

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

**MINUTES**

**May 28, 2024**

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

**MINUTES**

**May 28, 2024**

**REGULAR MEETING:** City Hall, 303 East B Street  
Called to order by Chairperson Ricci at 6:30 PM

**COMMISSIONERS**

**Present:** Chairperson Ricci, Vice-Chairman DeDiemar, Anderson, Del Turco, Gage, Lampkin

**Absent:** Dean

**OTHERS PRESENT:** Community Development Assistant Director Zeledon, City Attorney Guiboa, Planning Director Noh, Sustainability Manager Ruddins, Principal Planner Eoff IV, Senior Planner Ayala, Senior Planner Grahm, Associate Planner Aguilo, Associate Planner Torres, Assistant City Engineer Lee, and Planning Secretary Berendsen

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Del Turco.

**ANNOUNCEMENTS**

Mr. Noh stated there were no changes to the agenda.

**PUBLIC COMMENTS**

No person from the public wished to speak at this time.

**CONSENT CALENDAR ITEMS**

**A-01. MINUTES APPROVAL**

Planning/Historic Preservation Commission Minutes of April 23, 2024.

**PLANNING COMMISSION ACTION**

*It was moved by DeDiemar, seconded by Lampkin, to approve the Consent Calendar as written. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.*

**PLANNING/HISTORIC COMMISSION PUBLIC HEARING ITEMS**

**B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA21-010:** A public hearing to consider a Development Agreement (File No. PDA21-010) between the City of Ontario and SL Ontario Development Company, LLC to

establish the terms and conditions associated with Tentative Tract Map 20562 (File No. PMTT22-022), a 62.69 acre property, located at the southeast corner of Eucalyptus Avenue and Haven Avenue, within Planning Area 32 (Mixed-Residential) and Planning Area 34 (School) of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Subarea 29 Specific Plan (File No. PSPA21-005), for which a Subsequent Environmental Impact Report (SEIR) (State Clearinghouse No. 2004011009) was adopted by the City Council on November 21, 2023. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. The project site is also located within the Airport Influence area of Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Chino Airport Land Use Compatibility Plan; (APNs: 1073-171-04, 1073-171-08, 1073-171-09 and 1073-171-10); **submitted by SL Ontario Development Company, LLC. City Council action is required.**

- C. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT22-022:** A public hearing to consider a Tentative Tract Map (TTM 20562) subdividing 62.69 acres of land into 8 numbered lots and 3 lettered lots for residential uses, private drives, landscape edges and common open space purposes, located at the southeast corner of Eucalyptus Avenue and Haven Avenue, within Planning Area 32 (Mixed-Residential) and Planning Area 34 (School) of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Subarea 29 Specific Plan (File No. PSPA21-005), for which a Subsequent Environmental Impact Report (SEIR) (State Clearinghouse No. 2004011009) was adopted by the City Council on November 21, 2023. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 1073-171-04, 1073-171-08, 1073-171-09 and 1073-171-10) **submitted by SL Ontario Development Company, LLC. The Development Advisory Board recommended approval of PMTT22-022 on May 6, 2024, with a 7 - 0 vote.**

Associate Planner Aguilo presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of the Development Agreement, File No. PDA21-010, and approve the Tentative Tract Map, File No. PMTT22-022, pursuant to the facts and reasons contained in the staff report.

#### **PUBLIC TESTIMONY**

Sage McCleve with SL Ontario Development Company was present.

Mr. Ricci asked if Mr. McCleve agreed with the conditions of approval.

Mr. McCleve stated yes.

As there was no one wishing to speak, Chairperson Ricci closed the public testimony.

There was no Planning Commission deliberation.

#### **PLANNING COMMISSION ACTION**

***It was moved by Lampkin, seconded by Anderson, to recommend approval to the City Council of the Development Agreement, File No. PDA21-010, subject to the Conditions of Approval. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.***

*It was moved by DeDiemar, seconded by Del Turco, to approve the Tentative Tract Map, File No. PMTT22-022, subject to the Conditions of Approval. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.*

- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-017:** A public hearing to consider certification of the Final Environmental Impact Report (State Clearinghouse No. 202209006), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in conjunction with a Development Plan to construct a 270,337-square-foot industrial building on 13.08 acres of land (0.47 FAR) located at 5355 East Airport Drive, within the IH (Heavy Industrial) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 0238-052-29 and 0238-052-20) **submitted by Prologis.**

Senior Planner Grahn presented the staff report. He stated that staff is recommending the Planning Commission approve the Environmental Impact Report with a Statement of Overriding Consideration and the Development Plan, File No. PDEV22-017, pursuant to the facts and reasons contained in the staff report and the attached Resolutions, subject to the conditions of approval.

#### **PUBLIC TESTIMONY**

Sunny Patel representing Prologis was present.

Mr. Ricci asked if Mr. Patel agreed with the conditions of approval.

Mr. Patel stated yes and spoke regarding the applicant, contracts established, and the project and that staff were available to answer questions.

Robert Ramos with Ironworkers 416 spoke in opposition to the project.

Zach Strasters spoke in opposition and asked the City to require higher standards from Prologis regarding the project.

David Martinez spoke in opposition and asked the City to require higher standards from Prologis regarding the project.

Elijah Silva spoke in opposition and asked the City to require higher standards from Prologis regarding the project.

David Hanson with UA Local 398 Plumbers and Steamfitters spoke in opposition to the project.

Andrew Graf representing CARES CA spoke in opposition and asked for the EIR to be recirculated and be required to meet CEQA requirements.

Amy Smith representing CARES CA spoke in opposition and asked that the EIR address the project correctly.

Cynthia Chavez with UA Local 398 spoke in opposition to the project.

Christian Cochran rebutted for Prologis and addressed the union workers stating they do have contracts with some unions.

As there was no one else wishing to speak, Chairperson Ricci closed the public testimony.

Mr. Lampkin wanted to clarify that the final EIR is required.

Mr. Grahn stated yes, it is required.

Mr. Lampkin wanted to know if the concerns with the DERI were addressed in the final EIR.

Mr. Noh stated the concerns were addressed and referred to the Applicant's consultant for further questions.

Mr. Lampkin wanted to know if anything brought up today was new and wasn't addressed.

Mr. Noh stated no.

Mr. Lampkin wanted to know the difference between LEAD Silver versus LEAD Platinum and how they apply.

Mr. Noh explained that LEAD is not a requirement within the City.

Mr. Lampkin wanted to know what is in the surrounding area.

Mr. Noh explained that the surrounding area is industrial.

#### **PLANNING COMMISSION ACTION**

Mr. Lampkin made a comment in opposition to the project.

***It was moved by Del Turco, seconded by Lampkin, to deny the Environmental Impact Report with a Statement of Overriding Consideration. Roll call vote: AYES, none; NOES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.***

Ms. DeDiemar moved to approve the Environmental Impact Report.

Mr. Ricci asked if Ms. DeDiemar wanted to make an amendment to the decision.

Attorney Guiboa clarified the Commission's voting regarding the item.

Mr. Ricci clarified the voting and asked for a revote on the item.

***2<sup>nd</sup> Roll call vote: AYES, Anderson, Del Turco, Lampkin, Ricci; NOES, DeDiemar; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 4-1.***

***No vote was taken for File No. PDEV22-017 as the EIR for the project was denied.***

Mr. Noh stated the applicant can appeal the decision within 10 days.

**E. ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT REVIEW FOR FILE NO. PUD23-004:** A public hearing to consider a Planned Unit Development to establish a set of planning and design principles, development regulations and performance standards to govern future development of 21.58 acres of land, generally located south of E Street, north of Holt Boulevard, west of Euclid Avenue, east of Palm Avenue, and the northern portion of the block between Fern and Palm Avenues and C and D Streets, within the MU-1

(Downtown Mixed Use) zoning district. Staff is recommending the adoption of a Mitigated Negative Declaration of environmental impacts for the project. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 1048-566-08, 1048-566-09, 1048-566-10, 1048-566-02, 1048-566-01, 1048-566-03, 1048-566-04, 1048-566-06, 1048-566-07, 1048-561-07, 1048-561-08, 1048-561-09, 1048-561-10, 1048-561-12, 1048-561-13, 1048-562-01, 1048-562-02, 1048-565-01, 1048-565-04, 1048-565-05, 1048-565-06, 1048-566-06, 1048-566-07, 1048-354-04, 1048-354-05, 1048-354-06, 1048-354-07, 1048-354-08, 1048-353-13, 1048-353-14, 1048-354-01, 1048-35-02, 1048-354-03, 1048-565-14, 1048-566-05, 1048-566-11, 1048-561-11, 1048-562-03, 1048-562-06, 1048-562-07, 1048-563-01, 1048-563-02, 1048-563-03, 1048-563-04, 1048-563-05, 1048-576-01, 1048-576-02, 1048-563-01, 1048-563-07, 1048-563-08, 1048-564-07, 1048-564-11, 1048-564-12, 1048-564-13, 1048-564-14, 1048-565-02, 1048-565-03, 1048-563-06, 1048-563-07, 1048-563-08, 1048-563-09, 1048-563-10, 1048-565-07, 1048-565-08, 1048-565-09, 1048-565-10, 1048-565-11, 1048-565-12, 1048-565-13, 1048-563-10, 1048-563-11, 1048-564-01, 1048-564-02, 1048-564-03, 1048-564-04, 1048-564-05, 1048-564-06, 1048-564-08, 1048-564-09, 1048-564-10) **City initiated. City Council action is required.**

Senior Planner Ayala presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of the Mitigated Negative Declaration and the Planned Unit Development, File No. PUD23-004, pursuant to the facts and reasons contained in the staff report and the attached Resolutions, subject to the conditions of approval.

Mr. Del Turco wanted to clarify residential types.

Ms. Ayala stated there would be no single family residential, they would all be multi-family.

#### **PUBLIC TESTIMONY**

As there was no one wishing to speak, Chairperson Ricci closed the public testimony.

Ms. Anderson commented in favor of the project.

#### **PLANNING COMMISSION ACTION**

*It was moved by Anderson, seconded by DeDiemar, to recommend approval of the Mitigated Negative Declaration and the Planned Unit Development, File No. PUD23-004, subject to conditions of approval. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.*

#### **F. ENVIRONMENTAL ASSESSMENT AND DEVELOPMNET CODE REVIEW FOR FILE**

**NO. PDCA24-002:** A public hearing to consider a Development Code Amendment revising Table 2.02-1:Reviewing Matrix of Chapter 2 (Administration and Procedures) to include the Fire Marshal as an Approving Authority, and Chapters 4 (Permits Actions and Decision) and 7 (Historic Preservation) to include Historic Preservation- Adaptive Reuse Plan. The proposed Development Code Amendment may affect properties located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the commonsense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA;

**City initiated. City Council action is required.**

Senior Planner Ayala presented the staff report. She stated that staff is recommending the Planning Commission recommend approval of the Development Code Amendment, File No. PDCA24-002, pursuant to the facts and reasons contained in the staff report and the attached Resolution, subject to the conditions of approval.

**PUBLIC TESTIMONY**

As there was no one wishing to speak, Chairperson Ricci closed the public testimony.

**PLANNING COMMISSION ACTION**

Mr. Lampkin spoke in favor of the item and commended staff on their outreach to the community.

*It was moved by Lampkin, seconded by Del Turco, to recommend approval of the Development Code Amendment, File No. PDCA24-002, subject to conditions of approval. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.*

Mr. Ricci called for a 5-minute break.

- G. **APPEAL OF ZONING ADMINISTRATOR DECISION FOR FILE NO. PCUP23-018:** An Appeal of the Zoning Administrator's decision to deny a Conditional Use Permit request to establish a 10,314 square-foot Adult Day Care facility on 0.46 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 1010-141-03) **submitted by Michael Mai. The Zoning Administrator denied this item on March 12, 2024.**

Associate Planner J. Torres presented the staff report. She stated that staff is recommending the Planning Commission deny the appeal of the Zoning Administrator's decision for, File No. PCUP23-018, pursuant to the facts and reasons contained in the staff report and the attached Resolution, subject to the conditions of approval.

Mr. Ricci went over the procedures of the appeal.

**PUBLIC TESTIMONY**

Richard McDonald, the attorney representing the applicant spoke regarding the facts of the project and its location and use.

Mr. Gorden Au spoke in favor of the appeal and regarding the experience with the city staff and Economic Development.

Ms. Lucy Clarke spoke in favor of the appeal and regarding acquiring the property and the current condition, the need within the city.

Steven Wong, the director for Chino Care Inc., spoke in favor of the appeal and regarding the need within the city for this service and the program benefits to the city.

Mr. Ricci asked regarding the location in San Gabriel.  
Mr. Wong stated the location.

Mr. Winston Mai the Chief Operation Officer for the current facility, spoke in favor of the appeal.

Mr. Noh spoke regarding the 20 days for the decision and the findings that the denial was founded on.

As there was no one else wishing to speak, Chairperson Ricci closed the public testimony.

Mr. Lampkin wanted to know if staff were aware of any services provided in regard to the senior apartment complex near the project site.

Ms. Torres explained the facts about the senior apartment complex and stated staff is not aware of any services they provide.

Mr. Lampkin wanted to know if any requests had been received from the senior center for this type of adult day care services.

Ms. Torres stated none have been received.

Mr. Lampkin stated he reserved the remainder of his time for questions of the appellant.

Attorney Guiboa recommended that the public hearing be reopened.

Mr. Ricci reopened the public hearing.

Mr. Lampkin asked Steven Wong what the max capacity would be for this facility.

Mr. Wong stated it was going to be approved for 240 from the CDA.

Mr. Lampkin wanted to know if this is the full max capacity.

Mr. Wong stated that is the max number of participants not including staff, but he doesn't have the full max capacity.

Mr. Noh stated the max occupancy would be based on the building official assessment for the certificate of occupancy.

Mr. Lampkin wanted to clarify this would be hard to know unless the project was approved.

Ms. Torres stated it would be reviewed during the plan check process by building.

Mr. Lampkin wanted to know if events were open to the general public.

Mr. Wong stated not the general public, just participants and their families and held within the facility.

Mr. Lampkin wanted clarity regarding the health demographics of the participants.

Mr. Wong explained.

Mr. Lampkin if the project moved forward, how would they remain HIPPA compliance, with family members from participants participating in events.



Mr. Wong stated there are offices within the center to give them a private setting during the intake.

Mr. Lampkin asked if this would happen during social interactions.

Mr. Wong stated in the lobby area participants can socialize, and they don't talk about the participants participants are assigned an ID number which is how they are HIPPA compliant.

Mr. Lampkin wanted to know how they would keep guests from talking with each other during social interactions.

Mr. Wong explained how families are not invited during business hours.

Mr. Lampkin wanted to clarify that families are only invited during social events.

Mr. Wong stated medical diagnoses aren't discussed during those times, they are just for social events.

Mr. Lampkin wanted to clarify they don't have to have a dietitian on site to address health issues for meals provided.

Mr. Wong explained the use of local restaurants or vendors and the contracts they have.

Mr. Lampkin wanted to know how patients are transported for the social events, if it's with their families, or are they transported.

Mr. Wong stated they are typically transported.

Mr. Lampkin wanted to know if in other facilities have, they had patients walking away from the facility.

Mr. Wong stated currently they don't have any patients with those concerns and explained the procedures to make sure to account for everyone.

Ms. DeDiemar wanted to know about the characteristics of participants.

Mr. Wong explained that some live alone and some need assistance.

Ms. Dediemar wanted to know how the characteristics of the bank with no windows would affect its participants.

Mr. Wong deferred to Gordon Au.

Mr. Au stated there are windows up high and skylights within the building.

Ms. DeDiemar wanted to clarify that the building is located outside the commercial area of the shopping center.

Mr. McDonald explained the location of the site within the center.

Ms. DeDiemar wanted to clarify that the project site is not part of general traffic of the shopping center.

Mr. McDonald stated yes that it is off to the side and has its own parking area and that the property was sold separately from shopping center, but it can help activate this center.

Ms. DeDiemar wanted to know if patients are dropped off by their family, do the family members linger around.

Mr. McDonald stated they either stay in the lobby area or go to the area businesses.

Ms. DeDiemar wanted to clarify that they give economic output.

Mr. McDonald stated yes.

Mr. Del Turco wanted to know if the facility would be used for Ontario residents or from other cities.

Mr. Wong stated for participants within surrounding cities.

Mr. Del Turco wanted to clarify they have vendors contracts to supply food.

Mr. Wong stated that is correct.

Mr. Del Turco wanted to clarify that they won't be using the surrounding restaurants in the area.

Mr. Wong stated they would use the restaurants in the area.

Ms. Anderson wanted to know if the clients that attend the facility aloud to go out of the building.

Mr. Wong, during business hours they use their transportation and have supervised outings.

Ms. Anderson wanted to know what kind of food vendors they buy food from.

Mr. Wong stated they use bakeries and Chinese food and food for events is kind of a mix.

Ms. Anderson wanted to know the percentage of various ethnicities that attend.

Mr. Wong stated that the majority are Asian but will take anyone who would like to join the program.

As there was no one else wishing to speak, Chairperson Ricci closed the public testimony.

Mr. Lampkin spoke regarding the need for senior facilities and spoke regarding concerns and the characteristics of the building for the use.

#### **PLANNING COMMISSION ACTION**

*It was moved by Lampkin, seconded by Anderson; to deny the Appeal of the Zoning Administrator's decision for File No. PCUP23-018, subject to conditions of approval. Roll call vote: AYES, Anderson, Del Turco, Lampkin; NOES, DeDiemar, Ricci; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 3-2.*

#### **H. APPEAL OF ZONING ADMINISTRATOR DECISION FOR FILE NOS. PDET23-005, PDET23-007, PDET23-008, PDET23-009, PDET23-010, PDET23-015, AND PDET23-016:**

An appeal of Zoning Administrators interpretation and determination decision that the Ontario Development Code Division 5.03, Section 5.03.250(E)(l) is applicable and enforceable to the operation of the following hotels and motels; 1) Hotel Hacienda (File No PDET23-005), located at 2423 South Archibald Avenue; 2) Bright Star Motel (File No. PDET23-005), located at 1530 West Mission Boulevard; 3) Days Inn Ontario Motel (File No.PDET23-008, located at 1405 East 4<sup>th</sup> Street; 4) Economy Inn (File No. PDET23-009), located at 2301 South Euclid Avenue; 5) Mayfair Inn (File No. PDET23-010), located 1120 East Holt Boulevard; 6) Sands Motel (File No. PDET23-015), located at 1240 West Mission Boulevard and 7) and the West Coast Inn (File No. PDET23-016), located at 1211 North Grove Avenue. The appeal is not subject to the California

Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15060(c)(2) of the State CEQA Guidelines, as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. (APNS: 1083-071-26, 1011-221-15, 0108-381-32, 1051-071-04, 1049-141-25, 1101-211-03 and 1047-451-25).  
**Submitted by Frank A. Weiser – Attorney at Law**

Mr. Zeledon introduced Andrew Lopez, the attorney representing the City for this item.

Assistant Community Development Director Zeledon presented the staff report. Mr. Lopez explained the appellant's issues and city's response to them. He stated that staff is recommending the Planning Commission deny the appeal of the Zoning Administrator's decision for, File Nos. PDET23-005, PDET23-007, PDET23-008, PDET23-009, PDET23-010, PDET23-015 AND PDET23-016, pursuant to the facts and reasons contained in the staff report and the attached Resolutions.

### **PUBLIC TESTIMONY**

Frank Weiser explained his procedural objections regarding CEQA applying, and that this issue relates to housing and the due process clause with the TOT audit and that they were due a hearing before the Zoning Administrator. He stated the motels are grandfathered in and there are constitutional issues, and that there can't be contradictory ordinances. He requested they either deny the Zoning Administrator hearing or have an EIR be produced and there should be a hearing.

Mr. Lampkin wanted to clarify that Mr. Weiser believes that staff believes that CEQA doesn't apply.

Mr. Weiser stated he believes CEQA does apply because it is a housing issue and an EIR should be done.

Mr. Lampkin asked the deputy city attorney how CEQA applies to this appeal.

Mr. Zeledon responded and stated CEQA doesn't apply as there are no physical changes to the environment. He clarified the TOT, and 30-day limitation was approved in 1965 and amendments have been made since then.

Mr. Weiser stated the Development Code was amended in 2017 or 2018 and his clients did not receive notification and that there cannot be contradictory applications of an ordinance.

Mr. Lampkin asked the Zoning Administrator if it is his opinion that CEQA does not apply in this situation because it is not a new development.

Mr. Zeledon stated that is correct, it is not a project defined under CEQA.

Mr. Lampkin clarified that's why Mr. Zeledon didn't abdicate that they comply with CEQA as it didn't apply.

Mr. Zeledon stated that is correct and the CEQA exemption is cited in the Zoning Administrator decision and in the Planning Commission agenda report.

Mr. Weiser stated he respectively disagreed.

Mr. Lampkin asked the attorney what his opinion is regarding the Toronto Open Space Committee vs. Marion Counties decision in regard to property not developed.

Attorney Lopez diverted to the specifics of the case as he hasn't been briefed on the case.

Ms. DeDiemar wanted clarification on the definition of transient.

Mr. Weiser stated under the TOT it is defined as 30 days or less and these people were given a permanent exemption beyond that.

Attorney Lopez explained that Ontario Development Code does have the transient definition as written, which states hotels can't rent longer than 30 days.

Ms. DeDiemar asked if this would be considered a lease or rent after 30 days.

Attorney Lopez stated the Zoning Administrator based the decision on the Development Code, which says longer than 30 days is not permitted.

Mr. Zeledon responded with the definition of transient within the Development Code which states a 30-day max., which is what he needed to apply for this decision.

Mr. Weiser rebutted, disagreed with Attorney Lopez.

Mr. Zeledon responded.

As there was no one else wishing to speak, Chairperson Ricci closed the public testimony.

Mr. Lampkin spoke regarding the staff addressing the issue succinctly and the issues from the appellant that didn't apply.

Mr. Del Turco asked Mr. Zeledon if the hotels were aware of the standard.

Mr. Zeledon stated yes.

#### **PLANNING COMMISSION ACTION**

*It was moved by Lampkin, seconded by Del Turco, to deny the Appeal of the Zoning Administrator's decision for File Nos. PDET23-005, PDET23-007, PDET23-008, PDET23-009, PDET23-010, PDET23-015 AND PDET23-016. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.*

Mr. Ricci stated that this decision can be appealed within 10 days.

Attorney Guiboa stated that there was confusion regarding the voting for Item D and that some Commissioners did not intend to deny the EIR and asked the Commission if they would like to reconsider that vote and make a motion to continue that item to the next Planning Commission meeting.

*It was moved by Lampkin, seconded by Anderson, to reconsider the Item D decision and to continue that Item to the next Planning Commission meeting. Roll call vote: AYES, Anderson, DeDiemar, Del Turco, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Dean, Gage. The motion was carried 5-0.*

#### **MATTERS FROM THE PLANNING COMMISSION**

##### **Old Business Reports From Subcommittees**

**Historic Preservation (Standing): Did not meet this month.**

##### **New Business**

**Nominations for Special Recognition**

None at this time.

**DIRECTOR'S REPORT**

Mr. Noh stated the Monthly Activity Reports were available, reminded the Commissioners about the Model Colony Award presentation and talked about Ms. Nancy DeDiemar receiving the Prism Award from the Soroptimist International of Montclair/Inland Valley Chapter.

**ADJOURNMENT**

Ricci adjourned the meeting at 9:52 PM, to the next meeting on June 25, 2024.



Secretary Pro Tempore



Chairman, Planning Commission