

CITY OF ONTARIO PLANNING COMMISSION MEETING AGENDA

May 25, 2010

Ontario Senior Center
225 East "B" Street, Ontario, California 91764

6:30 P.M.

WELCOME to a meeting of the Ontario Planning Commission.

All documents for public review are on file in the Planning Department located at 200 North Cherry Street, Ontario, CA 91764.

- *Anyone wishing to speak during public comment or on a particular item should fill out a blue 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 ___ Gage ___ Gregorek ___ Hartley ___ Kim ___ Lizarraga ___ Nelsen ___

PLEDGE OF ALLEGIANCE TO THE FLAG

SPECIAL CEREMONIES

- 1) Installation of New Officers
- 2) Presentation to Outgoing Officers

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

Citizens wishing to address the Planning 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 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 Commission Minutes of April 27, 2010, approved as written.

- A-02.** Chaffey Joint Union High School District – Notice of Intent to Acquire Property for Public Use in the NMC

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, TENTATIVE PARCEL MAP AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PMTT09-004 AND PCUP08-036:** A Tentative Parcel Map (File No. PMTT09-004 (PM 19198)) to reconfigure 4.91 acres of land into 4 parcels, vacate a portion of Main Street between Sultana Avenue and Campus Avenue and vacate a portion of Monterey Avenue between

Emporia Street and State Street, and a Conditional Use Permit (**File No. PCUP08-036**) to operate a recycling facility, located at the northwest corner of Main Street and Campus Avenue, at 608 East Main Street, within the M3 (General Industrial) zoning district. Staff is recommending the adoption of a Mitigated Negative Declaration (MND) of environmental effects for the project. **Submitted by Main Street Fibers.** (APNs: 1049-081-01, 1049-081-02, 1049-081-11, 1049-082-06, 1049-083-01, 1049-083-03, 1049-083-08, 1049-083-09, 1049-083-10, 1049-083-11 & 1049-083-13) (Continued from April 27, 2010, Planning Commission meeting)

1. **File No. PMTT09-004 (PM 19198)** (Tentative Parcel Map)

Motion to Approve/Deny

2. **File No. PCUP08-036.** (Conditional Use Permit)

Motion to Approve/Deny

- C. **NOTICE OF MODIFICATION/REVOCATION PROCEEDINGS FOR CONDITIONAL USE PERMIT FILE NO. PCUP01-054, PURSUANT TO ONTARIO MUNICIPAL CODE SECTION 9-1.0955:** A public hearing to consider revocation of, or further regulation of, Conditional Use Permit No. PCUP01-054, which was previously approved for 1,720 square foot expansion of floor area into the adjacent tenant space, the use of a maximum of five (5) pool tables and legalization of the previous non-conforming use of serving alcoholic beverages for Bar La Botana. Conditional Use Permit PCUP01-054 was approved by the Zoning Administrator of the City of Ontario on November 1, 2001 (Decision No. 2001-43). The project site is located on the southwest corner of Mission Boulevard and Mountain Avenue at 858 South Mountain Avenue, within the C1 (Shopping Center Commercial) zoning district. At the request of the Ontario Police Department, Conditional Use Permit PCUP01-054 was scheduled for the June 30, 2005 Zoning Administrator public hearing due to violations of the approved conditions. Violations included the unapproved addition of a dance floor, live entertainment and unpermitted building modifications. City staff and the Bar La Botana owner negotiated an agreement to convert the facility back to the approved floor plan. As a result of the negotiations, Conditional Use Permit PCUP01-054 was not taken to the Zoning Administrator public hearing. However, since the negotiations took place, a number of additional California State Code, Building Code, Fire Code, Department of Alcoholic Beverage Control and Conditional Use Permit violations have occurred. The action to further regulate or revoke Conditional Use Permit File No. PCUP01-054 has been initiated due to certain nuisance activities/violations of Bar La Botana. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies). **City Initiated.** (APN: 1011-381-03) (Continued from April 27, 2010, Planning Commission meeting)

1. **File No. PCUP01-054** (Conditional Use Permit)

Motion to Approve/Deny

- D. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP08-038:** A Conditional Use Permit to establish live entertainment at Bar La Botana, located on the southwest corner of Mission Boulevard and Mountain Avenue at 858 South Mountain Avenue, within the C1 (Shopping Center Commercial) zoning district. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). **Submitted by Francisco Javier Gonzalez.** (APN: 1011-381-03) (Continued from April 27, 2010, Planning Commission meeting)

1. **File No. PCUP08-038** (Conditional Use Permit)

Motion to Approve/Deny

- E. **APPEAL OF ZONING ADMINISTRATOR DECISION NO. 2010-11, DENYING FILE NO. PCUP09-040:** An appeal of Zoning Administrator Decision No. 2010-11, denying a Conditional Use Permit to establish live entertainment, the sale of alcoholic beverages for on-premise consumption, limited to beer (Type 40 ABC License), and a vocational/trade school offering training in music, soundstage setup and sound recording, in conjunction with an existing facility offering the rental of recording and sound studios, band rehearsal space, television and radio broadcasting studios, and stage equipment within an existing building totaling approximately 40,000 square feet on 1.5 acres of land located at 451 S. Kettering Drive, within the M3 (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the Guidelines promulgated thereunder pursuant to § 15301 (Existing Facilities) of the CEQA Guidelines. **Submitted by Unchained Studios, LLC** (APN: 238-241-17).

1. **File No. PCUP09-040** (Conditional Use Permit)

Motion to Approve/Deny

MATTERS FROM THE PLANNING COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation
 - ALUCP
 - Development Code Review
 - Rules and Procedures
- 2) New Business

DIRECTOR'S REPORT

- 1) Monthly Activity Report
- 2) Quarterly Report
- 3) Annual Report

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

If you challenge any action of the Planning 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 Commission at, or prior to, the public hearing.



I, Rhonda Quinn, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on May 20, 2010, at least 72 hours prior to the meeting per Government Code Section 54964.2 at 225 East "B" Street, Ontario.

