

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

MINUTES

October 27, 2015

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

MINUTES

October 27, 2015

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Willoughby at 6:44 p.m.

COMMISSIONERS

Present: Chairman Willoughby, Delman, Gregorek, Mautz, and Ricci

Absent: Downs and Gage.

OTHERS PRESENT: Planning Director Murphy, City Attorney Ferguson, Principal Planner Zeledon, Principal Planner Wahlstrom, Senior Planner Mercier, Senior Planner Mullis, Senior Planner D. Ayala, Associate Planner Burden, Associate Planner Mejia, Assistant Planner Antuna, Assistant City Engineer Lee, and Planning Secretary Callejo

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Mautz.

ANNOUNCEMENTS

Mr. Murphy requested that Items F, G, H and I be moved forward to just after the Consent Calendar.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

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

A-02. 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.**

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Gregorek, to approve the Planning Commission Minutes of September 22, 2015, as written and a Resolution memorializing the denial of File No. PCUP14-028. The motion was carried 5 to 0.

PUBLIC HEARING ITEMS

- B. 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.**

Associate Planner, Lorena Mejia, presented the staff report. She began stating that the project is to subdivide the parcel in size for condominium purposes. The property owner of Staples is downsizing nationwide with more retail sales taking place on-line the same retail store space is no longer needed. The tentative parcel map will subdivide the 1.5 acres which is located within the Garden Commercial land use district of the Ontario Specific Plan. There are existing CC&Rs for the entire center which address access, parking and common maintenance of landscape, utility and drainage easements. Ms. Mejia explains that the Applicant is proposing to establish new CC&Rs for the tenant which will address maintenance for the building itself. She showed a couple of images for better visual interpretation. She stated that staff is recommending the Planning Commission approve File No. PMTT15-002, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

PUBLIC TESTIMONY

Or no one responded.

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

Mr. Willoughby questioned if the new CC&Rs are they basically an overlay of the existing with new ones for the new tenants to deal with maintenance?

Ms. Mejia replies that's correct.

PLANNING COMMISSION ACTION

It was moved by Delman, seconded by Gregorek, to approve the Tentative Parcel Map, File No. PMTT15-002, subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE

AMENDMENT REVIEW FOR FILE NO. PDCA11-003: A revision to certain provisions of a comprehensive update to the City of Ontario Development Code (previously reviewed by the Planning Commission on 6/23/2015, and introduced to the City Council on 8/4/2015), as follows: [1] establish consistency with Senate Bill 582, amending Civil Code Section 835, and allow electrified fences in commercial zones up to 10 feet in height, and within industrial zones up to 16 feet in height; [2] allow “architectural and structural metal manufacturing” and “converted paper product manufacturing” as conditionally permitted land uses within the proposed IL (Light Industrial) zoning district; and [3] modify Table 5.02-1 (Land Use Matrix), ensuring that the allowed land uses within the proposed ONT (Ontario International Airport) zoning district are consistent with the allowed land uses in the current M3 (General Industrial) zoning district. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) and Mitigation Monitoring Program, certified by the City of Ontario City Council on January 27, 2010. This project introduces no new significant environmental impacts. 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); **City Initiated. City Council action is required.**

Senior Planner, Chuck Mercier, presented the staff report. He began stating that in June of 2015 Planning Commission recommended to the City Council a comprehensive update to the City’s Development Code along with several other changes to the Municipal Code. The following August, the City Council approved the introduction to the Ordinance to the Development Code update. Mr. Mercier stated that final City Council action on the Development Code update is planned to occur concurrently on a group of City Initiated Zone Changes which are necessary to bring the city’s Zoning Map into consistency with Policy Land Use Map. He explains that since the Planning Commission’s review and City Council’s action on the Development Code Update, staff has identified the need for several changes which are being brought forth now so they can be included in the final City Council action on the update. These changes have come about to gain compliance with changes in State law, to address several comments received by the Planning Department staff conducted during neighborhood meetings for City initiated Zone Changes which will be heard later and to achieve consistency between the current M3 (General Industrial) Zone and the proposed ONT (Ontario International Airport) Zone. The first revision is in response to Senate Bill 582 dealing with electrified security fences. Mr. Mercier gives examples of the types of changes and uses stated within his staff report. The second revision is in regards to “architectural and structural metal manufacturing” and “converted paper product manufacturing” as conditionally permitted land uses within the proposed IL (Light Industrial) zoning district. Mr. Mercier gives examples of the types of products listed within his staff report. Lastly, due to the approach effecting the changes of the Ontario International Airport and current Industrial

zone property, a revision to the Development Code's Land Use Matrix is necessary to ensure no changes are made on the airport properties. A revised land-use matrix was provided to the Commissioners at the time of the meeting which includes changes to the ONT district which were not correct upon their previous review. With that, Mr. Mercier stated that staff is recommending adoption to City Council for File No. PDCA11-003 pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Willoughby questions if the electrical fences are to be placed with existing fences?

Mr. Mercier responds that is correct, they are to be behind a regular fence.

Mr. Murphy states before each of them there is a letter from Urban Concepts dated 10/27/15. In the subject, the letter states that it applies to the Development Code Amendment, General Plan Amendment and Zone Change. When reviewing the content of the letter, it appears the focus is on the zone change, but he doesn't want to presume that's true. If the author of the letter is present, they may wish to speak or clarify.

Mr. Willoughby questions if Mr. Christopher is in the audience and if he wants to speak. Mr. Christopher stated he had one issue about space limitation, but would rather wait to speak until the zone change.

Mr. Murphy states the one issue brought up is not part of the Development Code review brought up in tonight's meeting, but what the Planning Commission and City Council have already reviewed as the Development Code Update.

Mr. Willoughby confirms Mr. Christopher will address any other concerns when Item E is brought up.

Mr. Christopher states that's fine.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Ricci, seconded by Mautz, to recommend adoption of a resolution to approve the Development Code Amendment Review, File No. PDCA11-003, subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

D. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA15-001: A City initiated request to:

- 1) Change the General Plan land use designation on twelve parcels (File No. PGPA15-001) from:

- a) Business Park to Industrial on seven parcels generally located on the north side of Brooks Street east of Mountain Avenue (APNs: 101113217-101113219, 101113221, 101114134, 101114137, and 101114139); and
 - b) Neighborhood Commercial to Low Density Residential on three parcels with an Industrial Overlay located at the northeast corner of Park Street and Sultana Avenue (APNs: 104923124-104923126);
 - c) Low Density Residential to Industrial on one parcel generally located between State and Park Streets west of Monterey Avenue (APN: 104923112); and
 - d) Industrial to Open Space-Non Recreation on one parcel generally located on the north side of Philadelphia Street west of Wineville Avenue (APN: 23815215); and
- 2) Modify the Future Buildout Table to be consistent with the land use designation changes (amending Exhibits LU-01 and LU-03).

Staff is recommending the adoption of an Addendum to an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. 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.; **City initiated. City Council action is required.**

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Delman, to recommend adoption of the Addendum of a previous EIR, Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

It was moved by Matuz, seconded by Delman, to recommend adoption of a resolution to approve the General Plan Amendment, subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

E. ENVIRONMENTAL ASSESSMENT, ZONE CHANGE REVIEW FOR FILE NO. PZC15-002:

A City initiated request to change the zoning designations on various properties located throughout the city to BP (Business Park), IP (Industrial Park), IL (Light Industrial), and RC (Rail Corridor), and to change the zoning on various M3 (General Industrial) zoned properties to IG (General Industrial) and various other zones in order to make the zoning consistent with The Ontario Plan land use designations of the properties as follows:

- 1) **C1, Shopping Center to BP, Business Park** 104651101, 104651117-18, 104714301, 104925213, 104926811, 104934114-15
- 2) **C1, Shopping Center to IL, Light Industrial** 101118104-05, 101118205, 101118213
- 3) **C3, Commercial Service to BP, Business Park** 11006101, 11007101-02, 1107106-07, 101117101, 104925203, 104925212, 104925406-10, 104926207-12, 104926407-11, 104926606-07, 104926809-10, 104929214-25, 104929420, 104929423-29, 104931115, 104932101-04, 104932106, 104932201-11, 104933101-10, 104933201-08, 104933212, 104934103-12

- 4) **C3, Commercial Service to IP, Industrial Park** 101111104, 101111110, 101112102, 101112113, 101112117-18, 101112124, 101112126, 101113102-04, 101113119, 101113208-12, 101114106, 101114128, 101114111, 101114113, 101114135-36, 104910118, 104910138, 104914125, 104914128
- 5) **C3, Commercial Service to IP, Industrial Park with ICC, Interim Community Commercial Overlay** 101111121, 101114107
- 6) **PF, Public Facility to BP, Business Park** 11007225
- 7) **C3, Commercial Service and M3, General Industrial to IP, Industrial Park** 101111105, 101111118, 101111120, 101112121-22, 101113117, 101114116, 101114130, 104910104-16, 104910139
- 8) **C3, Commercial Service and M3, General Industrial to IP, Industrial Park with ICC, Interim Community Commercial Overlay** 101112105
- 9) **C3, Commercial Service and M1, Limited Industrial to IP, Industrial Park** 104910140, 104913102-06, 104913108-09, 104913113-16, 104913118-20, 104914118-20, 104914123-24
- 10) **C3, Commercial Service to IL, Light Industrial** 101117104, 101118109-10, 104925606-11, 104925806-13, 104934201-11
- 11) **C3, Commercial Service, M3, General Industrial and P1, Off-Street Parking to IP, Industrial Park** 101114132
- 12) **C3, Commercial Service and M3, General Industrial to BP, Business Park** 11013120
- 13) **Right of Way to RC, Rail Corridor** 1011151021, 104651104-05
- 14) **M1, Limited Industrial to BP, Business Park** 11012108-10, 11013101, 11013106-09, 11013113, 11013119, 11013124-25, 11013128, 104651102, 104713202
- 15) **M1, Limited Industrial to IP, Industrial Park** 104913101, 104614101-03, 104914121-22, 104914126
- 16) **M2, Industrial Park to IL, Light Industrial** 11345131, 11346303-04, 11346307, 11346310, 11346313-14, 11346319-20, 11346322, 11346324-29, 11346334-36, 11359101-13, 21006116, 21006237-38, 21006258-59, 21031101-04, 21031110-12, 104937409-13, 104938301-05, 104939101, 104942101-02, 104942104, 104943106, 104943108, 104943110-17, 104944218, 104946210-13, 104947203-04, 104948201-05, 104948207, 105010101, 105010127, 105011110-11, 105011114-24, 105021110-11, 105021103-04, 105021111, 105021115, 105022106-07, 105022109-10, 105043116, 105043118-25, 105044104-05, 105044163-64, 105044166-67, 105044169-72, 105045103-04, 105045107-08, 105050102-08, 105050117-22, 105051102, 105051105, 105051108-10, 105052101-08, 105052110-11, 105052113, 105052115
- 17) **M3, General Industrial to IG, General Industrial** 11327110, 11327122, 11327140, 21126301, 21128105, 21132110, 23802102, 23804218-19, 23804223-25, 23804227-28, 23804230-34, 23804422, 23805212, 23805249, 23812141, 23815201, 23815203, 23815205-07, 23815209, 23815233-34, 23818550-51, 23818554, 23824112-17, 101111205, 101111207-10, 101111212-24, 101111228-44, 101112201-08, 101112211-23, 101113217-19, 101113221, 101113307, 101113320-23, 101113401-02, 101113404-06, 101113410, 101113412-15, 101114114, 101114117, 101114127, 101114131, 101114133-34, 101114137-39, 101119101, 101120102, 101120105-07, 101120110-12, 101120114-26, 101123102-05, 101123107-12, 104903103, 104903106-12, 104903114-16, 104904110-12, 104904202, 104904205-06, 104904301-04, 104904306, 104904401, 104904404-05, 104904409-10, 104905918-20, 104906406, 104906803-04, 104906818, 104907101, 104907105, 104907108, 104908101-02, 104908106-08, 104908111, 104908205-06, 104908301, 104908303, 104908308-09, 104908311, 104908313, 104911101, 104911103-07, 104915101-02, 104915104, 104915106-07, 104915109-11, 104915113-16, 104915119-25, 104915138-40, 104916110-20, 104916126, 104917201-03, 104917205-06, 104918101, 104918104, 104918106-13, 104918205-06, 104919301-02, 104920103-19, 104920122-23, 104920127, 104920206-11, 104920214-15, 104920221-23, 104920301-22, 104920401-09,

- 104920417, 104920502-14, 104920517, 104921108-14, 104921201-15, 104921218-26, 104921301-14, 104921320-21
- 18) **C4, Airport Commercial Service to BP, Business Park** 11007208-11, 11007216, 11008102-03, 11008106-09, 11009105, 11009107-45, 11010101-02, 11011101-03, 11011106-12, 11012103-05
 - 19) **M1, Limited Industrial and M3, General Industrial to IL, Light Industrial** 104950117-19
 - 20) **M1, Limited Industrial to IL, Light Industrial with ES, Emergency Shelter Overlay** 101121106
 - 21) **M1, Limited Industrial to RC, Rail Corridor** 11010105, 11323109, 11326117, 11337102, 104910224, 104911108, 104912129, 104913117,
 - 22) **M3, General Industrial to UC, Utilities Corridor** 11327112, 23804424, 23815215,
 - 23) **M3, General Industrial and P1, Off-Street Parking to IL, Light Industrial** 104923127, 104923221, 104923316
 - 24) **R2, Medium Density Residential to IL, Light Industrial** 104928101-02
 - 25) **M2, Industrial Park to RC, Rail Corridor** 11339601-02, 11343103, 21123101
 - 26) **M2, Industrial Park to BP, Business Park** 104938417-35
 - 27) **NC, Neighborhood Commercial to BP, Business Park** 104925202
 - 28) **M3, General Industrial to IL, Light Industrial** 101116101-05, 101116108-14, 101116116-17, 101117105, 101118201, 101118209-10, 101118215, 101118217-18, 101119102-03, 101119201, 101119204, 101119301-04, 104909105-06, 104909109-12, 104909311-22, 104909505-06, 104922101-04, 104923104-12, 104923303-12, 104928104-06, 104935101-03, 104935201, 104935307-14, 104935408-12, 104936101-06, 104936203-05, 104936207-08, 104936210-11, 104936301-08, 104936401-04, 104937104-07, 104937201-12, 104938101-02, 104938201-05, 104950104-05, 104950110-15, 104950120, 104950210
 - 29) **M3, General Industrial to IL, Light Industrial with ES, Emergency Shelter Overlay** 101121107, 101121110, 101121112-21, 101122101-03, 101122120
 - 30) **M3, General Industrial to IP, Industrial Park** 101111112-17, 101111119, 101111122-23, 101112107, 101112109-12, 101112114-16, 101112123, 101112125, 101113113, 101113118, 104910101-02, 104910117, 104910129-37, 104910201-23
 - 31) **P1, Off-Street Parking to IL, Light Industrial** 104923313
 - 32) **M3, General Industrial to LDR-5, Low Density Residential** 104923124-26
 - 33) **M3, General Industrial to MU-1, Downtown Mixed Use** 104906703-09, 104906711, 104906815
 - 34) **M3, General Industrial to OH, High Intensity Office** 21019111, 21055102-03
 - 35) **M3, General Industrial to RC, Rail Corridor** 11322201, 11325116, 11325124, 11327105, 11339603, 21021202, 21055105, 21124201-02, 21127205, 21129101, 23804217, 23805235, 101110107-10, 101115103-07, 104901301-02, 104901306-08, 104903113, 104903117-18, 104904107, 104904203, 104904305, 104904408, 104904411-13, 104905915-16, 104906407-08, 104906802, 104906817, 104907107, 104908110, 104908113, 104908204, 104908307, 104917101, 104918207, 104919214, 104920515-16, 108335201
 - 36) **OS, Open Space to BP, Business Park** 11013121
 - 37) **P1, Off-Street Parking to IG, General Industrial** 104920129

The environmental impacts of this project were previously analyzed in an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. 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; **City initiated. City Council action is required.**

Associate Planner, Clarice Burden, presented the staff reports on both PGPA15-001 and PZC15-002 together. She began stating that in January 2010, the City Council approved The Ontario Plan (TOP) which lays out the long term land-use pattern for the City. Since that time, the City has been undergoing an effort to ensure that the zoning and TOP land-use designations are consistent for all properties throughout the City. Ms. Burden continues saying that, in addition to the comprehensive update to the Development Code, refining the existing zones and establish new zones to implement TOP are taking place. This zone changes effects about 1200 properties which are mostly zoned industrial. Upon review of these properties, staff identified there were twelve properties in need of a General Plan Amendment, which are being presented. The Zone Changes are to implement The Ontario Plan and for the following reasons: to provide a buffer of less intensive zones close to residential property and to also take into consideration view corridors for major streets. The M3 (General Industrial) Zone is being eliminated with the Development Code Update, therefore those properties are being proposed to new zones, except for the two truck stops which will be part of a later zone change effort. Ms. Burden also explains how this will reduce strip commercial along Holt Blvd. and Mission Ave. and to accommodate related uses and eliminate split-zoned properties which are difficult to develop along Holt Blvd. Ms. Burden also touched upon the changes to the Rail Corridor, ICC-Overlay, Emergency Shelter Overlay, which part of the Housing element and Ontario Airport Land Use Compatibility Plan (ALUCP). She continued by sharing the Zone Changes were reviewed during two Open Houses, on August 26, 2015, and September 2, 2015, and more than 150 people attend the meetings and of the attendees, 30 turned in written responses. Of the 30 written responses, 12 were in support of the zone changes, 9 were in opposition of the zone changes and 9 had questions or other comments. Ms. Burden explained since that time, other correspondence of opposition had been received, as well a letter of opposition given at the meeting. She concluded by stating that staff is recommending approval to City Council for File Nos. PGPA15-001 and PZC15-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

There were no questions from the Commission.

The Chairman stated the questions/comments from the public were going to be based upon the area maps.

PUBLIC TESTIMONY

Rigoberto Vasquez, owner of Advanco Fire Protection, Inc. located at 615 S. Oaks Ave. (Group A23). Mr. Vasquez stated he has been at that location since he purchased the business in 1997. He said he a couple of questions, he didn't think he would get answers to that evening. He feels the zone change will affect his revenue; when he leases it out. Having it change from General Industrial to Light Industrial will decrease the value greatly. He has concerns. His business has grown greatly from 30 employees to about 100. He explained that they fabricate, repair, and install fire sprinklers. The changing of the zones will reduce the variety of tenants he can rent the building to in the future and affect his future plans of retirement and finances. Explains the interior of his building which includes a crane rail which is used for fabrication and doesn't believe this could be used for a warehouse. It's used for fabrication. He continues to state that two doors down,

the business will not be effected. Who determined those boundaries? He doesn't know who to get answers from.

Mr. Willoughby asked who can help Mr. Vasquez get the answers to the General Industrial categories and boundaries of The Ontario Plan.

Mr. Murphy stated that in the terms of when the boundaries were created, Mr. Willoughby was correct. When The Ontario Plan was adopted in 2010, it established the limits of the Business Park versus the General Industrial areas and what is before us tonight is zoning which is consistent with those zoning designations. Under the Industrial category, Light Industrial, General Industrial and Heavy Industrial would be zoning designations that would be correspond with and Industrial General Plan. With a Business Park designation, it would be limited to Business Park, Industrial Park and Light Industrial categories. In this particular case, the zone that is proposed would be Light Industrial, which would be the heaviest that would be allowed. He continues stating there are a number of uses which are allowed within the Light Industrial, but they certainly are different than what the current M3 (General Industrial) allows. Mr. Murphy states it maybe a situation where Planning Staff has to sit down with Mr. Vasquez to go through and show him what those different uses are and what would be allowed on that property.

Mr. Willoughby thanked Mr. Murphy and encouraged Mr. Vasquez to get in touch with staff to learn more.

Mr. Vasquez thanked him for explaining.

Ray Cudaback, owner of Foglesong James Towing located at 631 S. Oaks. (Group A23). Mr. Cudaback started by saying he grew up in the city and has seen many changes. Some good and some bad. He stated he has a towing business and there are beautiful industrial buildings set in front his business and behind his. He loves it, but he's closed in tight. Running a towing business, he can store anywhere from 200 to 250 cars for the city. This zone change will affect his property greatly, he can't park the cars inside. They have to be outside. Mr. Cudaback continues that if he wanted to sell is property now, today, the property would de-value. He states that you can't have a tow yard anymore and that's the reason the property was purchased. He says it's a tow yard – no one will want to buy this property as anything else and that's what he bought it as in 1987. He wants answers as, like Rigo [Mr. Vasquez]. Where do we stand down the road? The property was purchased for the business they currently have. How will it affect us later?

Mr. Willoughby asked staff to check on the zoning for the tow-yard under the zone change.

Mr. Murphy states they need to look at the Land Use Matrix, there may be a bit of a discrepancy. He says that looking at the IP (Industrial Park) Zone the outdoor storage would be conditionally permitted, but in the IL (Light Industrial) Zone it is not allowed. Mr. Murphy continues that this doesn't makes sense that if it is allowed in the IP Zone with a CUP (Conditional Use Permit), it should be allowed in the IL (Light Industrial) Zone with a CUP. His recommendation is to go back to the land-use matrix and make the adjustment. It's a change that can be looked at and it was likely a typo more than

anything. His specific issue right now is that he can continue operate a towing business and a new owner can come in and take over under the same conditions without any issue.

Mr. Willoughby thanked Mr. Murphy and Mr. Cudaback and hoped that answered some questions.

Robert Rubio, of Western Metal Deck & Western Deck Steel Erection Inc. located at 616 S. Oaks Ave. (Group A23). He began by stating he's north of Mr. Vasquez and Mr. Cudaback. Also, three buildings north, there is a rebar fabrication shop; full blown fabricating shop working with steel. In the back, is a concrete pipe fabrication shop, which makes 3-8 foot diameter water pipes. He states it is a heavy duty industrial business with a lot of dust and dirt. Mr. Rubio continues by stating next to that business is a concrete dump that crushes concrete. He explains they pay individuals to dump concrete, crush it and then sell it for concrete base. Again, he says these are heavy duty business and none of these places were affected in the zone change. Their business has been established since 1988. Within their business, they buy steel sheeting, store it and sell it. Mr. Rubio states they are a very clean operation and have inspected by the water department and they do no pollution. However, they are concerned about going from their current zoning to the Light Industrial. He feels it will be detrimental. He doesn't understand why they are getting rezoned and business within a few buildings with heavier manufacturing are not.

Mr. Willoughby questions if their business erects metal buildings.

Mr. Rubio states no. They used to in the 1970s and early 1980s, but since moving into this location they don't do any steel erection at all. But they still had the name.

Mr. Willoughby asked staff, based upon the description given, would the business be allowed in the new IL (Light Industrial) Zone?

Mr. Murphy states that given the description provided by Mr. Rubio, it would be warehousing and storage. Storage would need to be inside to be within IL (Light Industrial) Zone, but if they have outside storage, they would be permitted with a conditional use.

Mr. Rubio stated all of their storage is outside.

Mr. Willoughby reiterates that their business would be permitted in the IL (Light Industrial) Zone with a Conditional Use Permit (CUP) with storage outside.

Mr. Murphy also states this only applies to new business coming in under the new zone changes.

Bill Christopher, his business is Urban Concepts and he is representing Michael Adams Properties, LLC., owners of the property located at 611 S. Palmetto Ave. (Group A39) with zones changing from M3 (General Industrial) to IL (Light Industrial). The business which is a 105,000 square foot building deals in furniture manufacturing; specifically metal cabinets and book cases. Mr. Christopher states that under the IL zone, the "Miscellaneous Fabricated Metal Product Manufacturing" and "Furniture and Related

Product Manufacturing” are limited to no more than 45,000 square feet per draft sections 5.03.185 and 5.03.215 respectively. Thus, his clients are requesting legal non-conforming going forward. However, this will depreciate their property value and limit the tenant on the site going forward. The owners strongly oppose the zone change and ask staff to re-evaluate going forward. Mr. Christopher also presented a petition signed by 10 property owners including trucking yards who have additional property and would be prohibited to use that property going forward. He then presented the petition to staff.

Mr. Willoughby questioned if the petition had been given to the staff previously, or if this was the first time it’s being seen?

Mr. Christopher states this is the first time.

Sam Zugzda, with Leonard’s Diesel Repair located at 821 W. State Street (Group A18). Mr. Zugzda states that he doesn’t own the property, but has been renting the property for quite a few years, since the 1980s. He continues by saying he zone changes from M3 (General Industrial) to Light Industrial takes the rights away from the property owner and the business that are there now and they give control over that property to the city. He goes on to say he understands that some business can have conditional permitting to stay there, and with the city’s approval, other business can run the way they want, but it takes control away from the property owner and gives it to the city. Mr. Zugzda states he doesn’t think that’s right. He says right now the owners of the property can use it with the intention of what they want and then sell it having full control in that manufacturing and industrial zone. Now, you’re taking the rights away from the citizens and give it to the city. He felt that if the property owners all approved the zone changes that would be fine, but from what he could tell, there were many against it. Mr. Zugzda then questions what are the purposes for the city needing to rezone the area to Light Industrial?

Mr. Willoughby states that every piece of property is under the city’s control according to zoning. He continues by stating that reason for the rezoning is to bring everything into conformance according to The Ontario Plan and sometimes in doing so, boundaries are realigned in order to make the proposed uses match up with what was already approved several years ago.

He refers to Mr. Murphy.

Mr. Murphy agrees with Mr. Willoughby that the zoning does restrict uses on every piece of property in the community. Mr. Murphy continues, stating that with the Light Industrial in particular, when The Ontario Plan was adopted in 2010, it was identified that properties within 300-500 feet needed to have transition and going from M3 (General Industrial) to Residential was not the best course of action. So when the City Council approved The Ontario Plan in 2010, they created the Business Park Designation (BP). What we have done since then, is identify allowable uses which can be provided within that Business Park Land Use Designation, including the IL (Light Industrial) zone. And, within that, many uses are permitted and in many cases some are similar to what’s there and in some cases, some are not there and are more restrictive because of its proximity to residential.

Mr. Zugzda states that he understands about the zoning and what the city is trying to do, but the business and property owners have concerns because now it's devaluing their property. He continues by saying that the zone change makes current business owners have to get city approval for what they current do and he feels that wrong.

Mr. Willoughby asks if Mr. Murphy will clarify if existing business owners need city approval.

Mr. Zugzda responds saying that if the current property owner tries to sell their property, the new owner could assume M3 (General Industrial) privileges.

Mr. Murphy states that if you have an existing business and the property is rezoned to Light Industrial, you can continue to operate for as long as you chose to do so. If you chose to sell to a similar type of business they can operate under the same condition. If a different business were to come in, they must comply with the Light Industrial category. It would not be looked at by what is allowed in an M3 (General Industrial) zone, but what is allowed in a Light Industrial zone.

Mr. Zugzda asks if they would be driving that type of industry out of the city.

Mr. Murphy responds, not out of the city, but out of that location. There are other locations within the city which M3 (General Industrial) use is allowed.

Mr. Zugzda asks if the city is opening up as many locations of M3 (General Industrial) zoning in other places, which are being taken away.

Mr. Murphy states he doesn't recall what the exact numbers are.

Robert Zens, owner of Preferred Print & Packaging located at 1493 E. Philadelphia (Group I1). Mr. Zens states they are a paper manufacturing business and under the new plan their business would no longer be able to exist. He is concerned because he will not able to expand and hire more employees.

Mr. Willoughby questions if he has more vacant property.

Mr. Zens states he has 2 more acres next to his current location. His plans are to expand and make something of his company.

Mr. Murphy states that with the Development Code Amendment which was just acted upon, one of the changes that was made was to incorporate paper products be conditionally permitted within the IL (Light Industrial) zones. So the use which Mr. Zens is speaking of right now would be conditionally permitted within Light Industrially category.

Mr. Zens stated that this was not made clear to him.

Mr. Murphy explained that after the Open House, his concerns, along with a few others, had staff go back and review the types of uses which could be allowed within the Light Industrial category and that use was one which we felt could be accommodated as well as

architectural fabrication. Those uses were added in as conditional uses within the IL (Light Industrial) zone. That was the action the Commission just took on the previous item.

Mr. Willoughby confirms it was voted on unanimously, so he can expand his business.

Jeff Dunlap is CFO of Acurite who works for Parco Land Inc., located at 2150 S. Parco Ave. (Group I1). They currently own 13 to 14 acres of land on both Philadelphia and Parco. He states they have two concerns. Their first item of concern is that they are classed as M2 (Industrial Park) and they are moving to IL (Light Industrial). The building is a manufacturing building, built as a manufacturing building and powered as a manufacturing building. He continues stating that a deterioration in the building tenant would be a deterioration in the value. He continues by stating they're having a struggle understating the buffering since they are more than 300 feet away, but less than 500 feet away. The second item of concern is that they are currently in the entitlement process with the Planning Department in the City to redevelop the vacant lot on the north side of the building. This will not be a M2 (Industrial Park) or manufacturing building, but a distribution building. He states this will be much lighter use and as far as he knows, a conforming use. A concern which has been raised by staff, is to make sure the two zoning issues do not conflict. He states they will have to make a lot-line adjustment. He continues that's a concern to them because they don't want their development process to be slowed down or have to accrue more costs if necessary. He feels they have always been good Ontario citizens and would appreciate the Commission's reconsideration.

Mr. Willoughby thanked him for his comments and stated that Planning Staff works well with developers. He stated he had no more green cards and asked if there was anyone else who would like address the Commission.

Clint Briska is the son of the owners of 426 S. Palmetto Ave. and 505 S. Palmetto Ave. (Group A39). He states his parents are currently out of the country, so he's been put in the middle of the situation. His parents are retired and he runs a trucking company; at the 505 S. Palmetto address they have a shop where they repair and maintain equipment and at the other location is an office building and trailer yard where the equipment is parked. Mr. Briska states he is trying to figure out what all this means and what is a Conditional Use Permit is. What does that mean to his business? What are the conditions – the existing conditions? The City's conditions?

Mr. Willoughby states that for existing businesses, nothing would change.

Mr. Briska states he is third generation of this family owned business and which has been in Ontario for 70 years. He'd like to see this business expand and grown, what happens then?

Mr. Willoughby refers to Mr. Murphy.

Mr. Murphy states that within the Light Industrial category, if there is a conditionally permitted use, the business would have to submit an application to the City and the City will review the application to determine if that use is appropriate on that site given the surrounding area. If you have a use that is adjacent to other industrial uses rather than

residential, those are the uses which will be evaluated to find out if it is appropriate within that zone. Mr. Murphy explains this is what the conditional use process is for, to evaluate if the use is appropriate for the use on that particular property. If the use is permitted, there is the ability to expand. If the use is not permitted at all under the new zone, it can only continue as is, but not expand.

Mr. Briska asks how long a conditional use permit is good for.

Mr. Murphy replies it runs with the property.

Mr. Briska asked if the permit can be revoked.

Mr. Murphy states it can be revoked if the conditions of approval which are attached to it are violated.

Mr. Briska stated that answered his questions but he wanted it on the record that he joins in with others saying he opposes the zone change.

Bob Fehlman, runs the trucking yard at 895 State Street between Palmetto Ave. and San Antonio Ave. and consists of about 5.3 acres. Mr. Fehlman explains the first 2.5 acres are used as the truck yard and a cell tower site. He says the back 2.5 acres is basically landlocked with walls all the way around it. He has rented it to a business called "Portable Storage". Mr. Fehlman states that if that business should change their mind and not want to rent the property, he could longer use the property for anything. With the zone change, his business could not expand and thus he is against the zone change. He continues by saying the property has been in his family over 50 years and has been a truck yard the whole duration of the time. He feels the zoning will affect a lot of people.

Mr. Murphy stated that the biggest issue brought up tonight is the change taking properties from M3 (General Industrial) to IL (Light Industrial). He continues by stating the vast majority of those properties have a designation of Business Park which was done back in 2010 with the adoption of The Ontario Plan and the Land Use component of that. Mr. Murphy explains that as staff they have an obligation to come forward with Zone Change and consistency with that General Plan from 2010. He states he understands the concerns and questions from the business and property owners. He shares that the 300 to 500 buffer was identified to be a transitional area to help be consistent with the General Plan and new Land Uses. He concludes by saying the only other option would be for the Planning Commission or City Council give direction for Industrial use or some other option for an Amendment to the General Plan.

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

There was no Planning Commission deliberation.

Mr. Willoughby stated that when you do a zone change it is not easy or comfortable, sometimes progress and development dictate such. These recommendations are trying to bring everything in accordance in what was approved in 2010. He thanked everyone for

coming out and sharing their concerns. He hoped most of questions and concerns were addressed.

PLANNING COMMISSION ACTION

It was moved by Delman, seconded by Ricci, to recommend adoption of a resolution to approve the Zone Change Review, subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

PLANNING COMMISSION/HISTORIC PRESERVATION COMMITTEE ACTION

- F. **MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-001**: A Mills Act Contract for a 1,600 square foot Craftsman Bungalow style residential building, a designated local landmark, located at 509 East E Street, within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APNs: 1048-391-13); **submitted by Ryan Castillo. City Council action is required.**

PLANNING COMMISSION ACTION

It was moved by Delman, seconded by Ricci, to recommend adoption of a resolution to approve the Mills Act Contract, File No. PHP15-001 subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

- G. **MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-004**: A Mills Act Contract for a 2,484 square foot Spanish Revival style residential building, a Contributor within the designated Euclid Avenue Historic District, located at 1258 North Euclid Avenue, within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APNs: 1047-531-09); **submitted by Armando Villa. City Council action is required.**

PLANNING COMMISSION ACTION

It was moved by Ricci, seconded by Mautz, to recommend adoption of a resolution to approve the Mills Act Contract, File No. PHP15-004 subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

- H. **MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-005**: A Mills Act Contract for a 2,221 square foot French Eclectic Revival style residential building, a Contributor within the Designated Villa Historic District, located at 327 West H Street within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1048-271-07); **submitted by Richard and Jobelle Hernandez. City Council action is required.**

PLANNING COMMISSION ACTION

It was moved by Mautz, seconded by Delman, to recommend adoption of a resolution to approve the Mills Act Contract, File No. PHP15-005 subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage. The motion was carried 5 to 0.

- I. **MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP15-007:** A Mills Act Contract for a 1,235 square foot Vernacular style residential building, a Contributor within the designated Rosewood Court Historic District, located at 204 East J Street within the R1-Single Family Residential Zoning District. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APNs: 1048-071-06); **submitted by Elizabeth Soriano and Edmund Bañuelos. City Council action is required**

Assistant Planner, Elly Antuna, presented the staff report. She began stating that the City of Ontario established the Mills Act Program in 1997. The Mills Act Contract allows for property owners of a designated local Landmark or Contributors in a Historic District to enter into a preservation agreement with the local government. Ms. Antuna continues by stating that the contract gives a list of improvements that qualify as restoration, rehabilitation or maintenance pursuant to the California guidelines which establishes the parameters of the program. The improvements are proposed by the property owners and are to be completed within the first ten years of the contract improvements. Ms. Antuna states the contract will automatically renew itself for the first ten years and provides property owners incentives through property tax savings. She continued to give a description of each property, the list of proposed improvements, their total value and estimated saving of property tax. In conclusion, Ms. Antuna mentioned that Historic Preservation Subcommittee reviewed and recommended approval of these contracts at their September 10, 2015 meeting. She stated that staff is recommending approval to City Council for File Nos. PHP15-001, PHP15-004, PHP15-005 and PHP15-007 pursuant to the facts and reasons contained in the staff report and attached resolution.

PUBLIC TESTIMONY

No one responded.

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

Mr. Willoughby commented on the Historic Districts in the city and that there are so many wonderful historic houses within the City of Ontario and that there is an established program like this.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Mautz, to recommend adoption of a resolution to approve the Mills Act Contract, File No. PHP15-007 subject to conditions of approval. Roll call vote: AYES, Delman, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs and Gage.

The motion was carried 5 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): The October 2015 meeting was cancelled.

New Business

NOMINATIONS FOR SPECIAL RECOGNITION

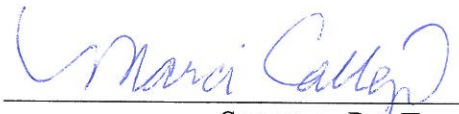
None at this time.

DIRECTOR'S REPORT

Mr. Murphy stated the Commission had the Monthly Activity Report.

ADJOURNMENT

Mautz motioned to adjourn, seconded by Gregorek. The meeting was adjourned at 8:20 p.m.



Secretary Pro Tempore



Chairman, Planning Commission