

# ZONING ADMINISTRATOR DECISION TIME EXTENSION

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DECISION NO. 2015-023

DECISION DATE: September 25, 2015

FILE NO.: PDEV12-010

**SUBJECT:** A request for approval for a one-year Time Extension for a previously approved Development Plan (**File No. PDEV12-010**) to construct a 60-foot tall monopine (Verizon), with up to twelve 4-foot panel antennas and one 2-foot microwave dish, within a 846 square foot lease area on 2.8 acres of land developed with a parking area for the Metrolink Station, located at the westerly terminus of Francis Street, north of Mission Boulevard (APN: 0211-263-21). **Submitted by Verizon Wireless.**

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## **PART A: BACKGROUND & ANALYSIS**

VERIZON WIRELESS, herein after referred to as "the applicant," has filed an application requesting a Time Extension, described as follows:

- (a) Description: A request for approval for a one-year Time Extension for a previously approved Development Plan (**File No. PDEV12-010**) to construct a 60-foot tall monopine (Verizon), with up to twelve 4-foot panel antennas and one 2-foot microwave dish, within a 846 square foot lease area on 2.8 acres of land developed with a parking area for the Metrolink Station, located at the westerly terminus of Francis Street, north of Mission Boulevard
- (b) Analysis: The project was approved by the Development Advisory Board on August 20, 2012. The project was approved with a two year time limit from the date of the Development Advisory Board Approval and set to expire on August 20, 2014. On January 26, 2014, the City Council passed Ordinance 2980, which automatically granted a one-year time extension to any approved Development Plan, Conditional Use Permit, or Variance application that had not expired as of March 1, 2014, and that would not expire on or before March 1, 2015. The adoption of the Ordinance automatically extended the project expiration date to August 20, 2015. The applicant is requesting a one-year from August 20, 2015 to August 20, 2016.
- (c) Environmental Review: On August 20, 2012, the Development Advisory Board adopted determined that the project was categorically exempt from the requirements of the California Environmental Quality Act pursuant to section §15332 (In-Fill Development) of the State CEQA Guidelines. This Time Extension request introduces no new significant environmental impacts and no new evidence or changes in circumstance introduced that

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Approved By:

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\_\_\_\_\_ Senior Planner

would bring into question that the categorical exemption of the previous determination was improper.

**PART B: RECITALS**

WHEREAS, on August 20, 2012, the Development Advisory Board of the City of Ontario conducted a duly noticed hearing and approved File No. PDEV12-010, as described in Part A of this Decision ("Project"), concluded said hearing on that date and approved the Project, based upon the required findings of fact and subject to appropriate conditions of approval; and

WHEREAS, pursuant to Ontario Municipal Code Section 9-1.0835, such approval shall become null and void two (2) years 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 Zoning Administrator; and

WHEREAS, the application would have become null and void on August 20, 2014, however, the Ontario City Council granted an automatic one-year time extension Ordinance No. 2980 on January 21, 2014 extending the project expiration date to August, 20, 2015, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Zoning Administrator; and

WHEREAS, the City of Ontario has received a request for a one-year Time Extension pursuant to Ontario Municipal Code Section 9-1.0835; and

WHEREAS, Ontario Municipal Code Section 9-1.0425 establishes the Zoning Administrator's authority to review and act upon the herein described Time Extension request; 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 Time Extension, and no comments were received opposing such request; 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 environmental impacts of this project were previously reviewed in conjunction with PDEV12-010, for which the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to section §15332 (In-Fill Development) of the State CEQA Guidelines as was determined by the Development Advisory Board on August 20, 2012, and this Time Extension request introduces no new significant environmental impacts; and

WHEREAS, the project is consistent with the development standards set forth in the Development Code or applicable Specific Plan with the exception of height. The Variance application (File No. PVAR12-001) and associated Mitigated Negative Declaration analyzed the additional height and reduce all potential impacts to less than significant through mitigation measures. The wireless telecommunication facility meets all other Development Code requirements as specified in Article 19: Open Space (OS) District and Article 32: General Development Requirements and Exceptions; and

WHEREAS, the project is consistent with the design guidelines set forth in the Development Code or applicable Specific Plan. The wireless telecommunication facility meets the City's design guidelines as specified in Article 19: Open Space (OS) District and Article 32: General Development Requirements and Exceptions; and

WHEREAS, all legal prerequisites to the granting of this Time Extension have occurred.

### ***PART C: THE DECISION***

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

- (1) All facts set forth in this Time Extension are true and correct.
- (2) As the Approving Authority for this Time Extension request, the Zoning Administrator has reviewed and considered the categorical exemption determination for the project. Based upon the facts and information contained in File No. PDEV012-010 and supporting documentation, the Zoning Administrator finds as follows:
  - a) The previous determination found that the project was categorically exempt from the requirements of the California Environmental Quality Act pursuant to section §15332 (In-Fill Development) of the State CEQA Guidelines; and
  - b) The previous determination was completed in compliance with CEQA and the Guidelines promulgated thereunder; and.
  - c) The previous determination reflected the independent judgment of the Approving Authority; and
  - d) This Time Extension request introduces no new significant environmental impacts and no new evidence or changes in circumstance introduced that would bring into question that the categorical exemption of the previous determination was improper.

(3) Based upon the evidence presented, the Zoning Administrator hereby concludes the Time Extension would not result in a change in Project findings of fact or conditions of approval.

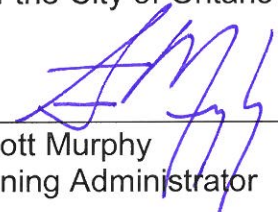
(4) Based upon the findings and conclusions set forth in Sections 1 through 3 above, the Zoning Administrator hereby approves a one-year Time Extension, from August 20, 2015 to August 30, 2016, for the approval of File No. PDEV012-010.

(5) 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.

(6) 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 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.



APPROVED by the Zoning Administrator of the City of Ontario on this 25<sup>th</sup> day of September, 2015.

  
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Scott Murphy  
Zoning Administrator