CITY OF ONTARIO
PLANNING COMMISSION/
HISTORIC PRESERVATION
MEETING AGENDA

October 22, 2024

Ontario City Hall
303 East "B" Street, Ontario, California 91764

6:30 PM

WELCOME to a meeting of the Ontario Planning/Historic Preservation Commission.

All documents for public review are on file in the Planning Department located at 303 E. B Street, Ontario, CA 91764.

- ***Anyone wishing to speak during public comment or on a particular item should fill out a green slip and submit it to the Secretary.***
- ***Comments will be limited to 3 minutes. Speakers will be alerted when their time is up. Speakers are then to return to their seats and no further comments will be permitted.***
- ***In accordance with State Law, remarks during public comment are to be limited to subjects within the Commission's jurisdiction. Remarks on other agenda items will be limited to those items.***
- ***Remarks from those seated or standing in the back of the chambers will not be permitted. All those wishing to speak including Commissioners and Staff need to be recognized by the Chair before speaking.***
- ***The City of Ontario will gladly accommodate disabled persons wishing to communicate at a public meeting. Should you need any type of special equipment or assistance in order to communicate at a public meeting, please inform the Planning Department at (909) 395-2036, a minimum of 72 hours prior to the scheduled meeting.***
- ***Please turn off <u>all</u> communication devices (phones and beepers) or put them on non-audible mode (vibrate) so as not to cause a disruption in the Commission proceedings.***

ROLL CALL

Anderson __ Dean __ DeDiemar __ Gage __ Lampkin __ Ricci __

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

1) Agenda Items

2) Commissioner Items

PUBLIC COMMENTS

Citizens wishing to address the Planning/Historic Preservation Commission on any matter that is not on the agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to three minutes.

Please note that while the Planning/Historic Preservation Commission values your comments, the Commission cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.

CONSENT CALENDAR ITEMS

All matters listed under CONSENT CALENDAR will be enacted by one summary motion in the order listed below. There will be no separate discussion on these items prior to the time the Commission votes on them, unless a member of the Commission or public requests a specific item be removed from the Consent Calendar for a separate vote. In that case, the balance of the items on the Consent Calendar will be voted on in summary motion and then those items removed for separate vote will be heard.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of August 27, 2024 and September 24, 2024 meeting, approved as written.

PUBLIC HEARING ITEMS

For each of the items listed under PUBLIC HEARING ITEMS, the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed three (3) minutes to make a presentation on the case. Members of the public will then be allowed three (3) minutes each to speak, unless there are a number of person's wishing to speak and then the Chairperson will allow only three (3) minutes, to accommodate for more persons. The Planning/Historic Preservation Commission may ask the speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three (3) minutes to summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.

B. MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP24-003: A public hearing to consider a Mills Act Contract (Preservation Agreement) for a 1,980 square foot Victorian style single-family residence, a Contributor to the Villa Historic District, located at 314 West H Street, within the MDR-11 (Medium Density Residential-5.1 to 11.0 du/ac) zoning district. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1048-262-25) **submitted by Kali Rose Heitholt and Christopher Ordaz. City Council actions are required.**

1. CEQA Determination

No action necessary - – Exempt: CEQA Guidelines Section §21065

2. File No. PHP24-003 (Mills Act Contract)

Motion to Recommend Approval/Denial

C. **MILLS ACT CONTRACT REVIEW FOR FILE NO. PHP24-008:** A public hearing to consider a Mills Act Contract (Preservation Agreement) for a 1,408 square foot Craftsman Bungalow style single-family residence, a Contributor to the El Morado Court District, located at 208 East El Morado Court, within the LDR-5 (Low Density Residential-2.1 to 5.0 du/ac) zoning district. The Contract is not considered a project pursuant to Section 21065 of the CEQA Guidelines. (APN: 1048-243-02) **submitted by Daniel Gillis. City Council actions are required.**

1. CEQA Determination

No action necessary - – Exempt: CEQA Guidelines Section §21065

2. File No. PHP24-008 (Mills Act Contract)

Motion to Approve/Deny

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

1) Old Business

- Reports From Subcommittees
    - Historic Preservation (Standing): Met on October 9, 2024.

2) New Business

3) Nominations for Special Recognition

DIRECTOR'S REPORT

1) Monthly Activity Report

If you wish to appeal any decision of the Planning/Historic Preservation Commission, you must do so within ten (10) days of the Commission action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at, or prior to, the public hearing.

♦♦♦♦♦♦♦♦♦♦

I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **October 17, 2024**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Gwen Berendsen

Gwen Berendsen, Secretary Pro Tempore

Henry Noh – Planning Director and
Planning/Historic Preservation
Commission Secretary

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

August 27, 2024

CONTENTS **PAGE**

PLEDGE OF ALLEGIANCE 2

ANNOUNCEMENTS 2

PUBLIC COMMENTS 2

CONSENT CALENDAR

A-01. Minutes of July 23, 2024 2

PUBLIC HEARINGS

B. File No. PDEV22-017 3

C. File Nos. PVAR21-005 and PDEV21-028 4

D. File Nos. PVAR22-005 and PDEV23-025 5

E. File Nos. PMTT23-008 and PDEV23-037 6

MATTERS FROM THE PLANNING COMMISSION 10

DIRECTOR'S REPORT 10

ADJOURNMENT 11

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

August 27, 2024

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

COMMISSIONERS Present: Chairperson Ricci**,** Vice-Chairman DeDiemar, Dean, Gage

Absent: Anderson, Del Turco

OTHERS PRESENT: Community Development Assistant Director Zeledon, Attorney Maldonado, Planning Director Noh, Sustainability Manager Ruddins, Principal Planner Eoff IV, Senior Planner Batres, Senior Planner Grahn, Senior Planner Hutter, Associate Planner Vaughn, Principal Engineer Tang, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gage.

ANNOUNCEMENT

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

Mr. Lampkin mentioned the fire at the Jay Littleton Ballpark and the residents that showed up and talked about their memories.

Mr. Ricci also commented regarding the Jay Littleton Ballpark.

Mr. Gage also commented regarding the Jay Littleton Ballpark.

Mr. Dean expressed his condolences to the Littleton family.

PUBLIC COMMENTS

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

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

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

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Gage, to approve the Consent Calendar as written.

Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Ricci; NOES, none; RECUSE, Lampkin; ABSENT, Anderson and Del Turco. The motion was carried 4-0.

PLANNING/HISTORIC COMMISSION PUBLIC HEARING ITEMS

B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-017: A public hearing to consider certification of the Final Environmental Impact Report (State Clearinghouse No. 202209006), including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in conjunction with a Development Plan to construct a 270,337-square-foot industrial building on 13.08 acres of land (0.47 FAR) located at 5355 East Airport Drive, within the IH (Heavy Industrial) zoning district. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 0238-052-29 and 0238-052-20) **submitted by Prologis. At the May 28, 2024 meeting, the Planning Commission voted to reconsider and continue this item.**

Senior Planner Grahn presented the staff report. He stated that the staff is recommending the Planning Commission approve the Certification of the EIR including a Mitigating Monitoring and Reporting Program and a Statement of Overriding Consideration, and the Development Plan, File No. PDEV22-017, pursuant to the facts and reasons contained in the staff report.

PUBLIC TESTIMONY

DJ Arellano with Prologis thanked the staff and expressed their strong community involvement and economic impact within the city. He expressed the unions, LIUNA & Southwestern Carpenters Union, that they will have working on the project. He stated he agreed with the conditions of approval.

Zach Stasters spoke in opposition of the project.

Josh Gustavo spoke in opposition of the project.

Raymond Jackson spoke in opposition of the project.

Robert Ramos with Local Ironworker Local 416 spoke in opposition of the project.

Amy Smith with CARE CA spoke in opposition of the project.

Louie Lopez with Ironworkers Local 433 spoke in opposition of the project.

David Hansen with VA Local 398 and the business council spoke in opposition of the project.

Aidan Marshall with CARE CA spoke in opposition of the project.

Jose Radillo with LIUNA spoke in favor of the project.

Rafael Legido with WSRCC spoke in opposition and requested the project be required to have labor standards.

Jose Garcia with LIUNA spoke in favor of the project.

Prologis rebuttal: Tracy Zin with T&G Planning, who prepared the EIR, spoke regarding responses to the comments, and recapped the project.

Mr. Lampkin wanted clarity on the questions regarding the energy analysis not being addressed.

Ms. Zinn explained the energy analysis questions and applicant's response.

Mr. Noh clarified some topics that were brought up during the comment period.

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

Mr. Lampkin thanked Mr. Noh for the clarification and explained the comments he had made regarding the project at the May meeting and spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by DeDiemar, to approve the certification of the EIR, including the Mitigating Monitoring and Reporting program and the Statement of Overriding Consideration, and the Development Plan, File No. PDEV22-017, subject to conditions of approval. Roll call vote: AYES, Dean, DeDiemar, Gage, Lampkin Ricci; NOES, none; RECUSE, none; ABSENT, Anderson, Del Turco. The motion was carried 5-0.

C. ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR21-005 AND PDEV21-028: A public hearing to consider a Variance (File No. PVAR21-005) to reduce the building setback along an arterial street, from 20 feet to 2 feet 8 inches in conjunction with a Development Plan (File No. PDEV21-028) to construct one industrial building totaling 32,165 square feet on 1.3 acres of land located at 1108 and 1120 East California Street, within the IL (Light Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alteration in Land Use Limitations) and 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 1049-382-01 and 1049-382-02) **submitted by Phelan Development Company. The Development Advisory Board recommended approval of this item at the August 15, 2022, hearing with a (6-0) vote.**

Associate Planner Vaughn presented the staff report. She stated that the staff is recommending the Planning Commission approve the Variance, File No. PVAR21-005 and the Development Plan, File No. PDEV21-028, pursuant to the facts and reasons contained in the staff report.

Mr. Gage wanted to clarify it there was a residential house on the site.

Ms. Vaughn stated the home was demolished in 2004.

PUBLIC TESTIMONY

Mr. Daniel Lee representing the developer was present.

Mr. Rici asked if Mr. Lee agreed with the conditions of approval.

Mr. Lee stated yes.

Alex Zamora with LIUNA spoke in support of the project.

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

PLANNING COMMISSION ACTION

There was no Planning Commission deliberation.

It was moved by DeDiemar, seconded by Dean, to approve the Variance, File No. PVAR21-005 and the Development Plan, File No. PDEV21-028, subject to conditions of approval. Roll call vote: AYES, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Anderson, Del Turco. The motion was carried 5-0.

D. **ENVIRONMENTAL ASSESSMENT, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR22-005 & PDEV23-025:** A public hearing to consider a Variance (File No. PVAR22-005) request to deviate from the required landscape setback along Grove Avenue from 15-feet to 9.5-feet in conjunction with a Development Plan (File No. PDEV23-025) to construct a 25,482 square foot industrial building on 1.34-acres of land located at 1194 E. Holt Boulevard, within the Industrial Park (IP) zoning district. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15183 of the CEQA Guidelines. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 1049-141-24) **submitted by Adel Batarseh. The Development Advisory Board recommended approval of this item at the August 5, 2024 meeting with a (6-0) vote.**

Senior Planner Batres presented the staff report. He stated that the staff is recommending the Planning Commission approve the Variance, File No. PVAR22-005 and the Development Plan, File No. PDEV23-025, pursuant to the facts and reasons contained in the staff report.

Mr. Ricci wanted to know if the landscaping along Grove Ave. will be maintained by the City.

Mr. Batres stated the parkway is the City's responsibility.

PUBLIC TESTIMONY

Richard Finkel the architect for the project was present.

Mr. Ricci asked Mr. Finkel if he agreed with the conditions of approval.

Mr. Finkel stated yes.

Mr. Lampkin wanted to know if there would be a sconce on the south elevation, which looks like it is missing.

Mr. Finkel stated yes.

Mr. Lampkin wanted to know if there would be a monument sign on the corner of the property.

Mr. Finkel responded that they are willing to consider that if the monument sign is appropriate.

Mr. Lampkin asked regarding the truck ingress and egress.

Mr. Finkel stated the trucks can only enter on Grove Ave. and vehicles at both ingress egress locations.

Mr. Lampkin wanted to clarify if it's impossible for trucks to enter on Holt Blvd.

Mr. Finkel stated trucks can come in, but they won't be able to enter the truck dock.

Mr. Lampkin wanted to know if there could be extra signing on Holt Blvd. to let trucks know to enter off Grove Ave.

Mr. Finkel stated it's not necessary they will just end up having to turn out and go to the Grove entrance and there won't be cars crossing with trucks, and that the truck drivers know ahead of time where they are supposed to enter and drop off.

Mr. Lampkin thanked the applicant for the clarification.

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

Mr. Gage spoke in favor of the project.

Mr. Noh clarified the additions to the conditions regarding the monument sign and the truck signage on Holt Blvd.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Lampkin, to approve the Variance, File No. PVAR22-005 and the Development Plan, File No. PDEV23-025, subject to the revised conditions of approval. Roll call vote: AYES, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Anderson, Del Turco. The motion was carried 5-0.

E. ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP, AND DEVELOPMENT PLAN REVIEW FOR FILES NO. PMTT23-008 AND PDEV23-037: A public hearing to consider Tentative Tract Map No. 20659 (File No. PMTT23-008), subdividing 3.1 acres of land into one parcel for condominium purposes, in conjunction with a Development Plan (File No. PDEV23-037) to construct 70 multiple-family residential condominium units on the project site, including 7 moderate affordable dwellings, located at 1355 West 5th Street, within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 1008-551-12) **submitted by Warmington Residential, LLC. The Development Advisory Board recommended approval of this item on July 15, 2024 with an 8-0 vote.**

Senior Planner Grahn presented the staff report. He stated that the staff is recommending the Planning Commission approve the Tentative Tract Map, File No. PMTT23-008 and the Development Plan, File No. PDEV23-037, pursuant to the facts and reasons contained in the staff report.

Mr. Gage wanted clarity on the setbacks for the project.

Mr. Grahn explained the setbacks.

Mr. Gage wanted to clarify that the project are three-story units.

Mr. Grahn stated yes and explained.

Mr. Gage wanted clarity regarding the three-story units and what the south elevation would look like.

Mr. Grahn explained the south elevations and mitigation measures taken to help with privacy to the south residential properties.

Mr. Gage wanted to know which elevations face south.

Mr. Grahn explained the south elevations.

Mr. Gage wanted to clarify that they are small windows on the south elevation.

Mr. Grahn stated yes.

Mr. Lampkin wanted to know if there was a diagram showing sightlines to neighboring residents.

Mr. Grahn stated no.

Mr. Lampkin wanted to clarity what year the density change went through.

Mr. Grahn responded either 20 or 21.

Mr. Lampkin wanted to clarify that this project can move forward only because of SB330.

Mr. Grahn stated that is correct.

Mr. Noh clarified the process.

Mr. Lampkin clarified that the owners of the three churches wanted this.

Mr. Grahn stated that is correct.

Mr. Gage wanted clarity regarding the 3 stories being allowed in medium density residential, but if there was low density residential, what would that look like.

Mr. Grahn explained.

Mr. Gage wanted to clarify that in low-density residential they would be single family residents and not condos or apartments.

Mr. Grahn stated that is correct.

Mr. Noh explained the rezoning to medium density residential was requested by the Sunrise Church and because they didn't want to spot zone they changed all three properties.

Mr. Ricci wanted to clarify that the TOP recommendation to City Council was low density.

Mr. Noh explained the TOP was medium density.

Mr. Ricci wanted to clarify that all three properties were all changed as part of the TOP from low-density to medium-density residential.

Mr. Noh stated yes.

Mr. Ricci wanted to clarify that because of consistency all the properties were changed.

Mr. Noh stated that is correct.

Mr. Lampkin wanted to clarify that the general plan change was to medium-density residential.

Mr. Noh explained the City Council and Planning Commission wanting to change back to low-density residential.

Mr. Ricci wanted to clarify that the plans were submitted while it was zoned the medium-density residential.

Ms. DeDiemar wanted to clarify that the change would apply to all three parcels.

Mr. Noh explained the current zoning is low-density residential.

Ms. DeDiemar wanted to clarify that the parcel in the middle will have different zoning.

Mr. Noh stated yes.

Ms. DeDiemar wanted to know if this is the development or are they working with staff and will it come back.

Mr. Noh stated this is what is being proposed and explained the concessions that the applicant requested and how the staff has worked with them. He explained about the objective design standards.

Ms. DeDiemar wanted to clarify that the project will remain as is.

Mr. Grahn stated yes.

Mr. Gage wanted to clarify that the density bonus allows for incentives, concessions and unlimited waivers to the applicant and there is a penalty of $10,000.00 per unit penalty to city for denial.

Mr. Noh stated that would be correct.

Mr. Gage wanted to clarify it would be a $700,000.00 penalty to the city.

Mr. Noh stated that is correct.

PUBLIC TESTIMONY

Joe Oftelie with Warmington Residential was present.

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

Mr. Oftelie stated staff did a great job presenting the project and he agreed with the conditions of approval.

Ms. DeDiemar asked if he would volunteer to upgrade the project to our higher city standards.

Mr. Oftelie asked in what way.

Ms. DeDiemar clarified regarding the articulation and visible appearance upgrades.

Mr. Oftelie stated he would be willing to work with staff.

Mr. Gage asked if the applicant would build less units to the south.

Mr. Oftelie stated that building less units would not be affordable.

Mr. Lampkin wanted to know what kind of rooms are on the south elevations.

Mr. Oftelie explained that there would be no views from those smaller frosted windows.

Mr. Lampkin wanted clarification on how many waivers and concessions were taken.

Mr. Oftelie stated zero concessions and not sure of the number of waivers.

Mr. Noh stated 6 waivers per page Item B – 5 of 392 of the staff report and explained those waivers.

Mr. Lampkin wanted to know if there would be a HOA for the project.

Mr. Oftelie stated yes.

Mr. Lampkin wanted to know if there would be a property management company on site.

Mr. Oftelie stated no they will be sold, and HOA would manage the property.

Mr. Lampkin wanted clarity regarding the parking.

Mr. Oftelie explained there would be CC&Rs for the project and it would be enforced by the HOA.

Mr. Lampkin wanted to know if residents have issues with parking would they contact the HOA.

Mr. Oftelie stated yes, the HOA will enforce the parking management.

Steve Ho spoke regarding parking, the windows privacy glass on the south side and the Nazarene Church adult daycare.

Mr. Noh explained regarding the church adult daycare and the development code amendment they would need to ask for as it's not an allowed use.

Mr. Ricci explained.

Mr. Ho wanted to know what it can be.

Mr. Ricci explained it is currently low-density residential.

Mr. Ho asked if the applicant could change it to medium-density residential

Attorney Maldonado stated items need to be addressed to the Commission regarding this project.

Mr. Gage asked for clarifications regarding windows on the south side.

Mr. Noh explained the mitigation measures of frosted windows and more mature trees being planted.

Mr. Ho wanted to know when they sell the properties how will the parking be monitored.

Mr. Noh explained the parking management plan and the HOA will enforce that parking.

Mr. Ricci clarified it would be monitored by the HOA.

Mr. Noh explained the project site plan and parking access.

Gustavo Valdeza with Safe Routes to School spoke in opposition of the project.

Mr. Noh provided clarification regarding traffic, and accidents in this area, per Engineering and PD.

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

Mr. Ricci re-opened the public hearing.

Junior Sandoval spoke in opposition of the project.

Mr. Ricci closed the public testimony.

Mr. Lampkin wanted to know whose decision it was to no longer have a church.

Mr. Noh explained it was the church that decided and explained about the State Senate Bill 330. He expressed that he understands the community concerns.

PLANNING COMMISSION ACTION

Mr. Lampkin spoke regarding SB 330 and the state saying we must approve it. He thanked residents for speaking out and encouraged Mr. Gustavo to keep speaking up for his community.

Mr. Ricci spoke to Mr. Gustavo and thanked him for speaking up.

Mr. Gage spoke regarding the law and the spirit of the law.

It was moved by Lampkin, seconded by DeDiemar, to approve the Tentative Tract Map, File No. PMTT23-008 and the Development Plan, File No. PDEV23-037, subject to conditions of approval. Roll call vote: AYES, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Anderson, Del Turco. The motion was carried 5-0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): Met on August 14

Mr. Gage recapped the meeting.

New Business

Nominations for Special Recognition

Mr. Gage mentioned the renovation at Chaffey High School.

DIRECTOR'S REPORT

Mr. Noh stated the Monthly Activity Reports were available.

ADJOURNMENT

Ricci adjourned the meeting at 9:09 PM, to the next meeting on September 24, 2024.

_____
Secretary Pro Tempore

_____
Chairman, Planning Commission

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

September 24, 2024

CONTENTS **PAGE**

PLEDGE OF ALLEGIANCE 2

ANNOUNCEMENTS 2

PUBLIC COMMENTS 2

CONSENT CALENDAR

A-01. Minutes of August 27, 2024 2

A-02. File No. PDEV23-043 3

A-03. File No. PDEV24-006 3

PUBLIC HEARINGS

B. File Nos. PHP23-003, PVAR23-002 and PDEV23-010 4

C. File No. PDCA24-003 5

MATTERS FROM THE PLANNING COMMISSION 6

DIRECTOR'S REPORT 7

ADJOURNMENT 7

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING

MINUTES

September 24, 2024

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

COMMISSIONERS Present: Chairperson Ricci**,** Vice-Chairman DeDiemar, Anderson, Dean, Gage, Lampkin

Absent: Del Turco

OTHERS PRESENT: Community Development Assistant Director Zeledon, Attorney Guiboa, Planning Director Noh, Sustainability Manager Ruddins, Principal Planner Eoff IV, Senior Planner Hutter, Senior Planner Grahn, Senior Planner Mejia, Associate Planner Aguilo, Associate Planner J. Torres, Senior Associate Civil Engineer Sotomayor, and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Lampkin.

ANNOUNCEMENT

Mr. Noh stated Item A-01 would be continued to the next meeting. Mr. Noh stated that Commissioner Del Turco had resigned from the Planning Commission and wished him well.

Mr. Lampkin expressed his thanks in support as a first responder from the community residents during the recent fires.

Mr. Gage stated that October 5, at John Galvin Park there is going to be a fundraiser for the Jay Littleton Ballpark, sponsored by Chaffey High School.

PUBLIC COMMENTS

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

CONSENT CALENDAR ITEMS

Mr. Lampkin pulled Item A-02 from the Consent Calendar for clarification.

A-01. **MINUTES APPROVAL** **-** Planning/Historic Preservation Commission Minutes of August 27, 2024.

This Item was continued to the October 22, 2024 Planning Commission meeting.

A-03. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV24-006:** A hearing to consider a Development Plan to construct 120 multiple-family residential units on 9.61 gross acres of land located on the northeast corner of Eames Street and Twinkle Avenue, within Planning Area 2B (Medium Density Residential) of the Rich Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Rich Haven Specific Plan Amendment (File No. PSPA22-001), for which an Environmental Impact Report (State Clearinghouse No. 2022100425) was certified by the City Council on June 20, 2023. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 0218-161-14) **submitted by Tri Pointe Homes. The Development Advisory Board recommended approval of this item on August 19, 2024 with a (7-0) vote.**

PLANNING COMMISSION ACTION

It was moved by Anderson, seconded by DeDiemar, to approve the Consent Calendar - Item A-03, Development Plan, File No. PDEV24-006, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Del Turco. The motion was carried 6-0.

A-02. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-043:** A public hearing to consider a Development Plan to construct 177 single-family 6-pack and 8-pack courtyard cluster homes and 156 multiple-family row townhomes on 31.18 gross acres of land, generally located northeast of Clifton Street and Chatham Street, within Planning Area 3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and Planning Area 4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Esperanza Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2002061047) was certified by the City Council on January 16, 2007. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 0218-252-39 and 0218-252-09) **submitted by Landwise Development, LLC / Pulte Group, Inc. The Development Advisory Board recommended approval of this item on September 4, 2024 with a (8-0) vote.**

Associate Planner Aguilo, presented the

Mr. Lampkin wanted clarification on the western ranch and craftsman traditional show Spanish colonial architecture and if other features could be added.

Ms. Aguilo stated there was discussion with the applicant and explained what options are available to be added to the architecture.

PUBLIC TESTIMONY

Mr. Tommy Eckes with Pulte Group was present.

Mr. Ricci asked if Mr. Eckes agreed with the revised conditions.

Mr. Eckes stated they are in agreement with the changes discussed.

Mr. Noh. stated there will be a condition added that staff will work with the applicant to discuss the

enhanced articulation.

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

There was no Planning Commissioner deliberation.

PLANNING COMMISSION ACTION

It was moved by Lampkin, seconded by DeDiemar, to approve the Development Plan, PDEV23-043, subject to the revised conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Del Turco. The motion was carried 6-0.

PLANNING/HISTORIC COMMISSION PUBLIC HEARING ITEMS

B. ENVIRONMENTAL ASSESSMENT, CERTIFICATE OF APPROPRIATENESS, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PHP23-003, PVAR23-002, & PDEV23-010: A public hearing to consider a Development Plan (File No. PDEV23-010) and a Certificate of Appropriateness (File No. PHP23-003) to facilitate the construction a 3,515 square-foot commercial building for a fast-food restaurant (McDonald's) with a drive-thru facility on 1 acre of land in conjunction with a Variance (File No. PVAR23-002) to reduce the required interior landscape setback from 10-feet to 8-feet for a property located at the northwest corner of Francis Street and Euclid Avenue within the CN (Neighborhood Commercial) and EA (Euclid Avenue Overlay) zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction of Small Structure), Section 15331 (Historical Resource Restoration/Rehabilitation), and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs:1050-281-03, 1050-281-02, & 1050-281-01) **submitted by Bickel Group Architecture. The Development Advisory Board recommended approval of this item on September 4, 2024 with a (8-0) vote.**

Associate Planner Torres presented the staff report. She stated that the staff is recommending the Planning Commission approve the Certificate of Appropriateness, File No. PHP23-003, the Variance, File No. PVAR23-002 and the Development Plan, File No. PDEV23-010, pursuant to the facts and reasons contained in the staff report.

Mr. Gage wanted to know about the parkway improvements in front and the landscape, regarding the trees and replacements spacing.

Ms. Torres responded regarding the trees and their replacement.

Mr. Gage wanted to know is grass is proposed.

Ms. Torres stated yes that is a requirement for the Euclid Ave. frontage.

Mr. Lampkin wanted to know who would maintain the grass and trees on Euclid.

Mr. Noh stated in the right-of-way it is maintained by the City, and the applicant would be responsible for the landscape within their property.

Mr. Lampkin wanted to know who would maintain the grass on the north and south edges of the project.

Mr. Noh again stated that the landscape in the right-of-way will be maintained by the City.

Mr. Lampkin didn't have the street names.

Ms. Torres stated they were Maple and Francis and that the landscape in the right-of-way was maintained by the City and everything else would be the responsibility of the property owner.

PUBLIC TESTIMONY

Chloe Watson with the Bickel Group was present.

Mr. Ricci asked if Ms. Watson agreed with the conditions of approval.

Ms. Watson stated she did and explained the project in detail.

Sam Nourafshan spoke in favor of the project.

Rod Nourafshan spoke in favor of the project.

Mr. Ricci stated there had been an email received in favor of the project.

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

Mr. Gage spoke in favor of the project.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Lampkin, to approve the Certificate of Appropriateness, File No. PHP23-003, the Variance, File No. PVAR23-002, and the Development Plan, PDEV23-010, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Del Turco. The motion was carried 6-0.

C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT FOR FILE NO. PDCA24-003: A public hearing to consider a Development Code Amendment (File No. PDCA24-003) revising and clarifying certain provisions of Chapters 2.0 (Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), and 6.0 (Development and Subdivision Regulations) of the City of Ontario Development Code. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the commonsense exemption (general rule) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed Development Code Amendment may affect properties located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. In addition, the proposed Development Code Amendment may also affect properties located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Chino Airport Land Use Compatibility Plan; **City Initiated. City Council action is required.**

Senior Planner Grahn presented the staff report. He stated that the staff is recommending the Planning Commission recommend approval to City Council of the Development Code Amendment, File No.

PDCA24-003, pursuant to the facts and reasons contained in the staff report.

Mr. Lampkin wanted clarification regarding public notification of lot mergers.

Mr. Grahn stated yes and explained the process.

Mr. Lampkin wanted to know how the public will be notified if the lot merger was approved.

Mr. Grahn responded.

Mr. Lampkin clarified that it would be a two-prong process regarding notification.

Mr. Grahn stated that was correct.

Mr. Lampkin stated at that point the public could appeal the decision.

Mr. Grahn stated that is correct.

Mr. Gage had a question regarding the public art and the differences.

Mr. Noh explained.

Mr. Gage clarified that is keeps it the same.

Mr. Noh stated that is correct.

Mr. Ricci wanted clarity regarding the HVAC.

Mr. Grahn explained.

Mr. Ricci wanted to know verbiage regarding views from public view.

Mr. Grahn responded.

PUBLIC TESTIMONY

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

There was no Planning Commissioner deliberation.

It was moved by DeDiemar, seconded by Anderson, to recommend approval of the Development Code Amendment, File No. PDCA24-003. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci; NOES, none; RECUSE, none; ABSENT, Del Turco. The motion was carried 6-0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

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

New Business

Mr. Ricci announced that Mr. Dean would be taking over the opening left by Mr. Del Turco's resignation

on the Historic Preservation Subcommittee.

Nominations for Special Recognition

DIRECTOR'S REPORT

Mr. Noh stated the Monthly Activity Reports were available.

ADJOURNMENT

Ricci adjourned the meeting at 7:25 PM, to the next meeting on October 22, 2024.

_____
Secretary Pro Tempore

_____
Chairman, Planning Commission

HISTORIC PRESERVATION COMMISSION AGENDA REPORT

CITY OF ONTARIO PLANNING DEPARTMENT

Historic Ontario — The "Model Colony"

October 22, 2024

303 East B Street, Ontario, California 91764 / Phone: 909.395.2036 / Fax: 909.395.2420

FILE NOS: PHP24-003 and PHP24-008

SUBJECT: A request for two (2) Mills Act Contracts (Preservation Agreements)

LOCATIONS: 314 West H Street (APN: 1048-262-25); and 208 East El Morado Court (APN: 1048-243-02)

PROPERTY OWNER: Kali Rose Heitholt and Christopher Ordaz; and Daniel Gillis

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RECOMMENDED ACTION: That the Historic Preservation Commission consider and recommend that the City Council approve File Nos. PHP24-003 and PHP24-008, pursuant to the facts and reasons contained in the staff report and attached Resolutions. The Historic Preservation Subcommittee reviewed this application on October 9, 2024, and is recommending approval.

BACKGROUND: Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added Sections 50280 through 50289 to the Government Code to allow an owner of a qualified historical property to enter a preservation contract with a local government. The City of Ontario established the Mills Act program in 1997 to provide an economic incentive for the preservation of designated historic landmarks and/or contributing structures within a designated historic district. Since inception of the City's program, 84 Mills Act Contracts have been approved and recorded. There are two contracts proposed at this time, two single-family residences designated as Contributors to the Villa and El Morado Court Historic Districts.

For a historic property to be eligible for the program, it must meet the requirements outlined in the guidelines and standards set by the State of California, Board of Equalization, and the Ontario Development Code (Sec. 4.02.065). The historic property must be either a local, state, or nationally designated property or a contributor within a locally designated historic district whereby the property owner agrees to certain improvements to restore, rehabilitate, or preserve a qualified historic building. In exchange, the San Bernardino County Tax Assessor reassesses the property's value based on an alternative formula that may result in a significant reduction in the owner's property taxes.

Pursuant to State law, a Mills Act Contract is recorded on the property and is a perpetual 10-year contract that automatically renews annually, unless the property owner or the

Case Planner:	Elly Antuna, Associate Planner
Planning Director Approval:	
Submittal Date:	

Hearing Body	*Date*	*Decision*	*Action*
HPSC	10/09/24	Approval	Recommend
HPC	10/22/24		Recommend
CC	12/03/24		Final

City requests notice of non-renewal. The Mills Act Contract and all benefits and responsibilities remain with the land, even after a change of ownership. If a contract is cancelled for any reason, including non-compliance with the conditions of the contract, or upon the request of the property owner or City, a cancellation fee of 12.5 percent of the market value (as of the time of cancellation) is assessed by the County Assessor.

PROJECT ANALYSIS: Staff provides estimates of potential tax savings for the property owner, but ultimately, only the San Bernardino County Assessor can determine the actual Mills Act adjusted value. The Mills Act assessment involves many variables that are typically determined by market forces such as interest rates, capitalization rates, and fair market rental rates. The average property tax savings for the proposed Mills Act Contracts range between 30 and 55 percent in the initial year, with a tax savings decrease each passing year. According to the City budget, Ontario receives 16.8 percent of the property taxes collected. Using that percentage, staff has also calculated the estimated reduction in property tax revenue, the "City cost," and has included that in the analysis.

Upon City Council approval, the City Clerk informs the San Bernardino County Assessor that the property has entered into a Mills Act Contract. The Assessor valuates the historic property with the Mills Act assessment the following tax year, which may differ from staff estimates presented.

A. **FILE NO.:** PHP24-003

PROPERTY OWNER: Kali Rose Heitholt and Christopher Ordaz

LOCATION: 314 West H Street

HISTORIC NAME: Carrie A. Vaughn House

DESIGNATION DATE: September 20, 2005 (Villa Historic District)



(1) Work Program — The Applicants are proposing both exterior and interior work as part of the Contract that qualifies under the guidelines and standards set by the State of California. Exterior work includes window and door repair, exterior paint, installation of a new roof, concrete repair, wood millwork repairs, and wildlife intrusion mitigation. Interior work includes new plumbing, electrical, and HVAC systems. The improvements are valued at an estimated $155,980.

(2) Property Owner Savings — The following Mills Act savings to the property owner are based on estimates.

Current Annual Taxes Paid:	$8,839
Mills Act Annual Taxes Projected:	$2,853

Potential Total Annual Tax Savings:	$5,986
Estimated Savings over 10 years:	$59,860
Estimated Savings Percentage:	67%

(3) City Cost — According to the City budget, Ontario receives approximately 16.8% of the 1% General Tax Levy collected for property taxes. The following shows the estimated loss in City property tax revenue for this Contract based on estimates.

Current Annual City Tax Revenue:	$1,485
Mills Act Annual City Tax Revenue Estimated:	$479
Estimated Total Annual Cost to the City:	$1,006
Estimated Cost to the City over 10 years:	$10,060

The contract provides for $15.51 in improvements for every $1 in estimated property tax cost to the City.

B. **FILE NO.:** PHP24-008

PROPERTY OWNER: Daniel Gillis

LOCATION: 208 East El Morado Court

HISTORIC NAME: Frederick W. Mack House

DESIGNATION DATE: July 16, 2005
(El Morado Court Historic District)



(1) Work Program — The Applicant is proposing both exterior and interior work as part of the Contract that qualifies under the guidelines and standards set by the State of California. Exterior work includes window repair, replacement or repair of damaged wood siding, eaves, rafter tails and soffits, repairs and reinforcement of front porch, exterior paint, new fencing, and tree trimming. Interior work includes new plumbing and electrical, HVAC system maintenance, refinishing of original hardwood floors and substructure framing repairs. The improvements are valued at an estimated $80,300.

(2) Property Owner Savings — The following Mills Act savings to the property owner are based on estimates.

Current Annual Taxes Paid:	$7,911
Mills Act Annual Taxes Projected:	$2,601
Potential Total Annual Tax Savings:	$5,310
Estimated Savings over 10 years:	$53,100
Estimated Savings Percentage:	67%

(3) City Cost — According to the City budget, Ontario receives approximately 16.8% of the 1% General Tax Levy collected for property taxes. The following shows the estimated loss in City property tax revenue for this Contract based on estimates.

Current Annual City Tax Revenue:	$1,329
Mills Act Annual City Tax Revenue Estimated:	$437
Estimated Total Annual Cost to the City:	$892
Estimated Cost to the City over 10 years:	$8,920

The contract provides for $9.00 in improvements for every $1 in estimated property tax cost to the City.

CUMULATIVE IMPACTS: The City currently has 84 approved Mills Act Contracts and two proposed contracts. The cumulative impacts are based on the initial projected assessment of each contract for the proposed year.

	Existing	*Proposed*
Number of contracts:	84	86
Average Estimated Annual Tax Saving to Property Owners:	$1,935	$1,999
Estimated Annual Cost to the City:	$26,2985	$28,883
Estimated Cost to the City over 10 Years:	$269,850	$288,834
Estimated Total Value of Improvements over 10 Years:	$3,720,540	$3,956,820
Estimated Loss of Revenue to Improvement Ratio:	$1/13.79	$1/13.70

PUBLIC NOTIFICATION: The subject applications were advertised as a hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper).

CORRESPONDENCE: As of the preparation of this report, staff has not received any written or verbal communications from the owners or occupants of properties surrounding the Project site or from the public in general, regarding the subject application.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed Project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (general plan), and City Council Priorities components of The Ontario Plan ("TOP"). More specifically, the goals and policies of TOP that are furthered by the proposed Project are as follows:

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

(2) Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

  - G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(3) Policy Plan (General Plan)

Community Economics Element:

- Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

  - CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

  - S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element – Historic Preservation:

- Goal CD4: Historic buildings, streets, landscapes, and neighborhoods, as well as the story of Ontario's people, businesses, and social and community organizations, have been preserved and serve as a focal point for civic pride and identity.

  - CD-4.2 Collaboration with Property Owners and Developers. We educate and collaborate with property owners and developers to implement strategies and best practices that preserve the character of our historic buildings, streetscapes, and unique neighborhoods.

- CD-4.4 Incentives. We use the Mills Act and other federal, state, regional and local programs to assist property owners with the preservation of select properties and structures.

- CD-4.6 Promotion of Public Involvement in Preservation. We engage in programs to publicize and promote the City's and the public's involvement in preservation efforts.

- Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

- CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

- CD-5.3 Improvements to Property & Infrastructure. We provide programs to improve property and infrastructure.

- CD-5.4 Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

ENVIRONMENTAL REVIEW: A Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to The California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

RESOLUTION NO.

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP24-003, A MILLS ACT CONTRACT (PRESERVATION AGREEMENT) FOR THE CARRIE A. VAUGHN HOUSE, LOCATED AT 314 WEST H STREET (APN: 1048-262-25).

WHEREAS, KALI ROSE HEITHOLT AND CHRISTOPHER ORDAZ ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP24-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Carrie A. Vaughn House, located at 314 West H Street (APN: 1048-262-25), is a Victorian style single-family residence that was constructed in 1914 and is worthy of preservation and was designated by City Council on September 20, 2005, as a Contributor within the Villa Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

WHEREAS, the City of Ontario Development Code Division 2.03 (Public Hearings)

prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on October 9, 2024, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC24-003, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 22, 2024, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Mills Act Contract; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED, the Historic Preservation Commission of City of Ontario, as follows:

SECTION 1. ***Environmental Determination and Findings***. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to the California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. ***Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Carrie A. Vaughn House, located at 314 West H Street, was designated by City Council on September 20, 2005 as a Contributor within the Villa Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. ***Historic Preservation Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

SECTION 4. ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. ***Custodian of Records***. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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The Secretary Pro Tempore for the Historic Preservation Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of October, 2024, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nicola Ricci
Historic Preservation Commission
Chairperson

ATTEST:

Henry K. Noh
Planning Director and Secretary to the
Historic Preservation Commission

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC24- , was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 22, 2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT "A"

File No. PHP24-003
Historic Property Preservation Agreement

(Agreement to follow this page)

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East “B” Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 3rd day of December 2024, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the “City”) and Kali Rose Heitholt and Christopher Ordaz (hereinafter referred to as the “Owner”).

WITNESSETH:

A. Recitals.

(I) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Carrie A. Vaughn House, located at the street address 314 West H Street, Ontario, CA 91762 (hereinafter such property shall be referred to as the “Historic Property”). A legal description of the Historic Property is attached hereto, marked as Exhibit “A” and is

incorporated herein by this reference;

(iv) On September 20, 2005, the City Council of the City of Ontario designated the Historic Property as a Contributor to the Villa Historic District pursuant to the terms and provisions of Title 9, Volume II, Chapter 1 of the Ontario Municipal Code and Section 4.02040 of the Ontario Development Code; and

(v) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 3, 2024 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the "renewal date"), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written

protest of the notice. Upon receipts by the Owner of a notice from the City of non-renewal, the City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the Applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building

permits, and approvals may result in cancellation of this Agreement as set forth on Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations (no less than 1 per every 5 years), by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default

under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such other relief against any violation by Owner or apply for such other relief an may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Kali Rose Heitholt and Christopher Ordaz
314 West H Street
Ontario, CA 91762

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated:_____ By: _____
City Manager

Attest

_____
City Clerk

Approved as to Form

_____
City Attorney

Dated:_____ By: _____
Kali Rose Heitholt, Owner

Dated:_____ By: _____
Christopher Ordaz, Owner

Exhibit A: Historic Property Preservation Agreement
Legal Description

Address: 314 West H Street
Ontario, CA 91762

APN: 1048-262-25

File No.: PHP24-003

The property located at: 314 West H Street
Ontario, CA 91762

is legally described as: THE EAST 84.49 FEET OF THE WEST 213.24 FEET OF LOT 4, BLOCK 884, ACCORDING TO THE MAP OF THE TOWN OF ONTARIO, IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 9 OF MAPS, PAGE 43, RECORDS OF SAID COUNTY, EXCEPTING THEREFROM THAT PORTION LYING EAST OF THE EASTERLY 145.21 FEET OF THE SAID LOT 4. ALSO EXCEPTING THEREFROM THE NORTH 145.00 FEET THEREOF.

APN: 1048-262-25-0-000

Exhibit B: Historic Property Preservation Agreement
Property Maintenance

Address: 314 West H Street, Ontario, CA 91762 **APN:** 1048-262-25 **File No.:** PHP24-003

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures and buildings, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section 7.01.045 of the Ontario Development Code and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

Exhibit C: Historic Property Preservation Agreement
Proposed Improvements

Address: 314 West H Street, Ontario, CA 91762 **APN:** 1048-262-25 **File No.:** PHP24-003

Contract Year	Description
2025:	Repipe gas lines throughout house. Upgrade electrical. Install new HVAC system.
2026:	Repair, unstick and refinish (8) original upstairs windows and (1) door to operating condition. Replace cords and weights as needed.
2027:	Install insulation in attic of home. Install new plumbing and shut off valves.
2028:	Seal holes around foundation, roof and walls and add screens around foundation and vents to prevent wildlife from entering.
2029:	Repair, unstick and refinish (9) original downstairs windows and (5) doors to operating condition. Replace cords and weights on windows as needed.
2030:	Install new glazing in existing window frames where broken, cracked or damaged as needed.
2031:	Paint exterior of house in period appropriate color palette.
2032:	Reroof house.
2033:	Replace wooden millwork (like for like) throughout house where rot or damage is evident.
2034:	Repair cracks in concrete driveway and front walkway.

RESOLUTION NO.

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PHP24-008, A MILLS ACT CONTRACT (PRESERVATION AGREEMENT) FOR THE FREDERICK W. MACK HOUSE, LOCATED AT 208 EAST EL MORADO COURT (APN: 1048-243-02).

WHEREAS, DANIEL GILLIS ("Applicant") has filed an Application for the approval of a Mills Act Contract, File No. PHP24-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Development and the Aesthetic, Cultural, Open Space and Recreational Resources Elements of the Ontario Plan (Policy Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Frederick W. Mack House, located at 208 East El Morado Court (APN: 1048-243-02), is a Craftsman style single-family residence constructed in 1922 and is worthy of preservation and was designated by City Council on July 16, 2005, as a Contributor within the El Morado Court Historic District; and

WHEREAS, the Application is not a project pursuant to Section 21065 of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") Guidelines. The Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Historic Preservation Commission the responsibility and authority to review and make recommendation to the City Council on the subject Application; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing

procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on October 9, 2024, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. HPSC24-004, recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on October 22, 2024, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, the Historic Preservation Commission has reviewed this application and determined it to be to the mutual benefit to the City and property owner to enter into a Mills Act Contract; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED, the Historic Preservation Commission of City of Ontario, as follows:

SECTION 1. ***Environmental Determination and Findings***. As the recommending body for the Project, the Historic Preservation Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Historic Preservation Commission, the Historic Preservation Commission finds that the Mills Act Contract will not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and, therefore, is not a project subject to the California Environmental Quality Act, pursuant to Section 21065 of the California Public Resources Code.

SECTION 2. ***Concluding Facts and Reasons.*** Based upon the substantial evidence presented to the Historic Preservation Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Historic Preservation Commission hereby concludes as follows:

(1) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as a property of historical significance; and

(2) The Frederick W. Mack House, located at 208 East El Morado Court, was designated by City Council on July 16, 2005 as a Contributor within the El Morado Court Historic District; and

(3) The Applicant has set forth a work program for this specific property to ensure the preservation of this historic resource that qualifies under the guidelines and standards set by the State of California.

SECTION 3. ***Historic Preservation Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Historic Preservation Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE THE REQUEST FOR A MILLS ACT CONTRACT.

SECTION 4. ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5. ***Custodian of Records***. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 E. B Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6. ***Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

- - - - - - - - - - - - - -

The Secretary Pro Tempore for the Historic Preservation Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Historic Preservation Commission of the City of Ontario at a regular meeting thereof held on the 22nd day of October, 2024, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Nicola Ricci
Historic Preservation Commission
Chairperson

ATTEST:

Henry K. Noh
Planning Director and Secretary to the
Historic Preservation Commission

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Gwen Berendsen, Secretary Pro Tempore of the Historic Preservation Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC24- , was duly passed and adopted by the Historic Preservation Commission of the City of Ontario at their regular meeting held on October 22, 2024, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT "A"

File No. PHP24-008
Historic Property Preservation Agreement

(Agreement to follow this page)

RECORDING REQUESTED BY
And When
RECORDED MAIL TO:

City Clerk, City of Ontario
303 East "B" Street
Ontario, CA 91764

Exempt Recording Fees Pursuant to Government Code Section 6103 & 27383

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 3rd day of December 2024, by and between the City of Ontario, a municipal corporation (hereinafter referred to as the "City") and Daniel Gillis (hereinafter referred to as the "Owner").

WITNESSETH:

A. Recitals.

(I) California Government Code Section 50280, et seq., authorizes cities to enter into contracts with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance;

(ii) Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Frederick W. Mack House, located at the street address 208 East El Morado Court, Ontario, CA 91764 (hereinafter such property shall be referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is incorporated herein by this reference;

(iv) On July 16, 2005, the City Council of the City of Ontario designated the Historic Property as a Contributor to the El Morado Court Historic District pursuant to the terms and provisions of Title 9, Volume II, Chapter 1 of the Ontario Municipal Code and Section 4.02040 of the Ontario Development Code; and

(v) The City and Owner, for their mutual benefit, now desire to enter into this agreement both to protect and preserve the characteristics of historical significance of the Historic Property and to qualify the Historic Property for an assessment of valuation pursuant to the Provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

B. Agreement

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 3, 2024 and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the effective date, such initial term will automatically be extended as provided in paragraph 2, below.

2. Renewal. Each year on the anniversary of the effective date of this Agreement (hereinafter referred to as the "renewal date"), a year shall automatically be added to the initial term of this Agreement unless notice of non-renewal is mailed as provided herein. If either Owner or City desires in any year not to renew the Agreement, Owner or City shall serve written notice of non-renewal of the Agreement on the other party in advance of the annual renewal date of the Agreement. Unless such notice is served by Owner to City at least ninety (90) days prior to the annual renewal date, or served by City to Owner at least sixty (60) days prior to the annual renewal date, one (1) year shall automatically be added to the term of the Agreement provided herein. Owner may make a written protest of the notice. Upon receipts by the Owner of a notice from the City of non-renewal, the City may, at any time prior to the annual renewal date of the Agreement, withdraw its

notice to Owner of non-renewal. If either City or Owner serves notice to the other of non-renewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

3. Fees. Prior to recordation the Applicant shall pay the applicable fee in effect at the time recordation is requested.

4. Standards for Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements and restrictions:

A. Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto, marked as Exhibits "B", and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement.

B. Owner shall, where necessary, restore and rehabilitate the property according to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Rehabilitation Standards, the State Historical Building Code, and the Ontario Development Code and in accordance with the attached schedule of potential improvements, drafted by the applicant and approved by the City Council, attached hereto as Exhibit "C".

C. Pursuant to Section 4.02.050 of the Ontario Development Code, Owner shall obtain a Certificate of Appropriateness for any alteration, addition, restoration, rehabilitation, repainting, resurfacing, and for each and every item listed in Exhibit "C", prior to commencement of work. Failure to obtain all necessary permits, including building permits, and approvals may result in cancellation of this Agreement as set forth on Paragraph 6, Cancellation herein.

D. Owner shall allow reasonable periodic examinations (no less than 1 per every 5 years), by prior appointment, of the interior and exterior of the Historic Property by representatives of the County Assessor, State Department of Parks and Recreation, State Board of Equalization, and the City, as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement.

5. Provision of Information of Corporation. Owner hereby agrees to furnish City with any and all information requested by the City, which may be necessary or advisable to determine compliance with the terms and provision of this Agreement.

6. Cancellation. City, following a duly noticed public hearing as set forth in California Government Code Sections 50280, et seq., may cancel this Agreement if it determines that Owner breached any of the conditions of this Agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines that the Owner has failed to restore or rehabilitate the property in the manner specified in subparagraph 4(B) of this Agreement. In the event of cancellation, Owner may be subject to payment of those cancellation fees set forth in California Government Code Sections 50280, et seq.

7. Enforcement of Agreement. In lieu of and/or in addition to any provision to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default, under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement, and if such a violation is not corrected to the reasonable satisfaction of the City within thirty (30) days thereafter, or if not corrected within such reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days (provided that acts to cure the breach of default may be commenced within thirty (30) days and must be pursued to completion by Owner), then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, apply to any court, state or federal, for injunctive relief against any violation by Owner or apply for such

other relief against any violation by Owner or apply for such other relief an may be appropriate.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this agreement shall be deemed to be a waiver of any other subsequent breach thereof or default herein under.

8. Binding Effect of Agreement. The Owner hereby subjects the Historic Property described in Exhibit "A" hereto to the covenants, reservations and restriction as set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument hereinafter executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that Owner's legal interest in the Historic Property is rendered less valuable thereby. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the historic characteristics and significance of the Historic Property for the benefit of the public and the Owner.

9. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other

address as may be later specified by the parties hereto.

To City: City of Ontario
303 East "B" Street
Ontario, CA 91764

Attention: Planning Director

To Owner: Daniel Gillis
208 East El Morado Court
Ontario, CA 91764

10. General Provisions.

A. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

B. Owner agrees to and shall hold City and its elected officials, officers, agents, and employees harmless from liability for damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relates to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents, and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

C. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the

parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

D. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorney's fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

E. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

F. This Agreement shall be construed and governed in accordance with the laws of the State of California.

11. Recordation. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the office of the County Recorder of the County of San Bernardino.

12. Amendments. This Agreement may be amended, in whole or in part, only by a written recorded instrument executed by the parties hereto.

IN WITNESS WHEREOF, City and Owner have executed this Agreement on the day and year first written above.

CITY OF ONTARIO

Dated:_____ By: _____
City Manager

Attest

_____
City Clerk

Approved as to Form

_____
City Attorney

Dated:_____ By: _____
Daniel Gillis, Owner

Exhibit A: Historic Property Preservation Agreement
Legal Description

Address: 208 East El Morado Court
Ontario, CA 91764

APN: 1048-243-02

File No.: PHP24-008

The property located at: 208 East El Morado Court
Ontario, CA 91764

is legally described as: EL MORADO TRACT LOT 11 BLK 4

APN: 1048-243-02-0-000

Exhibit B: Historic Property Preservation Agreement
Property Maintenance

Address: 208 East El Morado Court, Ontario, CA 91764 **APN:** 1048-243-02 **File No.:** PHP24-008

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures and buildings, such as fences, roofs, doors, walls, and windows;
2. Scrap lumber, junk, trash or debris;
3. Abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
4. Stagnant water or excavations, including unmaintained pools or spas;
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

The property owner shall also comply with the provisions of the Duty to Keep in Good Repair Section 7.01.045 of the Ontario Development Code and all other applicable provisions of the City's Property Appearance – Nuisance Ordinance (Chapter 22 of Title 5 of the Ontario Municipal Code, Commencing at Sec. 5-22.02).

Exhibit C: Historic Property Preservation Agreement
Proposed Improvements

Address: 208 East El Morado Court, Ontario, CA 91764 **APN:** 1048-243-02 **File No.:** PHP24-008

Contract Year	Description
2025:	Install fencing along the west interior property line. Tree trimming located in front yard. Repair one window on west.
2026:	Repair sewer main. Repair one window on the east.
2027:	Replace knob and tube wiring with new electrical system.
2028:	Repair concrete at patio, replace rotted wood columns at front porch, install missing ledger board and install missing post supports to reinforce front porch. Replace water heater. Repair basement window.
2029:	Replace or repair damaged wood siding, eaves, rafter tails and soffits.
2030:	Repair 2 windows east elevation. Install new gutters. Tree trimming located in front yard ($600).
2031:	Repair bathroom walls. Repair broken floor tiles in bathroom. Add exhaust fan in bathroom.
2032:	Refinish original hardwood floors throughout house.
2033:	Repair substructure framing. HVAC and plumbing repairs.
2034:	Paint exterior of house.

CITY OF ONTARIO PLANNING DEPARTMENT

PLANNING DEPARTMENT ACTIVITY REPORT

Month of September 2024

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

TO: Chairman and Members of the Planning Commission

FROM: Henry Noh, Planning Director

DATE: October 22, 2024

Attached, you will find the Planning Department Monthly Activity Reports for the month of September 2024. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site at: https://www.ontarioca.gov/Planning/Reports/MonthlyActivity.

Monthly Activity Report: Actions

Month of September 2024

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

CITY COUNCIL/HOUSING AUTHORITY MEETING
September 3, 2024

ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN REVIEW FOR FILE NO. PSP22-001: A public hearing to consider approval of a Specific Plan (File No. PSP22-001 – Euclid Mixed Use Specific Plan) to establish the land use districts, development standards, guidelines, and infrastructure improvements for the potential development of up to 1,386,776 square feet of Business Park land uses, 290,110 square feet of office and retail land uses, and 446 dwelling units on the 84-acre project site relating to [1] Tentative Parcel Map No. 20714 (File No. PMTT23-005) to subdivide approximately 60 acres of land into 13 numbered lots and 2 lettered lots; and [2] a Development Plan (File No. PDEV23-011) to construct 12 business park industrial buildings totaling 882,538 square feet on approximately 43 acres of land generally located east of Euclid Avenue, south of Schaefer Avenue, west of Sultana Avenue and north of Edison Avenue within the proposed Euclid Mixed Use Specific Plan. (APNs: 1053-071-01; 1053-071-02; 1053-071-03; 1053-071-04; 1053-211-01; 1053-211-02; 1053-211-05; 1053-281-01; 1053-281-02; 1053-281-03; 1053-281-04; 1053-281-07; 1053-281-08; 1053-081-01; 1053-081-02; 1053-081-03; 1053-081-04). **Submitted by Euclid Land Investment LLC. On August 20, 2024, the City Council introduced and waived further reading.**
Action: The City Council considered and adopted an Ordinance approving the Specific Plan (File No. PSP22-001).

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA23-004: A public hearing to consider a Development Agreement (File No. PDA23-004) between the City of Ontario and Euclid Land Investment, LLC to establish the terms and conditions associated with Tentative Parcel Map 20714 (File No. PMTT23-005), a 60 acre property located east of Euclid Avenue, south of Schaefer Avenue, west of Sultana Avenue and north of Edison Avenue within a proposed Euclid Mixed Use Specific Plan (File No. PSP22-001) (APNs: 1053-071-01; 1053-071-02; 1053-071-03; 1053-071-04; 1053-211-01; 1053-211-02; 1053-281-08; 1053-081-01; 1053-081-02; 1053-081-03; 1053-081-04); **Submitted by Euclid Land Investment, LLC. On August 20, 2024, the City Council introduced and waived further reading.**
Action: The City Council considered and adopted an Ordinance approving Development Agreement (File No. PDA23-004).

AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO UPHOLD THE ZONING ADMINISTRATOR'S INTERPRETATION AND DETERMINATION DECISION FOR FILE NOS. PDET23-005, PDET23-007, PDET23-008, PDET23-009, PDET23-010, PDET23-015 AND PDET23- 016:
Action: The City Council introduced and continued this item to the October 1, 2024 meeting.

DEVELOPMENT ADVISORY BOARD MEETING
September 4, 2024

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, CERTIFICATE OF APPROPRIATENESS, AND VARIANCE FOR FILE NOS. PDEV23-010, PHP23-003, & PVAR23-002: A public hearing to consider a Development Plan (File No. PDEV23-010) and a Certificate of Appropriateness (File No. PHP23-003)

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

to facilitate the construction a 3,515 square-foot commercial building for a fast-food restaurant (McDonald's) with a drive-thru facility on 1 acre of land in conjunction with a Variance (File No. PVAR23-002) to reduce the required interior landscape setback from 10-feet to 8-feet for a property located at the northwest corner of Francis Street and Euclid Avenue within the CN (Neighborhood Commercial) and EA (Euclid Avenue Overlay) zoning districts. (APNs:1050-281-03, 1050-281-02, & 1050-281-01). **submitted by Bickel Group Architecture. Planning/Historic Preservation Commission action is required.**
Action: The Development Advisory Board recommended approval of Development Plan, File No. PDEV23-010, Certificate of Appropriateness, File No. PHP23-003, and Variance, File No. PVAR23-002, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-043: A public hearing to consider a Development Plan to construct 177 single-family 6-pack and 8-pack courtyard cluster homes and 156 multiple-family row townhomes on 31.18 gross acres of land, generally located northeast of Clifton Street and Chatham Street, within Planning Area 3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and Planning Area 4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan. (APNs: 0218-252-39 and 0218-252-09) **submitted by Landwise Development, LLC / Pulte Group, Inc. Planning Commission action is required.**
Action: The Development Advisory Board recommended approval of the Development Plan, File No. PDEV23-043, subject to conditions.

ZONING ADMINISTRATOR MEETING
September 4, 2024

Meeting Cancelled

HISTORIC PRESERVATION SUBCOMMITTEE MEETING
September 11, 2024

Meeting Cancelled

DEVELOPMENT ADVISORY BOARD MEETING
September 16, 2024

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-022: A public hearing to consider a Development Plan to construct a commercial building and an ancillary storage building totaling 28,509 square feet on 4.97 acres of land, located at the southeast corner of QVC Way and Inland Empire Boulevard, within the Urban Commercial land use district of the

Meredith International Center Specific Plan. (APN: 0110-321-80) **submitted by Walter's Automotive Group.**
Action: The Development Advisory Board adopted a Decision approving the Development Plan, File No. PDEV23-022, subject to conditions.

ZONING ADMINISTRATOR MEETING
September 16, 2024

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP24-012: A public hearing to consider a Conditional Use Permit request to operate a restaurant with a Type 41 ABC License (On-Sale Beer and Wine – Eating Place) within an existing 2,000 square-foot restaurant ("Ontario Pizza") located at 1520 N. Mountain Avenue, Suite C 116, within the Sixth Street land use district of the Mountain Village Specific Plan. (APN: 1008-272-02). **Submitted by Kamalpreet Singh.**
Action: The Zoning Administrator adopted a Decision approving Conditional Use Permit, File No. PCUP24-012, subject to conditions.

CITY COUNCIL/HOUSING AUTHORITY
September 17, 2024

No Planning Items Presented

PLANNING/HISTORIC PRESERVATION COMMISSION MEETING
September 24, 2024

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-043: A public hearing to consider a Development Plan to construct 177 single-family 6-pack and 8-pack courtyard cluster homes and 156 multiple-family row townhomes on 31.18 gross acres of land, generally located northeast of Clifton Street and Chatham Street, within Planning Area 3 (RD-7 / Row Townhomes and RD-8 / Motorcourt Townhomes) and Planning Area 4 (RD-6 / 6 and 8 Pack Courtyard / Row Townhomes) of the Esperanza Specific Plan. (APNs: 0218-252-39 and 0218-252-09). **Submitted by Landwise Development, LLC / Pulte Group, Inc. The Development Advisory Board recommended approval of this item on September 4, 2024, with a (8-0) vote.**
Action: The Planning Commission adopted a Resolution approving the Development Plan, File No. PDEV23-043, subject to revised conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV24-006: A hearing to consider a Development Plan to construct 120 multiple-family residential units on 9.61 gross acres of land located on the northeast corner of Eames Street and Twinkle Avenue, within

Planning Area 2B (Medium Density Residential) of the Rich Haven Specific Plan. (APN: 0218-161-14). **Submitted by Tri Pointe Homes. The Development Advisory Board recommended approval of this item on August 19, 2024, with a (7-0) vote.**
Action: The Planning Commission adopted a Resolution approving Development Plan, File No. PDEV24-006, subject to conditions.

ENVIRONMENTAL ASSESSMENT, CERTIFICATE OF APPROPRIATENESS, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PHP23-003, PVAR23-002, & PDEV23-010: A public hearing to consider a Development Plan (File No. PDEV23-010) and a Certificate of Appropriateness (File No. PHP23-003) to facilitate the construction a 3,515 square-foot commercial building for a fast-food restaurant (McDonald's) with a drive-thru facility on 1 acre of land in conjunction with a Variance (File No. PVAR23-002) to reduce the required interior landscape setback from 10-feet to 8-feet for a property located at the northwest corner of Francis Street and Euclid Avenue within the CN (Neighborhood Commercial) and EA (Euclid Avenue Overlay) zoning districts. (APNs:1050-281-03, 1050-281-02, & 1050-281-01). **Submitted by Bickel Group Architecture. The Development Advisory Board recommended approval of this item on September 4, 2024, with a (8-0) vote.**
Action: The Planning/Historic Preservation Commission adopted Resolutions approving Development Plan, File No. PDEV23-010, Certificate of Appropriateness, File No. PHP23-003, and Variance, File No. PVAR23-002, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT FOR FILE NO. PDCA24-003: A public hearing to consider a Development Code Amendment (File No. PDCA24-003) revising and clarifying certain provisions of Chapters 2.0 (Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), and 6.0 (Development and Subdivision Regulations) of the City of Ontario Development Code. **City Initiated. City Council action is required.**
Action: The Planning Commission recommended approval of Development Code Amendment, File No. PDCA24-003.

MONTHLY ACTIVITY REPORT: NEW APPLICATIONS

Month of September 2024

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PADX24-001: **Submitted by c/o Sares Regis Group**

An Administrative Exception related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **Planning Commission action is required.**

PADX24-002: **Submitted by c/o Sares Regis Group**

An Administrative Exception related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **Planning Commission action is required.**

PCUP24-021: **Submitted by Vasquez Design Group**

A Conditional Use Permit to establish a 2,331 square-foot RV garage with pool bathroom on 0.5 acres of land located at 1445 West Spruce Court, within the AR-2 zoning district (APN(s): 1014-561-33). **Zoning Administrator action is required.**

PCUP24-022: **Submitted by c/o Sares Regis Group**

A Conditional Use Permit related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **Planning Commission action is required.**

PCUP24-023: **Submitted by c/o Sares Regis Group**

A Conditional Use Permit related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **Planning Commission action is required.**

PDA-24-001: **Submitted by c/o Sares Regis Group**

A Development Agreement related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus

Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **City Council action is required.**

PDA-24-002: Submitted by Ontario Ranch Venture II, LLC c/o Sares Regis Group

A Development Agreement related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **City Council action is required.**

PDEV24-019: Submitted by KB Home

A Development Plan approval to construct 67 detached single-family dwellings, 129 detached motorcourt units, and 154 attached townhomes on 51.1 acres of land, located at southwest corner of Eucalyptus Avenue and Haven Avenue, within Planning Areas 30 and 31 of the Subarea 29 Specific Plan (APNs: 0218-321-13; 0218-321-31; 0218-321-32). Related File: PMTT21-018 / TM 20472. **Planning Commission action is required.**

PDEV24-020: Submitted by RGA ARCHITECTS

A Development Plan to construct three industrial buildings totaling 272,300 square feet on approximately 15.1 acres of land located at 1940, 1910, and 1660 East Eucalyptus Avenue, within Business Park land use district of the Merrill Commerce Center Specific Plan (APN(s): 1054-501-01; 1054-501-03; 1054-161-04). **Development Advisory Board action is required.**

PDEV24-021: Submitted by RGA ARCHITECTS

A Development Plan to construct one industrial building totaling 102.430 square feet on 4.67 acres of land located at 1656 South Bon View Avenue, within the IG (General Industrial) zoning district (APN(s): 1050-211-02). **Planning Commission action is required.**

PDEV24-022: Submitted by Ontario Ranch Venture II, LLC c/o Sares Regis Group

A Development Plan to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). Related File(s): PADX24-001, PCUP24-022, PDA-24-001, PDIF24-002, PGPA24-004, PMTT24-009, PSP-24-003 and PZC-24-001. **Planning Commission action is required.**

PDEV24-023: Submitted by c/o Sares Regis Group

A Development Plan to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-

322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **Planning Commission action is required.**

PGPA24-004: **Submitted by c/o Sares Regis Group**

A General Plan Amendment related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **City Council action is required.**

PGPA24-005: **Submitted by c/o Sares Regis Group**

A General Plan Amendment related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **City Council action is required.**

PHP-24-009: **Submitted by Shirley Lin**

Removal of an Eligible Historic Resource from the Ontario Register of Historic Resources (single-family residence), located at 901 West Sixth Street, within the LDR-5 (Low Density Residential - 2.1 - 5.0 DUs/AC) zoning district (APN: 1008-481-13). **Historic Preservation Subcommittee action is required.**

PMTT24-009: **Submitted by c/o Sares Regis Group**

A Tentative Parcel Map related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **Planning Commission action is required.**

PMTT24-010: **Submitted by c/o Sares Regis Group**

A Tentative Parcel Map related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **Planning Commission action is required.**

CITY OF ONTARIO PLANNING DEPARTMENT

MONTHLY ACTIVITY REPORT: NEW APPLICATIONS

Month of September 2024

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PMTT24-011: **Submitted by EPD Solutions**

A Parcel Map for Common Interest Subdivision purposes, to subdivide approximately 40.07 acres of land into four numbered lots and two lettered lot common parcels, located at 7435 Schaefer Avenue, within the proposed Schaefer Avenue Storage Center Specific Plan (APN(s): 1053-091-01; 1053-101-01; 1053-101-02). Related File(s): PGPA20-003; PSP-20-001; PZC-20-001; PDEV20-018; PDA-21-002. **Planning Commission action is required.**

PSGN24-095: **Submitted by 88 Sign Corp**

A Sign Plan for 'THEORY OF ME MED SPA' to install one wall mounted illuminated channel letter sign on the building located at 2780 Riverside Drive Unit C. **Staff action is required.**

PSGN24-096: **Submitted by Signarama Ontario**

A Sign Plan for 'ID LOGISTICS' to install one wall mounted sign on the building located at 102 Wanamaker Avenue. **Staff action is required.**

PSGN24-097: **Submitted by Signum Lux Corp**

A Sign Plan for 'AL CHILE' to install wall mounted signage on the building located at 2225 South Mountain Avenue. **Staff action is required.**

PSGN24-098: **Submitted by Ryan Ybarra**

A Sign Plan to for 'FOX: RENT A CAR' to install one illuminated wall mounted sign at the existing building located at 1776 East Holt Blvd. **Staff action is required.**

PSGN24-099: **Submitted by Cindy Seabloom**

A Sign Plan for "VINEYARDS RESORT APARTMENTS' to install one illuminated and one non-illuminated wall mounted signs at the existing building located at 2000 East Inland Empire Blvd. **Staff action is required.**

PSGN24-100: **Submitted by RENE PASTOR ALVAREZ**

A Sign Plan for 'POASTAL ANNEX' to install one illumined wall mounted sign at the existing building located at 920 North Haven Avenue Suite 180. **Staff action is required.**

PSGP24-004: **Submitted by Jlhare Associates**

A Sign Program establishing the regulations for signage within the 'LEGACY ONTARIO' generally bound by Euclid Avenue to the East and Walnut Street to the South. **Staff action is required.**

PSP-24-003: **Submitted by c/o Sares Regis Group**

A Specific Plan related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **City Council action is required.**

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

PSP-24-004: **Submitted by c/o Sares Regis Group**

A Specific Plan related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). Related File(s): [insert Related File #s]. **City Council action is required.**

PSTRP24-006: **Submitted by MICHELLE MA**

A Short-Term Rental Permit for an unhosted short-term rental with a maximum of 4 guests in a two-bedroom single-family home located at 1369 South Euclid Avenue. **Staff action is required.**

PTUP24-064: **Submitted by Beatriz Vasquez**

A Special Event Banner submitted by the County of San Bernardino Department of Public Health for a National Lead Poisoning Prevention Week banner from 10/21 - 10/31/2024 to be posted within Euclid Avenue at E Street. **Staff action is required.**

PTUP24-065: **Submitted by Rebecca Ustrell**

A special event permit for the 'ONTARIO MUSEUM OF HISTORY & ART' to host their annual Ontario Arts Festival on Saturday, October 19 2024 from 10:00 a.m. to 5:00 p.m. located at 217 South Lemon Avenue. **Staff action is required.**

PTUP24-066: **Submitted by Elks Lodge No 1419**

A Temporary Use Permit for 'ONTARIO ELKS LODGE' to host a car show on Sunday, October 6, 2024, at the property located at 1150 West Fourth Street. **Staff action is required.**

PTUP24-067: **Submitted by Elks Lodge No 1419**

A Temporary Use Permit for 'ONTARIO ELKS LODGE' to host a vendor pop up event on Sunday, October 20, 2024, at the property located at 1150 West Fourth Street. **Staff action is required.**

PTUP24-068: **Submitted by Yvonne Benschop**

A Temporary Use Permit for 'PULTE HOMES' to install a temporary sales office and model homes for the Ontario Ranch - Pietersama generally located at the southwest corner of Hamner Avenue and Old Edison Road related to Tract 20451 and Tract 20451. Related Files: PDEV23-043, PMTT21-016, PMTT18-002. **Staff action is required.**

PTUP24-069: **Submitted by Yvonne Benschop**

A Temporary Use Permit for 'PULTE HOMES' to install a temporary sales office and model homes for the Ontario Ranch - Pietersama generally located at the southwest corner of Hamner Avenue and Old Edison Road related to Tract 20157 and Tract 20451. Related Files: PDEV23-043, PMTT21-016, PMTT18-002. **Staff action is required.**

PTUP24-070: **Submitted by Yvonne Benschop**

A Temporary Use Permit for 'PULTE HOMES' to install a temporary sales office and model homes for the Ontario Ranch - Pietersama generally located at the southwest corner of Hamner Avenue and

Old Edison Road related to Tract 20157 and Tract 20451. Related Files: PDEV23-043, PMTT21-016, PMTT18-002. **Staff action is required.**

PTUP24-071: **Submitted by Yadira Sanchez**

A Temporary Use Permit for 'REACH OUT WEST END' to host a First Responders vehicle car show and resource fair located at 1025 North Vine Avenue on Saturday, October 12, 2024. **Staff action is required.**

PTUP24-072: **Submitted by Veronica's Insurance**

A Temporary Use Permit for Veronica's Insurance host 'VERONICA'S SPOOKY FEST' on October 12, 2024. **Staff action is required.**

PTUP24-073: **Submitted by Johnathan castro**

A Temporary Use Permit to establish a temporary Christmas Tree Sales Lot in conjunction with Home Depot from 11/25/2024 - 12/29/2024 located at the northwest corner of Euclid Avenue and Riverside Drive at 2980 South Euclid Avenue, within the Service Commercial land use district of the Borba Villa Specific Plan. **Staff action is required.**

PTUP24-074: **Submitted by Socal Vendor Mall**

A Temporary Use Permit for 'SOCAL VENDOR MALL' to host a pop-up event on Saturday, October 12, 2024 from 4pm to 9pm located at 3430 East Ontario Ranch Road (Rodeo X). **Staff action is required.**

PTUP24-075: **Submitted by Victor Lopez**

A Temporary Use Permit for 'SAN SECONDO D'ASTI CATHOLIC CHURCH' to host a fall festival fundraising event on October 11, 2024 to October 13, 2024 located at 250 North Turner Avenue. **Staff action is required.**

PTUP24-076: **Submitted by Ontario Police Department**

A Special Event Permit application submitted by the 'ONTARIO POLICE DEPARTMENT' to host their 3rd annual open house event at 2500 South Archibald Avenue on Saturday, October 5th, 2024. **Staff action is required.**

PTUP24-077: **Submitted by Certified Towing Inc**

A Temporary Use Permit for 'CERTIFIED TOWING INC' to establish an interim trailer storage facility at 910 East California Street and 808 and 814 South Greenwood Avenue within the IL (Light Industrial) zoning district. **Staff action is required.**

PTUP24-078: **Submitted by Certified Towing Inc**

A Temporary Use Permit for 'CERTIFIED TOWING INC' to establish an interim trailer storage facility at 960 East California Street within the IL (Light Industrial) zoning district. **Staff action is required.**

PZC-24-001: **Submitted by c/o Sares Regis Group**

A Zone Change related to Development Plan PDEV24-022 to construct sixteen (16) industrial buildings totaling approximately 1,750,000 square feet, two (2) commercial buildings totaling TBD square feet and one (1) fire station totaling TBD square feet on 98.68 acres of land located between Campus Avenue and Grove Avenue abutting the north side of Eucalyptus Avenue,

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within the AG (Agricultural Overlay) zoning district (APN(s): 1053-531-04, 1053-351-01, 1053-351-02, 1053-541-01, 1053-541-02, 1053-571-01, 1053-571-02, 1053-371-01, 1053-371-02, 1053-531-01, 1053-361-01, 1053-361-02, 1053-361-03, 1053-331-01, 1053-331-02, 1053-331-03, 1053-331-04, 1053-341-01, 1053-341-02, 1053-531-02, 1053-531-03, 1053-581-03, 1053-581-04, and 1053-551-01). **City Council action is required.**

PZC-24-002: **Submitted by c/o Sares Regis Group**

A Zone Change related to Development Plan PDEV24-023 to construct ten (10) industrial buildings totaling approximately 1,300,000 square feet on 77 acres of land located between Grove Avenue and Walker Avenue abutting the north side of Eucalyptus Avenue, within the AG (Agricultural Overlay) zoning district (APN(s): 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07, 0216-321-08, 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05, 0216-322-10, and 1053-171-07). **City Council action is required.**