

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

**MINUTES**

**January 26, 2016**

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**CITY OF ONTARIO PLANNING COMMISSION/  
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**MINUTES**

**January 26, 2016**

**REGULAR MEETING:** City Hall, 303 East B Street  
Called to order by Chairman Willoughby at 6:33PM

**COMMISSIONERS**

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

**Absent:** None

**OTHERS PRESENT:** Planning Director Murphy, City Attorney Rice, Principal Planner Zeledon, Associate Planner Mejia, Assistant Planner Aguilo, Principal Engineer Do, Deputy Fire Chief Andres, Corporal Munoz and Planning Secretary Callejo

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Mautz.

**ANNOUNCEMENTS**

Staff is recommending that agenda item A-02 be continued indefinitely and re-advertise the project when it's ready to come back to Planning Commission. Also, Mr. Murphy stated that in regards to items B and C, since he was the hearing officer for those items, he will be stepping down and Rudy Zeledon will be taking over in his place to avoid any potential conflict.

**PUBLIC COMMENTS**

No one responded from the audience.

**CONSENT CALENDAR ITEMS**

**A-01. MINUTES APPROVAL**

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

**A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-020:** A Development Plan to construct 149 single-family homes on 20.69 gross acres of land within Planning Area 10A of The Avenue Specific Plan, generally located south of Schaefer Avenue, north of Edison Avenue between Haven and Turner Avenues. The proposed project is located within the Airport Influence

Area of Ontario International Airport (ONT) Airport and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. The impacts to this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014 and was prepared pursuant to the requirements of California Environmental Quality Act. (APN's: 0218-402-03 & 26 and 0218-392-07, 09 & 15); **submitted by Brookfield Residential.**

### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Delman, to approve the Planning Commission Minutes of December 22, 2015, as written. The motion was carried 5 to 0 with Gage and Ricci abstaining, since they were absent.*

### **PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP15-016:** An Appeal of the Zoning Administrator's decision to deny the establishment of and operation of an organic materials facility (composting of green waste, manure, food materials, fats oils and grease) on a 34.76 acre portion of 37.4 acre parcel of land within the AG\SP (Agriculture Overlay) zoning district located southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue. 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. Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. (APNs: 1053-101-01,-02, and 1053-091-01); **submitted by: Harvest Power.**

Assistant Planner, Jeanie Aguilo, presented the staff report. Ms. Aguilo began by stating the project is comprised of 34.76 acres of land located on the southwest corner of Schaefer and Campus Avenues. The project site is generally surrounded by agricultural land with uses to the north, west and south and a water treatment facility to the east. She gave a brief background about the project, stating the project had been submitted in June of 2015, by Harvest Power for a conditional use permit (CUP) to establish and operate an organic materials facility on a former dairy farm. The project had been scheduled for a Special Zoning Administrator meeting held on November 24, 2015 and the Zoning Administrator (ZA) denied this application based on the inconsistencies with The Ontario Plan (TOP) and the Development Code, as well as concerns that the trip generation on Schaefer Avenue may overload the street system. The Applicant appealed the Zoning Administrator's Decision eight days later, filing an appeal on December 16, 2015. Ms. Aguilo continued her report giving information about the appeal application and how it related to the Zoning Administrator's Decision. She stated that in the Zoning Administrator's Decision of denial, he indicated that the proposed project was inconsistent with the policies and objectives of The Ontario Plan (TOP) and Development Code. City Council Resolution 2013-127 established guidelines for the operation of composting facilities to ensure compatibility with surrounding land uses. The Resolution specifies a quarter-mile (1/4) separation between manure facilities and a half-mile (1/2) separation between green waste facilities and sensitive land uses such as: residents, schools, day care facilities, hospitals, etc. Ms. Aguilo stated the Appellant's response was

to provide clarification of the composting facilities operations and provide exhibits to show compliance with the City's resolution. Ms. Aguilo stated Exhibit 1 demonstrates the quarter (1/4) mile and half (1/2) mile distance from the residences located to the northwest of the project site, highlighted in red, the permitted manure portion highlighted in the yellow and the remainder is permitted as both manure and green waste and highlighted in green. Ms. Aguilo stated Exhibit 2 demonstrates the 1/4-mile and 1/2-mile from the day care and church to the project site. Again, the permitted manure portion highlighted is in the yellow and the remainder is permitted as both manure and green waste and highlighted in green. She continued saying that in addition to the inconsistencies to TOP and the Development Code, the Zoning Administrator's stated concerns over the trip overload on Schaefer Avenue, as it is currently a two-lane road sized to accommodate anticipated trips associated with agricultural uses. In response to this, the Appellant has noted that the facility is located only a quarter (1/4) mile from Euclid Avenue, which is a designated truck route. The Applicant will contract will haulers directly to regulate the materials entering and leaving the site. In addition, the Engineering Department had approved the site plan with conditions to improve the site in which the Applicant had agreed to do so and is in the process of obtaining an encroachment permit and is currently in review. Ms. Aguilo also said the Fire Department had required the circulation of the site to be an all-weather material surface such as compacted gravel to accommodate the fire trucks if necessary. She continued by stating other conditions of approval required by the Engineering Department. They include: construct an inbound right turn lane 100 feet along Schaefer Avenue into the primary entrance at the northwest portion of the site, improve existing drive approach with asphalt and rumble strips to prevent materials from leaving the site and show adequate ingress and egress by picking up and dropping off materials. Ms. Aguilo then presented an Exhibit to show how the Appellant would be compliant with increases of truck use on site. She also stated the Exhibits presented by the Appellant have provided clarification they will be compliant with the City Council's Resolution. She stated the recommendations provided to the Planning Commission were the following: 1) uphold the Zoning Administrator's decision and deny the appeal, or 2) approve the Mitigated Negative Declaration and Conditional Use Permit, overturning the ZA's decision, with the conditions of approval that all green waste and composting shall be at least half (1/2) mile from sensitive land uses and no digestate, fats, oils and grease may be composted on site. That concluded Ms. Aguilo's report.

No one responded.

### **PUBLIC TESTIMONY**

Sam Monaco, Senior Vice President for Harvest Power, appeared and spoke. Mr. Monaco began by stating they were very excited about the project and he wanted to give some background on it. He began by thanking everyone for the opportunity to address this project; he felt it was very important. Also, he thanked staff, as it had been almost three years since they began trying to identify the appropriate location, which they don't take lightly, and they now feel this is an appropriate and good location for their facility. Mr. Monaco stated they are an Organics Management Company, which is a national company and also operates in Canada. He explained they have three types of divisions: 1) organic fertilizer; 2) bagging division of composite distributed through places like Home Depot, Lowes and local nurseries; and 3) bulk division, which is what the project under review would fall under. Mr. Monaco stated they have been awarded several awards within their

industry, which they are very proud of. He was proud to share they will be creating local jobs for the city, anywhere from 10 to 20 new positions, helping to stimulate the economy. Mr. Monaco said they feel that their product has a very robust outbound customer base to move the product. He states to benefit the City of Ontario, this facility will accommodate the material generated locally at the City of Ontario. It will be transported to, cleaned and ground and then be brought into their facility, as well as it's a viable option for the mandates of the State which are coming along. Mr. Monaco stated they are very excited about it; they have a community outreach program about it and do this for local schools, which need soil amendments, parks and urban gardens. He finished by saying they were friendly neighbors, they have various types of facilities and they are very sensitive to that. He introduced Brent McManigal.

Brent McManigal, Land Use Attorney of Gresham Savage Nolan & Tiden representing Harvest Power came up to speak. Mr. McManigal reiterated that Harvest Power is a national and international company which specializes in organic waste recycling and composting. He thanked staff for their summary but wanted to give background to this site in particular and its benefits to the city. The site is located on two former dairies and will recycle local manure, recycle residential local green material which has been ground and pre-processed from a source within the City of Ontario. This will be a local recycling facility which will serve the City of Ontario, meeting the mandates established by the State. Mr. McManigal emphasized the facility will have many permits, as all composting facilities do. He stated the City of Ontario is a Land Use component with a Conditional Use Permit. He stated there will be permits from the air district, Regional Water Quality Air Board and Cal Recycle that will be implemented and monitored through the of San Bernardino County Environmental Health Department. He stated the Harvest Team has experience in composting, naming other facilities and the number of years for each location. He continued by stating that the commitment that Harvest brings to the City is a local base of over 300 outlets in product. They have 300 accounts in which they have sold to before and they bring that to the City. This product is going to be sold and not stock piled; it will be brought in, composted and immediately taken out in accordance to all the regulations. Mr. McManigal states they will be making a multi-million dollar investment to site improvements and also in specialized equipment that comply with their quality permits. Again, he states the product will be certified as organic and sold locally and throughout California. He summarizes the site, talking about the buffer walls, entrance, and talks about traffic and fire prevention, which was addressed by the Fire Department. Mr. McManigal reiterates that Harvest Power will comply with the conditions brought forth by staff should the CUP be approved. He comes back to the subject of permits stating Cal Recycle establishes composting regulations; Harvest Power will have a composting permit, multiple composting permits administered by the San Bernardino County Environmental Health Department. He states they will be one of the primary regulators who will routinely inspect the site and they have a zero tolerance for trash on the site, odors and nuisances. The Santa Ana Regional Water Quality Control Board requested a general order permit to address water quality to comply with a new state composting general order for the site we designed so there's no impact to the ground water. Finally, he speaks of the South Coast Air Quality Management District (AQMD) compliance with their rule 11.33.3 for composting facility that prohibit dust from leaving the site and they will also inspect the facility. Mr. McManigal states there will be a top notch facility operated by an international company that's willing to make a huge investment into this community. He concluded by stating they welcomed the Commission's questions and accepted the conditions of staff as presented to them and to

the Commission.

Mr. Gregorek questioned how the boundary between manure and green waste was separate? How will it be designated for inspection?

Mr. McManigal states that there is a large storm water basin which exists on the site today. That will primarily be the line of demarcation. He also said they can establish with staff and review an engineer buffer zone to meet that half (1/2) mile buffer. He also states that they will meet the half (1/2) mile for green waste by keeping it on the eastern portion of the site.

Mr. Willoughby questions if Harvest Power currently has a contract with the City of Ontario to recycle their green waste.

Mr. McManigal states yes; they have been in negotiations and as soon as the site is built, they will be able to receive the green waste material which is generated from the City and currently ground up. So it will be received at the site pre-ground through the City's current contract.

Mr. Willoughby questions the permits with Cal Recycle and AQMD. He wants to know if they have already pulled those permits or if they are in the process of receiving them.

Mr. McManigal states that all the permits have been pulled and are ready to be issued for the facility pending on what happens tonight by the Planning Commission.

Mr. Willoughby questions what looks like possible hay sheds on an aerial photo. He wants to know if those will be taken down on the property. He points out they are on the south end of the property.

Mr. McManigal states his understanding the property has been cleared and that the aerial image might be older. He also clarifies that there are structures along the northern part of the property for a residential site manager. There will be management personnel on site twenty-four hours a day, seven days a week.

Mr. Willoughby asks if one of the structures will also be used for offices.

Mr. McManigal states yes, that's his understanding. There will be a trailer for offices next to the scale house.

Mr. Gage states that the applicant mentioned no impact to ground water. He asks for further clarification.

Mr. McManigal explains that through the Regional Water Quality Control Board, they have parameters which the site operating pad has to be designed and constructed at certain impermeable levels. So there are plans being reviewed by the Water Quality Board to ensure that water does not infiltrate into the ground and the Water Board also requires monitors at one-foot, two-foot, and five-foot levels.

Mr. Gage states there have been some questions about the water treatment plant about a half-mile away. He asks Mr. McManigal to expound on how this facility won't harm the

water treatment plant.

Mr. McManigal states that he does not know the exact workings of the water treatment plant. He knows it has recently been constructed next door. He states they have permits for their facility that prohibit off-site dust. The Air Quality Management District (AQMD) requires that the windrows be covered with finished compost as soon as their constructed and then prior to the turning those piles have to have water added to it so there's a moist consistency. He states that prevents dust from being generated and leaving the site. He brings up the Santa Ana winds and the staff which will be operating the site has six years' experience and Harvest has programs where additional water trucks come in and does not turn the piles during an event like winds to prevent dust leaving the site. He says because dust is non-compliance for them and they do not want non-compliance.

Mr. Gage questions the number of truck trips on Schaefer Avenue. He also wants to know if Harvest Power has any plans to mitigate the overuse of the street.

Mr. McManigal states his understanding is that staff has reviewed and required the deceleration lane be built to the standards of the City. Also, there is repair work required to be done along our frontage. He states they will work with the City to make sure the road is maintained properly and pay their fair share for any improvements that have to come forward. He continues saying they don't like to have bad roads in front of any of their facilities because it's hard on the trucks, truck drivers don't like coming in, so it's in everyone's best interest to make sure the roads are maintained properly.

Mr. Gage questions that the manure is taken off-site and then brought back for processing. He also asks for clarification if the manure is coming only from Ontario or from outside the city as well.

Mr. McManigal states that he believes the manure can come from any dairy person or agriculture operation. He says first preference is always given to the local communities, but the manure is brought in straight from the agricultural generators and composted. He says if there is a pre-treatment process at the dairy or agricultural operation, that is not their part, generally it comes in very clean, they compost it and they sell that material. He continues saying one of the things Harvest does to make sure they don't have large stock piles of finished compost or unfinished compost is that all the materials is brought in based on orders. So, the agricultural community will pre-order and then they go out and source the manure.

Mr. Willoughby questions that green waste is pre-treated.

Mr. McManigal says that correct, he clarifies that it's pre-treated through the City's current provider; its ground, picked up and then brought to their facility.

Mr. Ricci questions if there is a way to monitor whether the green waste material brought onto their facility has been exposed to herbicide or any other foreign contaminants which can cause problems as far as contaminating the water next door.

Mr. McManigal introduces Linda Novak, the Harvest Power Regulatory Compliance Specialist to answer that question.

Ms. Novak states that upon arrival or before it leaves, the material is tested to make sure it is organically certified. Also, there is testing on the material for the types of material they are composting on that site. She states the regulations by the Water Board, which Mr. McManigal, discussed are to prevent anything [contamination] so there is in sense a dual system for that.

Gary Reitsma resides at 8089 Chino Avenue, Ontario, CA. He states his family has been on this property for a little over 40 years. He says it is a dairy facility although they don't milk cows there any longer. He says across the street from their property is *Beneficial Ag* which is also a green waste facility. He states it has had multiple fires since it has been in business. He states it is no fun living next to a green waste facility that catches fire and during Santa Ana winds which burns for days. He said people questioned him how he and family sleep in his house because it's covered in smoke from *Beneficial Ag*. He questions why there needs to be more green waste facilities in the City of Ontario. He says the dairy community is smaller than it was forty years ago, there are approximately fifty to fifty-five operating dairies left in the Chino/Ontario area and a good portion of them are controlled by families that have up to ten facilities. He explains that the fifty or so dairies left are basically owned by twenty or so families, not fifty families and most of them already have an outlet for their manure. He again questions why there needs to be another green waste facility. He states he doesn't believe there is enough business for all of them to compete. He wanted to know if the company [Harvest Power] would pay the dairy men for the manure or charge a tipping fee. He states he just doesn't want another one in town.

Jose Alire, Assistant City of Manager for the City of Chino came to speak. He began by thanking the Chairman and Commission for the opportunity to speak. He also thanked the City of Ontario for the assistance they gave the City of Chino back in 2005 when they helped in the development of the site directly to the east of the project being reviewed tonight. He states that really is the reason he is there and the essence of the City of Chino's concerns, the water facility site which has been approved. He states since the approval, they have saved money, gone through the design phase, finished their design approval through the City of Ontario and started construction. He explains to date the site is almost ready to operate. He explains the various types of on-site and off-site water operations. He shares that the all the fees have been paid and approved and they are working with the City of Ontario Engineering Department. He shares to date they have invested twenty-five million dollars and that's their concern, they have a lot invested and approved in this site. He states he brought staff who will address the technical aspects, Mr. Gil Aldaco. He has also pulled a card to speak. He states those were the highlights of their concerns which he brought to their attention, but while sitting in the audience, he heard other concerns about impacts on traffic. He mentioned that he didn't have enough information before him on the impacts the trucks would have, but as a registered Traffic Engineer, he felt it was a concern on the impacts of Euclid and Schaefer. He also brought up the maintenance issue to Schaefer and said that was a City of Ontario issue but felt it should be further looked into. In conclusion, he said they are concerned with the site and they don't want a stranded asset out there, the water they have to deliver to their residents is very important to them and they don't want to see any impacts to it.

Gilbert Aldaco, City of Chino Water Utilities Supervisor, came to speak. He said there was so much to say and so little time to say it in; especially in regards to the sensitivity of the water, water supply and the water quality. He said Mr. Alire spoke to the cost of the



City of Chino, but he will speak to the potential cost to the community and to the water customer. He stated that when it comes to risk, there can be zero tolerance. He said as the City of Chino's Water Utilities Supervisor and state's recognized and certified Chief Plant Operator, he says he's on the hook. It's his job. He not only reports to Mr. Alire, but the Water Environmental Manger, David Crosley, who is the audience but will not speak tonight. He says he also reports annually to the state. He says he must also report to his citizens. He explains what the annual report states, which is the same as the citizens of Ontario receiving an Annual Quality Report, which identifies any contaminants found in their drinking water, it explains their sources and what the city or agency is doing to deal with it. He said he was there to answer questions and provide responses to the communications he sent to City of Ontario via email to planner Jeanie Aguilo provided in their packets. These include six items: 1) ground water quality; 2) stored drinking water; 3) wind-blown debris and trash, he says he knows the Appellant has stated they can take care of that; 4) negative effects from vectors related to the composting facility, he says he's sure that can be remedied; 5) dust associated to truck traffic, he states he's sure that again can be remedied; and 6) potential for fires generated from heat by compost piles. He says there have been a number of compost fires and says there are probably a number of individuals who can speak to that. He says one of the requirements the Ontario Fire Department made of the Applicant was found on page 48 of 60 in the staff report packet. He states that it requires off street fire hydrants are to be installed on all frontage streets at a minimum spacing of 300 feet. He brings to the Planning Commissions attention that this requirement has been checked off and there are no fire hydrants installed. He says there is one City of Chino type of hydrant, but its purpose is to blow out water to test a pipeline. He now refers to the City of Chino letter, dating January 25, 2016 in response to the Appellant's request for approval. He asks the Commission to review the last four paragraphs which states they are requesting they uphold the Zoning Administrator's denial. Additionally, he requests the Planning Commission look at the hand-out which was provided to them before the meeting began. He says essentially, the hand-out will provide them with a view of another sensitive receptor. The hand-out displays the water reservoirs which are about ready to operate. He states within the treatment facility are sensitive pieces of equipment and wind-blown dust will have an impact and he says odors will also have an impact. He states he knows there will likely be some mitigation which will take place, but odors do tend to drift. He also states the wind is from the southwest to the northeast and they are directly in line with that. He closes with stating zero tolerance when it comes to risk and dealing with water quality.

Mr. Gregorek questions the residential tract exhibit handed out by Mr. Aldaco.

Mr. Aldaco states the City of Chino has moved ahead and approved a residential development.

City Attorney, Mr. Rice says he's sorry to interrupt, but asks that a copy of the exhibit being talked about be made available, perhaps at the back table to the members of public. Mr. Aldaco states he thinks has copies and apologized he didn't think of that. He continues to explain that it is located just south of the Stater Bros. which is on the corner of Euclid and Schaefer Avenues. He says it is slated to begin construction this year and they are looking out for the impact of residential development and communities which may be affected. He also states he drew a line to show the Planning Commission where it lies within the buffer area. He states that both personally and professionally, he implores the Planning Commission to uphold the Zoning Administrator's decision.

Mr. Ricci asks what are the next steps for the City of Chino, should the Planning Commission decide to approve the project and what will they do to ensure the drinking water is potable and of zero tolerance.

Mr. Aldaco states the residents and citizens look to the city and his supervisors, to ensure they receive clean, wholesome, potable, safe drinking water. That's why, he said, when it comes to this, they will have zero tolerance. And in order, as you indicated [Mr. Ricci], he is taking the first step by asking that they support the Zoning Administrator's decision. He says if the Planning Commission decides otherwise, which is their prerogative, their city would need to regroup and need to do an appeal if need be at the next level but he feels they've taken sufficient precautions currently. If not, they would not have been assigned a state's operating permit.

Mr. Ricci, states, that if this site [compost] was in operations and in existence, you would not open your type facility [water treatment] right next to it.

Mr. Aldaco states he is absolutely correct. He says, first we would identify the property, then we would meet with the division of drinking water and then we would consult with them. Obviously, they would recognize the existence of this facility and they would look to us to decide if we would want to go somewhere else. He says he has respect for the operation and what they do, he just wished it wasn't in his backyard, only because they are existing and because the wind blows in their direction. He states he has to take as many precautions as he can and says they [Harvest Power] are aware, as he has spoken with them and he respects what they do.

Mr. Ricci questions if there are any California state regulations or county regulations which restrict the proximity of a site like this going next to a drinking water facility or something that prohibits it.

Mr. Aldaco states there is a program that is essentially a source water plan and what must be performed in order to apply for a permit for a water facility, is to comply with that. To do that, one must go out into the field and do a survey and locate any possible or potential contaminated activity. There is also research where one has to go back and look at what was in the past on the site and in the surrounding area. He states the operating permit for their site took a year to complete. He says it was extensive and expensive.

Mr. Gregorek questions if there is a standard or a compass direction they would take into account for future projects.

Mr. Aldaco states he invited the Division of Drinking Water, but they were unable to attend. He says they would be the most qualified to respond his question. He states there are certain setbacks, space requirements between certain types of contaminated activities and there would have to be conditions that we would have to adhere to. But again, when it comes to drinking water, we cannot risk contamination. He also talks about the second phase to their water facility.

Mr. Gregorek questions if this project were proposed a quarter mile away, would there be an issue.

Mr. Aldaco states on the northeast, beyond the prevailing wind? He's looking for odors, and other sensitive uses.

Mr. Delman questions if ground water contamination is their biggest issue or if dust is also an issue.

Mr. Aldaco says airborne, absolutely.

Mr. Delman says they [Harvest Power] have clearly stated that they have taken extraordinary measures to not have dust. He then questions Mr. Aldaco if the water facility has open water or if it's all piped in.

Mr. Aldaco states it is all piped in and there is no exposed or surface water.

Mr. Delman says that if there is any dust, the water facility must have filters that need to be cleaned regularly.

Mr. Aldaco states they have screens which are required and the reservoirs and tanks need to have openings so the water can actually fill the tank and drain from the tank. He says the screens have to have a certain fabric.

Mr. Delman states there is nothing on the land now with no mitigation and proposed project coming could be doing them favor.

Mr. Aldaco states yes, they could be doing us a favor, but truck traffic is a concern. He brings up the concern of diesel rigs idling and setting off fumes. Their exhausts will migrate and they can't mitigate that and it will travel his direction. Again, he states there is zero tolerance for all risks. He brings up residents who move into the preserve complain about flies and odors. Odors are wind-blown and he doesn't want them complaining about odors coming from their taps.

Mr. Willoughby brings up a dust related question. With the facility being out in a desolate area and the Santa Ana winds, was this concern brought up, how you would deal with dust from that and how it would be mitigated.

Mr. Aldaco said they have ventilation system and fine mesh screen that is actually a dual mesh and the system itself is somewhat of a maze. If there is any dust coming into it, it will also drop off. There may still be a potential, and it's something that they look to mitigate themselves. If the fine dust or manure dust gets in there and cause a bacteria problem, the tanks would be to be shut down. He said they do not like draining four million gallons, it is very expensive, but that's why it is important to take the precautions. Daryl Koops, he resides at 13191 Haven Avenue in the City of Ontario and operates a dairy farm on Haven Avenue and Riverside Drive adjacent to Colony High School. He said he would like to speak in support for the denial of the conditional use permit because he has also been victimized by compost operations which have gotten out of hand in wind situations where management was not adequate. He brought up while listening to the conversation of the proposed project doing a favor from Commissioner Delman, that un-worked earth will not disturb the land and cause dust. The new facility will be on top of the earth and stir up the ground. He states that they can only mow their fields and they cannot disk them to mitigate their own dust situation. He states that when it talks about

the traffic and one hundred loads a day, he said he calculated how much manure would be for his three thousand head of cattle and his manure is exported off his facility. He said he does not generate more than four hundred loads a year on three thousand head of cattle. He states they envision this for their Ag Preserve area. Although there was a thought the dairies might be gone, there wasn't a thought this type of interim industry would go in with the truck parking yards and composting facilities. These businesses are a nuisance and they still live there, they have pride in their places and they would like to keep them up the best they could. He states being a resident of the city, he provides many tours and auxiliary work for Cal Poly Pomona; to their vet school and he had seventy-five students there that day. He also collaborates with the University of Redlands, a class comes out annually. He also states they have permits from the city and regulations which they are required to follow from county boards. He says they are always within compliance. He states these new projects always sound good, but in windy situations management is very difficult and that was evident during the Kellogg Facility Fire a few years ago. He says that was a fine operation, but when there is a wind driven composting pile fire it's just combustible; there is no flame produced, it just combusts. He thanked everyone for his consideration.

Grace Williams, a resident in The Preserve [Chino] residing at 15815 Approach Avenue. She states she wants to speak on the Mitigated Negative Declaration (MND) which was prepared as part of this project pursuant to the California Environmental Quality Act (CEQA). She states she used to live in Ontario less than a mile away from the project site but has since moved to Chino about four years ago. She states she is very familiar with the community and drives through Schaefer Avenue at least once or twice a week. She states she is very familiar with the conditions of the road and condition of the community when it rains and if you are from The Preserve or the surrounding community, you will know that flooding is a problem and creates severe road conditions and road closures. She states she wants to speak about the MND because when she reviewed the document itself, she was disturbed with two things. One, is on the discrepancies within the staff report as it relates to this environmental document. She says, as you know CEQA is a very big component in California and it is primarily provided for the applicant and the residences in attendance today. She states the project description that was provided to the Planning Department last year is different than what we heard today. She says that as it pertains to the design of the project this is one of the things that was provided in the original application form and also when the MND was prepared to address the original application, the MND is now inconsistent with the revised information and clarified information provided by the Applicant. She asks the Planning Commission to refer to page 3 of the Initial Study, she points out some language pertaining to mitigation measures relating to fire. She points out that in the staff report that specific language is not within the Fire Department's condition of approval letter. She says the Fire Department requires a fire hydrant every three hundred feet, which the City of Chino had already pointed out and does not exist near the site. She continues by stating the information provided by the Applicant indicated that they would have two water tanks on the site that would provide fire protection. She states this is not reflected in the MND or in the Fire Department's letter of approval. She then asks the Planning to Commission to refer to the transportation conditions of approval. She states she went into city hall the day of the meeting and tried to pull all the technical studies which were done for this project. She states unfortunately, there were none done for this project, so no traffic study or technical report, or analysis on water quality was completed for this project. She states she does not know how the city could have made a final determination on impacts for

hydrology or water quality. She states it was also disturbing to see as it pertains to the City of Chino, that even though the MND identified there was water treatment facility next door, there was no analysis on the hydrology and water quality as it pertains to that facility; no indications of impacts, no identification of mitigation measures that will lessen the significance of the project. She states another concern on the MND is discussions on greenhouse gas emissions; she says they are not mentioned at all if they will come out of this operation as it pertains to the materials and the transportation of materials to and from the site. She returns to the transportation issue stating the application mentions there will be fifty trucks which more than doubles what an Ag use would be on that site, with a potential of up to one hundred trucks. She states there is no traffic analysis which gives more information through the MND on this section that the public could review. She brings up air quality and odors and AQMD had rules. She states She is in support of the Zoning Administrator's decision and if the Planning Commission should choose to approve, she recommends they request a continuance until the Applicant can adequately address the CEQA impacts.

Sam Sousa, is a managing partner of OK Cattle which is a beef operation located directly on the south and west side of the property. He says they receive beef cattle at about four hundred pounds and they raise them to about thirteen hundred pounds and then they market them to JPS Packers. He says they have an all-natural program which fifty percent of the cattle are certified all-natural so they need to certify that the cattle are all-natural with no antibiotics. He states with the composting facility going in next door, it will provide more dust and pathogens flying through the air. He explains that when the cattle breathe the added dust, they are susceptible to more repository problems. He continues to say that if they have an animal get sick, they have to pull them out of the program and that costs a considerable amount of money to slaughter. He says he know they say they can control dust, but if anyone drives by BAS anytime in the day when their grinding, it's a dust train coming out of that place. He states the other problem they have is all their feedstocks and hay barns are located within twenty feet of the property line along the whole south edge of the property, which consists of about six hundred ton of hay, roughly about \$100,000 worth of hay. He states they also have a commodity barn which sits in line on the southern portion of the property which is worth about \$50,000. He says if you look into BAS where they had the fire, the property to the south lost all their hay barns, all their tractors, and nearly the house. He says he knows Harvest is stating they are doing everything they can to control the dust, but when Santa Ana winds come up, that's beyond anyone's control. Their feed area is twenty feet away on the south side from their property and some items say they are grinding and some say they aren't. He states their biggest concern is the health of their cattle and if any pathogens come off the grinders and getting mixed in with their feed, their cattle can get sick. He says he understands they have multiple permits with Cal Recycle to do green waste and manure on both separate locations. He says again their concern is their cattle health and putting it so close. He states he knows there are measures which can be taken, but when the winds prevail, will they be able to contain that?

C. Zwart came up to speak and stated he lives in Ontario and owns the property just across from the proposed site on the north side. He stated he and his wife own the parcel located at 7316 Schaefer Avenue. He stated the parcel they own is across the street from the proposed organic material facility and they are very much concerned about the facility and that it will have negative impacts on the surrounding parcels in the form of declining property values that are zoned for housing eventually. He also mentions

increased traffic, noise, air pollution, ground water pollution, fire danger and above all smell. He states in light of these concerns they are asking that the conditional use permit be denied.

Rob Vandenhuevel runs the Milk Producers Council which is a non-profit association located between Schaefer and Euclid Avenues. They represent the dairy farming community and remains in Ontario along with other dairies throughout California. He states that it truly is unfortunate that they are all there. He says this was once a proud, dairy, agricultural area; the Agricultural Preserve as it was once known. He states there was testimony previously that mentions they are down to fifty dairies, which was once home to three hundred dairies with associated crop land. He states that while there is a general tone of who cares that that they've gone from three hundred to fifty over the past ten or twenty years, that is not the attitude of the remaining fifty dairies. He states they have a lot of pride and he works with those families every day. He states they sell milk to consumers throughout Southern California, they have tours on those dairies, they have consumers come to visit and he says it's embarrassing the projects, illegal or otherwise that have been allowed through complacency by the city or through outright permits that are not properly enforced. He says the embarrassment of driving through some of the south Ontario region. He states that quite frankly what they're seeing tonight is a rebellion, a clear message from the neighboring communities, the actual folks who live and work on these dairy farms. He says they are tired of south Ontario, a proud dairy area, turning into the urban dump where they take all of the city's trash, and not just Ontario's, but from all over Southern California. He states there are already green waste facilities in Ontario and they don't need another one to handle Ontario's green waste. He goes on to say that he assumes that all the green waste got picked up this past week in Ontario from the residents found a home somewhere and they don't need another site, particularly on an area that has overlaying agriculture zoning. He says green may sound like agriculture, but it's not AG, its urban waste. He states there is a buffer zone, and there is a reason the City of Ontario established siting criteria. He says for some of the green waste facilities going in and getting approved, there was heavy opposition and so the city in 2013 approved a Resolution. He states it is not in the packet and he can provide a copy to the Planning Secretary. He will read what has been referenced in City Council Resolution 2013-127. The relevant section on the buffer zone is that a site must require a half (1/2) mile for green waste or combination green waste and manure facility to a residential use or sensitive land use. He states that they have already heard testimony that water can be a sensitive land use but was not taken into consideration for this purpose. He states that the combination of green waste and manure is what this project is. He states the Applicants are very cleverly trying to up come up with a way to say that the green waste will only be on part and the manure will only be on part and, therefore, they technically meet the measures of the buffer zone. He implores the Planning Commission to reject that notion and that it violates the spirit of what is in the resolution. He states the whole thing is a combination of green waste and manure site. He says once the city approves this, he doesn't think city staff will go out to make sure one is one side and the other on one side. This is why the city wisely said that if you're going to do both, you have to meet this half (1/2) mile buffer. If you're going to do manure, there's a quarter (1/4) mile buffer; it's a lesser standard. But, once you introduce green waste and some of the risk and fire risks are involved, you've now increased the risk to the neighboring communities and you're held to a higher standard. He states looking at the property as a whole, it's inside the half (1/2) mile buffer so they shouldn't even be there, but they are through the process of appeals and they're willing to participate in that process. He says

his last point would be on the trucks. He states it was mentioned by the Appellants that the former dairies generated up to sixteen trucks a day. He says he has the Engineer plans for the last dairy on that property and there were five hundred twenty cows on that property. His industry calculations which he will provide to the Secretary show that that dairy brought fifty pounds of dry matter in per day, per cow, what a cow consumes, producing seventy pounds of milk going out and the manure generated on the dairy per Regional Water Board estimates would be twelve trucks per week on that dairy. He says even if you double that because there used to be two dairies on that site at one time. He thanked the Commission for the opportunity to speak and asked that they uphold the Zoning Administrator's denial of the project's application.

Ed Haringa came to speak in opposition of the Harvest Power project. He states he operates across the street at 7520 Schaefer which is about one hundred or seventy-five feet away. He says he lives at 7439 Chino Avenue and his family milks cows and has an operating dairy with approximately two thousand head of cattle and has been there a long time, about twenty three years, and has lived in the same three mile area his whole life. He states he doesn't often get off the dairy and they try hard to keep them [cows] healthy and in good shape and they try to do a good job. He continues by saying he spends most of his time outside during the day and states he is allergic to red tape and paperwork. He states he represents about six families that live or are associated with the property that they are on, most of which are too old to be there or asked him to speak on their behalf. He states he is also concerned about the water along with the City of Chino; they also have four wells on the property which they operate and they have their own issues but won't go into them because he's afraid he'll go over his time limit. He says the dust generated from these projects, and he knows Harvest will do a great job, but he's heard that from every other green waste application that they've gone to and spoke in opposition with and they all say they're going to do a great job and yet he doesn't see it. He says generally he has RWP across the street from him, to the northwest he can see a great big plume of brown cloud above it when they are operating and he says we all know that doesn't come straight down and land back on the piles, but spreads all over. He states he looked up the Harvest Power in Tulare County and he noticed on the Google Earth picture that there was a settling of dust in the surrounding area also. He states it says it's also detrimental to the cattle. He knows others have spoken to this issue already. In regards to the traffic, he thinks the baseline of the trucks should be zero. He states he has noticed some illegal trailer parking on that parking and the fences are all gone. It used to be a former dairy now trailer parking and neither have generated much truck traffic so he equated to like a Gemco. The new police station is up and running and we don't call it a grocery store any more so it's the same prospect there. He stated there are at least fifteen other green waste composting facilities. He stated he made a list of the ones he knew about and the ones he could track down from the Cal Recycle website and would give a copy of the list to the Planning Commission when he finished speaking. He states the sensitive land use issues, like Mr. Vandenhuevel said, we shouldn't be here, but we need to go through the process. He said the church, the pre-school, there's a plan to develop a soccer field between the housing project and the church. His church owns more property than listed in the staff report packet so there is more sensitive land use property than they knew about. He states he knows none of them [Planning Commission] live close to him because they'd come over, but he lives close to the project and because RWP is across the street and Beneficial Ag is down the road to the east, he states he really doesn't want another one. He encourages the Commission to uphold the Zoning Administrator's decision and will hand out the list of composting facilities around.

City Attorney, Mr. Rice asks Mr. Haringa to please put a copy on the back table for public to view.

Mr. Haringa received permission from Chairman Willoughby to say one more thing. He said that at the end of the December 2015 Planning Commission meeting, Chairman Willoughby closed the meeting by commending everyone for the good work going on in Ontario Ranch. He states there is a lot of great stuff that's happened by them, a lot of cleanup work and he hates to come and spew all the bad problems of the area, but he doesn't think another green waste compost facility is a good way to go for them and they're just a nuisance really. He thanks everyone again for letting him speak.

Dr. Dan Drake, began by handing out some information and said he would put one on the back table at the end. He stated he's a veterinarian and works with cattle and has lived in the area for fifteen years and also in 2010 he took over as owner of a goat dairy located at 7255 Schaefer Avenue which is directly west and it's called Drake Family Farms. He states he first wants to talk as owner of the farm and then as a veterinarian representing the impact that this could have negative effects on the cattle as we have seen with the other green waste facilities. He states his farm is a small farm and they sell locally produced cheese in Southern California and they are the only licensed goat dairy in Southern California. They produce farmstead cheese which means it is produced on the farm with milk produced only from their animals, so they don't bring in milk from other places. He says they sell their cheese all over Southern California and they have about seven employees that work there all the time and they also have seasonal employees, and a huge amount of volunteers that come from all over Southern California who want to be involved in local agriculture. He states it is a very hard business and that he shouldn't have done it; it was a bad decision financially. He says he's five year's into it and they have finally developed some recipes of cheese that others can't make and are gourmet French style cheeses that are unique to the area and unique to their farm. He points out that is what is on their hand-out; they are photos of their two specialty cheeses which they make and sell. He goes on to state that unfortunately when you look at cheese making in French gourmet cheese science, you have to consider the air quality, the French call it the "terr noir", which means it is the environment that you're in and that will influence the mold spores, that will influences the ripening of the cheese and flavors and how the cheese develops. He asks that the Planning Commission to consider his operation which is directly to the west as a sensitive land use because they are trying to continue with the "terr noir" that they have and if you bring fourteen hundred tons of composting, rotting, green waste with all the spores that that will bring, it will negatively impact the two specialty cheeses that are signature to the company and it could be downfall of the entire company. He also wants to talk about the trucks. He states Schaefer Avenue is a poorly maintained road. He states he had a friend with him that afternoon and they drove from Euclid to Bon View and he asked her to count the potholes which she saw. She counted forty one potholes in the one block. He states that road isn't fit for Southern California residents. He states he has people come to tour his farm from Beverly Hills, Santa Monica, Laguna Beach and Laguna Niguel, very high end people and he's embarrassed of the city. He states the road is fit for Guatemala and it's not a good road. He said he's lived here for fifteen years and as a dairy cow veterinarian he has seen what the fires from the green waste facilities and the health hazard it creates to the dairies and to the cows. He says it's an inhumane environment and it's a sad thing that one's whole area combusts and turns into smoke and it doesn't go out with two tanks of water; it burns for



days and the cows can't leave and neither can the residents and workers who are caring for the cows. He says we all have to stay there in the smoke and it burns our lungs and it wrecks your eyes and it kills the calves and it makes the cows give less milk and it's a sad thing. He says he would hope the City of Ontario would just not do this. He says to say you're going to mitigate the Santa Ana winds is like saying you're going to stop a hurricane. He says if someone doesn't believe him, he hopes they will come visit the next time the Santa Ana winds come and walk Schaefer to Bon View and watch out for the forty one pot holes. He says you'll find it's a very horrible environment and you can't plan how you'll mitigate against those winds; you just have to survive. He says that's just one thing that will happen, he doesn't know when, maybe it will be tonight. But, when something catches on fire, there is nothing the Fire Marshall can do. He states that, in fact, the last time the Fire Marshall was on his property, he was told his manure piles were illegal and he had thirty days to remove them. He says they were about the size of one or two truckloads. So, he says if the City of Ontario Fire Marshall is concerned about the size of a manure pile, the size of a Ford pick-up truck, he doesn't think they should be allowed to put manure piles there. He states he has gotten a bit strong in his comments, but he hopes they [Planning Commission] will help preserve his business and sensitive land use in his farm and he hopes they will preserve the quality for the children and not threaten the water supply of 80,000 residents of Chino and hopefully these people can find somewhere else which is more rural where they can do their composting.

David Crosley, Water Environmental Manger for City of Chino. He states his comments will be brief and focused and he wanted to provide clarification to the earlier portion of the evening. He states there was a question about what the facility proposed by Harvest would mean to the City of Chino and its plans to further develop the water project. He says when the City of Chino staff had conversations with the City of Ontario regarding their project, it was explained that their project was a multiple phase project. He states they have built phases one and two; there are future phases of the project that are yet to be built. He continues by saying that when those future phase are to be built, the City of Chino will necessarily need to go back to the State of California to get an Amendment to their operating permit. He says the State of California will necessarily have to consider the impact to their operation opposed by the facility next door. He says in his experience, the City of Chino can expect then that they will receive additional conditions in order to deal with the protection of the water quality that is produced at the facility next door. He wasn't sure if that was made clear in the earlier conversation and he simply wanted to make sure there was clarification.

Chairman Willoughby called for a five minute recess.

Chairman Willoughby states that the Commission is in possession of three letters of support of the facility as long as it operates in compliance with all of the requirements. The letters include: Cross Point Church, Inland Harbor LLC and Stratham Communities. With that, he asks the Applicant to return to the podium to summarize or rebut any questions. He states there will be questions for planning staff following.

Mr. McManigal returned as the Harvest Power representative. He began by stating that he agreed with some of the comments which were stated. He said as a green waste and organic management company, Harvest Power apologizes for bad operators. He states Harvest Power is not a bad operator. He reiterates they are an international company and they operate over thirty of these companies across the United States and in Canada and

they are an award winning company. He states they do not believe there is another company that matches theirs or that will bring what Harvest Power will bring to the city. He then addresses some of the issues that were raised. Fires, absolutely green waste catches on fire. He says unfortunately those fires are done by poor management, usually by unground material and it's kept there in a whole form or through the grinding process. He states they are only bringing in pre-ground, separated material with no trash in it from the City of Ontario's Solid Waste picker upper or franchisee that is coming out of the city. He brings up the issue of late night trucks. He states their hours are stated on their application are from 6 AM to 6 PM. He states traffic has been addressed by city staff, but also again, he was asked to put in their worse-case scenario. He states if they were to have one hundred trucks a day, and it's likely they'll have more like seventy-five, the majority of them would be in the spring or the fall moving the material out to agriculture, during a peak planting season. He states there is also material which will leave routinely throughout the year. He explains there has to be some flexibility for the peak seasons and if they don't have that flexibility, they'll make it work. He brings up the water next. He states they agree with the City of Chino and have zero tolerance for impacting their water treatment facility also. He says they would work with their neighbors to make sure they don't have impacts. He says Harvest Power would not be building a facility here and investing millions of dollars if they believed they could not operate with full compliance with all permits and not be an impact to the adjacent water plant. He states they are aware of the water plant, respect the water plant and they are going to operate so they don't impact the water plant. He states staff addressed the City of Chino's concern about traffic, dust in the Zoning Administrator's staff report and they support that. He states their permits will not allow them to be a bad operator or bad neighbor. He states there will be hotlines setup where people can call for environmental help and other operators. He states there will on-site management, a manager who lives on site, which many of the facilities do not have. He brings up the fire hydrants, and says they are going to meet the fire requirements for fire hydrants and suppression on site; they had plans before and they have plans to work with them. He states the receptor map is accurate and they will meet the buffer zones established by the City of Ontario. He says, as mentioned, the church which has a daycare to the southwest supports the facility. He also states that Stratham Homes, the housing developer that the City of Chino mentioned, also supports their facility. He states the air quality from the trucks; modern diesel engines are not allowed to omit soot and are not allowed to idol for long periods of time. He states that is against the law and have to be programmed to shut down. He brings up the issue of odors. He states they have permits which prohibit them from omitting odors. He states they have to be a good neighbor. He states separation from the south there is a concern there is a water basin on the eastern portion that increases the buffer zone and the grinder that was put in on the early site plan has been removed from the site plan before them tonight. He states they are not going to be an urban dump. He says they are going to be receiving pre-ground, pre-sorted green waste from the City of Ontario. He stated there was reference to their Tulare compost site and that facility, has residential adjacent to it and a school a quarter (1/4) mile away and they have received no complaints from that facility. He says Harvest Power is an award winning company that has the expertise, personnel, and the background to bring to the city a first class composting facility to help the city meet its recycling goals mandated by the State of California. He states they will comply with conditions of approval and asks that they approve their conditional use permit.

Mr. Willoughby questions the fire hydrant issue and confirms they are working with the Ontario Fire Department as to what they want and where they want it.

Mr. McManigal states yes.

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

Mr. Willoughby states he would like Mr. Zeledon or Ms. Aguilo to address the issues brought up earlier regarding the Mitigated Negative Declaration (MND).

Mr. Zeledon states he will address those issues. He begins with addressing the description of the project from the original application. He states that is true; whenever an application comes in, the description is always a bit vague and so when staff does the Initial Studies, we want to make sure we include a thorough description of the use. He states in this case, the MND description is correct. The second point he addresses was in regards to fire mitigation measures not being included, referenced on page 3. He states this is correct; fire mitigation measures were not required and became conditions of approval. He states there is also a fire management plan in place and the conditions of approval from the plan require fire hydrants, however he defers to Deputy Fire Chief Art Andres to explain what that means because there are other options beside fire hydrants, which the Applicant had put down in regards to water tanks.

Deputy Fire Chief Art Andres, also the Fire Marshall for the City of Ontario, addresses the fire issues. He states there have been significant problems in the Ontario Ranch area relating to combustible waste. He says it has been about three years since they implemented a new fire department standard that is more restrictive than even what the state will allow for green waste recycling facilities. He states it has to do with the height, width and length of the product, the time in which the product can be processed and also the emergency mitigated measures in case there was a fire. He addresses the water issue brought up; he says in fact there are limited areas where hydrants are in place and technically is in the south side of our town and that's because the infrastructure is not built out yet. However they do allow at different sites alternative needs and methods and one of the things they would require is at least a minimum flow capacity. That would be five hundred gallons per minute for a minimum of two hours. So they would roughly have to provide about 60,000 gallons of water on site if they wanted to not have a hydrant along the street. He states there a number of other safety measures which have been put in place; he states some of the facilities have been permitted prior to them implementing those standards so they are working with them to try and be good neighbors and make sure they are now compliant with the State and with the municipal code. He says if they have other questions relating to fire activities he will answer them accordingly.

Mr. Willoughby questions that the fire situation has been since the new standards have been implemented three years ago which were stricter than state. For clarification, he asks if there have been fires since the new standards have been implemented.

Deputy Fire Chief Andres states they have. He states the fires have been at multiple locations and some have been mentioned tonight. The ones that were on these locations and in most recent time did not have these conditions as part of a CUP process. He says that due to the incidents though, they are going back to them and they are trying to be good neighbors and they will self-impose those since they did not have them as part of their CUP process.

Mr. Willoughby states that was his next question if the fires were at facilities where the new standards were not yet implemented.

Deputy Fire Chief Andres states that is correct.

Mr. Willoughby states there was a mention of sixty gallons of water on site and if they are not able to provide that than they are going to have to install fire hydrants within a prescribed area. He requests clarification.

Deputy Fire Chief Andres states that they will have to bring a water source somehow. He says this can be extremely costly so depending on the location within that area, specifically the Ontario Ranch area where the infrastructure has not yet been developed up to the city standards according to the Water Master Plan, there are ways to do that but it's not easy.

Mr. Willoughby questions that the Applicant is currently working with the Fire Department on how to handle this situation.

Deputy Fire Chief Andres states the conditions have been placed and until it is approved there hasn't been anything approved by his department as far as their emergency plan, or the alternative means or methods as it relates to meeting their water demand.

Mr. Delman asks for some simplicity. He questions if a fire on a site that size, will 60,000 gallons be enough if it is applied at the start of the fire and will it be able to put it out.

Chief Andres states that's a good question; and every fire is different. He states one of the things they have in place for these types of operations is the height, width, and the length requirement. He said the length of the time it takes to mitigate a fire for the ones that have gone on for days is because there has been an aggravate that has been in excess of that we have in place now. So now you wouldn't be able to have anything that was more than fifteen feet high, twenty-five deep wide and two hundred-fifty feet long. That's the configuration you'll see in the rows. He says the intent is to have equipment on site that would isolate that fire and they would be able to put the fire out once it was isolated. He states the one's have had in recent history have been mountains of product and the only way to get that out is to physically separate out the product and get it wet and that's not an easy task.

Mr. Zeledon states the next comment was related to air quality. He states the project was reviewed and is consistent with The Ontario Plan (TOP) Environmental Impact Report which identified certain mitigation measures required for projects which is referenced on page 33 of 35 and includes such things as: use of low emissions, fuels and vehicles on site, it also mentions deliveries and times so those were all addressed through the TOP mitigation measures. He states in addition, this project does require the air quality permits so that was also part of the analysis. He states the questions brought up regarding water quality; hydrology and traffic can be addressed by Khoi Do from Engineering.

Khoi Do, Principal Engineer from the City of Ontario. He states that several people questioned why no traffic studies were conditioned for the project. He says it is typical practice that whenever a project is anticipated to generate over one thousand additional

trips per day, than they would condition them to prepare a focused traffic study to determine the impacts that their additional traffic would cause. He says the proposed traffic increase here generated from the site was seventy-five to one hundred per day and that was peak trips, during their peak season; so an average less than that so if you even double or tripled that number you would be well below the threshold that would trigger the requirement for the study. He states that was why the traffic study was not required. He states as far as the water quality, he wanted to clarify that there is actually two water quality issues. He states 1) storm water quality impacts which is part of the NPDES and they did condition the project to prepare a WQMP and if their site generates or created an additional ten thousand or more square feet of additional impervious area. He states at this point, per their proposed site plan, they were not going to do that, so they do not fall under the NPDES requirement's for a WQMP (Water Quality Management Plan). He explains if they did plan to do that, than they would be required to mitigate the additional run off. He says number 2) water quality impacts with ground water which the City of Chino has brought up concerns with. He explains that is under the jurisdiction of the State and not the city. He states that the City of Chino, as the well operator, have already received permits for the first two phases of operation. He says the State has determined the site as safe and they have received the permit prior to the State's knowledge of the proposed project. He says, as they mentioned, once they go back to receive permits for their future phases, they will have to get their operational permit amended and if the proposed project exists they will have to see if there are impacts to their operation. He reiterates that would be the State's jurisdiction not the City of Ontario.

Mr. Gregorek questions how many of these facilities exist in Ontario Ranch; he realizes there are both city and county but requests a quick estimate.

Mr. Zeledon states there are five facilities.

Mr. Gregorek questions if those are City of Ontario facilities.

Mr. Zeledon responds that there are five composting approved by the City of Ontario and two by the county.

Mr. Gregorek questions if there is a proposed exit route east of the entrance which was on the site plan. He questions if that was changed.

Mr. Zeledon confirms it is still there.

Mr. Gregorek asks if there is a protocol setup by the city for inspections and which department would do make sure they are in compliance.

Mr. Zeledon states that with most CUPs the way it works is that typically after six months of operation, and if there are no complaints, staff goes out to make sure it's operating correctly. He states that if there is an issue, they typically get calls right away and they go out to monitor right away. However, most of the inspections are handled through the County of San Bernardino, the Water Quality Board, Cal Recycle, and all the other permits they are under. He says all the City does is make sure they are following the CUP requirements. He says that Fire Department does an inspection as well.

Mr. Gregorek asks what other departments go out and inspect before they receive a

certificate of completion or occupancy.

Mr. Zeledon states Building, Engineering and Traffic.

Mr. Gregorek asks if the proposed residential development brought forth by the City of Chino is to be considered a sensitive land use. He questions if that is part of the Specific or General Plan.

City Attorney Mr. Rice states he can address the question. He states the City's general practice has been in this regard is to look at existing land uses rather than to look at the General Plan or look at proposed projects. He said it's to look at what actually exists there, right now when they're considering a project. He states as they know, projects don't always happen as the way they're intended, sometimes developers don't go through with what they've committed to so City policy adopted by the City Council has to look at existing. He says it is supported in the resolution itself which discusses sensitive land uses and it talks about exhibit, which can be interpreted as the word existing.

Mr. Gregorek states that if in a scenario of construction would that be considered existing.

City Attorney Mr. Rice states that it would be fact dependent, but yes, once it looks like it's going up, and certainly when they're selling homes, that is certainly existing. He states it is a tricky one and the City Council's resolution doesn't go into that much detail. He says it uses the word "existing" but they are interpret what that means and this is what he interprets what it means is that when it is up and running.

Mr. Gage states that our municipal code states half (1/2) mile manure and green waste and not combo. He asks for clarification on the municipal code.

Mr. Zeledon states it is the City Council Policy Resolution and it states it should meet and what that means is "meet the intent". He says made the determination that putting a green waste facility a half (1/2) mile "met the intent". He reiterates again that it states "should be a half mile". He says the reason it was left in there like that was to show it was "meeting the intent". He says staff made the determination, in this case that it was.

City Attorney Mr. Rice states the operative provision is in subdivision C of section 1 of the Council resolution that suggests that we require a buffer distance of half (1/2) mile for green waste or a combination of green waste and manure composting facility to a residential or sensitive land use as described above. He states where the existing language comes from. He states what he thinks what City staff is going for is that when they are looking at this, the focus is on green waste, so if it's green waste, keep it half (1/2) mile away and if it's green waste and manure, you also keep it half (1/2) mile away. He states he doesn't think the intent of the resolution was to say, if on the same site, you happen to have manure and green waste, you can't keep the manure within the half (1/2) mile radius even if the green waste is kept outside the half (1/2) mile. Again, that's a matter of interpretation and the resolution doesn't go into detail on that. He states he doesn't think it was intended to prohibit that option with conditions of approval. He states again, this is his interpretation.

Mr. Willoughby closes the public hearing.

Mr. Downs states that he is fuzzy on the new residential development and that it's his understanding that he isn't to consider it because it isn't constructed yet.

Mr. Willoughby states it's non-existing.

City Attorney Mr. Rice states that is what he suggests. He suggests the meaning of the resolution is to look at existing sensitive land uses. He states he worries about where they would draw the line if they were to interpret this to consider things which aren't existing yet and they look at things like General Plans and a lot of that area is planned residential which would outright this kind of use. He says that he doesn't think that was the intent here and when it talks about sensitive land uses it's protecting existing schools, existing churches and day cares. He's not sure it's looking to protect future resident and day cares alike. He says, again, that's an interpretation issue and that's up to the Commission and he's just providing how he sees the resolution.

Mr. Downs says, okay, but let's use the scenario that the south Ontario builds out. He questions at what point are the existing facilities a detriment because developers can't build close to them.

Mr. Zeledon states no, developers can develop the property. He states the issue is the new composting facility coming in and having to meet their requirements. He says if a new development wants to come in and build a subdivision they would have to be made aware of the existing development and a disclosure is provided. He states this is not a permanent use, it's a temporary use. He states new residential doesn't have to be a certain distance away, they would not prohibit it. The composting site has to be a certain distance from existing residential or sensitive uses.

City Attorney Mr. Rice asks to clarify that Mr. Zeledon mentioned this was a temporary use and by that he means this is all planned, general plan residential; this is the City's long-term plan. It's not like the conditional use permit has an expiration date or anything along those lines. He just wanted that to be clear.

Mr. Willoughby states that he thinks everyone knows that because of the lack of infrastructure, it will be a while before anything will be able to be developed.

Mr. Gregorek states that he lives close to the facility and has lived in the area for over thirty years. He has concerns about the conditions because from his previous experience, they are not always kept up and he worries about the fires from the previous facilities. He says that the roads have gotten worse over the years. He states that in regards to the green waste facilities they are given a lot of conditions, but they do not follow them and that disappoints him. He says as far as the manure, he doesn't really mind processing manure and it's a good thing, but he has a real problem with the green waste. He states he notices the odors. He says he knows the Fire Department has put more conditions but that just requires more Code Enforcement and just feels the fires will always be a problem. He states he's just real reluctant about having another one of these facilities, especially with the green waste, but the manure it's not much of a problem. He states he respects the City of Chino and their legitimate concern for their water. He stated he was very reluctant to go against the Zoning Administrator's decision.

Ms. Mautz states she lives further south than any other Commissioner. She states she has seen dust and dirt from so many sources; construction, manure and when it is hot and dry and the wind blows, she doesn't know what kind of precaution can be made to stop dust and debris from flying. She agrees they do need to do something with the manure and green waste and thinks this company is one of the best there is, but she has a very difficult time thinking they need another facility like this in south Ontario.

Mr. Gage states he's listened to all the comments from everyone. He says certainly there's some concerns with the neighbors surrounding south, east, west, north, which isn't a good thing. He says the municipal code states there's a half (1/2) mile, and maybe it's an interpretation of it, but the combo of manure and green waste could be looked at it should be past the half (1/2) mile. He also feels real concern for the City of Chino and the issue of water quality and their facility. He states that he didn't hear that the facility wouldn't harm it; he says he heard that they would have to resubmit [for permits] to the state and let the state make a decision, which didn't make him feel comfortable. He stated that because it wasn't our jurisdiction doesn't mean we shouldn't be concerned. He stated he felt the half (1/2) mile is arbitrary, but that's what our code says. He doesn't see voting against the Zoning Administrator.

Mr. Ricci thanks everyone for coming out. He thinks the Harvest Power operation is really fine, but to hear so many concerns, he says he's very hesitant because of the risk. He states especially after all the aftermath of what has happened in Michigan. He states that they can't go on what the precautionary measures because they have no guarantees that something won't happen. He says to risk that and the contamination of the water and effect the business which are already in operation, he just can't see. He states he concurs with Commissioner Gage.

Mr. Delman states this is a very difficult decision. He states he has heard all the concerns and he thinks their business is absolutely top notch and is probably good for everybody in the environment. But sometimes, it could be the right business, in but the wrong place. He states he is concerned about the Chino neighbors and Ontario neighbors.

Mr. Gregorek asks if they have to approve or deny or can they concur with the Zoning Administrator's decision. How do they deal with the CEQA?

City Attorney Mr. Rice states they do not have to do CEQA; he says he is sensing they are planning to uphold the Zoning Administrator's decision and deny the appeal. They can move forward.

### **PLANNING COMMISSION ACTION**

***It was moved by Gregorek, seconded by Downs, to deny the appeal of the Conditional Use Permit, File No. PCUP15-016. Roll call vote: AYES, Delman, Downs, Gage, Gregorek, Mautz, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.***

City Attorney Mr. Rice clarifies that the Applicant has ten (10) days to appeal the decision from today and they appeal to City Council.



- C. **ENVIRONMENTAL ASSESSMENT AND APPEAL OF CONDITIONAL USE PERMIT FOR FILE NO. PCUP15-014:** An Appeal of the Zoning Administrator's decision to deny the establishment of a Type 20 ABC License (Off Sale Beer and Wine) in conjunction with an existing 2,009 square foot gas station convenience store (Chevron) on a 0.58 acre site, located at 1065 West Holt Boulevard within the CC (Community Commercial) zoning district. 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. The project is exempt from environmental review pursuant to State CEQA Guidelines Section § 15301 (Existing Facilities). (APN: 1011-132-06). **Submitted by: Travis Companies.**

Associate Planner, Lorena Mejia, presented the staff report. Ms. Mejia stated that the project is located at 1065 West Holt Boulevard on the corner of Mountain Avenue. She stated the Chevron was reopened after undergoing an extensive renovation and the addition of a convenience store. She states the site is surrounded by commercial uses to the south and east. Ms. Mejia states the application for a Conditional Use Permit (CUP) was submitted on June 4, 2015 for a Type 20 ABC License (Off Sale Beer and Wine). She states the CUP was denied by the Zoning Administrator (ZA) for not being able to satisfy the requirements for public convenience and necessity findings, which subsequently resulted in not meeting the Development Code and Municipal Code requirements. Ms. Mejia states public convenience and necessity findings are only required to be made if the project site is located in an over-concentrated census tract. Ms. Mejia states the ultimate number of licenses allowed is established criteria by the State Department of Alcoholic Beverage and Control, which uses population of the census tract to determine the number of licenses allowed. She states, in this case, the project site is located in Census Tract 16, which allows for only four (4) off-sale licenses. However, there are currently fourteen (14) active off-sale licenses within the census tract. Ms. Mejia states the application, as submitted, was unable to meet two of the public convenience and necessity findings as stated in the ZA decision. First, the retail business must have a minimum of ten percent (10%) of the gross floor area devoted to food sales. She states that as part of the appeal application, the Appellant identified additional areas in the floorplan dedicated to food sales, thus showing there is more than ten percent devoted to food sales. Ms. Mejia states that however, the second finding not met was that the retailer must occupy at least 12,000 square feet of gross floor area. Unfortunately, the existing convenience store on site is approximately 2,000 square feet in size. She states the Zoning Administrator denied the application, which is why the appeal is before them tonight. Ms. Mejia states the Police Department also recommended denial of the CUP and noted during the ZA hearing that there were several off-sale licenses in the immediate vicinity. She displays a slide showing off-sale licenses. She states that staff is recommending the Planning Commission uphold the Zoning Administrator's decision and appeal File No. PCUP15-014.

No one responded.

### **PUBLIC TESTIMONY**

Karl Huy with Travis Companies from Mira Loma appeared and spoke. He stated he was the Applicant who filed the appeal and also the ABC/Conditional Use Permit. He says he's also there on behalf of the project owner and business owner, G&M Oil. He states

they filed the Application for Appeal based on the contention of three issues. He states they understand the process and have no problems with the process or what has transpired in the past on this. However, they believe there were three issues which were utilized as the basis for the Zoning Administrator's decision to deny the ABC. He states he will speak on the first two items and Ms. Sherrie Olson, who is their ABC Consultant on this project, will discuss the third one. He states their first item of contention which seems to have been clarified is that the decision was made based on satisfying the six (6) conditions of the Public Convenience and Necessity requirement in an over concentrated area. He states that Ms. Mejia demonstrated the square footage of food sales. He states in the decision document, the Zoning Administrator identified that this requirement was not met or satisfied. He states that is incorrect. He says based on the actual floorplan, this convenience store is made up of many areas selling different items. He says if they only utilize the area which is considered food, as the city's ordinance says, Ordinance 2943, it says it has to be ten percent (10%) and it doesn't quantify what "food" is. He states but if they go by an authoritative source like the County of San Bernardino Health Agency who reviews all plans for convenient stores, and they separate out items like food items or candy items, beverages as consumable. He says if they go strictly by that basis and only measure square footage on one level. He says he brings that up because there are several areas in this store which are several multiple levels, five or six. He says if they look strictly from the aerial view and count the total square footage dedicated to the display and consumable food items as classified by the County Health Department, there is over ten percent. He states as a matter of fact they have 14.75 % of the total 2,009 square foot of the building dedicated. So they contend that they do meet that requirement. He states that if they take it further and add in all the other levels and display areas, they are at 38.7%. So again, they contend that they do meet that requirement. He says the second item of contention deals with the City code ordinance dealing with the size of the facility to sell beer and wine. He states the ordinance identifies 12,000 square feet. He says in the original staff report presented by Planning staff, this reference was meant for larger retailers: mini-markets, Mercados and grocery stores. He says that this reference, again taken from the staff report, wasn't intended for gas stations. He states that during the public testimony portion during the Zoning Administrator meeting, it was brought up by Planning staff that there had been another consideration for a convenient store as part of a gas station and was approved for the sale of beer and wine, an ABC license under this interpretation. So he states, they contend that the original staff reports interpretation as it is presented in writing should be considered that the original 12,000 square feet wasn't intended for convenient stores. He states that's their second item of contention and also that the original staff report recommended approval for the ABC/CUP.

Sherrie Olson is an Ontario resident residing at 934 W. Yale Street. She states she has been a homeowner in the City of Ontario for twenty-four years and wants to go over a couple of points brought up in the staff report and some different findings. She states they realize they are in an over-concentrated census tract and being a home owner in the area, and living around the area, she is very familiar with the other establishments which sell alcohol and are an eyesore in the community. She states at this site, the Applicant has taken down the existing gas station and has rebuilt and redeveloped the whole corner and made it a beautiful gas station that one can be proud of in the community. She says some of the other stores in the neighborhood she can speak about, she would not even go in there. She states you can go up and down Mountain Avenue or on each side of Holt Boulevard and the same applies for many of those establishments. She states that they are looking for the Commission's support and that this should be looked at on a case to case

basis. She says what they are investing into the community, what they are doing for them as local neighbors, residents and what they are bringing to the table. She states that a lot of the stores have not done anything to their sites, they have left them as an eyesore to the community, they have not made them an investment into the area and she doesn't think they even live in the area. She states she would like to bring out a couple of other points as well. She states that a lot of the census tracts in the City of Ontario are over concentrated and it is very hard for a new develop to come in and to meet the criteria of that 12,000 square foot and develop a property that would be supportive to have a beer and wine license. She states that once again she would request and ask the Planning Commission to look at each establishment on a case by case basis and see what they will be bringing into the area to enhance it. She says in this case, they are bringing in a beautiful store and have invested over two million dollars into it and she hopes they support it and give them a chance to be a good operator.

Loree Masonis lives at 1387 E. Fifth Street. She states she lives off Vineyard so it's an easy five minute drive or sometimes even less depending on traffic to the area of this proposed liquor store. She states she is personally against it for a couple of reasons. She states she lives within walking distance to a liquor store and she has been in that neighborhood for about eleven years and that particular neighborhood is an eyesore and it attracts transients, police cars are a familiar sight. She says mini-malls are not particularly attractive or family friendly. She also thinks it is an unnecessary to have a gas station liquor store; it's almost like an oxymoron cause you know you don't want to have liquor and then drive off. She states another thought came to mind and that's Ontario Airport is still operating in slow capacity so she thinks the decision could be delayed for a long time until they get more air traffic action. She says her primary reason to speak was because on both Items B and C there was a CEQA determination and she says she understands CEQA because it was mandated because of California regulations pursuant. She asks why this project exempt from CEQA guidelines.

Mr. Willoughby defers to City Attorney Rice for guidance. Mr. Willoughby also clarifies that the project is not a liquor store but a mini-mart with off-sale for beer and wine.

City Attorney Mr. Rice states the CEQA exemption is because it is an existing facility, which is one of the categorical exemptions under the CEQA.

Ms. Masonis questions if this convenience store will be open 24/7.

Ms. Olson replies from the audience, yes.

Mr. Willoughby states that there could be provisions put forth as well.

Ms. Mejia states the Police Department could also put conditions on the times of operation or sale of the alcohol as well. She states Corporal Steve Munoz is in the attendance to answer any questions.

Ms. Masonis states that in the presentation it was mentioned that the Police Department didn't want to approve too, she asks for confirmation.

Ms. Mejia states yes.

Ms. Masonis asks what the reason was for.

Ms. Mejia states that again, Corporal Munoz is available to answer questions.

Ms. Masonis states that she's a citizen who doesn't want to see more liquor stores, even though this is a convenience store.

Corporal Steve Munoz from the Ontario Police Department came up and spoke stating that he brought three copies of his own maps because there were a few locations missing from the maps presented. He stated that the census track is over-concentrated by ten and that it should be four. He states that when they look at another ABC license coming into that area, he says, yes notices went out to individuals [residents] in that area, but for some reason they [residents] don't show up so they [Police] have to look out for them and do the best they can. He states the reasons they follow the census tracts are so they can bring them down [the number of licenses].

Mr. Willoughby requested for some numbers, that we were off.

Corporal Munoz stated within one mile of the location there are 20 other off-sale locations.

Mr. Willoughby questions if those roll over into another census tract.

Corporal Munoz states yes.

Mr. Gregorek wanted to know if the tract extended to the east and how many are within the current census tract.

Corporal Munoz stated that was correct and 14 are within the 16-02 census tract.

Mr. Willoughby called the Applicant back to summarize or rebut.

Ms. Olson stated that they have purchased two licenses within the City of Ontario so there is no net gain and actually there would be one less license because they were conscience of the over concentration. She states that also with the 12,000 square foot requirement, it's hard for developers and it becomes exclusive to the grocery stores. She states there is no incentive for an existing license holder to improve site. She stated they were trying to find a way to do a net reduction and be responsible to the city and look for some direction.

Mr. Willoughby questions where the other two licenses are at that were purchased.

Ms. Olson states they were for the Fresh & Easy, which went out of business on Archibald and Riverside Drive. The second is a Chevron at Haven.

Mr. Huy wanted to clarify this is not a liquor store and there are no hard spirits. This is strictly beer and wine for off-site consumption. He also states the CEQA exemption is Guidelines Section 15301. He again thanks everyone for the opportunity speak and requests their approval. He states the property owner is also the owner of another service station with and ABC license and, based on the public testimony by the officer at the

Zoning Administrator hearing, he is in full compliance with the Police Department's requirements, City's requirements and no additional activity, alcohol related or otherwise.

Mr. Willoughby asks for clarification from staff regarding the ABC licenses which was purchased. He asks because of the size of the Fresh and Easy building and if another operator came in and applied for an ABC license, they would easily be granted an ABC license.

Mr. Zeledon states yes; if another business came and they exceeded the 12,000 square feet, they could go ahead and purchase a license and operate.

Mr. Willoughby states he thinks he knows the Haven project, it was a CUP they approved and it's currently under construction.

Mr. Zeledon states that correct.

Mr. Willoughby asks if they would be able to reapply and be granted for more than the CUP and thinks it was for more than beer and wine, it was for hard spirits.

Mr. Zeledon states yes, it was for distilled spirits which is Type 21, they upgraded.

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

Mr. Gage asks staff to address Ordinance 2943 and the two issues the Appellant brought up in regards to the ten percent square footage and the 12,000 square feet.

Mr. Zeledon states at the Zoning Administrator meeting the site plan used calculated less than ten percent. He says after getting the appeal and looking at Applicant's information they do believe they meet the requirement. He said it's not specific as to where it's food sales. He said they comply with that condition.

Mr. Gage questions the 12,000 square feet needed and that it might not have been intended for gas stations.

City Attorney Mr. Rice states he can address that. He states that his suspicion that the 12,000 square foot rule is in place to allow that kind of store or grocery store to allow them to have off-sale and to have the convenience and necessity findings. He says he assumes that's what the staff report was going for and allowing them to get the ABC license rather than only applying to those sorts of stores. He says he thinks that's why the rule is in place so large stores can still have off-sale licenses and why the Applicant is confused.

Mr. Gregorek states he was going to ask the same question and he remembers the intent was to have this in place so larger stores could have off-sale licenses in over-concentrated census tracts. He asks if he is correct.

Mr. Zeledon states he is correct and about ten years ago, there was a big issue with over-concentration of off-sale licenses so one of the ways to address the larger grocery stores coming in was they adopted the state guidelines for Public Convenience and Necessity

and the 12,000 square foot was put in. He states, since that time, they've actually come a long way in reducing the over-concentration in the city and public safety has improved.

Mr. Gregorek states that even with that, a gas station would not be in compliance in an over saturated zone.

Mr. Zeledon states correct.

Ms. Mautz states that she admires that two liquor licenses were purchased elsewhere, but this takes her back to when she first moved to Ontario. She says she appreciates that two more licenses have been purchased but when you see how far they are from where this location is, it doesn't do much good for an area that is over-saturated and she's pretty sure there is some poorly run places which sell alcohol there. She says but permitting another facility selling alcohol doesn't clean them up, it just creates another place to sell alcohol.

Mr. Downs questions if they had an ABC license prior to the remodel.

Mr. Zeledon confirms they did not have an ABC license prior to the remodel/rebuild.

Mr. Willoughby gave praise for the rebuild of the gas station and the beautification of the corner. He stated that he lives within the area and felt the public necessity is being taken care of and wished the numbers weren't so out of sort.

Mr. Gage asks the Police to speak to the public safety aspect of it in regards to bars compared to convenient stores. He asks if there are requirements on restaurants and bars the same as this.

Corporal Munoz states there are limits, but when a restaurant comes in and they want to have a liquor license because they are selling food and they operate as a bonafied restaurant, they are allowed to come and operate even though it's an over-concentrated area as long as they are operating as a bonafied restaurant. He states in terms of crime for an off-sale location, it happens where people hang around the corner, drink their beer. They handle those types of calls all the time.

Mr. Ricci questions the type of ABC license the Applicant is applying for; does it allow for loose beer sales or does it have to be packaged.

Corporal Munoz states they have to be packaged in a manufactured multi-pack; no single sales.

### **PLANNING COMMISSION ACTION**

*It was moved by Mautz, seconded by Downs, to deny the appeal of the Conditional Use Permit, File No. PCUP15-014. Roll call vote: AYES, Delman, Downs, Gregorek, Mautz, Ricci, and Willoughby; NOES, Gage; RECUSE, none; ABSENT, none. The motion was carried 6 to 1.*

Mr. Willoughby reminds the Applicant they have ten (10) days to appeal the decision from today and they appeal to City Council.

**MATTERS FROM THE PLANNING COMMISSION**

**Old Business Reports From Subcommittees**

**Historic Preservation (Standing):** The January meeting was cancelled and rescheduled for a Special Meeting on February 1, 2016.

**New Business**

**NOMINATIONS FOR SPECIAL RECOGNITION**

None at this time.

**DIRECTOR'S REPORT**

Mr. Murphy stated they have the Monthly Activity Reports in their packets.

**ADJOURNMENT**

Gregorek motioned to adjourn, seconded by Mautz. The meeting was adjourned at 9:44 p.m.

  
Secretary Pro Tempore

  
Chairman, Planning Commission