



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

August 15, 2022

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

All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764 and on the City website at www.ontarioca.gov/agendas/zoning

PUBLIC HEARINGS

A. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-004: A public hearing to consider a modification to previously-approved Conditional Use Permits establishing a green waste composting facility (File Nos. PCUP19-020 and PCUP13-022), to allow up to two percent of green waste to be substituted with food waste processing, on approximately 37 acres of land located at 7325 E. Edison Avenue, within the SP/AG (Specific Plan/Agricultural Overlay) zoning district. The environmental impacts of this project were previously reviewed in conjunction with File No. PCUP13-022, for which a Mitigated Negative Declaration was adopted by the Planning Commission on October 22, 2013. This application introduces no new significant environmental impacts. 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. 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: 1053-39-101 and 1053-40-100) **submitted by AgConcepts, Inc.**

B. ENVIRONMENTAL ASSESSMENT AND VARIANCE REVIEW FOR FILE NO. PVAR22-001: A public hearing to consider a Variance to reduce the rear yard, first floor setback from 10 feet to 3.17 feet, to facilitate the addition of a laundry enclosure to an existing 700 square foot artist's studio, a historically designated local landmark located at 456 Carriage Alley, within the MDR-11 (Low-Medium Density Residential-5.1 to 11.0 DU/Acre) zoning district. The project 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 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.; (APN: 1048-342-12) **submitted by Nicholas Brethorst.**

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

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

I, Gwen Berendsen, Administrative Assistant of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **August 11, 2022**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Administrative Assistant

August 15, 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

DECISION NO.: ZA22-[insert #]

FILE NO.: PCUP22-004

DESCRIPTION: A modification to previously-approved Conditional Use Permits establishing a green waste composting facility (File Nos. PCUP19-020 and PCUP13-022), allowing up to two percent of green waste to be substituted with food waste, on approximately 37 acres of land located at 7325 East Edison Avenue, within the SP/AG (Specific Plan/Agricultural Overlay) zoning district (APNs: 1053-39-101 and 1053-40-100); **submitted by AgConcepts, Inc.**

PART 1: BACKGROUND & ANALYSIS

AGCONCEPTS, INC., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP22-004, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of approximately 37 acres of land located at 7325 E. Edison 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:

	Existing Land Use	Policy Plan (general plan) Designation	Zoning Designation	Specific Plan Land Use
Site:	Compost Facility	Mixed Use West (MU-NMC West)	SP/AG (Specific Plan/Agricultural Overlay)	N/A
North:	Dairy Cattle Ranch	LMDR (Low-Medium Density Residential)/MDR (Medium-Density Residential)/OS-NR (Open Space – Non-Recreation)	SP/AG (Specific Plan/Agricultural Overlay)	N/A
South:	Dairy Cattle Ranch	Mixed Use West (MU-NMC West)	SP/AG (Specific Plan/Agricultural Overlay)	N/A
East:	Dairy Cattle Ranch	MDR (Medium-Density Residential)/OS-R (Open Space –Recreation)	SP/AG (Specific Plan/Agricultural Overlay)	N/A
West:	Plant Nursery	Mixed Use West (MU-NMC West)	SP/AG (Specific Plan/Agricultural Overlay)	N/A

PROJECT ANALYSIS:

(1) Background — On October 22, 2013, the Planning Commission approved a Conditional Use Permit (File No. PCUP13-022) to establish a manure composting facility on a 21.0-

Prepared: AV – 7/14/22	Reviewed: CM – 8/2/2022	Decision: [enter initial/date]
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acre portion of a 36.5-acre former dairy cattle farm located at 7325 East Edison Avenue. Additionally, the Planning Commission adopted an Initial Study and Mitigated Negative Declaration for File No. PCUP13-022 (Resolution No. PC13-062).

On December 5, 2019, the Zoning Administrator approved a modification to the original Conditional Use Permit (File No. PCUP19-020) to allow for the addition of grinding equipment for composting of green waste. As part of this modification, the green waste materials are ground, composted, and mixed into agricultural soil amendments.

On February 1, 2022, the Applicant filed a request to modify the existing Conditional Use Permits, File No. PCUP22-004, to allow for a substitution of food waste materials for up to two percent of green waste.

(2) Operations — The facility will continue to operate in accordance with the previously approved Conditional Use Permits (File Nos. PCUP13-022 and PCUP19-020), including hours of operation (7:00 a.m. to 6:00 p.m.), employment (four to six employees), truck trips per day (10-15 of ingoing and outgoing trips), daily volume of material inbound and exported (150 tons inbound, which is typically reduced in weight by about 30 percent once exported) and activities (cattle manure composting and green waste grinding and composting) (see Exhibit C: Site Photos).

The composting facility operation will remain substantially the same, except for the addition of food waste materials (see Exhibit B: Site Plan). Up to two percent of the existing tonnage of received green waste will be substituted with food waste, which arrives mixed in with green waste loads and will be processed and composted with the green waste material into soil amendments. No other additional operations are required for the processing and composting of the food waste with the green waste.

The Applicant will obtain all applicable permits for the proposed revised operation prior to the receipt of food waste. In addition to the Conditional Use Permit modification required by the City of Ontario, applicable entities that regulate and permit food waste processing include but are not limited to:

- South Coast Air Quality Management District (SCAQMD) - Rule 1133 (Composting and Related Operations)
- Santa Ana Regional Water Quality Control Board (SARWQCB) - General Waste Discharge Requirements for Composting Operations.
- Cal Recycle through the San Bernardino County Local Enforcement Agency (LEA).

(3) Surrounding Sensitive Uses — The Project site is located approximately one-half mile from the nearest residential development or sensitive use, consistent with the Development Code requirement and as per the original Conditional Use Permit approval. Between the manure composting site and the nearest residential development are several other operating dairy cattle ranches and a plant nursery. There are additional residential units within closer proximity of the affected portion of the Project site, including residential dwellings on the same parcel; however, these residences are ancillary to the existing neighboring agricultural and dairy land uses.

(4) Land Use Compatibility — The Project site is located within the SP/AG (Specific Plan/Agricultural Overlay) zoning district and is surrounded by and compatible with other existing agricultural uses such as dairies and plant nurseries, as well as these properties' on-site residential units. Within this district, composting is a conditionally permitted use, and the business has been

operating under a Conditional Use Permit since 2013. Since the original Conditional Use Permit's approval, two new residential neighborhoods were constructed on the west side of Euclid Avenue, within the City of Chino; however, those land uses are located approximately one-half mile from the area of the Project site proposed to be affected by this modification (See Exhibit D: Buffer Area). The proposed CUP modification to substitute two percent of green waste with food waste will not create impacts above and beyond those already on the Project site for the following factors:

- The distance between the Project site and the nearest residential development;
- The cumulative impacts of ongoing agricultural land uses in the region, generally referred to as "Ontario Ranch;"
- The ongoing agricultural land use operations, with impacts equal to or greater than the Project site's composting land use, that are located between the Project site and the neighboring residential land uses; and
- The proposed minor modification to the existing Conditional Use Permit would not generate substantial impacts above and beyond those already existing on site.

Therefore, staff believes that the recommended conditions of approval, along with the previously approved conditions of approval for File Nos. PCUP13-022 and PCUP19-020, will sufficiently mitigate potential impacts associated with the proposed use and ensure that the land use and intensity remains similar to that of the original Project approval.

AIRPORT LAND USE COMPATIBILITY PLAN: This 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). Any special conditions of approval associated with uses in close proximity to the airport are attached to this report. 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.

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.

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.

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 2: RECITALS

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on August 15, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Alexis Vaughn, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the conditions of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED by the Zoning Administrator of the City of Ontario as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making authority for the Project, the Zoning Administrator 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 Zoning Administrator, the Zoning Administrator finds as follows:

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PCUP13-022, for which a Mitigated Negative Declaration was adopted by the Planning Commission on October 22, 2013. This application introduces no new significant environmental impacts.

(2) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making authority for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit modification is in accord with the objectives and purposes of the City of Ontario Development Code and the SP/AG (Specific Plan/Agricultural Overlay) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed modification to the existing manure and green waste composting land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Development Code. The Project proposes a minor modification to an existing agricultural land use and will not introduce any new or substantial impacts above and beyond those currently existing within the largely agricultural region. The Project site is surrounded by other agricultural land uses, including dairies and nurseries; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed minor modification to the existing manure and green waste land use composting land use will be located within the Mixed Use – NMC West land use district of the Policy Plan Land Use Map, which allows for agricultural land uses to remain in perpetuity until such time that redevelopment occurs, and the SP/AG (Specific Plan/Agricultural Overlay) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan, which allow for various types of agricultural land uses in the region, including but not limited to dairies, nurseries, crops, and composting; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed minor modification to the existing manure and green waste land use composting land use is located with the Mixed Use – NMC West land use district, and the SP/AG (Specific Plan/Agricultural Overlay) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. The proposed land use will not significantly intensify the land uses currently in operation on the site, as the modification is simply proposing to exchange two percent of the previous green waste volume with food waste volume integrated with the green waste; and

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

SECTION 4: Zoning Administrator Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the Zoning Administrator hereby APPROVES the Application subject to each and every condition set forth in the Department reports included as “Attachment A” of this Decision, and incorporated herein by this reference.

SECTION 5: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul 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 6: Custodian of Records. 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. The records are available for inspection by any interested person, upon request.

APPROVED AND ADOPTED this _____ day of _____ 2022.

Rudy Zeledon
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

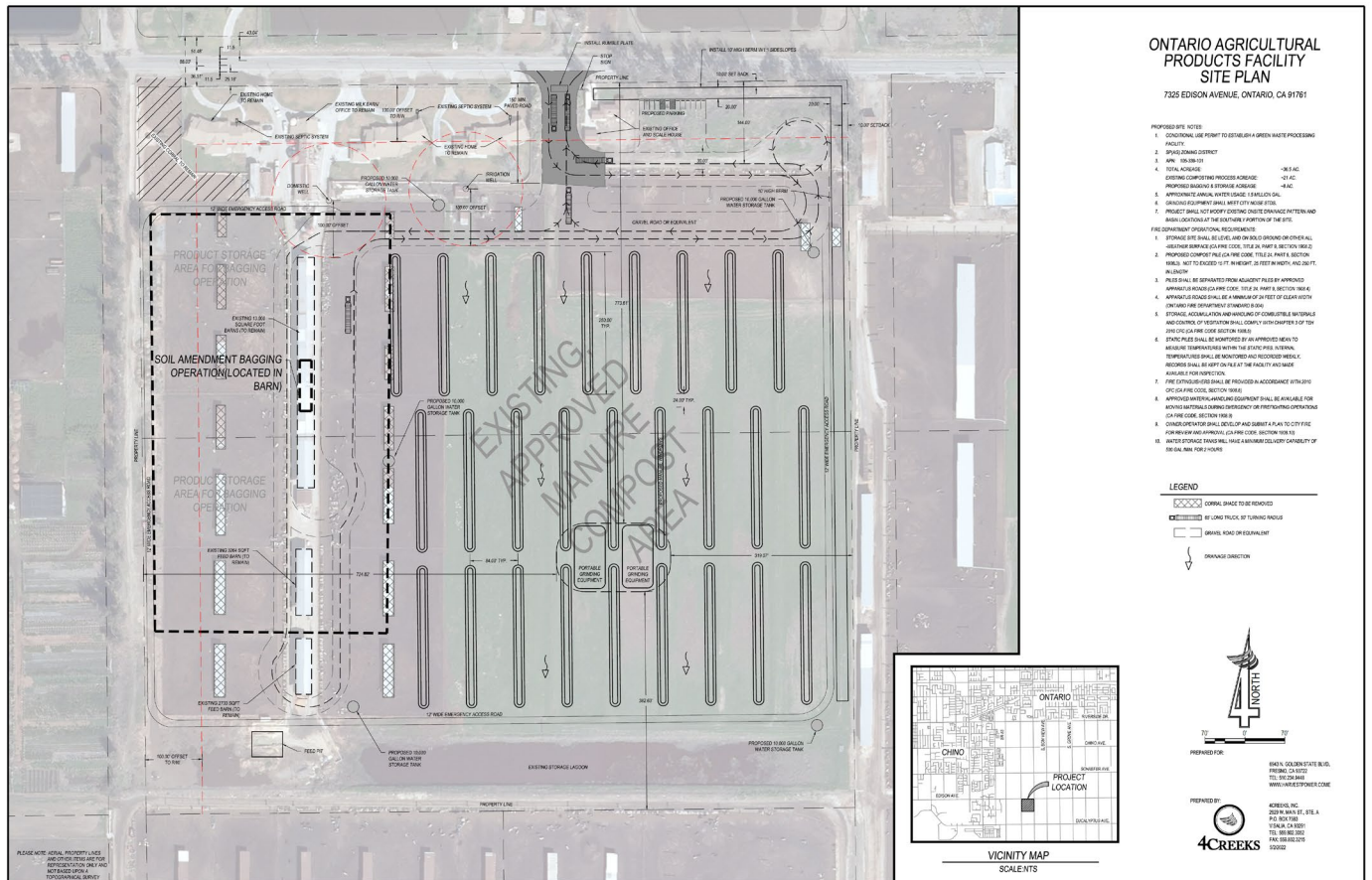


Exhibit C: Site Photos



Compost Rows



Compost Yard – Looking East



Compost Yard – Looking North



Compost Yard – Looking South

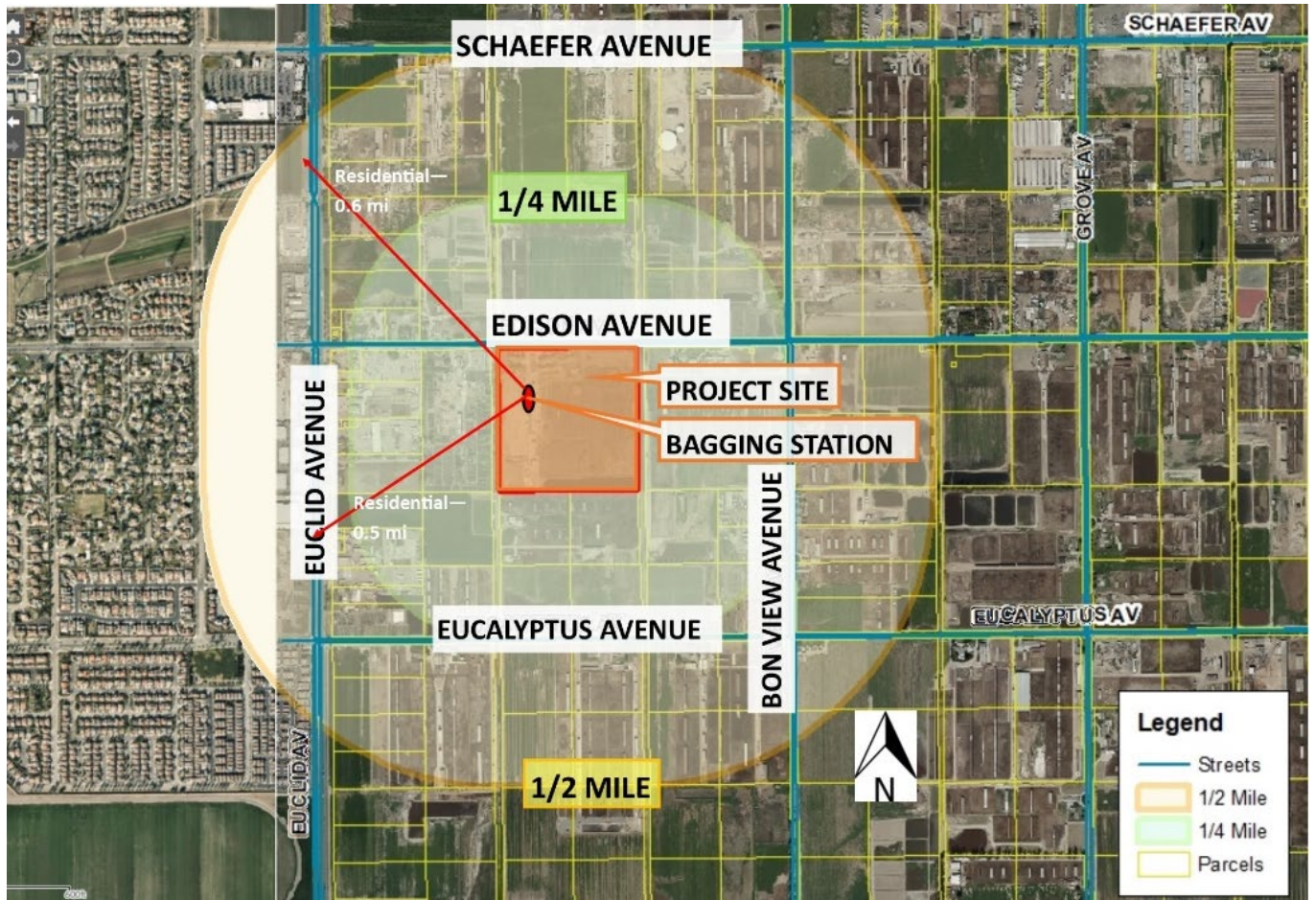


Compost Yard – Looking Southeast



Edison - Entrance

Exhibit D: Buffer Area



Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

Date Prepared: 7/14/2022
File No: PCUP22-004
Related Files: PCUP19-020 and PCUP13-022

Project Description: A modification to previously-approved Conditional Use Permits establishing a green waste composting facility (File Nos. PCUP19-020 and PCUP13-022), to allow up to two percent of green waste to be substituted with food waste processing, on approximately 37 acres of land located at 7325 E. Edison Avenue, within the SP/AG (Specific Plan/Agricultural Overlay) zoning district; (APNs: 1053-39-101 and 1053-40-100) **submitted by AgConcepts, Inc.**

Prepared By: Alexis Vaughn, Associate Planner
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

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

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

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

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

2.2 General Requirements. Any changes to the site, daily operations, or land uses contained therein shall be reviewed and approved by the Planning Department and any other department as appropriate. Review and permitting requirements for further changes to the project site will be determined on a case-by-case basis.

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

2.4 Parking, Circulation and Access.

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

(b) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(c) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

2.5 Site Lighting.

(a) Any alterations to site lighting shall be reviewed and approved by the Planning and Police Departments prior to the issuance of building permits.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.6 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

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

2.8 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PCUP13-022, a Conditional Use Permit for which a Mitigated Negative Declaration was previously adopted by the Planning Commission on October 22, 2013. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act ("CEQA")" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by this reference.

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

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

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

2.10 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination ("NOD") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). Failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

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

2.11 Additional Requirements.

(a) All applicable Conditions of Approval from other City departments, as well as any State or County requirements for the addition of food waste handling, shall be met and addressed by the applicant prior to commencement of revised operations.

(b) All applicable Conditions of Approval from File Nos. PCUP19-020 and PCUP13-022 remain in effect.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

PROJECT ENGINEER: David Zurita, Engineering Assistant (909) 395-2155

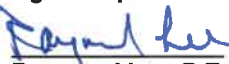
PROJECT PLANNER: Alexis Vaughn, Associate Planner (909) 395-2416


DAB MEETING DATE: August 15, 2022

PROJECT NAME/DESCRIPTION: PCUP22-004; A modification to previously approved PCUP19-020 establishing a green waste composting facility, to allow less than 2 percent food waste mixed with green waste, on approximately 37 acres of land located within the SP/AG (Specific Plan/Agricultural Overlay) zoning district.

LOCATION: 7325 Edison Avenue (APNs: 1053-391-01 & 1053-401-00)

APPLICANT: AgConcepts Inc.

REVIEWED BY: 
Raymond Lee, P.E.
Assistant City Engineer 7/21/22
Date

APPROVED BY: 
Khoi Do, P.E.
City Engineer 7-21-22
Date

THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.

1. The project is subject to all the requirements and Conditions of Approval from the Conditional Use Permit PCUP19-020. For any Conditions of Approval that may conflict, these conditions shall supersede those conflicting.
2. The applicant/developer shall obtain an Encroachment Permit and Traffic Control for all work within the public right-of-way.
3. Regulatory and Permitting Requirements: The Project, at a minimum, shall be subject to the following Regulatory and Permitting Requirements. Any regulatory thresholds and permitting requirements shall be incorporated as Conditions of Approval for this Project:
 - a. CalRecycle: California Code of Regulations (CCR), Title 14, Chapter 3.1, §17850 - §17870.
 - b. County of San Bernardino Division of Environmental Health and Safety for Enforcement Agency Notification, Registration, and/or permitting.
 - c. State Water Resources Control Board (SWRCB) and SWRBC Order WQ 2015-0121-DWQ for General Waste Discharge Requirements for Composting Operations.

- d. State Water Resources Control Board (SWRCB) SWRBC Resolution No 2012-0032 for the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy / Septic Systems).
4. Ground Water and Ground Water Wells: For the use of any Ground Water and Ground Water Wells, the Project shall meet the following requirements:
 - a. Obtain proper permits from the County of San Bernardino Division of Environmental Health and Safety for construction and operation of any Ground Water Well.
 - b. Pursuant to the 1978 Ground Water Rights Adjudication, all water producers are subject to the Chino Basin Water Master. Coordinate with the Chino Basin Water Master for use of Ground Water and Ground Water Wells and follow all Chino Basin Water Master requirements.
 5. Additional Setback Requirements for Utilities: The Project is subject to the following setback requirements:
 - a. 100 feet from Edison Avenue, Sultana Avenue, and Campus Avenue master plan street right-of-way to any composting, chipping, grinding, or mulching activities or storage. [CCR §64572(f)].
 - b. Private (Non-Public) Water Well Setbacks: Minimum setbacks from any existing or proposed ground water wells:
 - i. 100 feet to Water Reclamation (Detention Pond) [County of San Bernardino].
 - ii. 100 feet to Onsite Wastewater Treatment Systems (OWTS) /Septic Systems [County of San Bernardino].
 - iii. 100 feet to any composting, chipping, grinding, or mulching activities or storage. [SWRCB Order WQ 2020-0012-DWQ & County of San Bernardino].
 6. Sewer System and Sewer Service: There are no existing public sewer mains or services within the vicinity of the Project. The City shall not be providing sanitary sewer service to the Project Site, until such time public sanitary sewer mains are installed within public streets adjacent to the Project Site.
 7. Recycled Water System and Recycled Water Services: There are no existing public recycled water mains or recycled water services within the vicinity of the Project. The City shall not be providing recycled water service to the Project Site, until such time public recycled water mains are installed within public streets adjacent to the Project Site.
 - a. If Recycled Water is going to be used on the Project Site, the Applicant shall comply with the following requirements:
 - i. Recycled Water shall only be provided to the Project Site through a dedicated recycled water meter for the Project Site that is directly connected to a public recycled water main within a public street adjacent to the Project Site.
 - ii. This development shall comply with City Ordinance 2689 and all other applicable City Codes and State Regulations.
 - iii. RW Program Requirements: In order to receive RW service, the applicant shall comply with each of the following:
 1. Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.
 2. Submit an Engineering Report (ER) to the City detailing recycled water usage for review and approval by the City and the State. The review process for the ER is typically 3 months. City will coordinate the State's approval of the ER.



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

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

DATE: March 22, 2022

SUBJECT: PCUP22-004 A modification to Conditional Use Permit PCUP19-020 to add the allowance of less than 2 percent food waste mixed with existing tonnage of green waste on 37 acres of land located at 7325 Edison Avenue, within Specific Plan Zoning District and AG (Agricultural) Overlay District. (APN(s): 1053-39-101 & 1053-40-100). Related File(s): PCUP19-020.

The plan **does** adequately address the departmental concerns at this time.

No comments

Report below.

1. Must comply with the Ontario Fire Department Standard for Combustible Waste & Recycling Facilities Standard #F-008.
2. Must comply with the Ontario Fire Department Standard for Fire Apparatus Access Roads Standard #B-004, roads shall be a minimum of 24 feet wide.
3. Owner or operator shall develop and submit a plan to the Ontario Fire Department Fire Prevention Bureau for review and approval. The plan shall include but not be limited to methods and policies for:
 - a. Monitoring, controlling and extinguishing spot fires.
 - b. Emergency contact information for personnel who are able to respond to location 24 hours a day, 7 days a week.
 - c. Onsite equipment to assist with firefighting operations. Example:
 - i. Dozers
 - ii. Water tenders
 - iii. Large Tractors

- d. Special considerations for fire safety during extreme weather conditions.
4. Method of providing adequate onsite water supply for firefighting operation. Water system shall have a minimum delivery/replenish capability of 500 gallons per minute for 2 hours.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.



CITY OF ONTARIO MEMORANDUM



DATE: June 21, 2022

TO: David Zurita, Engineering Department
CC: Alexis Vaughn, Planning Department

FROM: Eric Woosley, Utilities Engineering Department

SUBJECT: DPR#2 - Utilities Engineering Conditions of Approval (#8451)
PCUP22-004 – Ontario Agricultural Products Inc (Composting Facility) – 7325 Edison
PROJECT NO.: Avenue

BRIEF DESCRIPTION:

PCUP22-004, a modification to Conditional Use Permit, PCUP19-020 to add the allowance of less than 2 percent food waste mixed with existing tonnage of green waste on 37 acres of land located at the SEC of Edison Ave & Sultana Ave at 7325 E Edison Ave, within the SP Zoning District and AG (Agricultural) Overlay District. (APN(s): 1053-39-101 & 1053-40-100).

THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

1. Standard Conditions of Approval: Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:

General Conditions (Section 2.A, Other Conditions):

2. Regulatory and Permitting Requirements: The Project, at a minimum, shall be subject to the following Regulatory and Permitting Requirements. Any regulatory thresholds and permitting requirements shall be incorporated as Conditions of Approval for this Project:
 - a. CalRecycle: California Code of Regulations (CCR), Title 14, Chapter 3.1, Articles 1-9, §17850 - §17870.
 - b. County of San Bernardino Division of Environmental Health and Safety for Enforcement Agency Notification, Registration, and/or Permitting.
 - c. State Water Resources Control Board (SWRCB) Order WQ 2020-0012-DWQ for General Waste Discharge Requirements for Commercial Composting Operations.
 - d. State Water Resources Control Board (SWRCB) SWRBC Resolution No. 2012-0032 for the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy / Septic Systems).
3. Ground Water and Ground Water Wells: For the use of any Ground Water and Ground Water Wells, the Project shall meet the following requirements:
 - a. Obtain proper permits from the County of San Bernardino Division of Environmental Health and Safety for construction and operation of any Ground Water Well.

- b. Pursuant to the 1978 Ground Water Rights Adjudication, all water producers are subject to the Chino Basin Water Master. Coordinate with the Chino Basin Water Master for use of Ground Water and Ground Water Wells and follow all Chino Basin Water Master requirements.
4. Additional Setback Requirements for Utilities: The Project is subject to the following setback requirements:
- a. 100 feet from Edison Avenue, Sultana Avenue, and Campus Avenue master plan street right-of-way to any composting, chipping, grinding, or mulching activities or storage. [CCR §64572(f)].
 - b. Private (Non-Public) Water Well Setbacks: Minimum setbacks from any existing or proposed ground water wells:
 - i. 100 feet to Water Reclamation (Detention Pond) [County of San Bernardino].
 - ii. 100 feet to Onsite Wastewater Treatment Systems (OWTS) /Septic Systems [County of San Bernardino].
 - iii. 100 feet to any composting, chipping, grinding, or mulching activities or storage. [SWRCB Order WQ 2020-0012-DWQ & County of San Bernardino].

Sewer Conditions (Section 2.C, Other Conditions):

5. Sewer System and Sewer Service: There are no existing public sewer mains or services within the vicinity of the Project. The City shall not be providing sanitary sewer service to the Project Site, until such time public sanitary sewer mains are installed within public streets adjacent to the Project Site.

Water Service (Section 2.D, Other Conditions):

6. Potable Water System and Potable Water Services: There are no existing public potable water mains or potable water services within the vicinity of the Project. The City shall not be providing potable water service to the Project Site, until such time public potable water mains are installed within public streets adjacent to the Project Site.

Recycled Water Conditions (Section 2.E, Other Conditions):

7. Recycled Water System and Recycled Water Services: There are no existing public recycled water mains or recycled water services within the vicinity of the Project. The City shall not be providing recycled water service to the Project Site, until such time public recycled water mains are installed within public streets adjacent to the Project Site.
- a. If Recycled Water is going to be used on the Project Site, the Applicant shall comply with the following requirements:
 - i. Recycled Water shall only be provided to the Project Site through a dedicated recycled water meter for the Project Site that is directly connected to a public recycled water main within a public street adjacent to the Project Site.
 - ii. This development shall comply with City Ordinance 2689 and all other applicable City Codes and State Regulations.
 - iii. RW Program Requirements: In order to receive RW service, the applicant shall comply with each of the following:
 - 1) Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.
 - 2) Submit an Engineering Report (ER) to the City detailing recycled water usage for review and approval by the City and the State. The review process for the ER is typically 3 months. City will coordinate the State's approval of the ER.



CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
 Rudy Zeledon, Planning Director (Copy of memo only)
 Diane Ayala, Advanced Planning Division (Copy of memo only)
 Charity Hernandez, Economic Development
 James Caro, Building Department
 Raymond Lee, Engineering Department
 Jamie Richardson, Landscape Planning Division
 Dennis Mejia, Municipal Utility Company
 Gabriel Gutierrez, Police Department *Jeremy Philips*
 Paul Erhman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, Traffic/Transportation Manager
 Lorena Mejia, Airport Planning
 Eric Woosley, Engineering/NPDES
 Angela Magana, Community Improvement (Copy of memo only)
 Jimmy Chang, IPA Department
 Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2022

SUBJECT: FILE #: PCUP22-004 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 .

- 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 modification to Conditional Use Permit PCUP19-020 to add the allowance of less than 2 percent food waste mixed with existing tonage of green waste a on 37 acres of land located at 7325 Edison Avenue, within the Specific Plan Zoning District and AG (Agricultural) Overlay District. (APN(s): 1053-39-101 & 1053-40-100). Related File(s): PCUP19-020.

- 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 ANTONIO GARCIA Signature POLICE OFFICER Title 2/23/22 Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2022

SUBJECT: FILE #: PCUP22-004

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 .

- 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 modification to Conditional Use Permit PCUP19-020 to add the allowance of less than 2 percent food waste mixed with existing tonage of green waste a on 37 acres of land located at 7325 Edison Avenue, within the Specific Plan Zoning District and AG (Agricultural) Overlay District. (APN(s): 1053-39-101 & 1053-40-100). Related File(s): PCUP19-020.

- 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.

Landscape Planning
Department

Minadaw
Signature

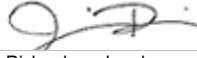
Landscape Intern
Title

3/03/22
Date

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

CONDITIONS OF APPROVAL

Sign Off



Jamie Richardson, Landscape Planner

03/03/22

Date

Reviewer's Name:

Jamie Richardson, Landscape Planner

Phone:

(909) 395-2615

D.A.B. File No.:
PCUP22-004

Related Files:
(Modification to PCUP19-020)

Case Planner:
Alexis Vaughn

Project Name and Location:

Increase Compost Area
7325 Edison Ave

Applicant/Representative:

AgConcepts: Robert P. Feenstra (951) 313-1818 bobfeenstra@gmail.com
P.O. Box 17482
Anaheim Hills, CA 92817



A site plan (02/08/22) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.



A site plan () has not been approved. Corrections noted below are required prior to DAB approval.

- Existing trees shall be protected in place. If tree removal is requested, a tree inventory shall be submitted to this department for review and approval.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Jeremy Phillips, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Tricia Espinoza, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IT Department
Ben Mayorga, Integrated Waste

Nathan K.

REVISION #1

FROM: Alexis Vaughn, Assistant Planner

DATE: June 03, 2022

SUBJECT: FILE #: PCUP22-004

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 .

PROJECT DESCRIPTION: A modification to a previously approved Conditional Use Permit (File No. PCUP19-020) establishing a green waste composting facility, to allow less than 2 percent food waste mixed with green waste, on approximately 37 acres of land located at 7325 Edison Avenue, within the SP/AG (Specific Plan/Agricultural Overlay) zoning districts. (APNs: 1053-39-101 & 1053-40-100).

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.

ENG. TRAF.
Department

[Signature]
Signature

ASST. ENG.
Title

6/20/22
Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
~~Eric Woosley~~, Engineering/NPDES **Tricia Espinoza**
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2022

SUBJECT: FILE #: PCUP22-004

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 .

- 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

*has active WDID
w/ water board
836 NNA000183*

PROJECT DESCRIPTION: A modification to Conditional Use Permit PCUP19-020 to add the allowance of less than 2 percent food waste mixed with existing tonage of green waste a on 37 acres of land located at 7325 Edison Avenue, within the Specific Plan Zoning District and AG (Agricultural) Overlay District. (APN(s): 1053-39-101 & 1053-40-100). Related File(s): PCUP19-020.

- 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.

env.eng. Department *Cliff Carl* Signature *eng.asst.* Title *3/3/22* Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
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Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2022

SUBJECT: FILE #: PCUP22-004 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 .

- 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 modification to Conditional Use Permit PCUP19-020 to add the allowance of less than 2 percent food waste mixed with existing tonnage of green waste a on 37 acres of land located at 7325 Edison Avenue, within the Specific Plan Zoning District and AG (Agricultural) Overlay District. (APN(s): 1053-39-101 & 1053-40-100). Related File(s): PCUP19-020.

- 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.

Broadband Operations
Department

Robert DeCasas
Signature

Sr. Systems Analyst 03/15/2022
Title

Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP22-004

Address: 7325 East Edison Avenue

APN: 1053-391-01 & 1053-401-00

Existing Land Use: Composting Facility

Proposed Land Use: A modification to PCUP19-020 to allow for food waste and green waste composting

Site Acreage: 37 Proposed Structure Height: N/A

ONT-IAC Project Review: n/a

Airport Influence Area: ONT and Chino

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Alexis Vaughn

Date: 6/7/2022

CD No.: 2022-008

PALU No.: n/a

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

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

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

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

Allowable Height: 110 FT

CONSISTENCY DETERMINATION

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

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

The project is located within the Chino Airport Influence Area, 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.

Airport Planner Signature: _____



ZONING ADMINISTRATOR DECISION: HOMEOWNER VARIANCE

August 15, 2022

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

DECISION NO.: ZA22-[insert #]

FILE NO.: PVAR22-001

DESCRIPTION: A Variance to reduce the rear yard, first floor setback from 10 feet to 3.17 feet to facilitate the addition of a laundry enclosure to an existing 700-square-foot single family dwelling, a historically designated local landmark located at 456 Carriage Alley, within the MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) zoning district (APN: 1048-342-12); **submitted by Nicholas Brethorst.**

PART 1: BACKGROUND & ANALYSIS

NICHOLAS BRETHORST, (herein after referred to as “Applicant”) has filed an application requesting approval of a Variance, File No. PVAR22-001, as described in the subject of this Decision (herein after referred to as “Application” or “Project”).

PROJECT SETTING: The project site is comprised of 0.02-acre of land located at 456 West Carriage Alley, within the proposed Downtown West Historic District, as depicted in Exhibit A: Project Location Map, attached. The site contains a historic two-story carriage house that was adaptively reused as a single-family dwelling and designated by City Council as Local Landmark No. 7 in 1995. The house is referred to as the “Carriage House.” The Carriage House was built on a 0.40-acre property, along an alley, in 1911 by W.O. Campbell, for use as a garage and stable with a hay loft, and served the principal residence located at 429 West F Street. Sanborn Fire Insurance Maps indicate that by the 1940s, 3 dwelling units fronting Vine Avenue, one dwelling unit fronting F Street, and a detached garage, approximately 6 feet north of the Carriage House, had been constructed on the property. Since then, the property has been subdivided into 5 parcels, including the project site, depicted in Exhibit B: Assessor’s Parcel Map. The original W.O. Campbell House was demolished in 1999 and was replaced with a new 2-story dwelling and detached garage at 429 West F Street in 2000.

The neighborhood features rock curbs, single and multiple-family homes with detached garages constructed in period architectural styles, small front yard setbacks and a variety of mature street trees. The proposed Downtown West Historic District also includes apartments, office buildings, churches, and a school. Existing land uses, Policy Plan (general plan), and zoning designations on and surrounding the project site are as follows:

	Existing Land Use	Policy Plan (general plan) Designation	Zoning Designation
Site:	Single Family Residential	Low Medium Density Residential	MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac)
North:	Multiple Family Residential	Low Medium Density Residential	MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac)

Prepared: EA 07/26/2022	Reviewed: CM 08/08/2022	Decision: [enter initial/date]
-------------------------	-------------------------	--------------------------------

	Existing Land Use	Policy Plan (general plan) Designation	Zoning Designation
South:	Multiple/Single Family Residential	Low Medium Density Residential	MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac)
East:	Single Family Residential	Low Medium Density Residential	MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac)
West:	Single Family Residential	Low Medium Density Residential	MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac)

PROJECT ANALYSIS:

- (1) Background — In 2000, the Carriage House was converted to a single-family residence with a single-car garage, kitchen, and living area on the first floor and a bedroom and bathroom on the second floor. In January 2022, the Applicant submitted plans to construct a new laundry room at the rear of the building, within the required 10-foot building setback from the rear property line. The existing building and site were legally established, but do not conform to the current Development Code standards of MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) zoning district. The Applicant is requesting a Variance to reduce the rear yard, first floor setback from 10 feet to 3.17 feet, to facilitate the addition of the laundry room.
- (2) Site Design/Building Layout — The project site is a rectangular shaped lot having a width of 32.66 feet and a depth of 28.14 feet. The Carriage House is 26 feet wide and 16 feet deep, with legal nonconforming front, rear, and side yard setbacks. The Carriage House is setback 5.75 feet from Carriage Alley to the south, 6 feet from the rear property line to the north, 3.5 feet from the west property line, and 3.17 feet from the east property line. The proposed addition will be 2.5 feet by 2.5 feet (6.25 square feet) and will be attached to the rear (north) of the Carriage House with sole access from the exterior of the building.
- (3) Site Access/Circulation — The project site is accessed from Carriage Alley to the south. The primary entrance to the residence is on the west elevation, facing the western interior property line. A secondary entrance is located on the north elevation, facing the rear property line.
- (4) Parking — The residence has a one-car garage taking the eastern third of the residence. The garage is accessed from Carriage Alley to the south via a stamped concrete driveway.
- (5) Architecture — The Carriage House is rectangular in plan, with a side facing gable roof covered in composition shingles with exposed rafter tails, as depicted in Exhibit D: Site Photos. The first floor and gable ends are clad in horizontal wood siding and the second floor is clad in vertical wood siding. A horizontal wide band of wood trim separates the first and second floors. The primary façade features 3 carriage doors with wide wood trim in x-patterns. The proposed addition will be attached to the north side of the dwelling and will feature a gable roof covered in composition roof shingles. The addition will be clad in composite plastic deck lumber that will be installed vertically and will replicate the pattern and color of the wood siding on the Carriage House, including x-patterns on the enclosure door. The proposed addition is depicted in *Exhibit E: Elevations*.

- (6) **Variance** — The project site is located within the MDR-11 zoning district. The intent of the MDR-11 zoning district is to provide for a variety of attached and detached housing types, in a suburban environment with densities in the range of 5.1 to 11 dwelling units per acre. For the purpose of subdivision, the Development Code requires a minimum lot width of 50 feet and a minimum lot depth of 100 feet. The project site is one of the smallest lots in the neighborhood. The lot size and the existing Carriage House's location on the site are exceptional conditions that do not apply generally to other properties in the same zoning district. The 6.25 square foot and one-story addition proposes the minimum size needed to fully enclose a standard sized stackable washer. The addition will not be visible from the public right-of-way and will have minimal visibility from the rear yard of the adjacent property to the north. The addition is heavily screened from adjacent properties by existing fencing and landscaping.

The Applicant considered installing the washer and dryer at the interior of the building but found it impractical. The first floor of the building contains a one-car garage, main living area, and kitchen. The only area on the first floor that could potentially accommodate the washer and dryer would be along the southern edge of the main living area, however, this would result in exterior alterations on the primary façade of the historic building to allow for proper ventilation and is not recommended.

- (7) **Conclusion** — Due to the existing legal nonconforming setbacks and substandard lot size, the addition cannot be constructed anywhere on the project site to meet the minimum setback requirements of the MDR-11 zoning district. The addition's proposed location at the rear of the residence does not impact any character-defining features of the historic resource, is not visible from the public right-of-way and is the preferred location for the addition. Staff is in support of the Variance for the reduced first floor rear yard setback and recommends approval, subject to the attached conditions.

AIRPORT LAND USE COMPATIBILITY PLAN: This 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).

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.

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.

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 2: RECITALS

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

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

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) establishes that the Zoning Administrator has the responsibility and authority to review and act upon Homeowner Variances; 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 Variance, and no comments were received opposing the proposed use; and

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

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

WHEREAS, on August 15, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND DECIDED by the Zoning Administrator of the City of Ontario as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making authority for the Project, the Zoning Administrator 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 Zoning Administrator, the Zoning Administrator finds as follows:

(1) The project 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, which consists of minor alteration in land use limitation in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

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

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making authority for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator,

therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(1) *The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code.* The Development Code encourages preservation of historical buildings and recommends that additions should be placed at the rear or side of structures to minimize visual impacts. The 6.25-square-foot addition at the rear of the existing Carriage House would be the most compatible design and would result in the least visual impacts to the historic resource. Placement of the addition on any other area of the property would also result in a non-conforming setback. Additionally, placement of the washer and dryer in the interior of the building would result in adverse impacts to the historic resource or extensive construction causing an unnecessary physical hardship.

(2) *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zoning district.* The property lot size and dimensions are well below the minimum lot dimensions in the MDR-11 zoning district, resulting in an existing legal nonconforming rear yard setback. These characteristics are unique to the property and do not generally apply to other properties in the same zoning district.

(3) *The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.* Pursuant to Chapter 6.0 (Residential Districts) the construction of additions to existing residential buildings are allowed. The project site has a legal nonconforming lot width and depth and is one of the smallest lots in the neighborhood. The nonconforming lot size and the existing building's location on the site are exceptional conditions that do not apply generally to other properties in the same zoning district.

(4) *The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.* Due to the existing legal non-conforming status a reduced building setback is necessary to adequately accommodate the proposed addition and avoid potential adverse impacts to the character of the historic resource. The project site configuration is narrower and smaller overall than others in the surrounding area. As a result, the project site has conditions not found with other surrounding properties and granting a reduction in the rear yard setback for this property will not constitute special privilege.

(5) *The granting of the Variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.* Granting a Variance to reduce a building rear yard setback will not negatively affect the general public welfare, nor create any impacts to the other existing residences in the area. Furthermore, adding the addition 6.25 square feet to the rear of the existing Carriage House reduces the potential visible impacts from the public right of way.

SECTION 4: Zoning Administrator Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the Zoning Administrator hereby APPROVES the Application subject to each and every condition set forth in the Department reports included as "Attachment A" of this Decision and incorporated herein by this reference.

SECTION 5: Indemnification. The Applicant shall agree to defend, indemnify, and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers, or employees to attack, set aside, void or annul 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 6: Custodian of Records. 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. The records are available for inspection by any interested person, upon request.

APPROVED AND ADOPTED this _____ day of _____, 2022.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP

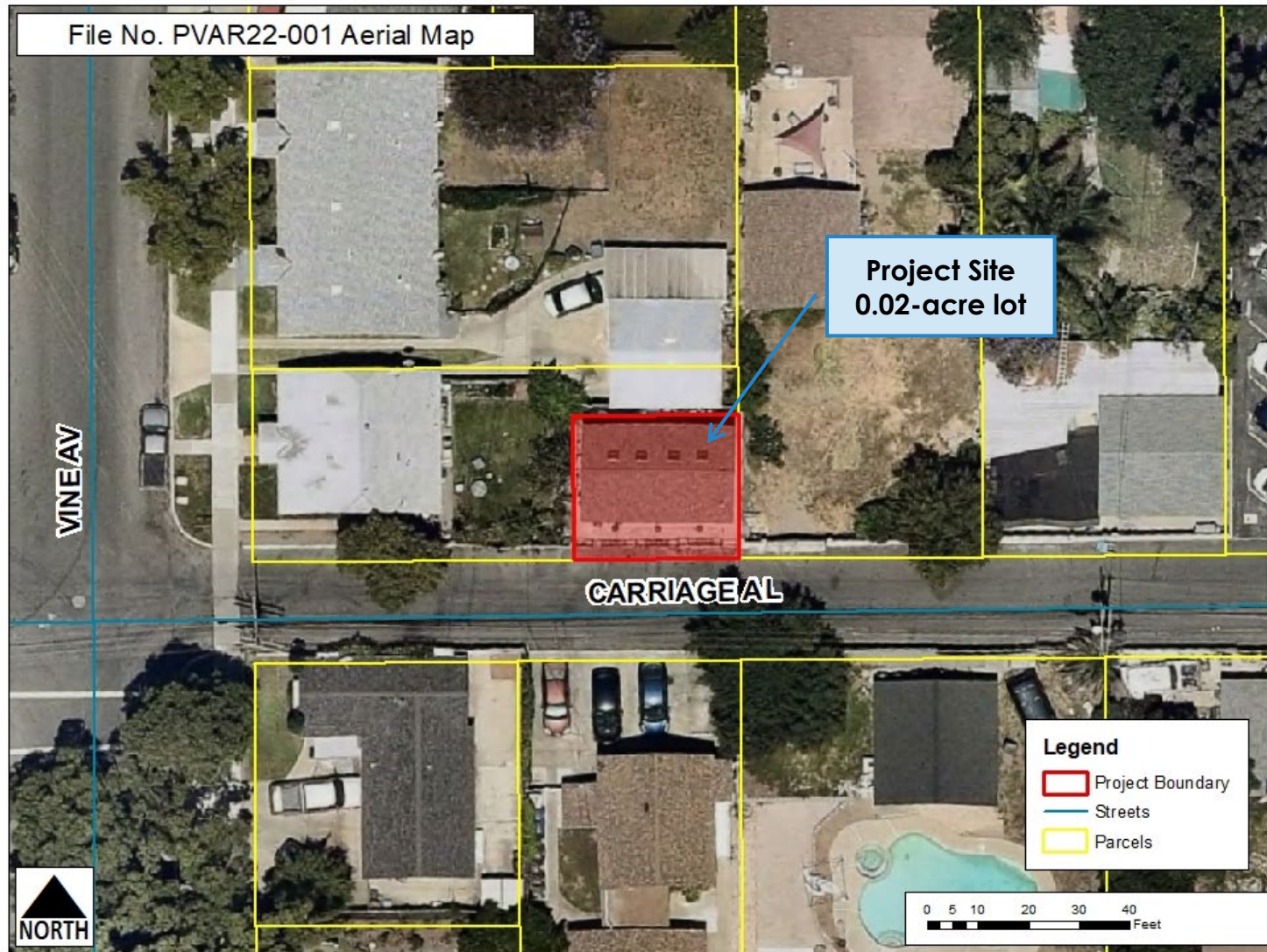


Exhibit B: Assessor's Parcel Map

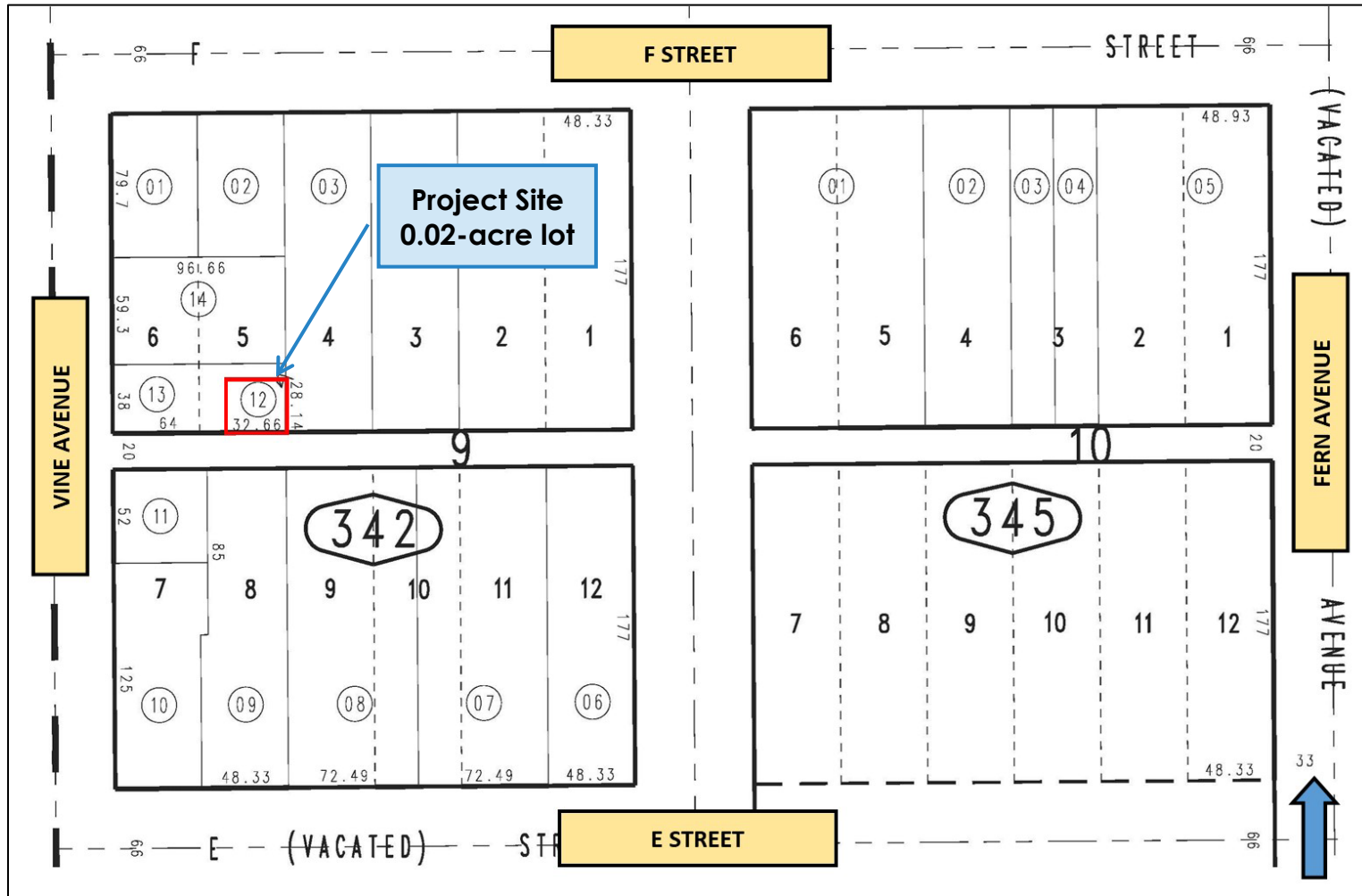


Exhibit C: SITE PLAN

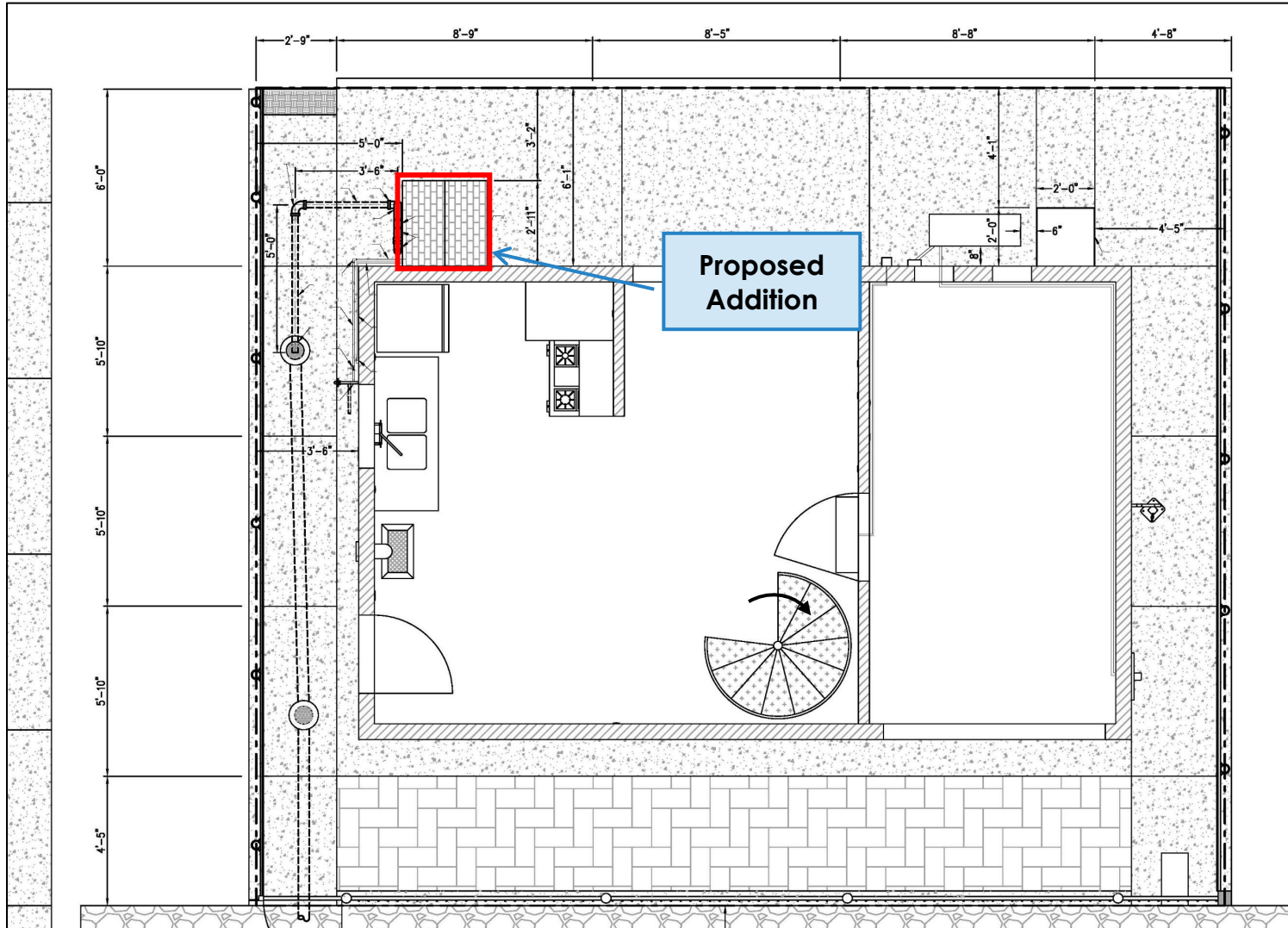


Exhibit D: SITE PHOTOS

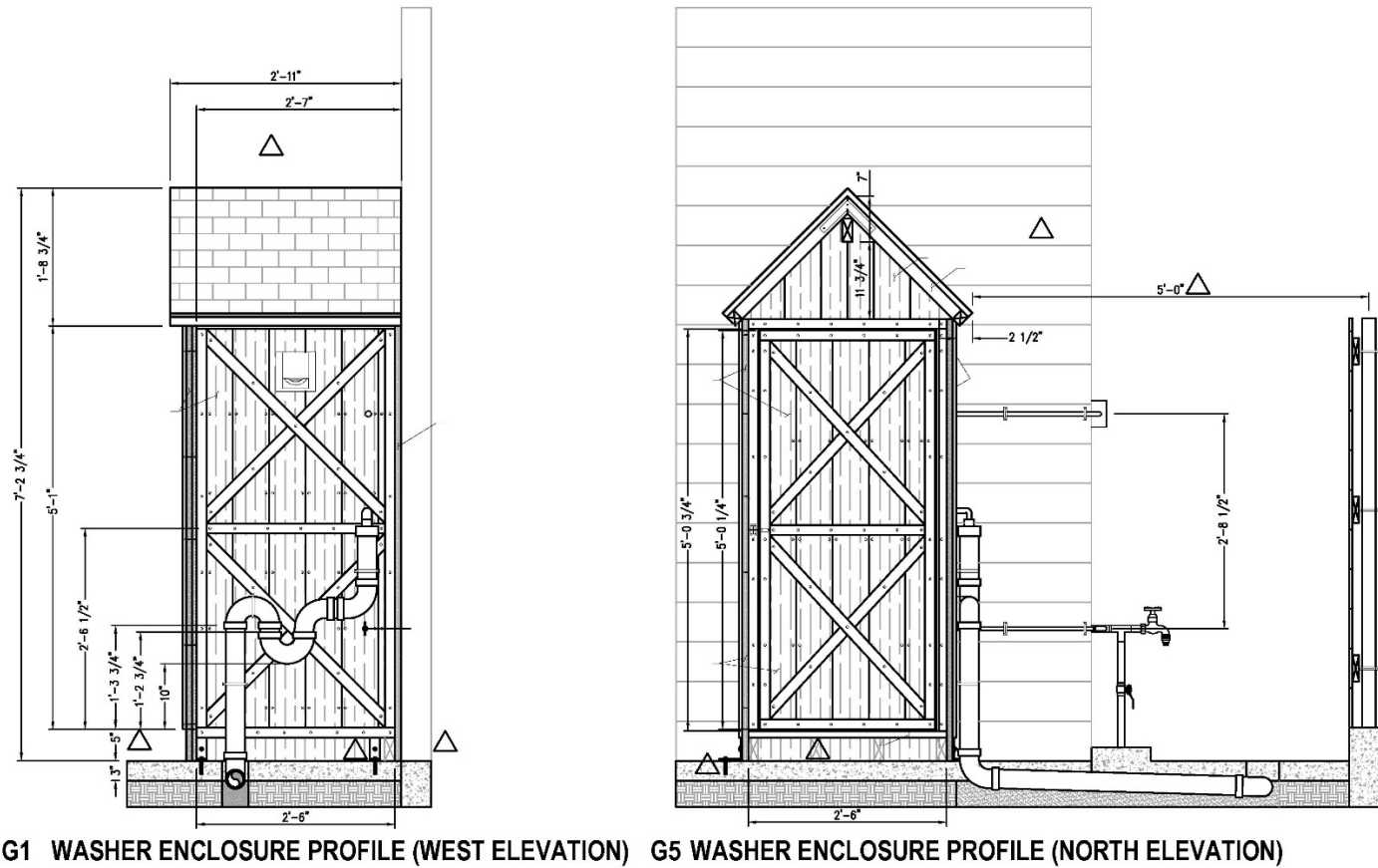


South Elevation



Southeast Elevation

Exhibit E: ELEVATIONS



Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 8/15/2022

File No: PVAR22-001

Project Description: A public hearing to consider a Variance to reduce the rear yard, first floor setback from 10 feet to 3 feet 2 inches to facilitate the addition of a laundry enclosure to an existing 700 square foot artist's studio, a historically designated local landmark located at 456 Carriage Alley, within the MDR-11 (Low-Medium Density Residential-5.1 to 11.0 DU/Acre) zoning district.; (APN: 1048-342-12); **submitted by Nicholas Brethorst.**

Prepared By: Elly Antuna, Associate Planner
Phone: 909.395.2414 (direct)
Email: eantuna@ontarioca.gov

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

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

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

2.1 Time Limits.

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

2.2 Architectural Treatment.

(a) Siding on addition shall be vertical plank siding with trim painted to match the existing siding.

(b) Roof shall be a gable roof covered in asphalt shingles to match the existing roof.

(c) Plumbing and connections shall be concealed behind walls to minimize exterior impacts.

2.3 Site Design.

(a) Addition shall be constructed at the north side of the existing building. The addition shall be setback 5 feet from the west property line and 3 feet 2 inches from the north property line.

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

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

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

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

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

2.6 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15305 (Class 5, Minor Land Use Limitations) of the CEQA Guidelines, which consists of minor alteration in land use limitation in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(i) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;

(ii) Issuance of minor encroachment permits;

(iii) Reversion to acreage in accordance with the Subdivision Map Act.

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

2.8 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). The filing of an NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.