

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

MINUTES

April 23, 2019

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

MINUTES

April 23, 2019

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Vice Chairman DeDiemar at 6:30 PM

COMMISSIONERS

Present: Vice-Chairman DeDiemar, Gage, Gregorek, and Reyes

Absent: Downs, Willoughby

OTHERS PRESENT: Planning Director Wahlstrom, Assistant Planning Director Zeledon, City Attorney Duran, Principal Planner Mercier, Senior Planner Batres, Senior Planner Mejia, Associate Planner Aguilo, Associate Planner Chen, Assistant Planner Vaughn, Development Administrative Officer Womble, Traffic and Transportation Manager Bautista, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gage.

ANNOUNCEMENTS

Mr. Gregorek recused himself from Item D, as his firm is doing work on the project.

Ms. Wahlstrom stated as there is no quorum for Item D, the item will need to be continued to the May 28, 2019 meeting.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of March 26, 2019, approved as written.

It was moved by Gregorek, seconded by Reyes, to approve the Planning Commission Minutes of March 26, 2019, as written. The motion was carried 4 to 0.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT18-008:** A Tentative Tract Map (TM 20144) to subdivide one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In Fill Development) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-532-04) **submitted by Toan Nguyen.**

Associate Planner Chen, presented the staff report. He described the project site and surrounding area. He described the proposed subdivision and stated the Small Lot Single Family Residential Development Standards would be utilized, and a condition of approval was added that a development plan is required prior to final map recordation or approved site and design guidelines will be added to the CC&Rs. He stated that mailings were sent to inform residents of the project and one letter and an email were received. He stated the concerns that were addressed were regarding parking, trash pickup, increased traffic and noise levels. He stated that staff is recommending the Planning Commission approve File No. PMTT18-008, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification regarding the zoning of LDR5, that allows them to do smaller lots and if or when the zoning was changed.

Mr. Chen stated the zoning has historically been single-family residential.

Mr. Reyes wanted to know if the Fire Department was agreeable with the 20 foot drive isle and the hammer head for turn-around.

Mr. Chen stated yes the Fire Department is agreeable to it, as long as the curbs are painted red on both sides of the drive isle.

Mr. Reyes wanted clarification if the noticing included the church to the north on Mountain.

Mr. Chen stated yes they were notified and nothing was received from them.

Mr. Gage wanted clarification regarding parking on the drive isle.

Mr. Chen stated that because of the drive isle only being 20 feet instead of 24 feet, no additional parking would be allowed here.

Mr. Gage wanted to know if there will be additional parking on Palmetto.

Mr. Chen stated there will be a red curb painted in front of this property, however to the south and north of the property there is parking. He stated Engineering is not in favor of any parking along the front of this property on Palmetto.

PUBLIC TESTIMONY

Mr. David Boyle, the representative for the applicant, appeared and stated there will be “No Parking” signs posted on the drive isle and it will have red painted curbs, as per the plans. He stated there are two guest parking spots in the front, right of the drive isle.

Mr. Gage wanted to know if Mr. Boyle agreed to the COAs.

Mr. Boyle stated yes as adjusted after the Development Advisory Board.

Mr. Reyes wanted to know if the intent is to build at one time or sell them out individually.

Mr. Boyle stated the intent was to build all of them at one time.

Mr. Reyes asked if the builder will build them and sell them off as a finished product.

Mr. Boyle stated yes that is correct.

Mr. Lawrence Jowdy, the resident one house south of the proposed development, stated he is opposed to 5 dwellings going on the property, as all of these dwellings will be facing his backyard and he loses all his privacy and sense of security. He stated if the project was approved he would like to recommend an 8 foot block wall on his side, to add privacy. He stated that he doesn't see how a red zone can be enforced on private property, and that residents of the dwellings will most likely park on the drive isle. He stated that most families have at least three vehicles and he discussed the permitted parking south of the development for the cars that would be on the street. He stated the traffic on Palmetto is absurd with the high school across the street and there is a 25 MPH speed limit that is rarely enforced by Ontario PD. He discussed the difficulty of an average of 15 cars coming in and out of one driveway, especially with all the traffic already there on Palmetto, at school start and dismissal times. He explained how in the letter he sent, he had mentioned the problem with trash pickup at the street and all the trash cans there, but being that the trash would be picked up on the property, this meant a trash truck going down the drive isle which will add more noise for him. He stated that he would like to request water trucks to keep the dust to a minimum during construction. He stated he would recommend 2 dwellings, not 5 on the proposed property.

Mr. Steven Castillo, the resident in the house north of the property, stated he had the same concerns about privacy and would like an 8 foot wall on the north side too. He stated his concerns regarding the parking on Palmetto, which is right in front of where the high school traffic turns out and that the cars being parked there could cause more accidents. He also wanted to know if the proposed houses would be one or two stories.

Mr. Chen stated it was up to the developer and it could be either or both, one or two story homes.

Mr. Castillo thanked staff and stated those were all the concerns he had.

Mr. Boyle stated the existing driveway is only 12 foot, not the 29 feet being proposed, which includes 5 foot of landscape and a 4 foot sidewalk. He stated this isn't a little driveway, as it was

being pointed out.

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

Mr. Gage wanted clarification on the size of house at 1484 square feet and the setback were what was being approved by the commission.

Ms. Wahlstrom clarified that they are only approving the tract map that will allow for the subdivision to occur, which would include the 5 numbered lots and the 2 letter lots. Ms. Wahlstrom also addressed the concerned about privacy and stated a 6 foot block wall along the south property was being proposed.

Mr. Reyes wanted to thank the people that came up to voice their concerns, as they do take those into consideration. He stated the traffic is tough in this area and agrees there is a lot of traffic from the school and it is difficult if you live on this street. He stated that regarding privacy he would recommend the applicant work with staff regarding the 5 foot landscape area and maybe put some vertical scrubs that would grow beyond the 6 foot wall. He also stated that he could see how the high school traffic racing out of there could be an issue and offered the option of the applicant working with traffic engineering about a right turn only exit, if that is an option that would help with traffic.

Mr. Gage wanted clarification regarding the current composite of the existing fence on the north side of the property.

Mr. Chen stated that is looked like it was currently wooden fencing that was approximately 4 and a half foot high.

Mr. Jowdy stated from the audience, that it is currently built according to code so he can see when he is exiting his driveway, so it starts at 4 foot and progresses to 6 foot of composite wood fencing, which is insufficient for privacy in his backyard.

Mr. Gage wanted clarification regarding the width of the drive isle.

Mr. Chen stated the total drive isle width is 29 feet including the 5 foot landscape and 4 foot sidewalk, but 20 feet of that is just for the vehicular drive isle.

Mr. Gage wanted to know the proposed setback for the homes.

Mr. Chen stated the minimum setback is 18 feet for small lot subdivisions.

Mr. Gage wanted clarification that the houses themselves will need to be approved at a later date.

Mr. Chen stated that was correct.

Ms. Wahlstrom wanted to clarify that this was the tract map that will provide for the plotting of the land with the 5 numbered lots and 2 lettered lots and the applicant is required to conceptualize the placement of the proposed homes, so that we can make sure there are adequate setbacks for the development. She stated that the design of the homes is yet to be decided and

because there are over four homes proposed, that at a later date the design will come before the planning commission, which will include the elevations, size and architecture.

Mr. Gage wanted clarification as to how large the homes could be when they come back with the designs.

Ms. Wahlstrom stated that the homes would need to fit on the lot and meet the required development standards and they could be either 1 or 2 story homes.

Mr. Gage stated he realizes there is the 29 foot drive isle and 18 foot setback and the house to the south has a driveway on the north side of the property which should allow for adequate distance from the homes. He stated that eyes on the isle allows for better safety within the community. He stated he feels good about passing this and can see this working and when we get the elevations we need to consider these concerns and add quality materials to the project.

Mr. Gregorek stated that the 6 foot block wall should be adequate and that this is typical height and amount of privacy in residential areas. He stated he feels it's well designed for what it is zoned, as it is not meant for estate lots. He stated that he likes what Mr. Reyes recommended regarding the scrubs along the wall that would grow a little higher. He stated he thinks it is a good project that is well thought out for being a tract map on this size of the land and it's better than vacant land being there.

Ms. Wahlstrom stated the city traffic engineer was present and available to answer any questions regarding traffic.

Mr. Reyes wanted some insight from the traffic engineer regarding the traffic on Palmetto.

Mr. Jay Bautista, the Traffic and Transportation Manager for the City of Ontario, stated Palmetto is a two lane road way, with a lane going in each direction and the concentration of traffic is during the morning when the high school starts and in the afternoon when it gets out, which is typical around any school sites next to a roadway. He stated that the suggestion of restricting right out only exits for a two lane roadway, is very difficult to implement.

Mr. Reyes wanted clarification regarding the parking on Palmetto.

Mr. Bautista stated that there is currently permit parking on the west side of the frontage of Palmetto. He stated that they would need to either restrict parking or maintain the current permit parking, but that the conditions of approval were silent on the parking on the frontage of the project.

Mr. Gage stated that when we get the designs for this project back we need to make sure to approve a quality project and look at all the details from landscaping, pavers and the homes.

Mr. Reyes stated he would like to include in the motion for approval that the applicant work with staff to put vertical shrubs along the proposed block wall. Mr. Gregorek and Mr. Gage agreed with this motion.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Gregorek, to adopt a resolution to approve the Tentative Tract Map, File No., PMTT18-008, subject to conditions of approval. Roll call vote: AYES, DeDietmar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-023:** A Development Plan to construct a 62,000 square foot industrial building on approximately 2.6 acres of land, located at 1260 East Airport Drive within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0113-211-05, 0113-211-06, 0113-211-07) **submitted by Safety Investment Company.**

Senior Planner Batres, presented the staff report. He described the location and the surrounding area, the land use and zoning. He stated the proposed three parcels would be combined into one by a lot line adjustment. He described the proposed project and the site plan, parking ingress and egress and architectural design. He stated there is non-conforming residential to the west of the property so they took that into consideration with regards to placement, architectural design and screening of the project. He did explain that a mailing went out and the residents are concerned with additional noise and traffic and that staff and the applicant have tried to mitigate these concerns with the wall height and placement of project. He stated the hours of operation are restricted to nothing after 5 pm. He stated that staff is recommending the Planning Commission approve File No. PDEV18-023, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification if the owner to the west of the proposed project was approached by the applicant, to purchase the property to make it a bigger project.

Mr. Batres stated he had given the applicant's information to the owner of the property to the west, but from what he understands the owner was never approached by the developer to sell their property.

Mr. Reyes wanted clarification regarding the truck docks being internal.

Mr. Batres stated they will park inside.

PUBLIC TESTIMONY

Jason Tolleson of Serrano Development, appeared and stated staff presented the project well, but he wanted to reiterate that a significant effort was taken to mitigate this project, with regard to the building size, interior truck docks to help with noise, and even light shielding. He stated that this is an industrial project in an industrial zone, but they want to be good neighbors and be sensitive to the community.

Mr. Reyes wanted to know if the applicant talked with the owner of the adjacent property and if they had any interest in purchasing the land.

Mr. Tolleson stated his understanding from the broker is that an outreach was made to the owner but were not able to talk until recently and that the conversation is so preliminary that it would not affect the project they are proposing.

Mr. Gage asked if Mr. Tolleson agreed to all the COA's.

Mr. Tolleson stated yes.

Ms. Maria Machuca and Mr. Alex Machuca, owners of property next door, appeared and stated that she had tried to reach out but nobody ever got back to her and nothing was ever posted on the property, so she didn't have an opportunity to reach out. She stated there are 15 families on this property that will be affected and some of them have lived there for 30 years, so the noise and trucks will be a big impact for them. She stated that when the zoning was changed they were told it wouldn't affect their property. She stated she has approached the city about her property being retrofitted and was told it was in-line for acquisition and there was no money to purchase it. Ms. Machuca wanted to know how she is going to be able to preserve the value of the property with the trains and airplanes and now trucks that are going to be able to operate 24 hours. She pointed out that where the trucks come in, is right where the school bus picks the kids up from those homes and that is very dangerous and has that been taken into consideration. She stated that they should be compensated for impacts and they should purchase her property because it will seriously affect them. Mr. Machuca stated his concern is a lot of trucks and the traffic which will affect them because they will less tenants. He stated they should retrofit the homes because of the airport and its getting louder and more trucks and he understands its industrial, but is concerned about his property. He stated that there wasn't any signage before regarding the property or the project. He also stated his concerns of how much are we going to lose when our tenant move out and the trucking driveway is really close to their driveway which will affect their tenants coming into and out of the property. Ms. Machuca wanted clarification what can be done on her side to accommodate them.

Ms. Junnich Carrasco a resident on the adjacent property, appeared and spoke regarding the 15 families that would be affected and that no signage was ever posted. She stated how the noise level is going to quadruple and other environmental issues that would affect them. She stated they are trying to protect their investments and are totally opposed to this project. She stated that she understands they moved the building away from the property but she doesn't believe an 8 foot wall is going to cover the constant large truck noise or the construction impacts. She stated she hasn't gotten anything in writing regarding the length of the project and feels that a dialogue with applicant would help. She stated that it hasn't been taken into consideration the bus area or for the tenants that work at night with construction and she wants some answers regarding these issues.

Mr. Tolleson clarified the project timeline and will share more details with the neighbors and

also clarified the reason for the driveway orientation and that the proposed driveway is 100 feet between the closest residents.

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

Mr. Gage wanted clarification from staff regarding school bus drop off and the truck entry.

Ms. Wahlstrom stated bus stops are fairly fluid and the school district will look for an appropriate place to pickup and drop-off if the area would be displaced, but the school district would look at that and determine the best location, not city staff.

Mr. Gage wanted to know if there will be restrictions on truck times coming in and out.

Ms. Wahlstrom stated the type of use isn't specific yet, because they don't know the tenant or if a CUP will be required. She stated its general industrial and this is a noisy area with the railway, airport and Grove Avenue traffic at peak times but industrial general is not our heaviest use, so we will need to look at the use and what requirements are needed.

Mr. Gage wanted clarification regarding environmental concerns and hazardous or flammable materials.

Ms. Wahlstrom stated that as with any business license being requested within the city, the fire department would look at a business plan and review for safety requirements.

Mr. Reyes wanted clarification on no posting of signage and is that a requirement.

Ms. Wahlstrom stated we don't post on-site notices, but that we send our public notices directly to property owners, not the tenants.

Mr. Reyes wanted clarification regarding what nonconforming means for the property to the west.

Ms. Wahlstrom stated the zoning is industrial general, and has been for some time and that any new development would need to conform to that zoning. She stated that non-conforming residential uses can make certain improvements but no new units would be allowed, because we want to minimize people's exposure to the higher noise level in this vicinity. She stated the quiet home program, which the resident mentioned, works to insulate housing from exterior noise, and is aimed at homes that are already there and are in residential zones. LAWA did put an acquisition program in place using federal funds and this property probably would have been eligible and most likely predated the current owner, however, this program is not funded currently. She stated this location would not be eligible for insulation because it is not zoned residential.

Mr. Reyes wanted to know if the homes to the west have any code violations.

Ms. Wahlstrom and Mr. Batres stated they do not know.

Vice-Chairman DeDiemar opened the public testimony

Ms. Machuca stated they just came to do inspections this year and the year before, with no violations. She also commented on where the school bus would stop as there is all industrial around there.

Ms. Wahlstrom stated that the bus does stop near the driveway and because of that we required tubular steel fencing to allow visibility for the bus and trucks as they enter the residential area.

Vice-Chairman DeDiemar closed the public testimony

Mr. Gage wanted to know how long it has been zoned industrial and residents non-conforming.

Ms. Wahlstrom stated she believes the homes were built in 20s and 30s and the industrial zone change has been in place for 20 years.

Mr. Reyes stated that he wished the developer and owners could have talked and his biggest concern is that staff work with property owners before they propose any projects on the property to the west, and to work with homeowners and school district regarding bus stop to help as much as we can.

Mr. Gage stated this is tough for homeowners that are in an industrial zone that is being built up around them, but we have zoning laws to regulate residents within an industrial area and allows the uses that are more appropriate.

Mr. Gregorek stated that he would like staff to work with school district regarding the bus stop.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Gage, to adopt a resolution to approve the Development Plan, File No., PDEV18-023, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

D. ENVIRONMENTAL ASSESSMENT AND MINOR VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR18-006 AND PDEV18-025:

A Minor Variance (File No. PVAR18-006) to deviate from the minimum building setback for living space, from 10 feet to 7.5 feet, for lots 65 and 66 (TM17931), in conjunction with a Development Plan (File No. PDEV18-025) to construct 100 single-family dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Mill Creek Avenue, within Planning Area 10 of the Esperanza Specific Plan. The Minor Variance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) of the CEQA Guidelines. The environmental impacts of the Development Plan were previously reviewed in conjunction with the Esperanza Specific Plan (PSP05-002), Environmental Impact Report (SCH# 2002061047) certified by the City Council on February 6, 2007. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located

within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-252-16) **submitted by Christopher Development Group, Inc.**

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by Gage, to continue the Variance, File No., PVAR18-006 and the Development Plan, File No., PDEV18-025, to the May 28, 2019 meeting, due to lack of quorum. The motion was carried 3 to 0.

- E. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-032:** A Development Plan to construct a 64 foot tall stealth wireless telecommunications facility (monopine) and 280 square foot equipment enclosure on 12.8 acres of land located at 2450 South Vineyard Avenue, within the CC (Community Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0216-401-63) **submitted by Verizon Wireless.**

Associate Planner Aguilo, presented the staff report. She described the location and the surrounding area and the parking provided. She stated that she had received concerns from the adjacent property owner regarding loitering and the 10 foot SCE easement prior to the Development Advisory Board meeting, and these items have been addressed. She stated that staff is recommending the Planning Commission approve File No. PDEV18-032, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification regarding the support trees proposed around the monopine.

Ms. Aguilo stated three afghan pines are proposed.

PUBLIC TESTIMONY

John Detrich of Core Development Services, appeared and agreed to the COAs.

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

Mr. Gregorek stated that instead of a monopalm, he likes the monopine as it is denser and he would like to make sure staff works to make it resemble a tree as much as they can.

Mr. Gage wanted clarification regarding the loitering and if it affected the project.

Ms. Aguilo stated that the Arco station had mentioned that it had been an issue because of the close proximity to a recycle center but that code enforcement is actively working to remove

those issues.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Gregorek, to adopt a resolution to approve the Development Plan, File No. PDEV18-032, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes, NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

F. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW

FOR FILE NO. PMTT17-013: A Tentative Tract Map (File No. PMTT17-013/TTM 20134) to subdivide 80.61 acres of land into 15 numbered lots and 15 lettered lots for residential and public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) **submitted by Richland Communities.** This item was continued from the March 26, 2019 Planning Commission meeting.

G. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEWS

FOR FILE NO'S. PMTT17-014, PMTT17-015 AND PMTT17-016: A request for the following Tentative Tract Map entitlements: 1) File No. PMTT17-014 (TTM 20135) to subdivide 6.22 acres of land into 10 numbered lots and 13 lettered lots for residential and private streets; 2) File No. PMTT17-015 (TTM 20136) to subdivide 8.52 acres of land into 100 numbered lots and 20 lettered lots for residential, private streets and landscape neighborhood edges; and 3) File No. PMTT17-016 (TTM 20137) to subdivide 9.10 acres of land into 18 numbered lots and 13 lettered lots for residential and private streets for a property located on northeast corner of Schaefer Avenue and Haven Avenue, within Planning Area 5A, 5C and 5D (Residential – Small Lot SFD) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) certified by the City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) **submitted by Richland Communities.** This item was continued from the March 26, 2019 Planning Commission meeting.

H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA18-005: A Development Agreement (**File No. PDA18-005**) between the City of Ontario and Haven Ontario NMC 1, LLC, a Florida limited liability company and Haven Ontario NMC 2, LLC, a Florida limited liability company, to establish the terms and conditions for the development of Tentative Tract Map No. 20134 (File No. PMTT17-013), for property located on the north east corner of Haven and Schaefer Avenues within the Planning Area 5A, 5B, 5C, 5D and 5E (Residential – Small Lot SFD & SCE Easement) land use designation of the Rich-Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to the Rich-Haven Specific Plan (File No. PSP05-004) EIR (SCH #2006051081) certified by City Council on December 4, 2007. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-161-01) **submitted by Richland Communities. City Council Action is required.** This item was continued from the March 26, 2019 Planning Commission meeting.

Senior Planner Mejia, presented the staff report. She described the location and the surrounding area. She described the proposed entitlements and the proposed subdivision for each tract map, and park and open space areas and the parking plan for the overall area. She described the key points of the development agreement to establish the terms and conditions of the development. She stated that staff is recommending the Planning Commission approve File Nos. PMTT17-013, PMTT17-014, PMTT17-015 and PMTT17-016, and recommend to City Council approval of File No. PDA18-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage wanted clarification on the parking surplus.

Ms. Mejia stated the surplus is provided as on street parking and alley parking, as they wanted to make sure parking didn't interfere with trash pickup.

Mr. Gage wanted clarification on how the parking on the street is counted.

Ms. Mejia stated they plot out the location of all the parking throughout and she went over the breakdown of the parking for each tract map.

PUBLIC TESTIMONY

Mr. Craig Cristina with Richland Communities, appeared and stated he was glad to finally be here tonight and after all the designs around trash pickup and parking.

Ms. DeDiemar asked if Mr. Cristina agrees to the COAs.

Mr. Cristina stated yes he does.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by Gregorek, to adopt resolutions to approve the Tentative Tract Maps, File Nos., PMTT17-013, PMTT17-014, PMTT17-015, and PMTT17-016, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

It was moved by Gage, seconded by Reyes, to recommend adoption of a resolution to approve the Development Agreement, File No., PDA18-005, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

- I. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT AMENDMENT FOR FILE NO. PDA05-002:** A Development Agreement Amendment (**Third Amendment - File No. PDA05-002**) between the City of Ontario and SC Ontario Development Company, LLC to release approximately 2.43 acres of land and change the legal description in conjunction with the lot line adjustment (File No. LLA18-010) and sale of Eucalyptus Avenue right-of-way, and a remainder parcel to Ontario Land Ventures, LLC. The project site is located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 9 (Multi-Family Attached) land use designation of the Parkside Specific Plan. The environmental impacts of this project were previously analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074) certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics (APN: 0218-231-09, 10-22, 30-31, 39 and 0218-221-06, 08-10). **Submitted by SC Ontario Development Company, LLC. City Council action is required.**
- J. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT AMENDMENT FOR FILE NO. PDA17-003:** A Development Agreement Amendment (**First Amendment - File No. PDA17-003**) between the City of Ontario and Ontario Land Ventures, LLC for the acquisition of approximately 2.43 acres of land and change the legal description for Tentative Parcel Map No. 19738 (File No. PMTT17-011) in conjunction with the lot line adjustment (File No. LLA18-010) and sale of Eucalyptus Avenue right-of-way, and a remainder parcel from SC Ontario Development Company,

LLC. The project site is located at the northeast corner of Eucalyptus Avenue and Carpenter Avenue, within Planning Area 1 (Business Park) land use designation of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074) certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. (APNs: 0218-261-16, 22, 23, 32, 0218-271-04, 08, 10, 13, 18, 0218-221-09) **Submitted by Ontario Land Ventures, LLC. City Council action is required.**

Development Administrative Officer Womble, presented the staff report. He described the location and described the proposed amendments to update the legal descriptions of the development agreements, to reflect the lot line adjustment and sale of land. He stated that staff is recommending the Planning Commission recommend approval to City Council for File Nos. PDA05-002 and PDA17-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

PUBLIC TESTIMONY

Damon Gascon with SC Ontario Development Company, appeared and offered to answer any question of the commission.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Gregorek, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA05-002, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

It was moved by Gregorek, seconded by Reyes, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA17-003, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

K. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA19-002: A Development Code Amendment revising certain provisions of the City of Ontario Development Code, including:

- The addition of provisions to Section 4.03.015 (Administrative Use Permits) establishing reasons and procedures for the suspension and revocation of Administrative Use Permits and the issuance of administrative fines;
- Revisions to Table 5.02-1 (Land Use Matrix) to allow certain uses in the MU-1 (Downtown Mixed Use) zoning district, which are less than 10,000 square feet in area, as an administratively permitted land use, including: alcoholic beverage manufacturing facilities; live entertainment in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room; and alcoholic beverage sales for on-premises consumption in conjunction with a bona fide restaurant or alcoholic beverage manufacturing facility tasting room;
- The addition of alcoholic beverage manufacturing facilities regardless of size, as a permitted land use in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) zoning districts;
- The addition of Section 5.03.023 (Alcoholic Beverage Manufacturing) setting forth land use standards for the establishment of alcoholic beverage manufacturing facilities; and
- Revisions to Section 5.03.025 (Alcoholic Beverage Sales), amending certain provisions pertaining to on-sale and off-sale alcoholic beverage sales, and “public convenience or necessity” determination criteria.

The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project affects properties located within the Airport Influence Area of the 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; **City Initiated. City Council action is required.**

Principal Planner Mercier, presented the staff report. He described the four components to this proposed amendment that are designed to help growth in the mixed-use downtown area. He stated that staff is recommending the Planning Commission recommend approval to City Council for File No. PDCA18-002, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification on how the number of 1000 square feet came about for patios.

Mr. Mercier stated they looked at other cities with similar ordinances and 1000 square feet seemed to be the standard cut off, and some allowed for larger patios with a conditional use permit.

Mr. Reyes stated he had seen some places where part of the patios were used for games and not just food and beverage. He also wanted clarification on the chart regarding drinking places (alcohol beverages) and if anything not listed on the chart would be considered a drinking place.

Mr. Mercier stated no, they were addressed separately on the line below on the chart.

Mr. Gregorek wanted to know if we have any applications in the works.

Mr. Mercier stated not at this time.

Mr. Gage wanted clarification on wine tasting and beer tasting being regulated by ABC and Ontario PD.

Mr. Mercier stated yes they would be involved.

PUBLIC TESTIMONY

No one responded.

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

Mr. Gage stated this is great initiative from the city for the downtown to be more vibrant and he will be in support of this use.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Gage, to recommend adoption of a resolution to approve the Development Code Amendment, File No., PDCA19-002, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Gage, Gregorek, and Reyes; NOES, none; RECUSE, none; ABSENT, Downs and Willoughby. The motion was carried 4 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports from Subcommittees

Historic Preservation (Standing): This subcommittee did not meet.

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

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

New Business

- Subcommittee Appointments for May 2019 – April 2020: Mr. Gage will replace Mr. Delman on Historic Preservation Subcommittee and Mr. Reyes will replace Mr. Delman on the Airport Land Use Subcommittee.

- Mr. Reyes stated he would like to plan a field trip to south Ontario area for the Planning Commissioners to see the new development projects going on.

NOMINATIONS FOR SPECIAL RECOGNITION


None at this time.

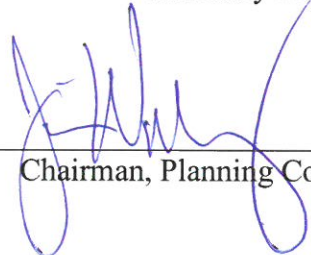
DIRECTOR'S REPORT

Ms. Wahlstrom stated the Monthly Activity Reports are in their packet and that there is an invitation before them for the Inaugural Arts and Culture Awards event on April 25, 2019.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by Gage. The meeting was adjourned at 9:02 PM.


Secretary Pro Tempore


Chairman, Planning Commission