

# CITY OF ONTARIO PLANNING COMMISSION

## MINUTES

April 26, 2011

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# **CITY OF ONTARIO PLANNING COMMISSION**

## **MINUTES**

**April 26, 2011**

**REGULAR MEETING:** Senior Center, 225 East B Street  
Called to order by Chairman Delman at 6:30 p.m.

### **COMMISSIONERS**

**Present:** Chairman Delman, Gage, Downs, Gregorek, Hartley, and Reyes

**Absent:** Willoughby.

**OTHERS PRESENT:** City Attorney Martinez, Blum, Murphy, Ramey, Mejia, and Govea

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Mr. Downs.

### **SPECIAL CEREMONIES**

Presentation of a Certificate of Appreciation to former Planning Commission Chairman interim Robert Gregorek.

### **ANNOUNCEMENTS**

Mr. Gregorek expressed concern on the 76 Unocal gas station located on Walnut Avenue and Grove Avenue. He would like more collaborative effort toward expenditures for the Americans with Disabilities Act (ADA) standards.

Mr. Reyes spoke about different applications that can download onto cellular phones which will submit information to the appropriate City of Ontario department. He also spoke about the same shopping center on Walnut Avenue and Grove Avenue stating it is “falling apart” with graffiti and overgrown grass, suggesting it should be cleaned up.

Mr. Delman asked Mr. Blum if a memo can be submitted to the Code Enforcement department to resolve these issues.

Mr. Blum affirmed a memo would be drafted to the Code Enforcement department.

### **PUBLIC COMMENTS**

No one responded from the audience.

## **CONSENT CALENDAR ITEMS**

Commissioner Gregorek requested Item A-02 be removed for discussion and separate consideration.

### **A-01. MINUTES APPROVAL**

Planning Commission Minutes of March 22, 2011, approved as written.

*It was moved by Gregorek, seconded by Downs, to approve the Planning Commission Minutes of March 22, 2011, as written. The motion was carried 6 to 0. Absent Willoughby.*

### **A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW**

**FOR FILE NO. PDEV10-013:** A Development Plan Modification to a previously approved project (File Nos: PDEV05-072, PCUP05-045, PCUP06-031, PMTT05-032) to allow for the phasing of the development proposed at the northeast corner of Mountain Avenue and Fourth Street in the C1(Shopping Center Commercial) zoning designation. Phase I will include the development of a 13,570 square foot Walgreens and the remodel of an existing 4,110 square foot United States Postal Office. Phase 2 will include 6,159 square feet of retail and 177 market rate senior housing units. The environmental impacts for the project were previously reviewed under a Mitigated Negative Declaration that was prepared for the approved project under (File No's. PDEV05-072, PCUP05-045, PCUP06-031, PMTT05-032). No new environmental impacts are anticipated. **Submitted by JAFAM Corporation** (APN: 1008-522-01, 02 & 03).

### **PUBLIC TESTIMONY**

Mr. Gregorek questioned the parking lot area in front of the second phase asking if there is going to be any improvement on this area.

Mr. Batres, stated this property has been conditioned to repair the parking lot concerns.

Mr. Gage asked if Phase Two will consist of commercial property.

Mr. Blum confirmed that there is an area that will be replaced with commercial property.

Mr. Downs asked if it would be appropriate to recommend a slurry finish to match the current construction.

Mr. Blum stated it would be something to inquire with the applicant and it can be conditioned within the project.

Mr. Gage spoke about the outcomes that would take place if Phase One were to be completed without Phase Two.

Mr. Blum stated this was Chairman Delman's concern as well, stating it is dependent on the financials of the project.

**Paul Hamilton**, applicant, JAFAM, stated he has no issue with an upgraded look adjacent to the Walgreen's project, stating it would be complete prior to opening of Walgreen's.

Mr. Delman appreciated Mr. Hamilton's comment.

Mr. Blum asked Mr. Hamilton about the economic issues within the project.

Mr. Hamilton stated that the delay, to a large degree, is based upon what's been happening in the economy. There is also an uncertainty of which type of apartment living they would like to build.

Mr. Gage asked what is going to happen if they cannot complete Phase Two.

Mr. Hamilton answered there will be a surplus of tenants they will not be able to accommodate.

Mr. Reyes spoke about using recycled water in the conditions.

Raymond Lee, Assistant City Engineer, confirmed Fourth Street does have recycled water.

Mrs. Hartley asked if the applicant would assist in the relocation of Casa Jimenez from Phase Two.

Mr. Hamilton confirmed he would assist in the relocation of Casa Jimenez tenant.

Mr. Blum asked about the timeframe of Phase One completion.

Mr. Hamilton answered two years.

Mr. Delman questioned if the Planning Commission could condition a timeframe for completion.

Mr. Blum stated if there is no financial support, then we cannot expect completion. He continued to state that tonight we are here to consider the building of both phases one and two.

Mr. Gage spoke about the painting to match to the other buildings if Phase Two does not occur.

Mr. Hamilton answered that he understands the importance of the aesthetics.

**Robert Hawkins**, attorney, 110 Newport Center Drive, Newport Beach, CA, spoke about the conditions which were considered off-site improvements.

Mr. Reyes asked Mr. Blum about the conditioning of Phase Two asking if we could condition an upgrade architecturally as we did for the Fresh n Easy market.

Mr. Blum answered there are some ideas put together such as the slurry coating and painting. There has to be a driving force to complete Phase Two. A surety bond would secure the completion of Phase Two.

The public testimony was closed

Mr. Gregorek spoke about the idea of commitment to complete the project. His concern is with the existing businesses and the aesthetics.

Mr. Gage spoke about his concerns for the completion of Phase Two.

Mr. Reyes expressed additional concern with the improvement facade within two years.

Mr. Blum stated the Planning Commission would need a Development Agreement and or a Development deposit to condition a timeframe.

Attorney Marco Martinez supported Mr. Blum's response.

Mr. Reyes requested to condition different and additional aesthetics.

Mr. Downs expressed his concern with too many conditions on the developer.

Mrs. Hartley stated she does not want to lose Walgreen's. The issue is that the people have been waiting a long time for this development.

### **PLANNING COMMISSION ACTION**

*File No. PDEV10-013. It was moved by Reyes, seconded by Gregorek, to add to the conditions to improve landscaping, mainline, controller, slurry seal, west end of phase two, and painting. Roll call vote: AYES, Gage, Gregorek, Hartley, Reyes, Downs, and Delman; NOES, none; ABSENT, Willoughby. The motion was carried with 6 to 0 votes.*

### **PUBLIC HEARING ITEMS**

#### **B. APPEAL OF THE ZONING ADMINISTRATOR'S DECISION DENYING FILE**

**NO. PCUP10-026:** An Appeal of the Zoning Administrator decision to deny a Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine for off-site consumption (Type 20 ABC License), within an existing Walgreens Pharmacy in the C1 (Shopping Center) zone, located at 2950 S. Archibald Avenue. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines. **Submitted by Walgreens** (APN: 1083-061-04). Continued from Planning Commission meeting of January 25, 2011.

Associate Planner, Clarice Ramey, presented the staff report. She stated that staff is recommending the Planning Commission uphold the Zoning Administrator's decision and deny the appeal for File No. PCUP10-026, pursuant to the facts and reasons

contained in the staff report and attached resolution.

### **PUBLIC TESTIMONY**

Mr. Downs asked how many alcoholic beverage licenses are allowed within a tract.

Ms. Ramey stated it depends on the location. There is one license permitted per 1,250 residents.

Mr. Blum spoke about the new census figures.

Mr. Gage asked if the City of Ontario or Alcoholic Beverage Control designates the liquor permit law.

Mr. Blum stated the history goes back on Alcoholic Beverage Control licenses about fifteen years ago when over-concentration of licenses were found throughout the City of Ontario.

**Jennifer Chavez**, attorney representing Walgreen's, 600 West Broadway, Suite 2600, San Diego, CA, spoke at the podium. She thanked staff for their continued effort on this project. She spoke about the proposed sale of the beer and wine.

Mr. Gage stated what he understands is Alcoholic Beverage Control sets policy and the City carries it out.

Ms. Chavez spoke about the intentions of Walgreen's to sell beer and wine.

Mr. Reyes thanked Ms. Chavez for providing the petition of signatures which has been kept as a hard copy for Planning Commission record. He also stated that some of the signatures were made outside of the City of Ontario.

Mr. Martinez spoke about the uses of Walgreen's as a grocery store. The issue is whether the public necessity warrants the issuance on an Alcoholic Beverage Control license.

Mr. Blum spoke about the Deputy Zoning Administrator's decision in the denial of the Conditional Use Permit.

Mr. Gage asked if we are to assume all signatures from the petition came from this particular Walgreen's on Archibald Avenue.

Ms. Chavez affirmed all signatures were acquired at the Walgreen's on Archibald Avenue.

Mr. Blum spoke about the establishment of new subcommittee members later tonight can work with the Planning department, Planning Commission, and Ontario Police department on this issue.

**Lorecia Brow**, resident, spoke at the podium in agreement with the alcohol license.

**Robert (last name unknown on Public Comment card)**, resident, spoke in favor of this item.

The public testimony was closed

Mr. Gregorek stated this is a difficult decision.

Public testimony re-opened

Officer Fred Alvarez stated the area is separated in different quadrants. He stated this is a challenging area.

Ms. Chavez stated Walgreen's aims towards proper training in the sale of alcohol.

The public testimony was closed

Mrs. Hartley spoke about the over-supply and sale of alcohol in the City of Ontario. She spoke about her concern with under-age consumers.

#### **PLANNING COMMISSION ACTION**

*File No. PCUP10-026. It was moved by Gregorek, seconded by Gage, to adopt a Resolution to uphold the Zoning Administrator's decision and deny the appeal for the Conditional Use Permit. Roll call vote: AYES, Downs, Gregorek, Hartley, Reyes, Downs, Gage, and Delman; NOES, Downs; ABSENT, Willoughby. The motion was carried with 5 to 1 votes.*

*Voice vote counter-acted NOE by Downs. Final vote was 6 to 0.*

- C. **SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA08-006:** A public hearing to consider certification of a Supplemental Environmental Impact Report for File No. PSPA08-006 and a Specific Plan Amendment to the Guasti Plaza Specific Plan, to allow for up to 500 residential dwelling units on approximately 13 acres of land located at the southwest corner of Guasti Road and Turner Avenue. Staff is recommending the certification of a Supplemental Environmental Impact Report (SCH#2008111072). **Submitted by Oliver McMillan, LLC.** (APNs: 0210-192-11). City Council Action Required.

Associate Planner, Clarice Ramey, presented the staff report. She stated that staff is recommending the Planning Commission approve File No. PSPA08-006, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

#### **PUBLIC TESTIMONY**

Mr. Blum stated the Planning Commissioners were provided a written comment from Bob Dewey, PGP Partners, Inc. in opposition of this item.

Mr. Gage asked for more information on the overlay on Peppertree Lane.

Ms. Ramey stated this will be a pedestrian connection. She spoke about the adequate buffer zone between the historic building to the residential area.

Scott Murphy, Assistant Planning Director, spoke about the set backs of the new development.

Mr. Downs spoke about a gas line on page 46 of the Staff report.

Mr. Blum stated it is a high-pressure gas line and it is a concern of the Planning department staff.

Mr. Gregorek asked about the size of the gas line.

Ms. Ramey stated there are two gas lines existing. One gas line exists at 16" and the other at 20". It holds gasoline, diesel fuel, and jet fuel. The depth varies from four to twelve feet.

**John Loomis**, representative for the applicant, Thirtieth Street Architects, 2821 Newport Blvd., Newport Beach, CA spoke at the podium about the Supplemental Environmental Impact Report. He stated the developer has asked for reconsideration to delete the southerly parcel. He asked for the approval of the revised Specific Plan.

Mr. Gage asked how this proposal would keep the historic look of the environment.

Mr. Loomis answered there are two residences on Old Guasti Road which will be relocated to the Peppertree Lane area. They are replicas of the original buildings.

The public testimony was closed

Mr. Gregorek spoke about how this project has evolved throughout the years.

Mr. Gage stated he thinks this residential proposal to this extent is a step back with keeping the integrity of the Historic Guasti Village.

Mr. Reyes spoke about the residential area along the railroad track stating he would recommend mitigation of adding walls and landscaping to ease the vibration of the noise.

Mr. Downs stated he is concerned that the proposal does not appear to be "family-friendly."

Mr. Delman stated he sees a potential problem coming to the City of Ontario with the noise impact issues.

Mr. Blum gave a clearer understanding of the type of action to be taken tonight on this item. We are not here to approve structured parking tonight.



## **PLANNING COMMISSION ACTION**

*File No. PSPA08-006. It was moved by Gregorek, seconded by Downs, to recommend certification of a Supplemental Environmental Impact Report Resolution for the Specific Plan Amendment to the City Council. Roll call vote: AYES, Hartley, Reyes, Downs, Gage, Gregorek, and Delman; NOES, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

*File No. PSPA08-006. It was moved by Gregorek, seconded by Downs, to adopt a Resolution recommending approval to the City Council for the Specific Plan Amendment, subject to conditions of approval excluding the southerly residential overlay. Roll call vote: AYES, Reyes, Downs, Gage, Gregorek, Hartley, and Delman; NOES, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- D. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT FOR FILE NO. PGPA10-001:** The proposed General Plan Amendment is to revise the Mobility Element - Figure M-5 that identifies City truck routes. The proposed amendment would modify truck routes on an existing street network by eliminating unnecessary truck segments to Vineyard Avenue, Archibald Avenue, Fourth Street, Francis Street, Bon View Avenue, Campus Avenue and Philadelphia Street and adding truck route segments to Mountain Avenue, Riverside Drive, Merrill Avenue, Carpenter Avenue and Holt Boulevard. The project would not result in new construction of streets and is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3). City Council Action Required.

Associate Planner, Lorena Mejia, presented the staff report. She stated that staff is recommending the Planning Commission approve File No. PGPA10-001, pursuant to the facts and reasons contained in the staff report and attached resolution.

## **PUBLIC TESTIMONY**

The public testimony was closed

## **PLANNING COMMISSION ACTION**

*File No. PGPA10-001. It was moved by Gage, seconded by Gregorek, to adopt a Resolution to approve a General Plan Amendment, subject to conditions of approval. Roll call vote: AYES, Downs, Gage, Gregorek, Hartley, Reyes, and Delman; NOES, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- E. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV10-016 & PCUP10-051:** A Development Plan (File No. PDEV10-016 ) to construct and a Conditional Use Permit (File No. PCUP10-051) to operate a T-Mobile stealth wireless telecommunication facility within a proposed 44 foot tall clock tower at an existing place of worship in the R1 (Single Family Residential) zone, located at 2713 South Grove Avenue. Staff has

determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to § 15332 (In-Fill Development Projects) of the State CEQA Guidelines. **Submitted by T-Mobile West Corp.** (APN: 0216-441-61).

Associate Planner, Clarice Ramey, presented the staff report. She stated that staff is recommending the Planning Commission approve File Nos. PDEV10-016 and PCUP10-051, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

### **PUBLIC TESTIMONY**

Mr. Blum stated the written comment that the Planning Commission received was evident that the individual thought the tower was not stealth. This is not the case.

Mr. Reyes asked if the coverage for the communication tower was 3G or 4G covered. Mr. Blum stated this would be a question for the applicant.

Mr. Gage asked if the communication tower is completely enclosed by the clock tower.

**Monica Moretta**, applicant, they have reviewed the conditions of approval and are in agreement.

Commissioner Hartley questioned Ms. Moretta if the clock is going to chime.

Ms. Moretta replied the clock will be functional and will not chime according to the conditions of approval.

The public testimony was closed

Mr. Gage stated the clock tower would be a great addition to the building.

### **PLANNING COMMISSION ACTION**

*File Nos. PDEV10-016 and PCUP10-051. It was moved by Gage, seconded by Reyes, to adopt a Resolution to approve a Development Plan and Conditional Use Permit, subject to conditions of approval. Roll call vote: AYES, Gage, Gregorek, Hartley, Reyes, Downs, and Delman; NOES, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- F. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND**  
**CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV10-014 &**  
**PCUP11-005:** A Development Plan (**File No. PDEV10-014**) to install three additional Verizon slimline antennas on an existing Verizon slimline monopole within an existing lease area and a Conditional Use Permit (**File No. PCUP11-005**) to operate the facility on approximately 6.0 acres of developed land located at 2315 East Philadelphia Street, within the M2 (Industrial Park) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines. **Submitted by**

**Verizon Wireless.** (APN: 0113-491-31).

Associate Planner, Clarice Ramey, presented the staff report. She stated that staff is recommending the Planning Commission approve File Nos. PDEV10-014 and PCUP11-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

### **PUBLIC TESTIMONY**

**Randi Newton**, applicant, Verizon Wireless, 8390 Maple Place, Rancho Cucamonga, CA, spoke at the podium stating she is in agreement with the conditions of approval.

The public testimony was closed

### **PLANNING COMMISSION ACTION**

*File No. PGPA10-001. It was moved by Gage, seconded by Downs, to adopt a Resolution to approve a General Plan Amendment, subject to conditions of approval. Roll call vote: AYES, Downs, Gage, Gregorek, Hartley, Reyes, and Delman; NOES, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

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

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

**Historic Preservation:** Mr. Gage stated they met April 26, 2011.

**ALUCP:** This subcommittee did not meet. This will now be titled the Airport Land Use subcommittee.

**Development Code Review:** This subcommittee met on March 30, 2011.

#### **New Business**

- Chairman appointment of Subcommittee membership. Handout on file.

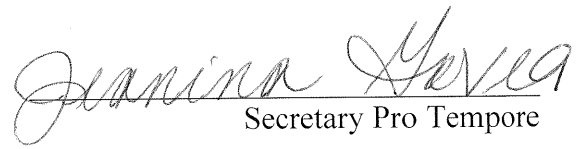
### **DIRECTOR'S REPORT**

Mr. Blum stated Cathy Wahlstrom, Principal Planner and Councilwoman Mautz attended the San Bernardino County Supervisor's meeting and received a plaque for the Healthy Ontario program and gave congratulations for a job well done.

Mr. Blum stated he thought the Planning Commissioners did a great job tonight, especially to Chairman Delman.

### **ADJOURNMENT**

The meeting was adjourned at 10:14 p.m. Mr. Delman motioned to adjourn, seconded by Mr. Gregorek.

  
Secretary Pro Tempore

  
Chairman, Planning Commission