

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

MINUTES

September 22, 2015

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September 22, 2015

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Willoughby at 6:40 p.m.

COMMISSIONERS

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

Absent: None

OTHERS PRESENT: Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Senior Planner Noh, Associate Planner Mejia, Assistant City Engineer Lee, and Planning Secretary Callejo

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Downs.

ANNOUNCEMENTS

Mr. Murphy announced that staff is requested Item C be continued to the October 27, 2015 meeting.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

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

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN FOR FILE NO. PDEV15-008: A Development Plan to construct an approximate 24,800 square-foot industrial building, on approximately 1.12-acres of vacant land, located on the southeast corner of Francis Street and Bon View Avenue, at 926 East Francis Street, within the M2 (Industrial Park) zone. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP).

The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332 (In-Fill Development Projects). (APNs: 1050-461-03, 1050-461-05, and 1050-461-06); **submitted by: On Bon View, LLC.**

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

It was moved by Mautz, seconded by Delman, to approve the Planning Commission Minutes of August 25, 2015, as written and Environmental Assessment and Development Plan, File No. PDEV15-008 as written. The motion was carried 7 to 0.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT FOR FILE NO. PCUP14-028:** A Conditional Use Permit to establish a metal salvage and scrap yard recycling facility on a 2.38 acre site, located at 901 South Sultana Avenue, within the M3 (General Industrial) zoning district. Pursuant to the California Environmental Quality Act, staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: 1049-353-14); **submitted by Star Scrap Metal.**

Associate Planner, Lorena Mejia, presented the staff report. She gave an overview of the project site. She explained how the project site transitions from industrial to residential land uses to the west. Ms. Mejia further explained the long-term uses for the residential areas are intended to be transitioned over into Industrial or Business Park primarily due to long-term airport impacts that are anticipated as Ontario International Airport grows. She explained that the project site is comprised of 2.3 acres of land and its current zoning is M3 (General Industrial) and currently used for vehicle storage. Ms. Mejia gave a description of the property and the buildings, explaining that there are three existing buildings and the site is relatively flat, paved with asphalt and has a slight slope from the northwest corner towards the southeast. Ms. Mejia presented visuals of the current site showing the entrance from Carlton Street and how the property is currently being maintained. She also shared that if the project should move forward, improvements would be needed and would include demolition of the existing block wall, improvements to the public right away along Mission Blvd., removal of existing trees, removal of guard rail and widening of Mission Blvd.

Ms. Mejia proceeded to give a background of the Applicant, Star Scrap Metal, a family owned business since 1947. The existing business is located in La Mirada, California near the 5-FWY, where eminent domain was exercised on their property by Caltrans for freeway off-ramp and widening improvements. The business has until December 2015 to vacate or relocate. Planning Staff contacted the City of La Mirada to find out if any Code violations had been made on the property within recent history and found out there have been none. Ms. Mejia continued by sharing, while looking for a new location, the Applicant expressed they also hope to modernize their existing operations, with equipment that is more efficient and environmentally friendly. Some general operation characteristics of the site are that they operate in a "drive-thru" type manner, so there are no individuals walking onto the property trying to recycle metal. The patrons basically drive through this type of business and employees help unload the materials and exit the

site. Ms. Mejia gave a list of the types of metals, ferrous, and non-ferrous which can included: aluminum, brass, copper, aluminum cans, insulated wire cables, high temp alloys, steel and stainless steel. Their hours of operation are proposed to be Monday through Friday from 8 AM to 5 PM, Saturdays 8 AM to 12 PM with a proposed security plan, which includes on-site security during operating hours and 24 hour surveillance. Ms. Mejia also explained they proposed 25 on-site employees and 43 planned parking spaces which meets code requirements. She also shared the activities of the operation which included, loading and unloading, breaking and separating the metals by other equipment and bailing, compacting and cutting. The metals are also being reduced for transportation so they can be reused for other purposes. She explains the melting of metals is not being proposed for this site.

Ms. Mejia shared the proposed Site Plan, which includes the buildings, landscape and metal processing areas. Areas she highlights are the widening of Mission Blvd., a masonry wall along the property line and landscaping to help with screening on various areas of the property. Ms. Mejia also explains the entry points onto the property, having new entrances off Mission Blvd. which currently do not exist and closing an existing entrance off Sultana Ave. and creating a new one. With this in mind, she shares that large vehicles would enter off of Mission Blvd. and smaller vehicles off of Sultana Ave. Ms. Mejia proceeds to explain the Site Plan using the visual as her guide. The various colors coincide with landscaping, buildings, etc. One of the areas she points out is a dashed-red line which will be used as a buffer from the closest residential property. This is required because, as she explains, the Development Code currently doesn't allow any metal processing within 300 feet of residential areas, so the Applicant proposes to have these areas within the buffers of the Site Planned area. Ms. Mejia also went through the rest of the Site Plan explaining each existing and proposed buildings, along with pieces of equipment which were planned for processing the metal.

Ms. Mejia shared that there were two Community Meetings due to the proximity of residential for this application. These meetings were held on July 13, 2015 where 84 property owners were notified and 25 attended. The second meeting was held on August 20, 2015 where the boundaries for notification were expanded and sent in English and Spanish. There were 14 residents in attendance for that meeting and an on-line petition was submitted to staff including 177 digital signatures. In general, residents were in opposition to the application due to noise, health issues, traffic, safety, and security were brought up between both meetings. That concluded the staff report and it was open for questions from the Commissioners.

Mr. Ricci questioned the 300 foot buffer which intersects the property line. He wanted clarification on the zoning stated within the Development Code.

Mr. Murphy answered that the Code says is that there can't be metal recycling within 300 feet; it does not specifically say property line to property line and so what we have done is try and push all recycling operations outside of that 300 foot arc.

Mr. Ricci asks that the current zone designation doesn't state specifically that this type of operations couldn't happen, but it can't be within the 300 feet?

Mr. Murphy answers he is correct.

Mr. Downs questions the location of small truck loading and/or weighing area and if that was within the 300 feet buffer.

Mr. Murphy answers that the area in question is proposed to be where vehicles are weighed and the materials would be unloaded. Staff did not see that as actual operations since materials would be carried over to the eastern portion of the site where the operations would occur.

Mr. Gregorek asks about requirements in the Development Code regarding vehicle stacking since there may be clogging of streets at Mission or Sultana.

Mr. Murphy states that the Code does not specify a particular stacking distance. He indicated that staff usually looks at the nature of the operation, existing examples of similar types of uses and gets a feel of what stacking demands are. One of the reasons the Applicant has gone to this scale system is to provide for that additional stacking and to minimize additional stacking which might occur onto Mission Blvd.

Mr. Gregorek asks again then that there is no specific number.

Mr. Murphy states no.

Mr. Willoughby asks what the approximate number of trucks or vehicles which are expected per hour.

Ms. Mejia responds by saying that for larger vehicles they are expecting 4 to 5 per hour and for smaller vehicles they are expecting 5 to 8 per hour.

Mr. Willoughby continues with one of two more questions; 1) what happens in the area marked "welding area"?

Ms. Mejia explains that some of the business equipment and general operations requires welding. Staff clarified with the Applicant that the welding area would not be used to cut metal and that was confirmed that it was not part of the operation.

Mr. Willoughby clarifies that the welding area would be for repair of existing equipment and then asks his second question is regarding the "Storm Shark" and asks what is the natural grade of the property; if it's northwest to southeast?

Ms. Mejia confirms that it is northwest to southeast and defers to Assistant City Engineer Raymond Lee.

Mr. Lee explains that the Storm Shark is basically a filtration system, and all the water will be directed to that corner by grading and would be captured on site and future use is for off-site.

Mr. Willoughby states that there is normal drainage from northwest to southeast and in the southeast corner there is the larger accumulation area and questions that there needs to be some way to get the water back up to the Storm Shark for filtration?

Mr. Lee confirms that is correct. He explains that there are two types of storm water; one type is generated on the site itself and the second is run-off from the site (north at Mission Blvd). He continues by saying there is an existing storm drain system on Mission and this project would relocate one of the catch basins so the water will bypass the site on Mission and go directly to the existing system. By grading the site, the water will go directly into the Storm Shark system.

Mr. Willoughby shares his concerns about years when large amounts of rain falls, like that being predicted this year, will the rain water seep out in the southeastern area and will there be chemicals from the metals before filtration? Has this been addressed?

Mr. Lee explains that the law only requires 2-year water storm be addressed for water quality purposes. For storm water purposes, a 100-year storm would have to be addressed. The site itself would be able to take care of the storm water. However, for water quality purposes, only a 2-year storm would be addressed. What it means in layman terms is that if there is a huge storm, only a portion of the water would need to be

treated, the majority of the water would still go out through the storm drain system without treatment.

Mr. Gregorek asks about storm water filtration and if it is supposed to be treated before it goes into the ground.

Mr. Lee answers that the regulation by the State is that only a 2-year storm has to be treated. He continues giving an example of a 2-year storm having rain of 10 cubic foot per second (cfs) of storm water – everything would have to be treated and infiltrated. However, if there was 100 cfs that would not be required to be infiltrated on-site.

Mr. Gregorek continues to ask if the Storm Shark will be lined on the bottom or if it is permeable.

Mr. Lee explains the law has different options. He shares that the first and preferred option is to infiltrate; if we can not infiltrate to underground, they allow us to treat the water before it goes out to the storm drain.

Mr. Gage has further questions regarding vehicles coming to the site. He says it was mentioned semi-trucks will use Mission Blvd. entrance and smaller vehicles will use Sultana Ave. He asks for clarification on what a “semi” is and if smaller vehicles are “passenger” trucks.

Ms. Mejia explains semi-trucks are larger trailer vehicles. Mr. Murphy interjects it would be considered commercial types, which would use Mission accessing the site. Mr. Murphy confirms what Ms. Mejia said, that smaller passenger vehicles would use Sultana.

Mr. Gage then questions where there might be directional signage.

Ms. Mejia confirms there will be directional signage explaining which vehicles use the appropriate entrance. She also explains that at the current La Mirada location, on-site staff help with directing customers. She concludes with stating that any semi-trailer trying to make the turn into the property from Sultana Ave., would not be able to make the turning radius.

Mr. Gregorek questions the screen wall height. Are products or equipment not allowed to be higher than that height and is the wall on all four sides?

Ms. Mejia answers that is correct on both.

Mr. Willoughby questions that the wall be on the south side of the property?

Ms. Mejia states there is a condition to construct a wall on the southern property line. Currently, the Applicant is proposing to construct a wall along Mission, Sultana and Monterey, but staff is requiring a wall along the southern part of the property.

Mr. Willoughby mentions he thought one piece of equipment was stated to be 24 feet high.

Ms. Mejia states that is correct.

Mr. Willoughby then questions that one piece of equipment will be taller than the 12 foot screen wall.

Ms. Mejia states that Staff has condition that no equipment or piles go beyond the existing proposed wall or be visible from the public right away.

PUBLIC TESTIMONY

Zack Stein, applicant and owner of Star Scrap Metal (La Mirada, CA). Mr. Stein thanked everyone for hearing what they had to say on behalf of their company and began with giving some background on the family-owned business. He explained his grandfather started the business in 1947, after moving to the United States from Poland being a Holocaust survivor and losing most of his family to WWII. The business was passed on to Mr. Stein's mother who was one of only a few women working in scrap metal at the time and is also a cancer survivor. Now the business is in the third generation and in the fight of their life. Mr. Stein continues by stating that the business has been in the same location since 1947, off the 5 Freeway in La Mirada. The freeway is expanding and they are being forced to leave by December 31st and they are fighting for the jobs of 50 families. Currently, they are loved by the city [of La Mirada] and as the City of Ontario did their own investigation, there are no code violations for a business that is off the freeway and visible to 250,000 people per day. Mr. Stein states he thinks that's impressive. He continues on saying they have great customers, get along great in the community and goes on to name the various types of community organizations which include high schools and religious institutions. He then shares that what they are asking from the City of Ontario and the community of Ontario is for a fighting chance of survival. They have done everything the City has asked of them, including State Laws, community concerns, conditions and they [the City of Ontario] are going to hold them accountable and that is understood. The Conditional Use Permit makes it that there are bi-annual inspections to make sure the conditions are being met. He states he's sure the community will keep them up to par as well. Mr. Stein continues stating that they are going to honor the 300 foot buffer, will only take metals which will ease the concern of smells, traffic will be circulated on-site and there won't be any traffic issues so it will be safer. In regards to safety, he states that every customer which drives into their facility has to have thumb print taken, a photo of their material, a photo of their face with the material and personal contact information given. He also explains their security program and emphasizes that they will have employees that care and will have a watchful eye on the community which is so important to the residents and businesses nearby. He continued by saying that he knows there might be a "sour taste" in some people's mouths by business like Sunkist and GE, but they are not those business, but a family-owned business and their employees are a family as well. Their health and safety is of the utmost importance to him, as well as their customers. He states he has been at their current facility running around as a child since the age of 4 with no issues. There have air quality tests at the current facility and again, there have been no issues. He concluded by stating that they want to be involved with the schools, churches and religious organizations, and the community. They can't stop everything that is bad in the community, but they know more good people and good jobs will help further Ontario on the path it is going and they want to be part of that. They want to bring jobs and bring a benefit to the city. He thanks everyone for their time.

Mr. Ricci asks a hypothetical question for Mr. Stein and his family. Would you purchase a home right across from this operation? With a family that has small children?

Mr. Stein states he has been around this environment his whole life, since he was four and spends more time at the facility than at home and understands all of the concerns of the citizens and that is why they are working so hard to address them. He continues by saying he is involved in his community, so he would be one of the individuals at the community meetings so he could hear both sides of the story. He concluded by saying he hopes to pass on this business to his kids. In short, yes, he would live across the street.

Mr. Gregorek questions the existing site, in regards to acreage, compared to the proposed site.

Mr. Stein states the current is 3.1 acres and the proposed site with the vacated street is 3.33 acres.

Mr. Gregorek states that their operations in La Mirada is an equivalent size to the proposed site.

Mr. Stein agrees, but shares they also have a sister company, Metal Depot, which is similar to Patton Steel, which they do not have a home for yet. So, there is more room for circulation and operations.

Mr. Gage asks Mr. Stein if he knows much noise may be generated from the operations at the facility.

Mr. Stein responds that it's hard to describe, but under the conditions they have to meet a certain decibel level and they are only allowed to operate within certain hours during the week and weekend. They do not do a lot of the heavy metal shredding, mostly packaging and separating for overseas containers and trucks. They don't re-melt the product.

Mr. Gage questions if they have equipment which they use that makes noise.

Mr. Stein responds that yes, they have equipment and trucks that make noise. At their current site, they are across the freeway from a Holiday Inn and other business. As the City of Ontario investigated, there have been no complaints. He concluded by saying the area around them has developed and that is why the freeway has to be expanded which, in turn is unfortunate for them.

Mr. Gage says he's trying to get an idea of what the noise would be like and questions if the noise was comparable to trash trucks.

Mr. Stein states that in some parts it's similar and in some parts it's not. Especially with the setback, how close is the truck to you and what is it doing? All of the trucks are beeping when they are reversing and hopefully that's taking place beyond the setback.

Mr. Gregorek questions why this current site was chosen and not one close to La Mirada.

Mr. Stein states that they felt comfortable with this city and the zoning. If they were able to obtain all the permits and work with the city to meet all the conditions, they would like to partner and grow with that city, like Ontario.

Mr. Willoughby questions whether they researched if their existing customers would follow them to Ontario.

Mr. Stein states they have done some business in Ontario and the surrounding area, but they are just looking for a fighting chance and even if they get this, it will be a struggle. They are just trying to survive and rebuild. Also, there are employees of 30 years who don't know any other type of work who are going to follow us and there are some who won't be able to handle the drive and we tried to handle that as best we could, so we'll have to hire some new employees for those who won't make with us.

Richard Jimenez, an Associate for JRMA, the architects for the project. He stated that a lot of the items have been addressed in the report, but there were a couple of clarifications which he wanted to bring up. Chairman Willoughby brought up side drainage. Currently it drains to the southeast corner, but with the vacated street, we are connecting to Mission Blvd. and Mission Blvd. is three feet higher than our site. We're adjusting the grading to take it away from that corner to some inlets more towards the center of the site so there won't be a condition where a pile of rain water is building up underneath a metal stack. With grading, we're addressing the storm water issue.

Commissioner Gage had concerns about noise. The block wall being provided is a masonry unit, solid, grouted block wall that is a stout wall. Part of the intent is to mitigate some of the noise within the site as much as possible. We are going as high as allowed by the city, which is 12 feet. All equipment operation is inside a building where possible, but because of the nature of how this works, not all of it is inside. He stated another item was circulation. He wanted to correct that all traffic would come in from Mission Blvd. and then the smaller trucks would go to the weights and commercial trucks into their area. Smaller vehicles would only exit onto Sultana. They want to minimize the traffic on Sultana as much as possible. He also talked about the larger setback of about 20 feet from the street curb to the wall that their proposing to build and includes Mediterranean landscape which is conducive to the area, it will help soften the wall. There was some concern about how the wall will look and this will help. We want the property to blend into the community and not stand out. That's the intent of the design and renderings. That's the process we're going through.

Mr. Delman states the grading is higher on the north and lower on the south. Grading will take place, but there are no plans to demo two existing buildings. How will the grade be brought up on the one building with grading being done?

Mr. Jimenez explains that they are raising the southeast corner to drain closer to the yellow cloud [looking at visual on screen]. The site itself is fairly flat and there is about a 5% grade ramped onto the site so just the southeast corner needs to be raised about 2 feet to get the grade to work. Raising it that 2 feet will still keep it lower than Sultana and Mission Blvd.

Donna Sherohman has worked for Star Scrap Metal for over 30 years. She stated that she started working with Rose when they were a one-truck operation and working out of a mobile-home. She continued by saying she watched her [Rose] grow the business and bring her two sons into the business and would like to see it continue to grow. Ms. Sherohman states that there are about 30-40 people working and about 20 have been there at least 10 years plus and some up to 35 years. They are all looking for the opportunity to see the company grow and the owner has always done what it takes to make the business safe. There have been things like having security, the thumbprints have been implemented and it has always been a safe place to work.

Jack Kozakar is the Project Manager for Star Scrap Metal on this project. He states to help the project out, on 9/21/15 he walked the neighborhood, about 1000 feet in all directions to meet people face to face and let them know about the project. He also handed out information to those he met in both English and Spanish. Mr. Kozakar stated there was not much negative response at the face-to-face level, but a lot of misinformation. He continues by saying that most people thought that the project was a recycling facility, because that is what the city's notification stated. According to Mr. Kozakar, the individuals he spoke with associated recycling facility with cardboard, bums, vagrancy, rats, plastics, all of those kinds of problems which goes with recycling centers. He continued by saying that's not what this operation is and once it was explained what the operation was and how it was good and would bring a lot of jobs to the local populations, most people were supportive. Mr. Kozakar then stated out of the 92 homes he stopped at, he was able to speak with individuals at 40 of them. From the 40 individuals, 10 signed support letters and asked if he could hand them, if possible.

City Attorney Rice mentioned that if these documents were passed along the Dias, the same document must be made available to the public.

Mr. Kozakar explained the contents of the document. A narrative is on the front with notes as to what he and the individuals talked about, the addresses and then signed statements of support. He continued by saying there were individuals who brought up concerns about traffic blocking on Sultana. He stated that those are issues that they want

to be sure to address. But the one thing he kept hearing about from the community was they were excited about the possibility of jobs. He then continued to speak directly about some of the individuals who signed the letters of support.

Terry Strom, from Strom Entitlement, shared he was a local Ontario boy attending both Vina Danks and Chaffey High School. He shared his support for the Planning Staff Report and the Mitigated Negative Declaration (MND), how complete and accurate it was. However, once he continued reading the comments from the Community meetings, Facebook comments, online petition which 177 people signed, he began to realize there were inaccuracies and incorrect information. Mr. Strom states that people just don't understand who they are and what they do. He points out there are two articles cited, one in the Daily Bulletin which talked about fire damage at a Fontana Recycling site, but that dealt with cardboard bale. However, this project doesn't work with cardboard, only scrap metal. The David Bacon article pointed out a problem with dust, but that was glass dust from the glass crushing dust. This site doesn't deal with glass. They only work with scrap metal. Mr. Strom continued to point out that there 8 items within the petition that 177 signed and all these items were incorrect. However, all the corrections were cited within the city's report. For example, No. 1 was "recycling center would store mountains of waste" and No. 3 "putrid rotting stench would severely affect homes". Mr. Strom continues by stating that within the report (MND) on page 17, it states "The proposed metal salvage and scrap yard recycling facility shall not accept contaminated metals or organic materials for recycling that cause objectionable odors." That's incorrect. On No. 2, it says, "Recycling centers are responsible for heavy pollution" and here on page 16 of the MND it talks about "Expose sensitive receptors to substantial pollutant concentrations" and it says to protect sensitive receptors mitigation measures are being required and these are:

- Metal salvage and scrap recycling operations shall be conducted at least 300 FT away.
- Scrap metals brought to the site for processing will be free of impurities and hazardous/radioactive chemicals.
- All baling, shearing and shredding equipment shall have advanced dust control features that encapsulate all dust and scrap from discharging into the atmosphere.

So that was incorrect as well. Now Nos. 4, 5 and 6. "We will see an increase in trash, litter, shopping carts. The recycling center will attract more homeless and transients and the recycling center will bring an increase in residential break-ins, in theft of glass, cans and aluminum for recycle for money." Mr. Strom continues by referencing page 7 of the Staff Report, saying it talks about increase crime and congregation of homeless near and around the facility. This is how it address it, "Facility will only conduct business with customers entering the site on vehicles and will not serve walk-in customers." So homeless won't be served. He continues reading, by stating, "On-site security and employees will turn away people who are walking in to the site in an effort to deter homeless." Mr. Strom reiterates that a few homeless might come by a few times but when they're turned away at the gate by the security, they will stop coming because there is no money there. He states they will not hang around there because there is no money there. He continues saying they will not steal cans and glass and things because there's no money there. So those are incorrect. No. 5 states "The safety of children, pedestrians, and commuters would be compromised due to the heavy traffic the recycling center". Now referencing page 29 of the MND it says "The number of vehicle trips per day is not expected to be increased significantly. Therefore, the project will not create a substantial increase in the number of vehicle trips, traffic volume or congestion at intersections. Less than significant impacts are anticipated." Mr. Strom said that hazardous materials was brought up and referenced page 22 of the MND. "The proposed project does not include the use of hazardous materials or volatile fuels." He concluded by thanking everyone and reiterating that the document that 177 individuals signed was completely inaccurate.

Xavier Lopez, a long-time Ontario resident comes up to speak. He says he has grown up and lives on the south-side which he feels is neglected. He continues by stating is that

there are three schools less than one mile from the project site, Sultana, Linda Vista and Euclid schools. Mr. Lopez continues that nobody has talked about the impacts this business will have on these schools and nobody from the business has talked to the Principals of these schools and what effects this will have on them. He says, he understands that they will not be going up and down Sultana, and that's cool. He also says their proposal is a lot different than they originally expected, which was a recycling center where people come off the street. But still, there will be more heavy trucks coming off of Euclid. He questions if everyone has ever crossed Euclid Ave. and Mission Blvd. during the day. He states it takes about 10 minutes to get from Phillips to Mission on a busy day. He continues stating that he's concerned about the traffic and environment in south Ontario. He believes it will bring jobs to Ontario, but this type of business should not be right there. He continues with "what are going to do about South Ontario?" Mr. Lopez concluded with, "we need businesses, but this is not the type of business we need."

Maria Gallardo, an Ontario resident. Ms. Gallardo began stating she grew up in the proposed area. She said she didn't want to address all of the issues brought up in the petition, but one of the primary concerns is the safety for everybody. She said Mr. Strom indicated that safety is not a concern, but you're talking about vehicles; 40 trucks and 4 trailers per hour and 8 hours business and 40 trucks per day, that is compromising the safety of the children and pedestrians walking through there. You talked about recycling aluminum that goes with cans which attract mosquitos. Ms. Gallardo mentions there was a death due to West Nile recently. She continues speaking of flooding and how Ontario was just recently mentioned in the news due to flooding. She states she may not understand how all the water may be recycled, but with just having floods and preparing for an El Niño year, we will not be prepared with this recycle center in a residential area. Ms. Gallardo continues by stating Ontario was mentioned in the news as having some of the worst air quality in the area. She states although it was talked about that daily operations would affect air quality, she believes it still affect the residents who live in the area, many who are seniors and susceptible to illnesses, disease and asthma. She moved onto children who play freely outdoors. She mentions the company is doing everything they have to do be responsible according to law and what is required, but she questions what happens outside of the 24-hour surveillance? She asks about the community, the homeless, people on drugs, who don't have common sense. To them this is a recycling center, just like any other. She continues stating that recently, there was a fire on Main Street Fibers and she's not comparing this project to them, but just having product sitting there and with the heat and extreme weather it does cause fires. The concern is for the safety of children and residents who are living there now. The community has worked very hard to come together and look better. She concluded with saying it's not personal or against you, but it becomes personal when it comes close to home.

Evette De Luca, stated she is not an Ontario resident, but her family had a home in south Ontario and her father is a former employee with the Parks and Recreation Services. Ms. De Luca stated that she is the Executive Director of Partners for Better Health and has the pleasure of working with *Healthy Ontario Healthy Eating Active Living* (HEAL Zone), an initiative known the city. She explains that the borders of the HEAL Zone are Bon View on the east, San Antonio on the west, Mission on the north and Francis on the south. Therefore, this project sits in the heart of the HEAL Zone. Ms. De Luca then directed her comments to the Applicant and stated she strongly sympathized with their family situation and thanked them for sharing it. She continued by stating that she, along with her partners were "pro-business" as many are in the City of Ontario, but she sympathizes more with the families that are situated around this particular business development. Partners for Better Health, the HEAL Zone network, The City of Ontario, Ontario-Montclair School District (OMSD), three different faith-based partners, a community garden in Ontario are working to get more business in our network. But the goal is to create Health Assets in Ontario and health hubs throughout the HEAL Zone in southern Ontario. Ms. De Luca states they are being recognized for this work having a

Kaiser Permanente grant that the City of Ontario holds and a new BUILD Health Challenge grant, which only 7 grants were selected across the nation and Ontario was one of them. She continues saying that she attended one of the "listening sessions" that Partners for Better Health had on Monday [9/21/15] which included about 30 community members who live in southern Ontario, several who live around this project site. What the community members were most interested in was 1) if this would create jobs? She states there is no clarity if there would be jobs created because her understanding is that current Star Scrap Metal is about 40 miles away and she doesn't know what that commute would consist of, but she knows many people who would be happy to have a job and commute to a good job. So she would hope there could be more dialogue about jobs, which were brought up during the listening session group, could be specified. 2) Safe Routes to School Initiative, which focuses on creating more walkable environments in south Ontario. So there are concerns about the traffic along Sultana and the children who might be walking there. She mentioned she appreciated the resident comments about the schools that are closely located to this project site. She asked the Commission, all involved and business partners to work together and create better health assets in south Ontario. Ms. De Luca concluded by saying that it is her hope that as we continue to have this pro-business lens and bring more business to southern Ontario that we could agree that the business would be building more assets in the community and there's specificity about job creation.

Miguel Gallardo, Jr. is an Ontario resident and lives across the street from the proposed project site. He states he is against the project. Mostly, he has concerns regarding the schools which are a half-mile away; there are students walking up and down the street and he thinks that's dangerous. Also, pollution. Ontario has been named one of the worst cities in the State for pollution and this will make it worse. Mr. Gallardo mentions he has kids which play outside and he would not feel safe to let his daughter play outside not knowing who these people are. They could have a criminal background. He continues mentioning Sultana, how it is backed up for blocks at 3 PM. If there is an exit onto Sultana, that will make it worse around 3 PM and at 2:30 PM there are students using their bicycles and he believes it will be dangerous for the community. Mr. Gallardo continues by questioning the names of the neighborhood survey done by John Mark Real Estate. He states that most of the people who live on Carlton and Maitland did not answer. He states he is against the project and feels it does not help the community.

Arthur Levine, states that he works with Evette and many members of the community very close to this proposed facility where he operates a community garden near this facility. He continues by stating their garden is beneficiaries to some of the recycling facilities nearby taking cardboard to recycle there and understands the benefit to recycling resource nearby. Mr. Levine then stated a quote, "We are all responsible for the logical consequences of our actions." He says everything we do has some sort of consequence and it's our responsibility whatever that is. He continues, saying knowing this type of use on this piece of land will bring more trucks, that will be diesel trucks, referencing as two other people mentioned the article about pollution and the high level of pollution in Ontario, that's directly from diesel emissions coming off of FWY 60 because there are several thousand trucks going by on that highway every day. Mr. Levine continues by saying this will bring those trucks ever closer to families, to children, to lungs that are breathing air every day. He stresses diesel pollution is one of the most dangerous pollutions being linked to cancer, asthma and other negative health outcomes. So if we know we are bringing more diesel trucks closer to homes, we are responsible for the actions. He states that if this is approved, we know those diesel trucks will be driving within the city streets but also sitting within the facility idling. Mr. Levine states that he knows recycling is an important activity to the benefit of environment and also living and having a safe place to live is very beneficial to families who make their residence in Ontario. He states, his question is two beneficial things: Can they coexist together? I'm not sure. His question to the Applicants is: Why here? Why next to homes? Is there not another 3-acre piece of land somewhere else where there's

opposition? Why couldn't you go where there is zero opposition? Perhaps there will always be opposition to any plan anyone has, but when people come up and express their concerns for their children, he said it would be hard to imagine how two things like a house and a salvage metaling facility can coexist. Mr. Levine states that when he has gone to other recycling facilities, they can be noisy operation and hurt one's ears. He says he can imagine it can be difficult for children trying to do homework after school during the day time, hearing the on-going noise of trucks and smashing and grinding. He said he was concerned about the dust issue, which was addressed, that the dust will be captured on-site. However, he was curious about how much waste or metal coming in would be from Ontario. Why does Ontario have to be the site that receives outside waste from other places? Can't some places recycle their own waste? Mainly, Mr. Levine just doesn't think these two types of activities, housing and recycling, can coexist so closing together. He wonders why not somewhere else? Why not where there is no opposition?

Jaime Campos, came up to speak on behalf of his father, Francisco Campos. Mr. Campos says that every concern he had, was addressed by the previous gentlemen. He also says the issues being addressed, he doesn't feel have been really addressed; the issues are existent. What has been said over and over again: the traffic, the air pollution, the safety of kids are the top, main concerns. He thought Commissioner Ricci's question about living right next was very accurate and he would ask each one how they would feel if a recycling center was being opened up right next to them. He concluded by referring by to Mr. Levine saying, that maybe for the kids.

Chairman Willoughby called for a five minute recess would be given before the Applicant would be given the opportunity to rebut.

Chairman Willoughby welcomed everyone back and thanked them for staying on time.

David Stein, applicant and owner of Star Scrap Metal came up to speak and rebut. He began thanking everyone for coming out and stated he understood their concerns and would do his best to address as many as possible. Mr. Stein started by summarizing that they are a third-generation company and it's their legacy now to continue forward. He states, as mentioned before, their grandfather wanted just a chance to over to America and now all they're asking for just an opportunity as well. All the family wants is an opportunity. Mr. Stein emphasizes that they don't take any trash only or hazardous waste, we only strictly deal with metals. He continued by saying they don't buy and sell any plastics, trash, cardboard, none of that stuff, we strictly deal with metal. He says they are basically like Patton Steel which is across the street. He explains they pride themselves as being a state-of-the-art facility where they are now and they are looking to increase how great their facility will be when they move to Ontario. He states they have hired the best architects, consultants, engineers and builders to make the best place possible. Mr. Stein says they are spending a ton of money and resources to improve Ontario. He says they're not trying to bring the place down, but improve it. He says they're going to provide jobs and implement anything they can to follow the rules of the city. Mr. Stein continues by saying he wants to address some of the topics people were mentioning. He said the biggest issue he heard was safety for traffic. He began with stating, currently there is no sidewalk on Mission Blvd. Their business would hire the best architects to build bigger sidewalks for children walking and this would be an improvement to the community. He continues stating right now there are no sidewalks so the area is unsafe and they would put in sidewalks which would be better to the community. He states he doesn't understand how their business coming in would make the community worse, when they would make it better. Next, Mr. Stein talks about traffic. He says that they just "guestimated" four trucks an hour, but their business might go down and they may only have one truck per hour. If they do have four trucks per hour, that's possibly one truck per 15 minutes, and that's not very much with an already busy street. He states one truck added every 15 minutes would not be very much and their reports show that. Mr. Stein continued by talking about the housing market and that the

people in the area know it's M3 zoned and have known for a long time, so their prices have been reflected for a long time. This is before they come and will remain after they come. He says that it is their hope the marketing value will increase due to their business coming to the area. Mr. Stein felt those were the top three oppositions needing to be addressed. He continued by addressing the issue of mosquitos and bugs due to aluminum cans. Mr. Stein explains that aluminum cans are probably the smallest material they take so it is an insignificant amount of material which would increase the amount of insects. He also points out that shopping centers and schools often have aluminum can recycling centers which shows they are not harmful and with these types of recycling locations more common, it would decrease the amount brought in at their facility. Mr. Stein also addressed Main Street Fibers. He reiterated their business is nothing like theirs. In reality we only do metals, we don't do plastics, glass or trash, so there shouldn't be any issues that they have had. He also mentions that many of these other recycling businesses have been grandfathered in so they don't have to follow current standards and codes. Their business is starting from scratch and is under a microscope by the city and community and will have biannual checks, so they will abide by all the laws and all the regulations. Mr. Stein stated that no semis and trucks would be using that road. He states the only road trucks would be using would be Mission and by widening this street and adding sidewalks, they would be making it better. He also says there is extra room within the property for trucks to turn around. He states that he heard comments that people support recycling and that individuals want to go green, but they don't want this business in their community and they find that contradicting. He concluded with saying that they know they will be under a microscope, follow all the rules and they want to make this the best place possible for our employees and the community and for everyone involved. It's all about the people who run the business.

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

Mr. Gregorek questions if the project were approved and they tried to expand, would they move to the property on the south?

Mr. Murphy states that the current zoning for the property on the south is M3 so they would be going through a similar process. There have been discussions of changing the zoning on properties interfacing residential to light industrial. That's something that's being looked at, whether it affects that property remains to be seen.

Mr. Gregorek asks when the application was originally submitted.

Mr. Murphy stated November of 2014.

Mr. Downs questions if the semi-trucks can make the turn from Sultana.

Mr. Murphy states they would have to move into another lane.

Mr. Willoughby questions the possible light industrial zoning in regards to residential.

Mr. Murphy asks if the Commission will recall that when the Development Code update came along, one of the categories that was created was "light industrial" which we currently do not have. The intent of the light industrial was to address properties which are 300 to 500 feet from existing residential to provide for uses that were more restrictive on generating noise, odors and impacting residential. This has gone to City Council for first reading, but has not gone for second reading yet, nor have there been any zone changes yet.

Mr. Ricci shares that there are a few issues. One of the issues is the sidewalk, especially brought up by the HEAL Zone and their initiative for walking. Looking at the site plan

looks like an improvement but it's so close to residential. He questions why staff didn't try to help them find another location for this business which was not so close to the residents? Mr. Ricci also comments that Mr. Stein said he would be fine living across the street to this type of business, but many of the people have raised the issues that they didn't grow up in a scrap yard, so it's something new and unfamiliar. He knows every effort has been made making them feel comfortable, but he would feel the same way and to be worried about their children is a valid point. He also brings up the issue of air pollution which is a bigger issue and would be a cause from trucks. It's an issue on a State level. Mr. Ricci questions the Planning Department if there is anything the city can do to make an effort in finding another location which would better suit their needs.

Mr. Murphy states that he presumes this item is unacceptable to the Commission as a whole, but the Planning Department has a good relationship with our Economic Development department and they would be able to do a search. However, this site would have popped up because it is zoned for M3 and allow with a CUP. The direct answer is yes, we do have means to assist in finding suitable locations for them.

Mr. Ricci questions what would happen if the project is approved and the zoning changes to light industrial. Is the business grandfathered in?

Mr. Murphy explains that if City Council should decide that light industrial was the appropriate zoning for this site, they could still zone the property for light industrial. What that means if this use was already in and established, they would be grandfathered in and considered legal non-conforming. This means they would be able to stay and operate as long as they chose to do so. Should the use change, then it would have to comply with the light industrial regulations and allowable uses would have to conform to the light industrial category.

Ms. Mautz states how impressed she is with the Stein family, pride in your business, that's first and foremost, the family tradition and loyalty of your employees. Those are all qualities we like to see come to our city. Also, those who came out to speak, we heard you all. I want to see your business in Ontario, but with the first reading of the Zone Changes on this property already, I don't feel comfortable grandfathering in a business that's lasted that long and that will hopefully last that long again for your families. I think we have to be cognizant of the families who have lived here as long as your business was in La Mirada. As Mr. Ricci said, if there was some way we can work with Economic Development, I would feel very comfortable and welcoming to have you in our city. I'm just not certain that this is the location for it.

Mr. Murphy wants to clarify one thing. The City Council has taken first reading on the Development Code; they have not yet taken any action on a Zone Change. That would have to go through you [Planning Commission] first. What Council is acting on is the Development Code itself which has established the light industrial zone, but no zone change has come forward as of yet.

Mr. Willoughby states that's correct.

Mr. Delman says he agrees with Ms. Mautz and the Stein family's work ethic. He states he owns a business which was started in 1946 and has been there for 50 years and understands all the hard work. He says he loves their business model and likes their extensive efforts to mitigate all the negatives that have been presented. He continues saying if their business is located on this property, it will be there for many years, as it has shown from the past. He states he's concerned about the increase in truck traffic and vehicle traffic, but most of all, he's concerned with negative and unintended consequences for the city that are not known yet. Mr. Delman says he knows the city cares about its residents and businesses clearly, because his own business is in Ontario. In conclusion, Mr. Delman states he would love to have this business in Ontario, a crushing

recycling business is very necessary, but he can't support this Agenda Item at this location.

Mr. Willoughby states he would like to add to the comments of the Commissioners. He states the City of Ontario is pro-business and it's reflected in its leadership. He wants to echo Ms. Mautz sentiments to both the Stein family, Star Scrap Metal and to the residents. He shares this is the process and this is what makes our city so great that we have a process to go through. The concern is noise and pollution which keeps coming back to that. Mr. Willoughby states he did a little math and at four to five trucks per hour that's over ten thousand trucks per year coming into that site. As it was stated, 15-25 minutes to off-load, that's hundreds and hundreds of hours of diesel truck idling right there just a few hundred feet from houses. That is a major concern. Mr. Willoughby makes reference to a facility on the eastern edge of town and the noise which is generated from the crane, crushers and such would be similar. He agrees with many of the Commissioners that it's a great business, but it's just the wrong piece of property, especially with the direction which we seems to be going towards of light industrial. Mr. Willoughby concluded that there is also a difference between this business and Patton, where this business is scraping metal and not selling metal. He said those were his feelings and thought the design was great, but again, in the wrong location. With that, he asked to entertain a motion.

City Attorney Rice states that if the Commission is intending deny the CUP, they ask staff to prepare a denial for resolution for the next meeting.

Ms. Mautz asks the Chairman to recommend staff to bring forth a resolution of denial for this project.

City Attorney Rice asks if Ms. Mautz wants to make a motion to deny the project today?

Ms. Mautz replies yes.

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Delman, to deny the Conductional Use Permit of File No. PCUP14-028 and direct staff to prepare a Resolution memorializing the Commission's decision. Roll call vote: AYES, Delman, Downs, Gage, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.

Ms. Mautz and Mr. Willoughby asks that Planning Director works with Economic Director John Andrews to find another parcel for the Stein family.

- C. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT15-002:** A Parcel Map (PM 19646) to subdivide a 1.85 acre parcel of land into a single parcel for condominium purposes, located at 921 North Milliken Avenue, within the Garden Commercial land use district of The Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: 210-501-23); **submitted by OA Partners, LLC.**

Staff is recommending opening the public hearing for public testimony and then continuing it to the October 27, 2015 meeting.

PUBLIC TESTIMONY

Item Continued to the October 27, 2015 meeting.

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

Item C was moved by Mautz, seconded by Delman, to continue the Environmental Assessment and Tentative Parcel Map to Planning Commission Meeting of October 27, 2015. The motion was carried 7 to 0. Roll call vote: AYES, Delman, Downs, Gage, Gregorek, Mautz, Ricci and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried with 7 to 0 votes.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation: This subcommittee met on Thursday, September 10, 2015

- Mr. Delman shared that the subcommittee recommended 4 Mills Acts Contracts for Historic Homes for restoration for historic homes. *Address include: 509 East E St., 1258 N. Euclid Ave., 327 West H St. and 204 East J St.* These homes will be on the October Planning Commission Meeting
- Ms. Mautz questioned the Historic Guasti; if the current owners were preserving the site due to predicted weather. Mr. Murphy gave an update that the new owners were sent a letter in recent days advising them of concerns they had and asking them to make the repairs which were previously discussed and to try and maintain the facility as a way to save costs in the long-term than letting it go. More information will shared, hopefully at the next meeting.
- Mr. Willoughby questioned who the current owners are and who the former owners were.
- Mr. Murphy replied the current owners are Principle and former owners were B of A, as the property was lost previously and sold it to Principle.

General Plan/Zoning Consistency: This subcommittee met on Thursday, September 17, 2015

- Mr. Murphy shared that they are moving forward with zone changes for 1200 properties. Many of those in the Industrial category will be going to light industrial. He continued stating there were 4000+ notices that went out to property owners and adjacent property owners. Also, there were 2 community neighborhood meetings which there about 150 residents and property owners attend. From that there have been 20 written communications mostly in support of our actions and a handful which has come in who have opposed for two primary reasons. One was concerned about the change to M3 because he paid a premium for the zone change and now the person next to him didn't have to pay and several

properties who are going to light industrial restricts the type of uses which are allowed as we heard during the hearing. Mr. Murphy continued stating that he does expect that those property owners to come forth during the meeting in October to voice similar concerns as they have shared with staff. In conclusion, Mr. Murphy pointed out that he thought that considering there are 1200 properties, if only a dozen are in opposition, it speaks to the efforts the Advanced Planning team have made to reach out to the property owners to inform them what's going on and try to minimize those concerns.

New Business

Mr. Gregorek congratulated Mr. Murphy and Code Enforcement Staff on the 99cent Store. The issues which were brought up before about signs are now in compliance.

Mr. Gage states that the house on Campus and Sixth Street still has a cement front yard, with 3 three canopies for parking, one of which is filled by a camper-shell that's stationary off the pick-up. Mr. Murphy said he would follow-up with Code Enforcement.

Mr. Willoughby wanted to congratulate the city on another great Route 66 event. Mr. Murphy stated that having spent most of Saturday in the EOC, there was little activity and what he heard was that attendees appreciated the police presence. Many of the Commissioners shared their personal experiences about the event and gave praise to the city for hosting it again this year.

The QVC project at the Meredith International Center was updated and the groundbreaking was discussed. The Commissioners are excited about the project and they thanked the Planning Staff for their hard work.

NOMINATIONS FOR SPECIAL RECOGNITION

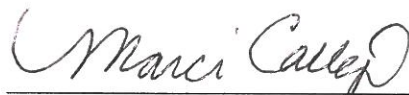
None at this time.

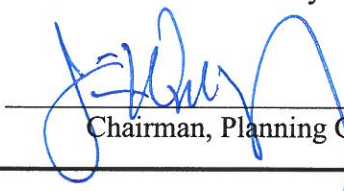
DIRECTOR'S REPORT

Mr. Murphy stated New Haven, Brookfield's new project is open. He encouraged the Commissioners to go and take a look.

ADJOURNMENT

Mautz motioned to adjourn, seconded by Delman. The meeting was adjourned at 9:09 p.m.


Secretary Pro Tempore


Chairman, Planning Commission