

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

**MINUTES**

**January 24, 2017**

<b>CONTENTS</b>	<b>PAGE</b>
PLEDGE OF ALLEGIANCE.....	2
ANNOUNCEMENTS.....	2
PUBLIC COMMENTS.....	2
CONSENT CALENDAR	
A-01. Special Meeting Minutes of December 19, 2016.....	2
A-02. PMTT14-020 .....	2
PUBLIC HEARINGS	
B. File No. PMTT16-020 .....	3
C. File No. PGPA16-006.....	4
D. File No. PZC16-004.....	5
E. File No. PZC16-005.....	20
F. File No. PDEV16-005.....	22
MATTERS FROM THE PLANNING COMMISSION.....	25
DIRECTOR’S REPORT.....	25
ADJOURNMENT .....	26

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

**MINUTES**

**January 24, 2017**

**REGULAR MEETING:** City Hall, 303 East B Street  
Called to order by Chairman Willoughby at 6:40 PM

**COMMISSIONERS**

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

**Absent:** None

**OTHERS PRESENT:** Planning Director Murphy, City Attorney Rice, Principal Planner  
Wahlstrom, Principal Planner Zeledon, Senior Planner Noh,  
Associate Planner Burden, Assistant City Engineer Do, and  
Planning Secretary Callejo

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner DeDiemar.

**ANNOUNCEMENTS**

Mr. Murphy stated Items C and D will have one combined presentation.

**PUBLIC COMMENTS**

No one responded from the audience.

**CONSENT CALENDAR ITEMS**

**A-01. MINUTES APPROVAL**

Special Planning/Historic Preservation Commission Meeting Minutes of December 19, 2016,  
approved as written.

**A-02. ENVIRONMENTAL ASSESSMENT AND TIME EXTENSION REVIEW FOR**

**FILE NO. PMTT14-020:** A one-year Time Extension of the expiration date for the  
approval of File No. PMTT14-020, a Tentative Parcel Map (PM 19552) to subdivide a  
0.20-acre parcel of land into a single parcel for condominium purposes, located on the  
west side of Euclid Avenue, approximately 450 feet north of Elm Street, at 1420 South  
Euclid Avenue, within the MDR18 (Medium Density Residential – 11.1 to 18.0  
DU/Acre) zoning district and EA (Euclid Avenue) Overlay district. The proposed project

is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15, Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1050-051-01); **submitted by Johnathan Ma.**

### **PLANNING COMMISSION ACTION**

*It was moved by DeDiemar, seconded by Downs, to approve the Special Planning Commission Minutes of December 19, 2016, and File No. PMTT14-020 as written. The motion was carried 7 to 0.*

### **PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT16-020:** A Tentative Tract Map (TT 20061) for Condominium Purposes to subdivide 14.62 acres of land into 4 numbered lots and 23 lettered lots within the Medium Density Residential (MDR) and Low Density Residential districts of Planning Area 11 of The Avenue Specific Plan, located at the southwest corner of Ontario Ranch Road and New Haven Drive. The environmental impacts of 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. All adopted mitigation measures of the addendum shall be a condition of approval for the project and are incorporated herein by reference. 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 Plans (ALUCP) for ONT Airport. (APNs: 0218-462-80 and 0218-513-24); **submitted by Brookcal Ontario, LLC.**

Senior Planner, Henry Noh, presented the staff report. Mr. Noh gave general background of the project and surrounding areas stating the property is currently vacant. He said the applicant is requesting approval to subdivide this parcel into 4 multi-family numbered lots for condominium purposes which will allow the construction for 153 rowtown units. He stated the map includes 23 lettered lots including private alleys, streets, landscaped areas and the neighborhood park. Mr. Noh gave the sizes of the lots and explained the development plan will come before the Commission the following month. He shared they have previously approved some of the product from the New Haven community and in addition Brookfield is introducing a new product which is similar to the Holiday home. He stated that staff is recommending the Planning Commission approve File No. PMTT16-020, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage asked what has changed, if anything, from The Avenue Specific Plan since 2014.

Mr. Murphy stated that this area has always been identified in the specific plan as a multifamily development. He said within the specific plan it allows for development of townhomes and condominiums within that designated area. Mr. Murphy explained that

what the Applicant is proposing is a condo map which is the precursor to a development plan of condominiums, which will follow, that the Commission will see.

### **PUBLIC TESTIMONY**

Derek Barbour, representing Brookfield Residential appeared and spoke. He stated it's an honor to be there and he thanked staff for getting them to that point. He shared this project is a continuation of their New Haven Master Plan and it's been a labor of love. He stated they have had a lot of success since they opened in September of 2015 and this is the meat of the market for them, the affordable market which has been very successful for them, selling at over two a week. He said this is supplying the housing which is needed out there and they are very excited to bring it forward. He shared future parks and retail in the New Haven areas. He stated he would take any comments or concerns.

Mr. Downs asked what the average price of the units would be.

Mr. Barbour stated he wasn't able to speak openly about pricing, but they try to stay under the FHA limits, which are currently about \$367,000.

Mr. Willoughby asked how many units have been constructed within New Haven.

Mr. Barbour stated that since opening until the end of 2016, they closed 164 homes, with 91 being the Holiday, 31 of Summerset, and 52 of the Waverly. In total, they have sold 233 homes. He stated they are now targeting about 273 homes for 2017. He said that they hope to have 423 homes closed by the end of 2017.

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

There was no Planning Commission deliberation.

### **PLANNING COMMISSION ACTION**

*It was moved by Delman, seconded by Gregorek, to adopt a resolution to approve the Tentative Tract Map, File No. PMTT16-020, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

### **C. ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA16-006:**

A City initiated request to:

- 1) Modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for various parcels located throughout the City, including: a) the area generally located from Euclid to Bon View Avenues between State and Philadelphia Streets, b) the area south of the I-10 Freeway, generally located near Fourth Street and Grove Avenue, c) the properties on the west side of Vineyard Avenue between Philadelphia Street and SR-60 Freeway, and d) the elimination of the SoCalf Overlay within the Ontario Ranch area;

- 2) Modify the text in the Land Use Designation Summary Table (Exhibit LU-02) to eliminate the SoCalf Overlay and allow the Commercial Transitional Overlay in non-residential locations;
  - 3) Modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; and
  - 4) Modify the Environmental Resources Element text in Section ER5, Biological, Mineral & Agricultural Resources to eliminate all references to SoCalf.
- Staff is recommending the adoption of an Addendum to an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (Cycle 1 General Plan Amendment for the Land Use and Environmental Resources Elements for 2017) (APNs: Various); **City initiated. City Council action is required.**

**D. ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE NO. PZC16-004:** A City initiated request to change the zoning designations on various properties mainly concentrated in the mostly residential area to the east of Euclid Avenue between State and Philadelphia Streets with additional areas including the commercial and residential area around Fourth Street and Grove Avenue in order to make the zoning consistent with The Ontario Plan (TOP) land use designations of the properties. The environmental impacts of this project were previously analyzed in an Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: Various); **City initiated. City Council action is required.**

Associate Planner, Clarice Burden, presented the staff reports. Ms. Burden began with Item C and stated that the General Plan Amendment and Zone Change projects were introduced to property owners at community open houses that were held November 29 and 30, 2016. She stated at the time of those meetings, no opposition was raised for the General Plan. She stated that since that time, written correspondence have been received stating opposition for three properties in Group E-24 and those written communications have been provided to the Commission tonight. She pointed out these properties are located on Fifth Street. She said that staff is recommending the General Plan change to Low Density Residential (LDR) from the existing Medium Density Residential (MDR) to match the existing (LDR-5) zoning and existing development in the area. Ms. Burden stated that the zone change program will provide consistency with the General Plan. She stated that staff had received written requests that these properties be removed from the proposed General Plan Amendment and be kept as Medium Density Residential. Moving on to Item D, Ms. Burden went over the eight area maps within the staff report, explaining current zoning and proposed zoning changes within each of those specific areas. She again stated that the goal has been to have zoning consistency with the General Plan which was adopted in 2010. She stated that staff is requesting the Planning Commission recommend approval to City Council for adoption of an Addendum to a previous EIR and File Nos. PGPA16-006 and PZC16-004, pursuant to the facts and

reasons contained in the staff reports and attached resolutions.

Mr. Downs questioned the school district owned property (Group G-5) and what the proposed zoning would be.

Ms. Burden stated the proposed zoning is General Industrial which in with keeping with the actual land-use of the property.

Mr. Downs questioned if the school district ever chose to sell the property, a developer would have to develop the property according to the General Industrial zoning.

Ms. Burden stated that was correct. Civic zoning is very limited on the types of uses, but the bus yard would transition to a private owner much easier for industrial uses.

Mr. Ricci asked about Group E-24 and the property specifically on Fifth Street. He questioned the options for development of Medium Residential since Fifth Street ends at the freeway.

Ms. Burden stated that it was her understanding that the property owner owned [three properties] and none of them went through to Princeton. She said ultimately, if a project came in that had additional access points, a consideration could be made at that time for a Medium Density Residential (MDR) project. She said with a single access point, through the single-family residential neighborhood, it is staffs opinion that Low-Density Residential (LDR) would be appropriate to the area.

Mr. Ricci clarified that to make it MDR, the properties that face onto Princeton must be obtained to make another entry way.

Mr. Murphy stated this would make the most sense overall from a development standpoint. He said right there now are five or six different property owners and staff has received a letter from one of them asking that the MDR zoning remain. If all the property owners down to Princeton came together that would be different. He stated that the second access is needed from the Fire Department so there's not just one coming off of Fifth Street. He said as one large property, there would be more options and flexibility for development. Currently, as five small properties, it's more difficult to development.

Ms. DeDiemar questioned Group E-24 again. She asked about a certain area (dog-legged parcel), within that group, how many of the properties had residents on them and how many were currently vacant that go between Fifth Street and Princeton.

Ms. Burden pointed to each parcel and pointed out which ones were vacant and which one had a residential house. She also pointed out that the white area on the slide was a "paper street" which meant it is not actually constructed.

Ms. DeDiemar asked if the single-family house was currently occupied.

Ms. Burden stated to her knowledge it was occupied.

## **PUBLIC TESTIMONY**

Kevin and Linh Fini, residents from 1128 East Fifth Street appeared and spoke (Group E-24). Mr. Fini stated he wanted to give his support for the Medium Density Residential and that it would be an opportunity for affordable new construction in the area. Ms. Fini said she wanted to speak in support of Medium Density Residential.

Ken Froklus, a resident from 1714 South Palmetto Avenue, appeared and spoke. Mr. Froklus stated he wanted to echo the previous speaker. He stated he also would like to see more development in that area.

Ivan Albarran represented his parents, and also resides at 1126 East Fifth Street. Mr. Albarran stated since he lives with his parents, he knows that they have always had in the back of their mind to build out and that some of their neighbors are thinking of changing their [properties] to Medium Density. He stated he thinks it's a good idea. He said that he honestly thinks that area in general is going downhill, since Fifth Street doesn't go past the freeway, the open lot has a lot of homeless individuals there. He stated there have been problems with homeless and drugs and if the land was put to use, they would have less of that problem. He said he thinks it needs capital for that area for development. He said that he know his parents would be willing to work with some their neighbors and he has spoken with some of their neighbors and they have expressed their willingness to either sell some of their land or work with one of the investors who is willing to propose some of the changes. He said his parents would like to piggyback onto her proposed changes. He stated she does a plan to convert that "paper street" into an actual street. He said he supports Medium Density Housing.

Michael Duong, stated he resides at 12899 Rock Crest Lane in Chino Hills has part ownership in the group with the "paper street" previously discussed [E-24 group]. He stated they have had plans to redevelop that area into Medium or Medium-High Density Residential. He said in 2010 the zoning and General Plan had changed to further allow for that and he is there to make sure project stays consistent with the General Plan. He wanted to make sure the zoning doesn't go back to the Low-Density Residential. He said that would put up a barrier to further development. He stated this area is under the I-10 FWY, which suppresses single-family home prices and not a lot of people want to live under a freeway because of the noise and pollution. He stated this would be a great opportunity for an apartment building or condominium use, some kind of high-density residential project. He shared again, that he is part of the ownership group and he is a developer with experienced network and would have the capital. He shared he certainly has the interest to develop the area. He stated the idea is to provide more housing to the City of Ontario, suppress rents, and provide more property taxes coming into the city. He said he really sees it as two choices: 1) leaving it as is or 2) having new money come in and have the neighborhood be reinvigorated. He said he thinks the biggest concern right now is the traffic, but they do have plans to improve ingress and egress to that site and they're more than willing to work with their neighbors to make that happen. He stated again, that he hopes to keep the current plan consistent with The General Plan and allow them the opportunity to redevelop.

Mr. Willoughby questioned the "paper street" and which parcel(s) his family owned.

Mr. Duong stated the top three parcels on the top right along the “paper street”.

Mr. Murphy clarified, on either side of the “paper street”.

Mr. Gage questioned what the ideas were he had regarding egress.

Mr. Duong stated he didn’t want to currently disclose it, but zoning was step one and then they would work with the City and Planning to build out those plans. He stated they are in motion and they are real tangible plans to make it work.

Mr. Willoughby questioned if it was his understanding at this point that there wasn’t a project which had been submitted to the City as far as plans.

Mr. Duong stated that he has spoken with Principal Planner, Rudy Zeledon in August of 2015 to possibly discuss the project going forward. He stated at the time they were working on zoning and they are working on their capital. He said what he recalls of the conversation is that he thought the City would support it if they came forth with a real tangible plan which they are working on and it is forth coming in the very, very near future.

Mr. Delman questioned if he [Mr. Duong] had spoken with the property owner that of the “L-shaped” parcel to see if it was possible to purchase it.

Mr. Duong stated they are in discussions.

Mr. Willoughby questioned the size of the two parcels which his family owns.

Mr. Duong stated he thought it was about one acre in total or a little bit more. He said the “paper street” makes the numbers a bit askew.

Ms. DeDiemar questioned the estimated amount of money of \$200,000 for building the street from 2003 presented in the written communication at the meeting. She wanted to know if that figure was still accurate.

Mr. Duong stated he did not have an answer to that and that another family member would be able to answer.

Gina Duong, stated she also resides at 12899 Rock Crest Lane in Chino Hills. She stated she co-owner the properties (APNs: 1047-451-22, 1047-451-23 and 1047-451-24) and specifically 1128 East Fifth Street. She read from her letter which was presented to the Commission, stating, “I am writing this letter request City Council to withdraw our properties from the unchanged zone Medium-Low Density Residential group E 24, change to be zone Medium-High Density.” She said in 2003, I bought her first vacant lot, which is half-acre, [property to the left]. She stated she tried to sub-divide into three lots and she took the idea to the Ontario Planning Department. She said that to build three new houses, she would be required to build a new street which would also require utilities and sewer, which would cost more than \$200,000 at the time and would be more now. She stated with the zoning changed to low-density, it would not be cost effective to build the 300-foot street. She shared there are problems with individuals cutting the fence,



homeless and trash problems where the street sweepers are unable to clean. She stated she included photos of her property and the surrounding areas. She said in 2013 she bought another property adjacent to the first lot, which is 1128 East Fifth Street, which she paid \$50,000 over price because the city was going to change from low-density to medium-density. She stated in 2015 she bought another lot. Ms. Duong stated she had in total 1.15 acres. She said she talked with one of her neighbors and inquired about purchasing half of her property and to get an easement for the pipe needed for the sewer which needed to go through her property. She tried to explain why the neighbor would not work with her due to the expense of the project in prior years.

Mr. Willoughby stated her time was up and need to bring it to a close.

Ms. Duong stated she talked with Caltrans about the noise from the freeway and she said they would put up a block wall if there were plans for more homes or a multi-family project to block the sound. She said with all three properties and the “paper street”, she has 1.15 acres so they can propose for a 14-16 unit condo or townhouse project if the city planners can change zoning to a medium-high density. She said that whatever the cost for the project they are ready to go forward. She said her conclusion is to request the Commission to consider her proposal and withdraw her properties from the no zone change so they can propose a plan which is intended to be medium-high density.

Ms. DeDiemar questioned which three parcels she owned on the slide being presented.

Ms. Duong stated that was correct. She said she was still working with her neighbor on the south side at 1125 East Princeton to buy half of their property to make half her project more workable and have more ability to build. She said she can pay for the fee to buy that half and do the sub-divide and all the improvements.

Ms. DeDiemar questioned the idea of building the street with underground sewer and utilities is a possibility.

Ms. Duong stated yes. She said the idea has already been proposed to the current owner and he’s willing to work with her. She gave some background about the previous homeowner who was elderly and wasn’t willing to work with her, but now she’s speaking with a new homeowner.

Ms. DeDiemar confirmed they were speaking of the L-shaped parcel.

Ms. Duong said yes.

Mr. Gage asked for clarification on the current zoning as Medium Density and that the City is proposing Low-Density Residential, but the speaker is asking for Medium-High Density Residential.

City Attorney, Mr. Rice said he could explain. He said that what the City is proposing tonight is the General Plan designation is Medium-Density Residential, currently, and the zoning is Low-Density Residential, currently. What the City is trying to do is have the General Plan of Medium-Density match the zoning of Low-Density Residential. He said what the past speaker and the previous speakers have asked is that the Commission

remove their properties from that transition from Medium-Density to Low-Density on the General Plan. He explained, that there had been several requests for a Zone Change but that's not within their [Planning Commission] power to change the zoning for these properties from Low-Density to Medium-Density. He said there would have to be new noticing to everyone and that type of process. So what is in their [Planning Commission] power is removing their properties from the transition from Medium-Density to Low-Density.

Julie Duong, stated she resides at 1714 South Palmetto Avenue in Ontario. She said she came to speak to further add her support and keep the zoning at Medium-Density so her parents could improve the area. Ms. Duong said she's sure the Commission has seen the images which were included with the correspondence and she's sure they hear her mother and that she's very interested in improving the area. She said that was what she wanted to say.

Ernie Mastel, stated he owns the L-shaped property at 1125 East Princeton. Mr. Mastel stated he would like to see the zoning to be Low-Density. He said he doesn't plan to sell his property, he purchased it about two years ago and with that respect, he has a front house and grandfathered in second dwelling. He stated the other two adjacent properties, the [left side on slide] is considered a historic home. He said that property is currently in escrow. Mr. Mastel continued to say that the property to right [of his property] was recently purchased, about a month ago. He said there have been issues with homeless as previously mentioned, but he felt that was a different discussion for another time. He said that he felt further development of that street could help with the homeless. He said that he doesn't plan to sell or develop at this point.

Al Marchetti, stated he was an attorney, representing Josephine Reichmuth-Hunter who is the owner of the property of the G6 [left on the slide]. He stated it has been in her family for years and the home on the property was built by her grandfather in 1949, or at least that's the best guess. He said it has always been part of the Industrial zoning and General Plan since that time. He said it seems superfluous to make the change to Residential since it has always been zoned Industrial. Mr. Marchetti said it has been Industrial for many, many years and she [Ms. Reichmuth-Hunter] doesn't know why it needs to be changed now. He said it's been a house the whole time and he said for the information for the Commission, there is litigation attached to it right now. He stated there is a lis pendens and a dispute as to who is the owner of the property. He said to rezone it and make it Residential will seriously hamper any possible settlement of that property. He shared unless one party can buy out the other, and that possibility does not seem remotely possible. He said one of the most important parts they wanted to bring up, was long before the trucking facility which is there now, which is the property that surrounds it, was a lumberyard. He stated that it was zoned Industrial and it would be more beneficial to keep it that. He pointed out [on the slide], it's a different size than all the other properties so to keep it Industrial is best for all concerned. He said lastly, one of the common threads that was presented by staff, is to try and make the changes consistent. He said this one is not consistent. He said it's always been this way, leave it the way it is.

Josephine Reichmuth – She stated Al [Marchetti] spoke on her behalf.

Lynn McIlwain, a resident at East 206 Grevillea, came up to speak and contest the

change in zoning (Group G-12). Mr. McIlwain stated he likes the open and rural atmosphere of his neighborhood now and would hate to see it changed. He said he doesn't want to see the character of their neighborhood changed to a denser use. He stated he wants it to stay as it is. He shared that these are mainly half-acre plus lots and are used for small farms and that was why he bought his property, for that purpose and that agricultural land is disappearing all over. He said he would like to keep this zoning as an agricultural use. He stated that he thinks the City of Ontario should have a balance between urban and rural properties and he would hate to see us [the City] lose this rural, agricultural area. MR. McIlwain shared he supports FFA (Future Farms of America) organization, similar to 4-H Club; an organization which teaches kids about farming and the care of animals. He questioned where would kids go without places like this, these agricultural areas? He stated that property value will change with the zoning change to Low-Density Residential (LDR). He said the property value will lower because there will be no animal keeping allowed so there will be less use of the property. Thus, he requested to keep the G12 [map group] zoned as an agricultural use area.

Ms. DeDiemar asked what animals Mr. McIlwain has on his property.

Mr. McIlwain stated he doesn't have any right now, but he bought it for that purpose.

Ms. DeDiemar asked when he purchased the property.

Mr. McIlwain stated he thought about five years.

Mr. Gage asked the size of his lot.

Mr. McIlwain said it's a half-acre. He pointed [to the slide projected] and said the large rectangles are half-acre are larger.

Mr. Willoughby questioned if there currently were homes on all the lots.

Mr. McIlwain stated yes and there are horses and other animals on some of those properties, they are being used as an agricultural area.

Jose Arrellano, a resident at 937 South Taylor Avenue came up to speak with assistance from Sonia Alvarado, his loan officer/realtor. Ms. Alvarado stated that his property is changing to LDR-5 (Low-Density Residential) and there have been some issues brought up due to financing. She stated his property does not qualify for government financing to have a reverse mortgage. Ms. Alvarado said that since the City couldn't do a zoning verification letter that couldn't guarantee that if the house were to burn down more than 50% he can't finance a reverse mortgage. She said that she's tried to work with Rudy [Zeledon] and Richard [Ayala] and they've been very helpful, but because of the way the LDR-5 zoning guidelines are written, they cannot make that guarantee. She said that anything built over 50% would require a public hearing and the lenders don't like a public hearing because anyone could oppose a rebuild and what has been permitted. She said Mr. Arellano was there to request a letter to be rewritten for his home so he can receive a reverse mortgage stating if his home were to be burned more than 50% he could rebuild.

Mr. Murphy stated that staff has been in contact with Mr. Arellano and they have two structures on the property now. He said that under the Development Code requires a public hearing under this body [Planning Commission] for approval if the structure should burn down more than 50% and need to be rebuild. He said that's what is included in the letter and that is not acceptable to the lender because their concern was going to a public hearing left it to the discretion of the Planning Commission, but that's the way our current Development Code is written because it would be legal-non-conforming at that point.

Mr. Willoughby stated correct. He said there are two houses on that property.

Ms. Alvarado stated yes, there are two structures which are permitted and up to code. She said he had some code issues but everything has been paid and brought up to code and approved. She said the only issue at this point is the LDR zoning is not helping him finance his home and she stated that since most of the zoning was changing to LDR-5, most people would have problems with FHA financing, reverse mortgages and loans because of their houses burn, lenders will not want to finance them because their investment won't be any good, especially if it's more than 50%.

Mr. Murphy stated there was another option. If there are two units on the property, even under the Low Density Residential, you can have a single-family residential and a second-family dwelling unit. He stated there are limitations on the size of that, and the individual has to live on the property, but that would allow for a second unit on the property, it may not be as large as the original, but it would allow for a second unit. He explained that with current state law, it could be up to 1200 square feet, which is a decent size unit. He said there are provisions that would allow for two units that would not get him exactly what are on the property today, but would allow a second unit on the property.

Mr. Willoughby asked for clarification if this issue was something that could be fully addressed at the meeting tonight.

Mr. Murphy asked if their zoning was changed from AR to LDR.

Ms. Alvarado stated the zoning had already changed in that area and that's why they were having the problem because the lender asked for a letter. Ms. Alvarado read the language from the Zoning Verification Letter stating the structures are currently legal-non-conforming since the zone change to LDR-5 and that under the Development Code the a public hearing would need to be held for a rebuild to be approved if the structures were burned down more than 50%.

Mr. Murphy and Mr. Willoughby confirm that Mr. Alvarado's property at 937 S. Taylor is not part of the agenda (General Plan Amendment/Zone Change) that evening and they will not be taking any action on their issue.

Ms. Alvarado stated when they came in they were told they were part of this map group.

Mr. Willoughby stated he was sorry for the confusion.

Mr. Murphy stated that if she gave Mr. Zeledon her contact information, they would set-up a separate meeting.

Ms. Alvarado stated he [Mr. Zeledon] had her information and they were supposed to meet the next day.

Sonia Alvarado, a resident at 203 East Locust came up to speak. She stated she had a mortgage, paralegal, and notary license and was there with her father [Margarito Alvarado] who lives in Ontario. She said that she sees a problem with the zoning, specifically the LDR for homeowners in the future who are trying to buy with government loans and who will be requesting rebuild letters. She said it will not benefit the City of Ontario to change the zoning to where there will be public hearings when the lenders don't like that. Ms. Alvarado stated Agricultural (AR) areas are also going to be problematic. She said that Agricultural zoning have a higher value and changing it to LDR isn't good.

Mr. Willoughby asked Ms. Alvarado if she was referring her property at 203 East Locust.

Ms. Alvarado stated yes.

Mr. Willoughby asked for clarification if this property was part of the current zone change on the agenda for the evening.

Ms. Alvarado stated it was in Group G-12. She requested again that rebuild letters state a guarantee of 100% of what was permitted can be rebuilt if their structures were to burn down so lenders would approve for financing reasons. She said they aren't asking for modifications or additions, but at least 100% rebuild without any restrictions.

Margarito Alvarado, a resident at 203 East Locust came up to speak. He said he was the father of Sonia and asked that his property not be changed. That the "grandfather" law be applied.

John Ochoa, property owner of 903 and 911 South Euclid Avenue came up to speak (Group G-34). He stated he owns an auto repair stop on the southeast corner of Euclid Avenue and Mission Boulevard. Mr. Ochoa said he had spoken with Clarice at the Community Meeting regarding his issue. He said that the proposed zoning is to change from Community Commercial (CC) to Neighborhood Commercial (NC). He said his concern was because he has two options which he wanted to do. He shared that one option was to build a new facility and have a tire store, low maintenance with oil changes and the second option was if he could expand where he has Community Commercial (CC), next to the residential lot on the south and make one big lot. He wanted to have an AM/PM gas station, which he was already talking with, but his current location was too small. He told AM/PM he owned the lot to the south and they said if he would combine them, they would work with him towards permits and opening a business on the two lots. He stated he came to see if it was possible to make it or expand the zoning.

Mr. Murphy stated the lower property is designated residential and what Mr. Ochoa is requesting is that the zoning be extended to include that property to the south. He said it's a bit of a "chicken and egg". He explained that if AM/PM is interested they can come in,

look at the proposal and see if it makes sense and then we can see if we can change the zone for the whole thing. AM/PM is probably telling Mr. Ochoa, get the zoning changed and then we'll come in. Mr. Murphy stated that they have a use that's right up against Residential and the Neighborhood Commercial (NC) is more appropriate because it limits the uses more than general commercial does. But, he said if there was a proposal, he could look at it, evaluate it and see what makes sense.

Mr. Ochoa stated that he's still asking for assistance because if the zoning is changed to Neighborhood Commercial (NC), he would not be able to move forward with the option of a tire store because that use is not permitted under the NC zoning.

Mr. Willoughby asked for clarification that Mr. Ochoa would be able to use his current zoning for a business.

Mr. Murphy stated that was correct.

Mr. Willoughby stated that the business Mr. Ochoa has could still exist and operate.

Mr. Ochoa stated that he was not given that information. He said that if the zoning changed to Neighborhood Commercial (NC), he would not be allowed to put the tire store there.

Mr. Willoughby asked if he would establish a new business at that location.

Mr. Ochoa stated yes.

Mr. Willoughby stated that the existing business would not work under the current zoning.

Mr. Murphy said that typically with a tire store, you have the tire guns going off and with housing immediately next door, it's a nuisance factor that comes into play. He explained that was why the Neighborhood Commercial (NC) was deemed more appropriate for this location as opposed to the Community Commercial (CC).

Mr. Ochoa asked if the City would wait on the zone change for his lot until he came with approval from AM/PM to change the south lot to Neighborhood Commercial (NC).

Ms. DeDiemar questioned the proposed location for the AM/PM, and lot to the south for expansion. She also asked where the proposed location for the tire store would be.

Mr. Ochoa pointed [to the slide] where the locations were.

Mr. Willoughby clarified that if AM/PM came in, both Mr. Ochoa's lot would be used.

Mr. Ochoa stated that was correct.

Ms. DeDiemar asked what zoning was needed for the AM/PM store.

Mr. Ochoa said he understood the Neighborhood Commercial (NC).

Mr. Murphy stated that Neighborhood Commercial (NC) is the proposed zoning for that meeting. However, Mr. Ochoa's concern was if AM/PM does not work out, he would like to have a tire store which is not allowed in the Neighborhood Commercial (NC) zoning.

Ms. DeDiemar asked Mr. Ochoa how long he has been talking with AM/PM.

Mr. Ochoa stated a little over a year.

Ms. DeDiemar asked why they haven't made any moves.

Mr. Ochoa stated they haven't made any moves and he had some financial [franchise obligations] to get together to fully move forward.

Mr. Willoughby questioned the maps of Group G-33. He questioned if that was the Ontario Christian School property.

Ms. Burden stated yes.

Mr. Willoughby asked if all the lots in that area are a minimum of half-acre or are there some that are odd sizes.

Ms. Burden pointed out [on the slide] some parcels which had been sub-divided and stated they were not half-acre, but she believed the others were within that range.

Mr. Willoughby stated that there were several which would not fit that half-acre size.

Ms. Burden stated that was correct.

Mr. Willoughby asked for clarification that with the zone change, the use to have animals would still be permitted.

Ms. Burden stated that was correct.

Mr. Willoughby also stated that no matter the zoning, there are still distances to corrals.

Ms. Burden stated that was correct.

Mr. Gage questioned the proposed change from AR (Agriculture) to LDR (Low Density Residential) and the rebuild letter in regards to reverse mortgages, FHA and refinance loans. He asked if they all would have the requirement of needing to go to a Planning Commission meeting. He asked if this has always been the case.

Mr. Murphy stated that going from AR (Agriculture-Residential), which is a single-family residence and allows for animal keeping to LDR (Low Density Residential), which is single-family residential. He said if you have more than one unit on the property, regardless if it's AR or LDR, that would be considered legal-non-confirming and the same issue would come up regardless what the zoning is because the lender is going to want and see 100% rebuild potential, regardless of what the zone is. He explained the issues are not AR or LDR, but the issue is the lender wants 100% rebuild

and the City has said that if it's legal-non-conforming, and if it burns down more than 50%, the Planning Commission would have to review and approve that to build it exactly as it was. He stated that's been on the books for as long as he's been here [with the City of Ontario], which is 20 plus years.

Mr. Gage asked that what is being done tonight was changing the zoning, which makes the use legal-non-conforming.

Mr. Murphy stated that if someone has two units on their property, if it's AR, it's legal-non-conforming already. He said changing the zone isn't going to change that fact, it will still be legal-non-conforming. He said the lender is still going to want a 100% rebuild letter which we cannot issue without the caveat that the Planning Commission would have to approve it. He explained that this is where the lending institution issue lies, they do not want to have the discretion of the Planning Commission for fear that neighbors may come out and oppose the rebuild. In that case, they can only rebuild a single unit and not two units.

Mr. Gage asked if the AR properties are legal-non-conforming only if they have two units.

Mr. Murphy stated yes, only if they have two units on them.

Mr. Gage stated but most only have one unit, so they're not legal-non-conforming now.

Mr. Murphy stated he was correct and they would not be non-conforming under LDR, because LDR does allow a single-family residence. He explained that if they needed a rebuild letter today, we could issue one stating 100% because they only had one residence and a single-family residence is allowed is LDR.

Mr. Gage clarified that what they heard tonight was specific instance for a property owner and would not apply to all property owners who were going from the AR zone change to LDR and the public hearing would be for those who are legal-non-conforming.

Mr. Murphy stated that was correct.

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

Mr. Gage requested to see the G-6 property, he wanted to know the reasoning for changing the property to Residential.

Mr. Murphy stated that when The General Plan was adopted in 2010, this property was changed to a Residential land-use designation but zoning still remained as Industrial, but The General Plan was changed. He said the reason for that, was because there was a single-family residence on the property. Mr. Murphy said at this time what staff is doing is changing the zoning to be consistent with what the actual land-use of what the property is, which is Residential and that's consistent with everything which is east of the property. He stated that when you look at it as an Industrial piece of property, it is relatively small. He said there is additional dedication needed off the front, there is



already existing Industrial property to the south and to the west so when you look at an Industrial building going onto the property, it didn't seem like a viable use. He said he realizes Mr. Marchetti mentioned there was litigation and that definitely puts a different wrinkle into it, but from a purely land-use standpoint, the use is Residential and there is Residential immediately to the east and the size of the property would seem more appropriate for Residential use and that's why the recommendation is to continue forward with the zone change and make it consistent with The General Plan.

Mr. Gage asked if his opinion has changed since he's heard there's litigation.

Mr. Murphy said he's looking at from a land-use point of view. He stated the litigation is certainly a wrinkle which makes the ownership more complicated, but he's looking at it strictly from a land-use perspective, which is what he's charged with doing. He said, economics and ownership are separate issues, but the appropriate land-use seems to be Residential.

Mr. Willoughby questioned the size of that property.

Mr. Murphy stated it's about 10,000 square feet.

Mr. Willoughby stated not even a quarter of an acre.

Mr. Murphy stated that when you look at the Industrial standards, the maximum floor area is .55, so if it's currently 10,000 square feet that would give a maximum of a 5,500 square foot building that could be built.

Ms. DeDiemar stated that Mr. Marchetti stated the property had been in the family since 1949, but always had Industrial zoning. She asked how a single-family residence got built there.

Mr. Murphy stated that he doesn't know how far back the Industrial zoning goes. He said that he does know that in 1992, there were a number a number of changes made to The General Plan at that time and there were areas that were identified that were supposed to transition to Residential but they never did. He said he really didn't know where the zone change to Industrial occurred.

Ms. DeDiemar said that Mr. Marchetti may have been mistaken when he said that it's always been Industrial zoning. She said it may have been something else.

Mr. Murphy said he has to believe it was something else and at some point it was Residential and as Industrial started coming into the area, it made sense that the whole area would transition and would change into Industrial. He said it is impacted by the airport and in those areas it is typical to transition from Residential to Industrial. He stated that in this case there is an Industrial-Overlay on the property so there's a Residential underlying with an Industrial-Overlay. He said that if a developer were to come in and take over that block, they could build Industrial. But, right now it's Residential so they're trying to protect the residents which are there.

Ms. DeDiemar asked if the Industrial properties surrounding are also a different owner.

Mr. Murphy stated that was correct.

Mr. Willoughby stated that he would think that when the residence was built, the surrounding properties were farmland and not general industrial businesses.

Mr. Murphy stated that when the airport was at its peak, the whole area was impacted by noise and again, the whole idea was to transition from Residential to Industrial to move the residents out so they're not under the flight path.

Mr. Downs asked what types of business surround those two properties.

Mr. Murphy stated DHE, which is a logistics type of business and they have trucks coming in and out.

Mr. Gage questioned the Fifth Street property [Group E-24]. He stated that it's currently zoned Medium-Density Residential and we are proposing to make it Low-Density Residential. He wanted to know what would need to take place for the speakers who proposed a possible plan to have a High-Density Residential (HDR) plan to have their property changed to HDR. He wanted to know if passing the Low-Density Residential land-use would make it more difficult for them in the future to change to High-Density Residential zoning.

Mr. Murphy stated that first of all, the General Plan designation is Medium-Density Residential which would allow up to 25 units to the acre. He said to his knowledge there has been no discussion to change it to High-Density which would take it up to 25-45 units to the acre. He said that if the Commission chose to leave it as it is, the [property owner(s)] could come in and propose a project which could be up to 25 units to the acre on that property. He stated there were some "words" which were concerning, like having to get "sewer easements through adjacent properties", those can be problematic. He said obviously, the larger the property you have to work with, the easier. But, when you have smaller pieces, it can be problematic when meeting all the code requirements and parking requirements. He said, but it can be done. He stated if the gentleman who lived to the south had shared he was "willing to work with the neighbors to the north", that might have been helpful because now you might have another point of access into the larger development. Mr. Murphy said without it definitely is more challenging. He also stated that this has not yet been looked at from the perspective of the Fire Department and with one point of access, but right now that would be a concern for them. He said there are a lot of variables that would need to be looked at, but certainly, the larger the better to build on. Mr. Murphy, said specifically to answer the question about going from MDR to LDR, he doesn't see it as difficult to change if there was a project that came forth. However, he said that he would think a number of developers would disagree with that answer and say it would be more difficult to change the once it was lowered.

Mr. Willoughby stated that they have seen it done before [zone change] and it's not abnormal. He wanted to clarify if they [property owner(s)] came in with a plan, the City would look at that and consider it and as long as it meets all the requirements it's something they could do.

Mr. Murphy stated yes, it's certainly something we could look at it and evaluate. We

would see if it's the right project for that area. He said if it's the Commission's desire to leave the General Plan alone, they would still have to come back with a Zone Change to be consistent with the Medium-Density Residential.

Ms. DeDiemar stated, relating to the same area, the property owner who owned the L-shaped piece stated there was a historic home in escrow directly to the west. She questioned how is that figured into calculation.

Mr. Murphy stated that first they would need to find out the historic significance of the home. He said he thought off-hand it was built in the late teens, early twenties but couldn't say what condition the structure was in, but that would have to be looked at.

Ms. DeDiemar asked if the structure has a historical designation.

Mr. Murphy said he didn't know off-hand, but certainly, that is something that could be looked into and possibly converted into the "rec building" for a complex. He said there could be a number of options that could be looked at.

Ms. DeDiemar asked for clarification that the property to the south, is not in agreement and available to Princeton for development.

Mr. Murphy stated that he didn't know if they were in disagreement, but Mr. Mastel [the property owner] stated he has no plans to develop the property or sell it.

Ms. DeDiemar said that essentially makes the Duong's property land-locked for the purposes of a Medium-Density development.

Mr. Murphy stated it makes it more difficult for them to build. He reiterated it is now a smaller piece of property, they have one point of access, and it is next to the freeway. He said it doesn't preclude Medium Residential on that northerly piece, it just makes it more challenging.

Mr. Downs questions what the green property [on the slide] is to the east.

Mr. Murphy states it's the flood control basin on the north side of Princeton.

Mr. Downs asked about sound control from the freeway.

Mr. Murphy stated there is a portion of the property that has a sound wall to the freeway across it, but it does not extend the full length. He said the freeway itself is elevated above the property and the wall is elevated up at that location.

#### **PLANNING COMMISSION ACTION**

*It was moved by Delman, seconded by Gregorek, to recommend adoption of the CEQA Determination and Addendum to a previous EIR for File No. PGPA16-006. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

*It was moved by Downs, seconded by Delman, to recommend adoption of a resolution to approve the General Plan Amendment, File No. PGPA16-006. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

*It was moved by Gregorek, seconded by Ricci, to recommend adoption of a resolution to approve the Zone Change, File No. PCZ16-004. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

- E. ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE FOR FILE NO. PZC16-005:** A City initiated request to change the zoning designations (File No. PZC16-005) on 51 properties from: 1) MDR-18 (Medium Density Residential) to HDR-45 (High Density Residential), 2) MDR-25 (Medium-High Density Residential) to HDR-45 (High Density Residential), and 3) CN (Neighborhood Commercial) to HDR-45 (High Density Residential with ICC (Interim Community Commercial Overlay)). The properties are generally located south of D Street, west of Vine Avenue, north of Vesta Street and east of San Antonio Avenue in order to make the zoning consistent with The Ontario Plan land use designations of the properties. The environmental impacts of this project were previously analyzed with The Ontario Plan EIR (SCH# 2008101140) that was adopted by the City Council on January 27, 2010 and was prepared pursuant to the requirements of California Environmental Quality Act. All adopted mitigation measures of the EIR shall be a condition of approval for the project and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: 1048-581-01 thru 09, 11-12, 17, 33, 35-36, 39-45, 48-59, 62, and 67-82); **submitted by: City of Ontario. City Council action is required.**

Senior Planner, Henry Noh, presented the staff report. Mr. Noh stated that the proposed zone change affects 51 properties and he gave the background to when the City updated the land-use and zoning in 2010. He explained it was at that time the current zoning was changed to High-Density Residential (HDR) which is 25 units to acre. Mr. Noh stated the zone change was initiated by the development plan which will follow this item, which is a 14-unit apartment complex. He explained the three different zone-changes and their appropriate properties being proposed, the first are 34 properties from MDR-18 (Medium Density Residential) to HDR-45 (High Density Residential), second are 16 properties from MDR-25 (Medium-High Density Residential) to HDR-45 (High Density Residential), and third, one property from CN (Neighborhood Commercial) to HDR-45 (High Density Residential) with ICC (Interim Community Commercial) Overlay. He stated staff held a Community Open House on December 4, 2016 and all individuals who attended were in favor of the zone change, but they shared comments about the existing impacts like parking along Vesta Street. Other concerns included homeless as a safety issue and additional stop signs along Vesta Street. He stated that staff is requesting the Planning Commission recommend approval to City Council for File No. PZC16-005, pursuant to the facts and reasons contained in the staff report and attached resolution.

Mr. Gage stated they are proposing to go from MDR (Medium-Density Residential) to HDR (High-Density Residential) and it was stated that there's parking on Vesta and problems with the park. He asked how does it benefit the City to make it a higher density area.

Mr. Murphy stated that when they looked at this block in its entirety, from 'D' Street to Vesta, from San Antonio to Vine, what was found was that most of the projects that were developed in that area, were are in the HDR-45 category already. He said they were already built at that density. He said there were only a couple of projects that were built less than 25-units to the acre. He said the zoning they are proposing is really only reinforcing what already exists and they are making it consistent with what is already out there. He said from that standpoint, they are actually eliminating some non-conformities. Mr. Murphy said the issues with parking on Vesta, as they've seen over the years, if there isn't a good management company who isn't actively enforcing the garage spaces, they become nothing more than storage. So, the parking begins to spill over into adjacent neighborhoods. He said that's up to us [Code Enforcement] to get people off the street, but that's a condition that's there and the zone change isn't going to change that. Mr. Murphy explained when looking at the west side of Euclid it was also seen as an incentive to help redevelop some of the properties which are already out there and a reflection of what is on the ground today.

Mr. Gage asked about the L-shaped property and if that is currently MDR and going to HDR. He also asked if they [Planning Commission] recently approved the condominium project to improve the neighborhood.

Mr. Murphy stated there were two different things they're looking at. First, he said is the land-use and density that is out there. He said the land-use and density is in excess to 25-units to the acre on many of the properties that are out there. He said there's a second component that when these properties were built they did have the same parking and open space standards that are in place today. He explained when you start to look at the open space standards and parking requirements that we have today, management and design, and this will be seen when the next item comes up, there is a design that will improve the area and is an asset to the area. Mr. Murphy stated with the HDR-45 there's a hope a new project would come in and scrape what's there and start brand new with current standards instead of following standards from the 70s.

Mr. Gage questioned that there's a better chance that will happen with the higher density than the medium density.

Mr. Murphy stated yes, there's definitely a better chance because if [a developer] is scraping what's out there and building the same, which is Medium-Density, there has to be something which incentivizes and that's High-Density, that's additional revenue.

### **PUBLIC TESTIMONY**

No one responded.

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

Mr. Gregorek stated the staff report was clear.

**PLANNING COMMISSION ACTION**

*It was moved by Gregorek, seconded by Downs, to recommend adoption of a resolution to approve the Zone Change, File No. PZC16-005. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

- F. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN FOR FILE NO. PDEV16-005:** A Development Plan to construct a 14-unit apartment project on a vacant 0.54 acre parcel of land, located at 607 West D Street, within the Medium-High Density Residential (MDR-25) zone (proposed High Density Residential (HDR-45) – Related File No. PZC16-005). The environmental impacts of this project were previously analyzed with the Diamante Terrace Condominium EIR that was adopted by the Planning Commission on March 28, 2006 and was prepared pursuant to the requirements of California Environmental Quality Act. All adopted mitigation measures of the EIR shall be a condition of approval for the project and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1048-581-07); **submitted by: 607 West, LP.**

Senior Planner, Henry Noh, presented the staff report. Mr. Noh gave background on the vacant project site which is surrounded by both multi-family and single-family residents and a Tier-II historically eligible single-family residence. He shared various views of the project site and its surrounding areas for a point of reference. He stated the applicant has proposed a two-story L-shaped building and went over the points of access for the property. He went over the three floor plans, bedroom sizes, landscape and parking requirements, which is 29 parking spaces for the project, including tandem parking spaces. Mr. Noh stated that staff has added conditions to the project that a single-car garage and tandem space would be assigned per two-bedroom units and they would have a maximum of two cars per unit. He said a maximum of one car with carport per unit for the one bedroom and studio units. Mr. Noh stated that there is a caveat that if there are extra spaces available, with approval from the property management, a one-bedroom or studio resident could have an extra space. He also stated that visitor parking is limited to 24-hours. He also went over the architecture and various slides showing the elevations of the project. He stated that staff is recommending the Planning Commission approve File No. PDEV16-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Gage questioned the parking conditions, why did staff feel the need for them.

Mr. Noh stated that its staff's belief to provide conditions to help regulate parking in case there should be problems with parking in the future. He said this provides the City with some teeth and Code Enforcement, per se, that there are conditions that state there are two cars maximum for the two-bedroom units and one car for the one-bedroom units. It helps provide extra protection and helps to mitigate the off-street parking that might exist in the general area.

Mr. Gage stated that they are forecasting not enough parking for the fourteen units.

Mr. Murphy stated that he thinks the bigger issue is that when you start doing the calculations for a two-bedroom unit or one-bedroom unit, the parking for a one-bedroom unit is 1.5 spaces. How are you going to split up half a space? The idea is you go in and limit the one-bedroom unit to one car or the two-bedroom unit to two cars so they don't pop in a third car and take one of the one-bedroom spaces and we end up with a deficit. He said it is a way to give us a little more teeth because it is a relatively small site and they don't have a whole lot of flexibility and can't go above and beyond. He said there is street parking, but there have already been concerns about that from other projects so we want to minimize that concern. So by putting the conditions in there and trying to police it, hopefully we go in there and not have any problems.

Mr. Willoughby asked about the intersection at Beverly Court and if there is any walk or gate access onto Beverly Court.

Mr. Noh stated there will be a wall around the perimeter.

Mr. Willoughby asked in the common area where there are tables, will there be a barbeques?

Mr. Noh stated he believed so, but the Applicant could better address that question.

### **PUBLIC TESTIMONY**

William Lee, the Applicant for 607 West, LP appeared and spoke. He stated they are just a few blocks west of the downtown Ontario area and stated there is a lot of retail potential and the zoning is Medium to High Residential. He stated they designed it with that in mind, some energy to the neighborhood and some walkability to downtown in the future once the retail develops further. He said it was challenging to comply with all the open space and parking requirements of the Development Code but with the Planning Department's help they have been working for several months on coming up with the plan and it's a good plan which makes economic sense it's something that will benefit the community and hopefully be an incentive to his neighbors to be an investment into their properties. He said he would be available to answer any questions the Commission might have.

Mr. Willoughby reiterated his question about the barbeques.

Mr. Lee stated there will be a water feature, benches, and he hadn't made a final decision about a barbeque; but it would sense because it will be an enclosed closed courtyard. He explained how the courtyard will be closed and secured from the public for the tenants of the building.

Mr. Gage asked staff to put up the slide of the north elevation and questioned the "blue door", if that was the entrance.

Mr. Lee explained that was a water feature.

Mr. Gage questioned Mr. Lee if he expected the project to look that way when the project was complete with all the details.

Mr. Lee stated that if the project is approved, he would have to comply with everything presented. He fully plans to have this project look like what is being presented to the Commission.

Ms. DeDiemar asked if Mr. Lee would be managing the project.

Mr. Lee said they would likely be hiring a professional management company, these are apartments for rent.

Mr. Downs asked if the property would be walled-off or gated.

Mr. Lee stated the courtyard will be secluded with a fence and gate, along with landscaping. He said on the east and south sides the Development Code requires a six-foot block wall. He stated on the west side, due to a utility easement, a six-foot vinyl fence will go up since it's easier to replace.

Mr. Downs asked if a gate will be installed to secure the parking area.

Mr. Lee stated he wished they could have done that, but the Development Code doesn't allow for that.

Mr. Murphy stated that in order to gate the project, there has to be a turn-around for cars to stack. He said with this site being as close as it is, it just doesn't allow for that, so the parking will be open.

Lynn McIlwain, a resident at East 206 Grevillea, came up to speak. Mr. McIlwain stated his concern was the bedroom size. He said there was a studio apartment at 700-square feet, a one-bedroom apartment at 700-square feet and a two-bedroom apartment at 800-square feet, which is only 100-square feet larger. He asked what the square footage on the bedrooms.

Mr. Lee stated it would be somewhere between 175 and 200-square feet.

Mr. Willoughby stated that typically apartment bedrooms are 10x10.

Mr. McIlwain asked if these were within the standards for apartments.

Mr. Willoughby asked Mr. Murphy for clarification.

Mr. Murphy stated bedroom sizes can depend on the on the floorplans and can vary from 10x10, 10x12, or 10x20. He said that what one sees in the studio, is a vast majority of living space with a combination of living space and kitchen area because there is no separate bedroom. He said then when you get to a two-bedroom, the living room and dining room areas are relatively small due to the bedrooms.



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

There was no Planning Commission deliberation.

### **PLANNING COMMISSION ACTION**

*It was moved by DeDiemar, seconded by Delman, to adopt a resolution to approve the Development Plan, File No. PDEV16-005, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Ricci, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

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

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

**Historic Preservation (Standing):** This subcommittee did not meet.

**Development Code Review (Ad-hoc):** This subcommittee did not meet.

**Zoning General Plan Consistency (Ad-hoc):** This subcommittee did not meet.

#### **New Business**

### **NOMINATIONS FOR SPECIAL RECOGNITION**

None at this time.

### **DIRECTOR'S REPORT**

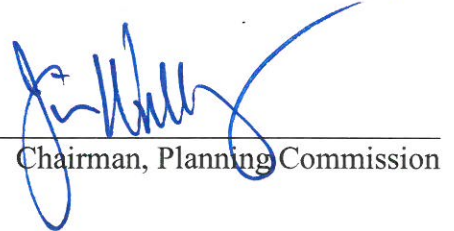
Mr. Murphy stated the monthly activity reports were in their packets. He stated that a letter had been received from Steve Lambert and *The 20/20 Network* and they are trying to pull together a Planning Commissioner network and training within the region. The first gathering is Thursday, March 9<sup>th</sup>. He said he would ask Planning Secretary Marci with all the specifics to send out and email asked the Commissioners to let him know if they are interested.

Ms. DeDiemar reminded everyone of the upcoming cultural art activity taking place from February 2 to March 26, 2017. She said it's the *Sheets, Sheets and Caughman* major exhibit taking place at the Chaffey Community Museum of Art and the Ontario Museum of History and Art. She urged everyone to attend the VIP Reception on Friday, February 10, 2017 from 6-8:30 PM. She said the event will include food, adult beverages and docent-led tours of both museums.

**ADJOURNMENT**

Gregorek motioned to adjourn, seconded by Downs. The meeting was adjourned at 9:24 PM.

  
Secretary Pro Tempore

  
Chairman, Planning Commission