



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

June 15, 2020

Ontario City Council Chambers, 2 PM
303 East "B" Street, Ontario

SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT CITY OF ONTARIO ZONING ADMINISTRATOR MEETINGS

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Zoning Administrator for the City of Ontario is required to limit in-person attendance at the upcoming Zoning Administrator meeting. Members of the public may utilize alternative measures established by the City of Ontario to view the Zoning Administrator meeting and/or to communicate your opinions to the Zoning Administrator. To view the meeting, please go to <http://www.ontarioca.gov/agendas/zoning> and follow the link on that webpage to view the meeting.

Members of the public who wish to provide comment on an item may do so in one of the following manners:

1. **EMAIL:** You can email comments to planningdirector@ontarioca.gov no later than 12:00 PM on the day of the meeting. All comments received by the deadline will be printed for Zoning Administrator consideration before action is taken on that matter. Please identify the agenda item that you wish to address in your comments. All written comments will be included in the record.
2. **TELEPHONE BEFORE THE MEETING:** You can call (909) 395-2036 no later than 12:00 PM on the day of the meeting and let them know that you would like to make a comment on an agenda item.
3. **IN WRITING DURING THE MEETING:** The meeting will be broadcast utilizing software that allows members of the public to make written comments. Your written comments will be read by a staff member to the Zoning Administrator during their consideration of that item.

Any members of the public who require special assistance or a reasonable accommodation to participate in the meeting of the Zoning Administrator may contact Gwen Berendsen at (909) 395-2036 or planningdirector@ontarioca.gov at least 24 hours prior to the meeting.

All documents are available for public review at the City of Ontario Planning Department located at City Hall, 303 East "B" Street, Ontario, California by scheduling an appointment with the Planning Department by calling (909) 395-2036.


PUBLIC HEARING

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-006:** A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for off-premises consumption (Type 21 ABC license) in conjunction with a previously approved 45,700 square foot Stater Bros. market (File No. PDEV17-051) on 10.06 acres of land located at 3460 East Ontario Ranch Road, within the Retail land use district of the Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-412-02) **submitted by Mike Reed, Stater Bros. Development.**

If you wish to appeal a decision of the Zoning Administrator, you must do so within ten (10) days of the Zoning Administrator action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Zoning Administrator 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 written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

I, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **June 11, 2020**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.





ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

June 15, 2020

DECISION NO.: [insert #]

FILE NO.: PCUP20-006

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for off-premises consumption (Type 21 ABC license) in conjunction with a previously approved 45,700 square foot Stater Bros. market (File No. PDEV17-051) on 10.06 acres of land located at 3460 East Ontario Ranch Road, within the Retail land use district of the Avenue Specific Plan. (APN: 0218-412-02); **submitted by Mike Reed, Stater Bros. Development.**

Part I—BACKGROUND & ANALYSIS

MIKE REED, STATER BROS. DEVELOPMENT, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP20-006, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) Project Setting: The project site is comprised of 10.06 acres of land located at 3460 East Ontario Ranch Road, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Graded/Under Construction	Neighborhood Commercial	The Avenue Specific Plan	Planning Area 10B – Retail
<i>North</i>	Multi-Family Residential	Medium Density Residential	The Avenue Specific Plan	Planning Area 10A – Retail
<i>South</i>	Vacant/Mass Graded	Low Density Residential	The Avenue Specific Plan	Planning Area 11 – LDR
<i>East</i>	Vacant	Mixed Use – NMC East	Rich Haven Specific Plan	Planning Area 9A – Commercial and Residential
<i>West</i>	Multi-Family Residential	Medium Density Residential	The Avenue Specific Plan	Planning Area 11 – LMDR

Prepared: AV 06/09/20	Reviewed: RZ 6/10/2020	Decision: [enter initial/date]
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(2) Project Analysis:

(a) Background — The project site is located within the previously-approved New Haven Marketplace shopping center, which, when completed, will provide approximately 95,000 square feet of commercial development. The shopping center included plans for three drive-thru restaurants in conjunction with a multi-tenant building with a new 45,700 square-foot Stater Bros. grocery store (File No. PDEV17-051), which is currently under construction (see Exhibit B: Site Plan).

(b) Proposed Use — In March 2020, the applicant applied for a Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for off-premises consumption (Type 21 ABC license) in conjunction with the previously approved Stater Bros. grocery store. The grocery store will utilize a floor plan layout typical of Stater Bros. or other similar grocery stores, such as aisles of pre-packaged goods, coolers for produce and dairy items, and one central location for alcoholic beverages (see Exhibit C: Floor Plan). The applicant has proposed one 1,012 square-foot beer cooler, and one 1,173 square-foot beer and wine shelving area, to be staged in the corner to the left of the entrance. The total square footage of the store dedicated to alcoholic beverage sales will be less than five percent.

The store's main entrance is located on the north side of the building, facing the parking lot. The proposed daily business hours of operation are 8:00 AM to 11:00 PM, while procedures addressing COVID-19 are in place. Special senior-only hours of operation during COVID-19 also include Tuesdays and Fridays, from 7:00 AM to 8:00 AM. The store's regular hours of operation during non-pandemic time will be 6:00 AM to 11:00 PM. The store will operate with approximately 50 employees per shift.

The Police Department has conditioned the sale of alcoholic beverages to occur between 6:00 AM and 11:00 PM, daily. No on-site consumption of alcoholic beverages shall be permitted.

(c) Parking — The original Development Plan application for the project site required a total of 596 parking spaces per the Ontario Development Code standards, and a total of 522 shared parking spaces were provided to serve the full commercial development, based on a parking study of peak demand for the site. Staff believes that the request to provide an additional convenience to customers of the store will not adversely affect the existing parking demand for the shopping center, as the application does not propose any expansion to the previously-approved floor plan or elimination of previously-approved parking spaces.

(d) ABC Concentration — The California Department of Alcoholic Beverage Control (ABC) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per census tract, based on its population. The

project site is located within Census Tract 19.06, which is not over-concentrated. Five off-sale alcohol licenses are authorized for this tract, and currently only one active off-sale license within the tract has been established. Therefore, the Police Department does not object to allowing the proposed Type 21 ABC License provided all City and State Department of Alcoholic Beverage Control rules, regulations, and conditions of approval are met and followed.

(e) Land Use Compatibility – A Conditional Use Permit review is required to ensure the compatibility of adjacent land uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within the previously-approved New Haven Marketplace commercial shopping center, which consists of a variety of retail and personal care service uses intended to provide a walkable convenience to the residential neighborhoods surrounding the project site. As the proposed Conditional Use Permit for alcoholic beverage sales will be to provide an added convenience for a previously-approved Stater Bros. grocery store, and as the total floor area dedicated to alcoholic beverage sales will be less than five percent of the store, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within the New Haven Marketplace shopping center will not be exposed to any impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other grocery store uses within the surrounding area.

(3) Airport Land Use Compatibility Plan: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (hereinafter referred to as “ALUCP”), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. 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 ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(4) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

(5) Public Notification: The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(6) Correspondence: As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

Part II—RECITALS

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part I, above; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

WHEREAS, Ontario Development Code Table 2.01-1 (Review Matrix) establishes that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including noise, safety, airspace protection, and overflight impacts of current and future airport activity, and as a result of the review, the proposed project has been determined to be consistent with the ALUCP policies and criteria; and

WHEREAS, on June 15, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Alexis Vaughn, Assistant Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval with conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [insert speaker's name], the applicant/representing the applicant, explained the business operation and spoke in favor of the application.

(3) [insert additional speaker info]

(4) [insert additional speaker info]

(5) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

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

Part III—THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(1) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(2) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 of the State CEQA Guidelines.

(3) Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving authority for the Project, the Zoning Administrator finds and determines that based on the facts and information contained in the Application and supporting documentation, the proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

(4) Pursuant to the requirements of Development Code Section 4.02.015.D (Findings and Decision), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed Type 21 ABC License will be located at 3460 East Ontario Ranch Road, which is designated for Planning Area 10B of The Avenue Specific Plan. With the project Conditions of Approval, the proposed use will be established consistent with the City of Ontario Development Code and its objectives and purposes, and the objectives, purposes, and development standards and guidelines of The Avenue Specific Plan. The proposed Type 21 ABC License will be in conjunction with a previously-approved Stater Bros. grocery store, which is currently under construction.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 21 ABC License will be located at 3460 East Ontario Ranch Road, which the Policy Plan Master Land Use Plan designates for the Neighborhood Commercial land use. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of retail and service commercial land uses in the area of the project site. With the project Conditions of Approval, the proposed project will provide an added convenience to the retail center, further helping to implement the Policy Plan and City Council Priorities.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The proposed Type 21 ABC License land use is located within the Neighborhood Commercial land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and Planning Area 10B of The Avenue Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation, and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and The Avenue Specific Plan. The proposed use will provide an additional convenience for patrons of the Stater Bros. grocery store currently under construction.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The proposed project is located

within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including: [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, it is found and determined that the Project, implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Zoning Administrator has required certain safeguards and has imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code and The Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

(5) Although the project site is not located within an over-concentrated Census Tract, the project still meets all of the requirements of Development Code Section 5.03.025.F (Public Convenience or Necessity Determination), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

- The retailer occupies a minimum of 12,000 square feet of gross floor area. The proposed Stater Bros. grocery store will be 45,700 square feet in size.
- No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. Less than five percent of the gross floor area will be devoted to alcoholic beverage display.
- No more than 10 percent of the floor area is devoted to food sales. Greater than ten percent of the floor area is devoted to food sales.
- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The property site is currently under construction and has no outstanding Building or Health Code violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. The project site is currently under construction but has been conditioned to be consistently maintained.

Part IV—ZONING ADMINISTRATOR ACTION

Based upon the findings and conclusions set forth in Parts I through III, above, the Zoning Administrator hereby approves File No. PCUP20-006 subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

APPROVED AND ADOPTED this 15th day of June 2020.

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph

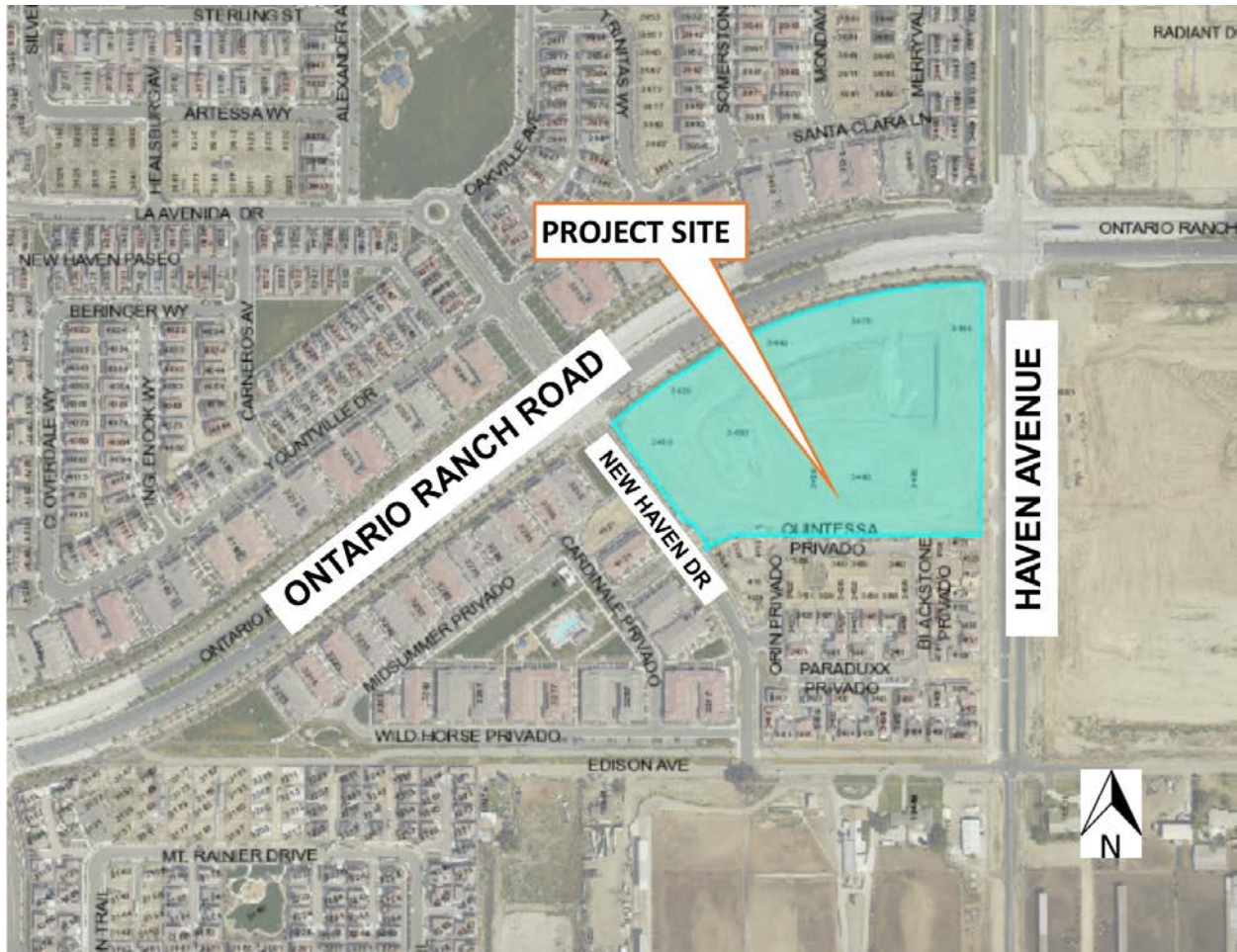


Exhibit B: Site Plan

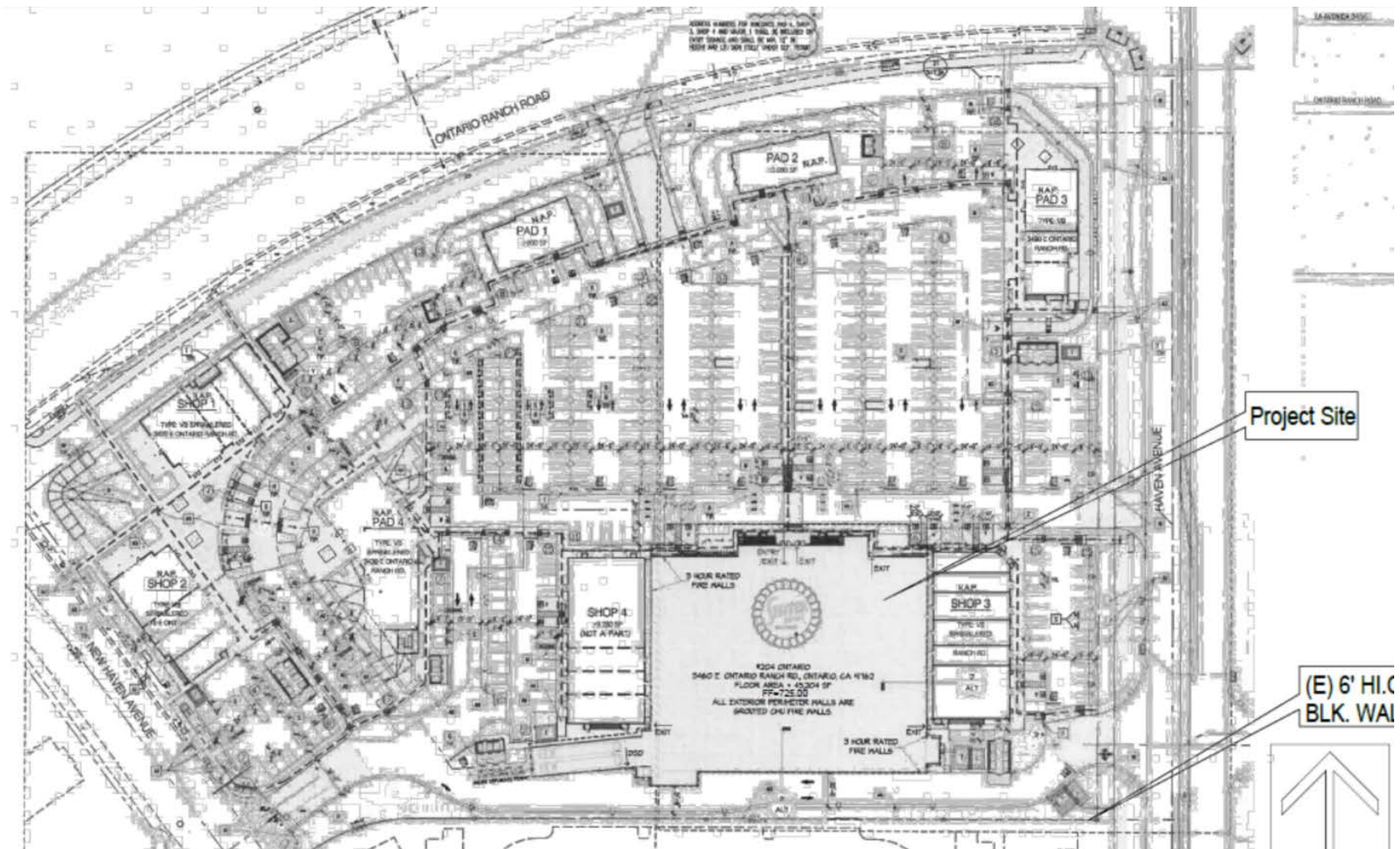
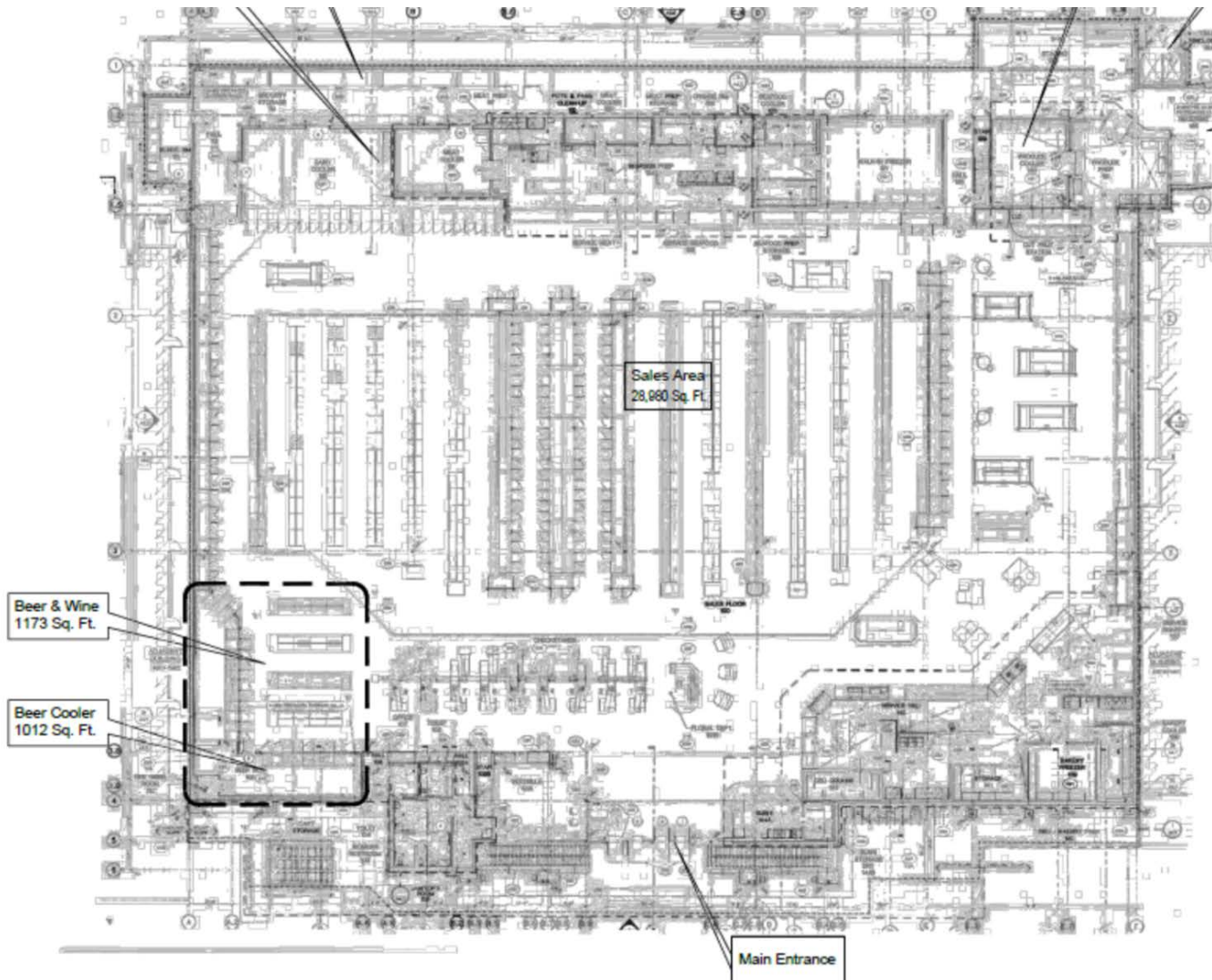


Exhibit C: Floor Plan



Attachment A—Departmental Conditions of Approval

(Departmental conditions of approval follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: June 15, 2020

File No: PCUP20-006

Related Files: PDEV17-051

Project Description: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for off-premises consumption (Type 21 ABC license) in conjunction with a previously approved 45,700 square foot Stater Bros. market (File No. PDEV17-051) on 10.06 acres of land located at 3460 East Ontario Ranch Road, within the Retail land use district of the Avenue Specific Plan. (APN: 0218-412-02); **submitted by Mike Reed, Stater Bros. Development**

Prepared By: Alexis Vaughn, Assistant Planner
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.3 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.4 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.5 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

(b) The business shall be operated in strict compliance with the rules, regulations and orders of the State of California Department of Alcoholic Beverage Control. Failure to comply with this requirement shall be deemed just cause for revocation of conditional use permit approval.

(c) Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

(e) The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

(f) In the event that security problems occur as a result of the approved subject use and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the subject premises, during such hours and in such number as requested by the Police Department.

(g) The licensee shall attend a LEAD (Licensee Education on Alcohol and Drugs) training secession sponsored by the State of California Department of Alcoholic Beverage Control, within 6 months following commencement of the approved use.

(h) A clearly legible copy of the herein-listed conditions of approval shall be posted at all times at a prominent place in the interior of the premises.

(i) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

(j) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

2.6 Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures,

facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

- (i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and
- (ii) The area in which the project is located is not environmentally sensitive.

2.7 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.8 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.9 Additional Requirements.

(a) All previously-approved conditions of approval of related File No. PDEV17-051 shall apply.

(b) The previously-approved ALUCP assessment of the site under related File No. PDEV17-051 remain in effect.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Alexis Vaughn, Assistant Planner

FROM: Emily Hernandez, Police Officer

DATE: March 24, 2020

SUBJECT: PCUP20-006(ABC) - STATER BROS, 3460 E. ONTARIO RANCH ROAD

The Ontario Police Department has researched the request for an off-site type 21 (off-sale general) alcohol license for Stater Bros, located at 3460 E. Ontario Ranch Road. The requested license is within census tract 19.06 which is not over concentrated. The department of Alcohol Beverage Control authorizes five (5) off-sale alcohol licenses for this tract. There is currently one (1) active off-sale alcohol license within census tract 19.06. The Ontario Police Department does not approve or deny Conditional Use Permits or ABC licenses. The Ontario Police Department has no objections to the approval of PCUP20-006, which is at the discretion of the City of Ontario Planning Department. If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control and Ontario Police Department rules and conditions. If approved, the following conditions of approval shall be imposed by the Ontario Police Department:

ABC CONDITIONS

1. Sales of alcohol will occur between the hours of 6:00 a.m. to 11:00 p.m. daily.
2. No sales or service to minors.
3. No sales or service to intoxicated patrons.
4. No open alcohol beverages in the establishment.
5. No drug paraphernalia will be sold at any time.
6. No smoking is permitted inside of the establishment including any type of electronic delivery devices.

7. No single can or bottle sales of alcoholic beverages are allowed (See below). These must be sold in manufacture multi-packs or multi-packaging authorized by the Ontario Police Department.
 - No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs.
 - Distilled spirits shall not be sold in bottles less than 200 ml in size.
 - Beer shall not be in a single can or bottle of any. Only manufacture multi-packs are allowed.
8. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
9. Employees engaged in the sales of alcohol must be 18 years of age or older.
10. No more than 25% of advertisements are allowed on the windows of the business.
11. No warm beer displays close to the front door will be allowed.
12. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
13. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premise. In no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under control of the business.
14. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
15. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
16. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
17. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
18. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit.

Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.

19. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.

If alcohol related crimes at this location are higher than four other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Ontario Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in the violation of this CUP or has violated applicable laws.

A copy of the listed conditions of approval must be posted with your ABC license at all times in the prominent place in the interior of the premises.

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the location will be allowed to sell alcoholic beverages with the conditional use permit.

The Police Department will conduct a review in six months to determine whether additional conditions will be needed. These conditions are in addition to any conditions imposed by the Ontario Police Department, under this CUP or related file.

The Applicant is invited to contact Officer Emily Hernandez at (909) 408-1755 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

FROM: Michelle Starkey, Deputy Fire Marshal
Bureau of Fire Prevention

DATE: March 19, 2020

SUBJECT: PCUP20-006 A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits for off-premise consumption in conjunction with a proposed 45,204-square foot grocery store on 10.06 acres of land located at 3460 East Ontario Ranch Road, within the retail land use district of the Avenue Specific Plan (APN: 0218-412-02). Related File: PDEV19-017.

-
- The plan **does** adequately address the departmental concerns at this time.
- No comments
 - Report below.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Alexis Vaughn
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: March 09, 2020
SUBJECT: PCUP20-006

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

KS:lr



CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director
 Cathy Wahlstrom, Planning Director (Copy of memo only)
 Diane Ayala, Advanced Planning Division (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, City Engineer
 Jamie Richardson, Landscape Planning Division
 Ahmed Aly, Municipal Utility Company
 Emily Hernandez, Police Department
 Paul Ehrman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, T. E., Traffic/Transportation Manager
 Lorena Mejia, Airport Planning
 Eric Woosley, Engineering/NPDES
 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: March 09, 2020

SUBJECT: FILE #: PCUP20-006 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by .

- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits for off-premise consumption in conjunction with a proposed 45,204-square foot grocery store on 10.06 acres of land located at 3460 East Ontario Ranch Road, within the Retail land use district of the Avenue Specific Plan (APN: 0218-412-02). Related File: PDEV19-017.

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Landscape Planning Division
 Department _____ Signature _____ Title _____ Date 3/19/20 20



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Information Technology & Management Services Department Conditions incorporated)

ZA MEETING DATE: June 15, 2020

PROJECT: PCUP20-006, a Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits for off-premises consumption in conjunction with a proposed 45,204 square foot Stater Bros. grocery market on 10.06 acres of land located at 3460 East Ontario Ranch Road, within the Retail Land Use District of The Avenue SP. Related Files PDEV17-051 and PM19978/PMTT17-010

APN: 0218-412-02

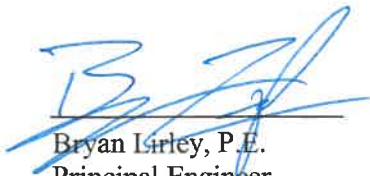
LOCATION: Southwest corner of Ontario Ranch Road and Haven Avenue and

PROJECT ENGINEER: Naim Khoury, Associate Engineer *NK* (909) 395-2152


PROJECT PLANNER: Alexis Vaughn, Assistant Planner (909) 395-2416

The following items are the Conditions of Approval for the subject project:

1. This project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017.


Bryan Lirley, P.E.
Principal Engineer

6/11/20
Date


Raymond Lee, P.E.
Assistant City Engineer

6/11/20
Date