed alcohol sales is incidental and a convenience for their customers.
- (f)** The Zoning Administrator asked Corporal Munoz if the project site was in a high crime area as it relates to alcohol-related incidents.
- (g)** Corporal Munoz explained that the project site is not in a high crime area as it relates to alcohol-related incidents but however there is high crime associated with transients in the vicinity. Additionally, Corporal Munoz noted the location of several businesses in the immediate area that provide off-sale beer and wine (Type 20) and off-sale distilled spirits (Type 21) sales.
- (h)** 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 C: THE DECISION

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

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

(c) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(1) The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located.

Fact: Alcoholic beverage sales is allowed with Conditional Use Permit (CUP) approval within the C3 (Commercial Service) zoning district. Part of the analysis in evaluating the Conditional Use Permit is whether the proposed location is within a census tract that is over-concentrated for off-sale licenses and, if so, whether findings of public convenience and necessity ("PCN") can be made. The census tract in which the CUP is proposed is over-concentrated and adjoining census tracts are also over-concentrated. The City has established criteria under which PCN findings can be made – the proposed use does not meet the PCN criteria established for minimum building area and minimum area devoted to food sales. Further, there are several businesses in close proximity that are approved for off-sale beer and wine (Type 20) and off-sale distilled spirits (Type 21) licenses that provide beer and wine sales to the public.

In conjunction with the application, the applicant has acquired two off-sale beer and wine (Type 20) licenses and surrendered them to ABC. While not in the same census tract, the surrendering of the licenses does reduce the total number of off-sale licenses in the City at this point in time. Unfortunately, there is no method of permanently removing these locations from future licensing. For example, the license acquired from 2645 East Riverside Drive is the former location of Fresh & Easy, who vacated the building several months ago. This building is in excess of 12,000 square feet and, depending on the tenant, could meet the PCN criteria established by the City. The result could be the addition of an off-sale license. The location at 3445 East Shelby Street is a gas station currently under renovation. The location was the subject of a CUP approval to upgrade their license from beer and wine (type 20) to distilled spirits (Type 21). While no license has been applied for at this time, it is anticipated that, upon completion of the renovation, the

business will exercise their CUP for off-sale distilled spirits. Should this occur, the two licenses surrendered will be added back into the City total, resulting in a net increase of one off-sale license.

(2) The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

Fact: While the use is consistent with the uses allowed within the C3 (Commercial Service) zoning district, the sale of the beer and wine is proposed within a census tract that is over-concentrated. Under provisions of Alcoholic Beverage Control, additional licenses within an over-concentrated census tract require local jurisdictions to make findings that the proposed off-sale license serve the PCN. The City has established criteria for determining PCN and the application does not comply with the criteria established for minimum building area and minimum area devoted to food sales.

(3) For Off-Sale alcoholic beverage license types located within over-concentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator finds that the following PCN findings cannot be met:

(i) The retailer occupies a minimum of 12,000 square feet of gross floor area.

Fact: The existing 2,009 square foot building does not meet the 12,000 gross floor area minimum requirement. The intent of the finding was to provide larger stores, offering a variety of products including food sales, with the ability to provide off-site sales for the convenience of their customers. Further, the City Council, in approving the provisions, established the minimum square footage of the building without respect to the type of use. Staff's interpretation that gas stations with convenience markets are not subject to the minimum building square footage is contrary to City Council action.

(ii) At least 10 percent of the floor area is devoted to food sales.

Fact: The convenience store has a snack bar area that totals approximately 4% of the gross floor area, well below the 10 percent requirement.

(d) 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 15301: Class 1 of the State CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor

alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions or operational changes and is therefore categorically exempt.

(e) The Zoning Administrator hereby finds and determines that 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.

(f) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby **denies** File No. PCUP15-014.



DENIED by the Zoning Administrator of the City of Ontario on this 23rd day of December 2015.



Scott Murphy
Zoning Administrator

APPENDIX B

Appeal Application



City of Ontario
 Planning Department
 303 East "B" Street
 Ontario, CA 91764
 Phone: (909) 395-2036
 Fax: (909) 395-2420
 www.ci.ontario.ca.us

Appeal Application

GENERAL INFORMATION (print or type)

Appellant: TRAVIS COMPANIES, INC.
 Address: 4430 E. MIRALOMA AVE., STE. F, ANAHEIM, CA
 Telephone No.: 714.693.9388 Fax No.: 714.693.9333
 Email: _____
 Appellant's Representative: KARL HUY (C/O TRAVIS COMPANIES, INC.)
 Address: 4430 E. MIRALOMA AVE., STE. F, ANAHEIM, CA
 Telephone No.: 714.693.9388 Fax No.: 714.693.9333
 Email: KHUY@TRAVISCOMPANIESINC.COM

(For staff use only)

File No.: PCUP15-014
 Date: 1/4/16
 Rec'd by: [Signature]
 Fees Paid: \$752.00
 Receipt No.: 271201

SUBJECT OF APPEAL

This application is hereby filed pursuant to Title 9, Section 1, Part 2, Article 5 of the Ontario Municipal Code, appealing the action of the following reviewing authority:

- Administrative Decision
- Administrative Decision for Historical Resources
- Development Advisory Board Decision
- Historic Preservation Subcommittee Decision
- Zoning Administrator Decision
- Historic Preservation Commission Decision
- Planning Commission Decision

Date of decision: 12.23.15 Project File Nos.: PCUP15-014

The application requests: THAT THE ZONING ADMINISTRATOR'S DECISION TO DENY THE APPROVAL OF AN ABC CUP FOR PCUP15-014 BE APPEALED, RECONSIDERED AND REVERSED TO ALLOW FOR THE SALE OF BEER AND WINE (FOR OFF SITE CONSUMPTION) AT THIS NEWLY RECONSTRUCTED CONVENIENCE STORE/GAS STATION SITE.

ACTION/DECISION

Identify the specific action or decision which is being appealed: ON 12/23/15 THE ZONING ADMINISTRATOR RENDERED A DECISION DENYING A REQUEST TO APPROVE A CUP FOR AN ABC LICENSE FOR OFF SALE BEER AND WINE. IT IS THIS DECISION FOR FILE NO. # PCUP15-014 FOR WHICH THIS APPEAL IS BEING SUBMITTED AND FILED.



Travis Companies, Inc.

January 4, 2016

Mr. Scott Murphy
Zoning Administrator
City of Ontario
303 East B Street
Ontario, California 91764

**RE: APPEAL APPLICATION FOR PCUP15-014 - ABC CUP - 1065 W. HOLT
BOULEVARD, ONTARIO, CALIFORNIA.**

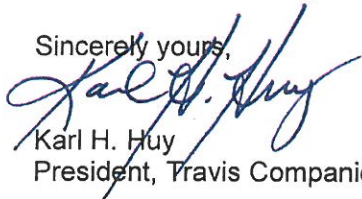
Dear Mr. Murphy:

Pursuant to the instructions contained in your December 23, 2015, email please find attached our application for an appeal of the Zoning Administrator's decision rendered for PCUP15-014 on December 23, 2015, as a result of the ZA Hearing held on December 7, 2015. The attached application has been prepared and is submitted to request that the Zoning Administrator's decision to deny the ABC CUP for this site be appealed, reconsidered and reversed to allow for the sale of beer and wine for off site consumption.

As we discussed this morning I am emailing you the formal appeal application and will have the \$752.00 filing fee submitted and delivered to your office Tuesday morning before noon. In addition, the remaining materials of the application (the mailing list, envelopes, radius map and the Reason for Appeal) will be delivered to you no later than 5:00 PM this Friday, January 8, 2016.

Please accept and process this request for appeal as required. Please contact me should you have any questions or require additional information in order to proceed with the appeal. Please also keep me apprised of any meetings or hearings I must attend in order to complete the appeal process. I thank you in advance for your assistance and cooperation in this matter and look forward to hearing from you soon.

Sincerely yours,



Karl H. Huy
President, Travis Companies, Inc.

KH:en
G&MOI#9-14-CityAppeal

This appeal is hereby submitted and filed with the City of Ontario based on the grounds that we believe the decision rendered by the Zoning Administrator was not supported by the materials and public testimony presented during the public hearing and that the Zoning Administrator's decision was not supported by the facts, findings and recommendations presented in the City's Planning Staff report. Further, it is argued that the request for this ABC CUP did indeed satisfy the findings of the public convenience and necessity and should have been granted..

1. Contrary to the statements presented in Part "C of the Zoning Administrator's decision document, it is argued that the findings of the PCN have been met and that the request for the ABC CUP should have been approved as recommended by the Planning staff and report. Justification for the reversal of the Zoning Administrator's decision is as follows.
 - a. Gross Floor Area - Although the ZA's decision indicates that the requirement for a minimum of 12,000 square feet of gross floor area has not been met, it is clearly indicated in the planning staff report that this 12,000 square foot requirement is not applicable to gas station convenience store type projects. The staff report further indicates that through an accepted City planning policy interpretation that the 12,000 square foot GFA only applies to larger retail stores and grocery/supermarkets, and that the City has allowed and approved off-sale licenses at gas stations in the past providing the other findings of the PCN are met..
 - b. Alcoholic Beverage Display - The City Council's Ordinance 2943 specifically indicates that "*no more than 10% of the floor area may be devoted to alcoholic beverage display*". Based on the four (4) cooler doors proposed for alcoholic beverage sales only 1.5% of the GFA would be dedicated to the display of alcoholic beverages. As the planning staff report indicates this is well below the 10% requirement and thus this component of the PCN is met.
 - c. Food Sales Area - Ordinance 2943 requires that at least 10% of the GFA be devoted to food sales. Based on the existing food plan of the building, and based on the substantial amount of food products for sale in the building in walk-in coolers, on gondolas, in display cases, on top of counter tops and on shelves, the 10% requirement is easily met. Based on the floor plan the amount of square footage dedicated and used for the sale of food products (both beverages and consumables) is 708 square feet which amounts to a total percentage of 35.24% the GFA. This component of the PCN findings is easily met.
 - d. High Crime Rate Area - As indicated by the Police Officer (Mr. Nunez or Mr. Munoz) who presented public testimony on this matter, this site is NOT in a high crime area. This component of the PCN findings is met.
 - e. Outstanding Code Violations - As indicated by the planning staff presentation before the Zoning Administrator, City records indicate that there are no open or outstanding building or health code violations. This component of the PCN findings is met.

- f. Site Maintenance - As indicated by the planning staff presentation before the Zoning Administrator, City records indicate that there are no open or outstanding building or health code violations. This component of the PCN findings is met.
- g. General - During the public hearing for this matter the Zoning Administrator questioned the Police Officer who provided public testimony as to the property owner's history with their operations of a similar gas station and convenience store site in town that also has an existing ABC license. The ZA asked the Police Officer if the Police Department had ever received any complaints, calls or reports of violations or problems resulting from the possession of an ANC license or from an alcoholic beverage standpoint. Under public testimony the Police Officer clearly indicated that the property owner's other site in Ontario is in good order with no code or ABC violations, has not generated any police activity and is in compliance. This testimony from a City Police Officer provides evidence that the property owner is well trained, educated and institutionalized in the compliant operation, handling and procedures for the administration of an alcoholic beverages sale program. The property owners experience with over 60 ABC licenses will carry through to the location as well and all alcoholic beverage operation will be in complete compliance with all City and ABC requirements.
- h. During the ZA Hearing it was indicated that the Police Department, in the event the ABC CUP was granted, had prepared a list of 26 ABC and 8 Tobacco Conditions of Approvals. These conditions were contained in Officer Eric Quinones's July 7, 2015 memorandum to the Planning Division. In the ZA Hearing it was indicated by the applicant that these Conditions of Approval, all 34 of them, were reviewed by the applicant and found to be acceptable. It was indicated in the ZA Hearing that the property owner was in complete concurrence with all of the conditions and would comply accordingly.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, UPHOLDING THE ZONING ADMINISTRATOR'S DECISION AND DENYING FILE NO. PCUP15-014, A CONDITIONAL USE PERMIT FOR ALCOHOLIC BEVERAGE SALES, TYPE 20 ABC LICENSE (OFF-SALE BEER AND WINE), IN CONJUNCTION WITHIN AN EXISTING CHEVRON GAS STATION CONVENIENCE STORE A LOCATED AT 1065 WEST HOLT BOULEVARD, WITHIN THE COMMUNITY COMMERCIAL ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1011-132-06.

WHEREAS, Travis Companies, Inc. ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP15-014, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.58 acres of land located at 1065 West Holt Boulevard within the CC (Community Commercial) zoning district, and is presently improved with a Chevron gas station and convenience store; and

WHEREAS, the property to the north of the Project site is within the CC (Community Commercial) zoning district, and is developed with motor vehicle sales. The property to the east is within the CC (Community Commercial) zoning district, and is developed with commercial retail store. The property to the south is within the CC (Community Commercial) zoning district, and is developed with commercial retail stores. The property to the west is within the CC (Community Commercial) zoning district, and is developed with auto repair service uses; and

WHEREAS, on June 4, 2015, the applicant submitted File No. PCUP15-014 requesting to establish an ancillary Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station; and

WHEREAS, on December 7, 2015, the Zoning Administrator held a public hearing to consider the Application, and concluded said hearing on that date; and

WHEREAS, on December 23, 2015, the Zoning Administrator rendered Decision No. 2015-034 denying Conditional Use Permit No. PCUP15-014; and

WHEREAS, the Zoning Administrator's decision to deny the application was based upon the fact that the project did not meet the required Conditional Use Permit findings and Public Convenience and Necessity findings for off-sale licenses in an over-concentrated Census Tract; and

WHEREAS, On January 4, 2016, the applicant submitted an appeal of the Zoning Administrator's decision to deny File No. PCUP15-014 and the basis for the appeal lies with the applicant's belief that the Zoning Administrator's Decision is not supported by the record; 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 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); 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, on January 26, 2016, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

a. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

b. The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. The proposed location of the Conditional Use Permit is not in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located.

Alcoholic beverage sales is allowed with Conditional Use Permit approval within the C3 (Commercial Service) zoning district. Part of the analysis in evaluating the Conditional Use Permit is whether the proposed location is within a census tract that is over-concentrated for off-sale licenses and, if so, whether findings of public convenience and necessity ("PCN") can be made. The census tract in which the CUP is proposed is over-concentrated and adjoining census tracts are also over-concentrated. The City has established criteria under which PCN findings can be made – the proposed use does not meet the PCN criteria established for minimum building area and minimum area devoted to food sales. Further, there are several businesses in close proximity that are approved for off-sale beer and wine (Type 20) and off-sale distilled spirits (Type 21) licenses that provide beer and wine sales to the public.

In conjunction with the application, the applicant has acquired two off-sale beer and wine (Type 20) licenses and surrendered them to ABC. While not in the same census tract, the surrendering of the licenses does reduce the total number of off-sale licenses in the City at this point in time. Unfortunately, there is no method of permanently removing these locations from future licensing. For example, the license acquired from 2645 East Riverside Drive is the former location of Fresh & Easy, who vacated the building several months ago. This building is in excess of 12,000 square feet and, depending on the tenant, could meet the PCN criteria established by the City. The result could be the addition of an off-sale license. The location at 3445 East Shelby Street is a gas station currently under renovation. The location was the subject of a CUP approval to upgrade their license from beer and wine (type 20) to distilled spirits (Type 21). While no license has been applied for at this time, it is anticipated that, upon completion of the renovation, the business will exercise their CUP for off-sale distilled spirits. Should this occur, the two licenses surrendered will be added back into the City total, resulting in a net increase of one off-sale license.

b. The proposed Conditional Use Permit will not comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

While the use is consistent with the uses allowed within the C3 (Commercial Service) zoning district, the sale of the beer and wine is proposed within a census tract that is over-concentrated. Under provisions of Alcoholic Beverage Control, additional licenses within an over-concentrated census tract require local jurisdictions to make findings that the proposed off-sale license serve the PCN. The City has established criteria for determining PCN and the application does not comply with the criteria established for minimum building area and minimum area devoted to food sales.

c. For Off-Sale alcoholic beverage license types located within over-concentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator finds that the following Public Convenience and Necessity (“PCN”) findings cannot be met:

i. The retailer occupies a minimum of 12,000 square feet of gross floor area.

The existing 2,009 square foot building does not meet the 12,000 gross floor area minimum requirement. The intent of the finding was to provide larger stores, offering a variety of products including food sales, with the ability to provide off-site sales for the convenience of their customers. Further, the City Council, in approving the provisions, established the minimum square footage of the building without respect to the type of use. Staff’s interpretation that gas stations with convenience markets are not subject to the minimum building square footage is contrary to City Council action.

ii. At least 10 percent of the floor area is devoted to food sales.

The convenience store has a snack bar area that totals approximately 4% of the gross floor area, well below the 10 percent requirement.

d. The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.

SECTION 3. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby upholds the Zoning Administrator’s Decision No. 2015-034 and denying File No. PCUP15-014.

SECTION 4. 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 this approval. 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.

SECTION 5. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of January 2016, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Jim Willoughby
Planning Commission Chairman

ATTEST:

Rudy Zeledon
Principal Planner/Acting Secretary of
Planning Commission

Planning Commission Resolution
File No. PCUP15-014
January 26, 2016
Page 6

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Marci Callejo, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC16-*** was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on January 26, 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:


Marci Callejo
Secretary Pro Tempore



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Scott Murphy, Planning Director 

DATE: January 26, 2016

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF DECEMBER 2015

Attached, you will find the Planning Department Monthly Activity Report for the month of December 2015. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site at www.ci.ontario.ca.us/index.cfm/22418.

Monthly Activity Report—New Applications

Month of: December 2015

PCUP15-028: **Submitted by Rossa's Restaurant**

A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits (Type 47 ABC license) in conjunction with an existing full service restaurant (Rossa's Cucina Enoteca), on a 0.71-acre parcel of land located at 425 North Vineyard Avenue, within the CCS (Convention Center Support) zoning district (APN: 0110-261-14).

PCUP15-029: **Submitted by Jonathan Nicastrò**

A Conditional Use Permit to establish a laser tag facility within an existing 25,341 square foot building on approximately 1.19 acres of land located at 301-321 West Holt Boulevard, within the MU-1 (Downtown Mixed-Use) zoning district (APNs: 1049-053-01, 1049-053-02, 1049-053-03, 1049-053-04 & 1049-053-05).

PCUP15-030: **Submitted by Jinvun**

A Conditional Use Permit to establish a massage establishment on 2.156 acres of land located at 1339 East Fourth Street, Unit E, within the CN (Neighborhood Commercial) zoning district (APN: 0108-381-30).

PDEV15-038: **Submitted by Ware Malcomb**

A Development Plan to expand an existing warehouse/distribution facility (occupied by UPS) by approximately 129,510 SF, for a total of approximately 920,450 SF, on 101.6 acres of land generally located at the southwest corner of Jurupa Street and Haven Avenue, within the Distribution land use district of the United Parcel Service Specific Plan (APNs: 0211-191-07, 0211-263-19, & 0211-263-22).

PMAS15-003: **Submitted by Nicao**

A change of ownership of an existing Massage Establishment located at 1820 East Elma Court, within the CCS (Convention Center Support) zoning district (APN: 0110-022-24).

PSGN15-146: **Submitted by Tesoro**

A Sign Plan to reface existing canopy signs for ARCO, located at 1245 E Fourth Street.

PSGN15-147: **Submitted by Derek Picerne**

A Sign Plan to install monument signs at an existing apartment complex located at 3410 East Fourth Street.

PSGN15-148: **Submitted by Megahertz Electric Sign**

A Sign Plan to install a new wall sign (17.5 SF) for PPG PAINT, located at 1520 North Mountain Avenue, Suite 113.

Monthly Activity Report—New Applications

Month of: December 2015

PSGN15-149: **Submitted by Premier Signs**

A Sign Plan to install a new wall sign (15.4 SF) for ARC DOCUMENT SOLUTIONS, located at 800 South Milliken Avenue, Suite G.

PSGN15-150: **Submitted by TNT Electric Signs**

A Sign Plan to install two monument signs (50 SF and 7 FT in height) for an existing shopping center located at 1337 East Fourth Street.

PSGN15-151: **Submitted by Hermandad Mexicana**

A Sign Plan to install a temporary sign (20 SF) to read “HERMANDAD MEXICANA,” located at 516 North Euclid Avenue. To be displayed from 12/05/2015 through 01/15/2016.

PSGN15-152: **Submitted by Tish Schalampo**

A Sign Plan to install two illuminated wall signs (41 SF, each) for HELPPPOINT CLAIM SERVICES located at 3450 East Centrelake Drive, Suite 100.

PSGN15-153: **Submitted by Liberty Tax**

A Sign Plan to install a wall sign for LIBERTY TAX (32 SF), located at 870 South Mountain Avenue.

PSGN15-154: **Submitted by All American Sign Service**

A Sign Plan to install a new wall sign for SHOPAHOLICS BOUTIQUE (38 SF), located at 1335 East Fourth Street, Suite C.

PSGN15-155: **Submitted by Coast Sign, Inc**

A Sign Plan to revise existing wall signs, adding "By Hilton" to EMBASSY SUITES signage, located at 3663 East Guasti Road.

PSGN15-156: **Submitted by D & D Sign Service**

A Sign Plan to install a new wall sign (42 SF) for SHERWIN-WILLIAMS PAINTS, located at 2550 South Archibald Avenue, Unit G.

PSGN15-157: **Submitted by Steve Chang**

A Sign Plan to install two wall signs (33 SF, each) for HEAVY MOTIONS & HYFLOW CONTROLS, located at 2134 South Green Privado.

PSGN15-158: **Submitted by Daybreak Plaza, LLC**

A Sign Plan to install 7 tenant panel signs for a freeway pylon sign, located at 990 Ontario Mills Parkway (Daybreak Plaza), within the Ontario Mills Specific Plan.

Monthly Activity Report—New Applications

Month of: December 2015

PSGN15-159: **Submitted by Empire Sign & Co.**

A Sign Plan to install two wall signs (81.5 SF, each) for QVC, located at 2233 East Inland Empire Boulevard, within the Meredith Specific Plan.

PSGN15-160: **Submitted by Steve Long**

A Sign Plan to install one wall sign (33 SF) for YEAST N' FLOUR PIZZA, located at 231 North Euclid Avenue.

PSGP15-007: **Submitted by Pacific/Lewis Properties**

A Sign Program to establish a multiple tenant master sign program on approximately 1.04 acres of land located at the northwest corner of Hawthorne Street and Mountain Avenue, at 1337 North Mountain Avenue, within the Main Street land use district of the Mountain Village Specific Plan. (Note: Replaces pad building sign provisions contained in the Walmart sign plan.)

PTUP15-086: **Submitted by Knights of Columbus Council**

A Temporary Use Permit for Knights of Columbus Casino Night, to include, food, alcohol, and casino-style games, located at 2713 South Grove Avenue. Event to be held on 2/6/2016, 7:00PM to 11:00PM.

PTUP15-087: **Submitted by Ontario Montclair School District**

A Temporary Use Permit for the annual Ontario Montclair School District Cross Country Event, located at 950 West D Street. Event to be held on 4/26/2016.

PTUP15-088: **Submitted by Event Next**

A Temporary Use Permit for Chrysler test drive, located within the Ontario Mills parking lot, at 1 East Mills Circle, Suite 100. Event to be held on 12/10/2015 through 12/13/2015, 10:00AM to 6:00PM, daily.

PTUP15-089: **Submitted by The Christian Okoye Foundation**

A Temporary Use Permit for the 10th Annual Ontario Mills 5K and 10K Run, located at 4410 East Mills Circle. Event to be held on 1/16/2016.

PVAR15-007: **Submitted by Kirk Wallace**

A Variance to deviate from the minimum front yard setback, from 20 FT to 15 FT, to accommodate the construction of two single-family dwellings on two lots totaling approximately 0.3 acre, located in the College Park Historic District, at 326 and 330 East Fourth Street, within the LDR-5 (Low Density Residential—2.1 to 5.0 DUs/Acre) zoning district (APN: 1048-063-05 and 1048-063-06).

Monthly Activity Report—New Applications

Month of: December 2015

PVER15-081: Submitted by Massey Consulting Group
Zoning Verification for 1539 (and 1536) East Princeton (APN: 0110-391-35).

PVER15-082: Submitted by Massey Consulting Group
Zoning Verification for 1125 and-1135 North Baker Avenue (APN: 0110-391-34).

PVER15-083: Submitted by A/E West
A Zoning Verification for 3350 East Cedar Avenue (APN: 0211-275-36).

Monthly Activity Report—Actions

Month of: December 2015

City Council — December 1, 2015

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE

NO. PDCA11-003: A revision to certain provisions of a comprehensive update to the City of Ontario Development Code (previously reviewed by the Planning Commission on 6/23/2015, and introduced to the City Council on 9/1/2015), as follows: [1] establish consistency with Senate Bill 582, amending Civil Code Section 835, and allow electrified fences in commercial zones up to 10 feet in height, and within industrial zones up to 16 feet in height; [2] allow “architectural and structural metal manufacturing” and “converted paper product manufacturing” as conditionally permitted land uses within the proposed IL (Light Industrial) zoning district; and [3] modify Table 5.02-1 (Land Use Matrix), ensuring that the allowed land uses within the proposed ONT (Ontario International Airport) zoning district are consistent with the allowed land uses in the current M3 (General Industrial) zoning district. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) and Mitigation Monitoring Program, certified by the City of Ontario City Council on January 27, 2010. This project introduces no new significant environmental impacts. 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 ONT Airport Land Use Compatibility Plan (ALUCP); **City Initiated**. The Planning Commission recommended approval of this item on 10/27/2015, with a vote 5 to 0.

Action: The City Council APPROVED an ordinance approving File No. PDCA11-003 (second reading of the enacting ordinance).

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-001: A Mills Act Contract for a 1,600 square foot Craftsman Bungalow style residential building, a designated local landmark, located at 509 East E Street, within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APNs: 1048-391-13); **submitted by Ryan Castillo**. The Planning Commission recommended approval of this item on 10/27/2015, with a vote 5 to 0.

Action: The City Council APPROVED a resolution approving File No. PHP15-001.

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-004: A Mills Act Contract for a 2,484 square foot Spanish Revival style residential building, a Contributor within the designated Euclid Avenue Historic District, located at 1258 North Euclid Avenue, within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APNs: 1047-531-09); **submitted by Armando Villa**. The Planning Commission recommended approval of this item on 10/27/2015, with a vote 5 to 0.

Action: The City Council APPROVED a resolution approving File No. PHP15-004.

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-005: A Mills Act Contract for a 2,221 square foot French Eclectic Revival style residential building, a Contributor within the Designated Villa

Monthly Activity Report—Actions

Month of: December 2015

Historic District, located at 327 West H Street within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1048-271-07); **submitted by Richard and Jobelle Hernandez**. The Planning Commission recommended approval of this item on 10/27/2015, with a vote 5 to 0.

Action: The City Council APPROVED a resolution approving File No. PHP15-005.

MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-007: A Mills Act Contract for a 1,235 square foot Vernacular style residential building, a Contributor within the designated Rosewood Court Historic District, located at 204 East J Street within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APNs: 1048-071-06); **submitted by Elizabeth Soriano and Edmund Bañuelos**. The Planning Commission recommended approval of this item on 10/27/2015, with a vote 5 to 0.

Action: The City Council APPROVED a resolution approving File No. PHP15-007.

ENVIRONMENTAL ASSESSMENT, ZONE CHANGE REVIEW FOR FILE NO. PZC15-002: A City initiated request to change the zoning designations on various properties located throughout the City to BP (Business Park), IP (Industrial Park), IL (Light Industrial), and RC (Rail Corridor), and to change the zoning on various M3 (General Industrial) zoned properties to IG (General Industrial) and various other zones in order to make the zoning consistent with The Ontario Plan land use designations of the properties. The environmental impacts of this project were previously analyzed in an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. 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. (APNs: 110-061-01, 110-071-01, 02, 06, 07, 110-072-08 to 11, 16, 25, 110-081-02, 03, 06 to 09, 110-091-05, 07 to 45, 110-101-01, 02, 05, 110-111-01 to 03, 06 to 12, 110-121-03 to 05, 08 to 10, 110-131-01, 06 to 09, 13, 19 to 21, 24, 25, 28, 113-222-01, 113-231-09, 113-251-16, 24, 113-261-17, 113-271-05, 10, 12, 22, 40, 113-371-02, 113-396-01 to 03, 113-431-03, 113-451-31, 113-463-03, 04, 07, 10, 13, 14, 19, 20, 22, 24 to 29, 34 to 36, 113-591-01 to 13, 210-061-16, 210-062-37, 38, 58, 59, 210-191-11, 210-212-02, 210-311-01 to 04, 10 to 12, 210-551-02, 03, 05, 211-242-01, 02, 211-261-01, 211-263-01, 211-272-05, 211-281-05, 211-291-01, 211-321-10, 238-021-02, 238-042-17 to 19, 23 to 25, 27, 28, 30 to 34, 238-044-22, 24, 238-052-12, 35, 49, 238-121-41, 238-152-01, 03, 05 to 07, 09, 15, 33, 34, 238-185-50, 51, 54, 238-241-12 to 17, 1011-101-07 to 10, 1011-111-04, 05, 10, 12 to 23, 1011-112-05, 07 to 10, 12 to 24, 28 to 44, 1011-121-02, 05, 07, 09 to 18, 21 to 26, 1011-122-01 to 08, 11 to 23, 1011-131-02 to 04, 13, 17 to 19, 1011-132-08 to 12, 17 to 19, 21, 1011-133-07, 20 to 23, 1011-134-01, 02, 04 to 06, 10, 12 to 15, 1011-141-06, 07, 11, 13, 14, 16, 17, 27, 30 to 39, 1011-151-01, 03 to 07, 1011-161-01 to 05, 08 to 14, 16, 17, 1011-171-01, 04, 05, 1011-181-04, 05, 09, 10, 1011-182-01, 05, 09, 10, 13, 15, 17, 18, 1011-191-01 to 03, 1011-192-01, 04, 1011-193-01 to 04, 1011-201-02, 05 to 07, 10 to 12, 14 to 26, 1011-211-02, 03, 05 to 07, 09, 10, 12 to 21, 1011-221-01 to 06, 08 to 13, 15, 16, 18 to 20, 1011-231-02 to 05, 07 to 12, 1046-511-01, 02, 04, 05, 17, 18, 1047-132-02,

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Action: The City Council **APPROVED** an ordinance approving File No. PZC15-002 (second reading of the enacting ordinance).

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE

NO. PDCA15-002: A request to amend Ontario Development Code Section 9-1.3176, Billboard Relocation Agreements, to include an “Interagency Relocation Exception” to permit the relocation of billboards within the City of Ontario, provided the billboards meet certain locational criteria and findings and include the elimination of other billboards within the City. Staff has determined that the application is exempt from the requirements the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) (General Rule). 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 ONT Airport Land Use Compatibility Plan (ALUCP). City Initiated. The Planning Commission recommended approval of this item on 11/24/2015, with a vote of 7 to 0.

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Action: The City Council APPROVED the introduction, and waived further reading of the ordinance approving File No. PDCA15-002 (first reading of the enacting ordinance).

Development Advisory Board — December 7, 2015

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-019:

A Development Plan to construct a 55-foot tall Verizon mono-pine telecommunication facility within a 655 square foot lease area, within a 10.6 acre Southern California Easement parcel of land zoned Open Space (OS), generally located south of Fourth Street and East of the I-15 Freeway. 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 has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines (APN: 238-012-22); **submitted by Verizon Wireless.**

Action: The Development Advisory Board APPROVED File No. PDEV15-019 subject to departmental conditions of approval.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:

A Development Plan to construct 149 single-family homes on approximately 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential.** Planning Commission action is required. Continued from the 11/16/2015 meeting.

Action: CONTINUED to the December 21, 2015, meeting.

Zoning Administrator — December 7, 2015

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP15-014: A Conditional Use Permit to establish a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) located at 1065 West Holt Boulevard within the C3 (Commercial Service) zoning district. The

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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. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). (APN: 1011-132-06) **Submitted by Travis Companies.**

Action: The Zoning Administrator conducted a public hearing, and on 12/23/2015 DENIED File No. PCUP15-014 subject to departmental conditions of approval.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP15-021: A Conditional Use Permit to establish a Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with a proposed 2,225 square foot restaurant (Starbucks) located at 960 Ontario Mills Drive, Suite B within the Commercial/Office land use district of the Ontario Mills Specific Plan. 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. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). (APN: 238-014-04) **Submitted by Starbucks.**

Action: The Zoning Administrator conducted a public hearing, and on 12/23/2015 APPROVED File No. PCUP15-021 subject to departmental conditions of approval.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP15-023: A Conditional Use Permit to establish a Type 23 ABC License - Small Beer Manufacturer (Chino Valley Brewing Company) with an ancillary beer tasting room within a 1,609 square foot space in The Pepper Grove Business Center located at 1609 South Grove Avenue, Suite 109, within the Business Park land use designation of the Grove Avenue Specific Plan. 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. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). (APN: 113-361-08) **Submitted by Matt Maldonado.**

Action: The Zoning Administrator conducted a public hearing, and on 12/23/2015 APPROVED File No. PCUP15-023 subject to departmental conditions of approval.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP15-024: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for consumption on the premises (Type 41 ABC license), in conjunction with an existing 2,601-square foot coffee house (Starbucks) on approximately 0.9 acres of land located at 2548 South Archibald Avenue within the C1 (Shopping Center) zoning district. 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

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Compatibility Plan (ALUCP) for ONT. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). (APN: 1083-011-15)

Submitted by Coffee House Holdings, Inc.

Action: The Zoning Administrator conducted a public hearing, and on 12/22/2015 APPROVED File No. PCUP15-024 subject to departmental conditions of approval.

City Council — December 15, 2015

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE

NO. PDCA15-002: A request to amend Ontario Development Code Section 9-1.3176, Billboard Relocation Agreements, to include an “Interagency Relocation Exception” to permit the relocation of billboards within the City of Ontario, provided the billboards meet certain locational criteria and findings and include the elimination of other billboards within the City. Staff has determined that the application is exempt from the requirements the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) (General Rule). 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 ONT Airport Land Use Compatibility Plan (ALUCP). City Initiated. The Planning Commission recommended approval of this item on 11/24/2015, with a vote of 7 to 0.

Action: The City Council APPROVED an ordinance approving File No. PDCA15-002 (second reading of the enacting ordinance).

Development Advisory Board — December 21, 2015

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:

A Development Plan to construct 149 single-family homes on approximately 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN’s: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential. Planning Commission action is required. ITEM CONTINUED FROM 12/07/15.**

Action: CONTINUED to the 1/20/2016 meeting.

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ENVIRONMENTAL ASSESSMENT DEVELOPMENT PLAN AND TENTATIVE PARCEL MAP REVIEW

FOR FILE NOS. PDEV15-031 & PMTT15-003 (PM 19682): A Development Plan (File No. PDEV15-031) to construct a 239,400-square foot industrial building on approximately 10.8 acres of land, and a Tentative Parcel Map (File No. PMTT15-003; PM 19682) to subdivide the project site into 2 parcels, located on the west side of Campus Avenue, between Sunkist and California Streets, at 616 East Sunkist Street, within the M3, General Industrial, zoning district (zone change to IL, Light Industrial, currently in process). Staff finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are recommended that will reduce identified effects to a level of nonsignificance; therefore, adoption of a Mitigated Negative Declaration of environmental effects is recommended. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1049-221-01) **Submitted by Commerce Construction Co., LP. Planning Commission/Historic Preservation Commission action is required.**

Action: The Development Advisory Board APPROVED decisions approving File Nos. PDEV15-031 and PMTT15-003 (PM 19682) subject to departmental conditions of approval.

Zoning Administrator — December 21, 2015

Meeting Cancelled

Planning Commission — December 22, 2015

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:

A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential.** Continued from the 11/24/2015 meeting.

Action: CONTINUED to the 1/26/2016 meeting.

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ENVIRONMENTAL ASSESSMENT, GENERAL PLAN AMENDMENT AND ZONE CHANGE REVIEW FOR FILE NOS. PGPA15-002 AND PZC15-003:

A City initiated request to: 1) Change the General Plan land use designation from Business Park to Industrial (Exhibit LU-01) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes (File No. PGPA15-002) and 2) Rezone from IL (Light Industrial) with Emergency Shelter Overlay to IG (General Industrial) with Emergency Shelter Overlay (File No. PZC15-003) on sixteen properties generally located 260 to 625 feet north of Mission Boulevard between Benson and Magnolia Avenues in order to make the zoning consistent with The Ontario Plan land use designations of the properties. 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. 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. (APNs: 1011-211-07, 1011-211-10, 1011-211-12 thru 21, 1011-221-01 thru 03, and 1011-221-20); **City initiated.** City Council action is required.

Action: The Planning Commission approved resolutions RECOMMENDING THE CITY COUNCIL APPROVE File Nos. PGPA15-002 and PZC15-003.

ENVIRONMENTAL ASSESSMENT DEVELOPMENT PLAN, TENTATIVE PARCEL MAP, AND CERTIFICATE OF APPROPRIATENESS REVIEW FOR FILE NOS. PDEV15-031, PMTT15-003 (PM 19682) & PHP15-009:

A Development Plan (File No. PDEV15-031) to construct a 239,400-square foot industrial building on approximately 10.8 acres of land; a Tentative Parcel Map (File No. PMTT15-003; PM 19682) to subdivide the project site into 2 parcels; and a Certificate of Appropriateness (File No. PHP15-009) for a Tier II historic eligible structure (the existing Sunkist Water Tower) to facilitate the relocation of the structure to the northeasterly corner of the project site to accommodate the construction of the proposed industrial building, located on the west side of Campus Avenue, between Sunkist and California Streets, at 616 East Sunkist Street, within the M3, (General Industrial), zoning district (zone change to IL, Light Industrial, currently in process). Staff finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are recommended that will reduce identified effects to a level of nonsignificance; therefore, adoption of a Mitigated Negative Declaration of environmental effects is recommended. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1049-221-01) **Submitted by Commerce Construction Co., LP.**

Action: The Planning Commission APPROVED resolutions approving File Nos. PDEV15-031, PMTT15-003 (PM9682), and PHP15-009, subject to conditions of approval.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA15-003:

A revision to certain provisions of the comprehensive update to the City of

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Ontario Development Code (introduced by the City Council on 9/1/2015), as follows: [1] add Reference I - Public Art Program, to promote public art and art in public places; [2] add Reference G – Landscape Design and Construction Guidelines; [3] modify Table 5.02-1, Land Use Matrix, to allow “salvage facilities” as a permitted land use within the proposed IG (General Industrial) and IH (Heavy Industrial) zoning districts; and [4] modify Section 5.03.350, Salvage Facilities, to modify the operational and performance standards for salvage facilities. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) and Mitigation Monitoring Program, certified by the City of Ontario City Council on January 27, 2010. This project introduces no new significant environmental impacts. 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 ONT Airport Land Use Compatibility Plan (ALUCP); **City Initiated**. City Council action is required.

Action: The Planning Commission APPROVED a resolution recommending the City Council approve of File No. PDCA15-003.

LOCAL LANDMARK DESIGNATION FOR FILE NO. PHP15-008: A request for a Local Landmark designation for a 1,371 square foot, one story, Mediterranean Revival Bungalow style residential building, within the R1 (Single Family Residential) Zoning District located at 428 East Plaza Serena Street. (APN: 1048-072-21); **submitted by Lori Ayala**. City Council action is required.

Action: The Planning Commission APPROVED a resolution recommending the City Council approve of File No. PHP15-008.
