



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

October 19, 2020

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

All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-012:** A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer and wine (Type 41 ABC License), in conjunction with a 1,153 square-foot restaurant (Pio Pico's Tacos) located at 3410 East Ontario Ranch Road, Suite 202, within the Retail 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); (APN: 0218-412-02) **submitted by Southern California Restauranteurs, LLC (DBA Pio Pico's Tacos).**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-013:** A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 2,838 square foot convenience store on 1.06 acres of land located at 2380 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center 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); (APN: 1083-011-01) **submitted by Brixton Enterprises Inc.**

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, 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 or before **October 15, 2020**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Gwen Berendsen



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

October 19, 2020

DECISION NO.: [insert #]

FILE NO.: PCUP20-012

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer and wine (Type 41 ABC License), in conjunction with a 1,153 square foot restaurant (Pio Pico's Tacos, within The New Haven Marketplace Shopping Center) located at 3410 East Ontario Ranch Road, Suite 202, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02); **submitted by Southern California Restauranteurs LLC, DBA Pio Pico's Tacos, care of George and Tony Tamayo.**

Part I—BACKGROUND & ANALYSIS

SOUTHERN CALIFORNIA RESTAURANTEURS, LLC (DBA PIO PICO'S TACOS), (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP20-012, 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 3410 East Ontario Ranch Road, Suite 202, 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>	Graded/Under Construction	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

<i>Prepared:</i> AV 10/05/2020	<i>Reviewed:</i> CM 10/08/2020	<i>Decision:</i> [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 anchor tenant (Stater Bros. grocery store) under File No. PDEV17-051, which is currently under construction (see Exhibit B: Site Plan, attached).

(b) Proposed Use — In July 2020, the applicant applied for a Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premises consumption (Type 41 ABC license) in conjunction with the previously approved multi-tenant retail building. The tenant, Pio Pico's Tacos restaurant, will utilize a floor plan layout typical of other in-line restaurant tenants, including a service counter, back kitchen/storage area, and customer seating for approximately 20 guests (see Exhibit C: Floor Plan, attached).

The store's main entrance is located on the northeast side of the building, facing the parking lot. The proposed daily business hours of operation are 11:00 AM to 9:00 PM. The restaurant will operate with approximately 3 employees per shift.

The Police Department has conditioned the service of alcoholic beverages to occur between 8:00 AM and 2:00 AM (sales to cease at 1:45 AM), daily. No off-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 restaurant 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 19.05, which is overconcentrated. Four on-sale alcohol licenses are authorized for this census tract, and currently six active on-sale licenses have been established within the census tract. However, due to ongoing construction and population changes in the southern part of the City of Ontario, and that the Project site is not located within a high crime area of the City, the Ontario Police Department and Planning Department do not object to the proposed Type-41 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 provide an added convenience for a previously approved restaurant tenant, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed alcoholic beverage sales. 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 similar commercial use 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 October 19, 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-41 ABC License will be located at 3410 East Ontario

Ranch Road, Suite 202, 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 41 ABC License will be in conjunction with a previously approved in-line retail tenant space (Pio Pico's Tacos restaurant), 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-41 ABC License will be located at 3410 East Ontario Ranch Road, Suite 202, 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 restaurant tenant and greater 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-41 ABC License land use is located with 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 restaurant tenant 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) Pursuant to 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:

(a) For On-Sale alcoholic beverage license types located within overconcentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity (hereinafter referred to as "PCN") findings:

- 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 Ontario Police Department has not designated the area as a high crime area.
- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The property is currently under construction and has not incurred any violations or enforcement activity.
- The site is properly maintained, including building improvements, landscaping, and lighting. The property is currently under construction and has been required to be continuously maintained once completed.

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. PCUP20-012, 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 ____ day of October 2020.

Rudy Zeledon
Zoning Administrator

Exhibit A: Aerial Photograph

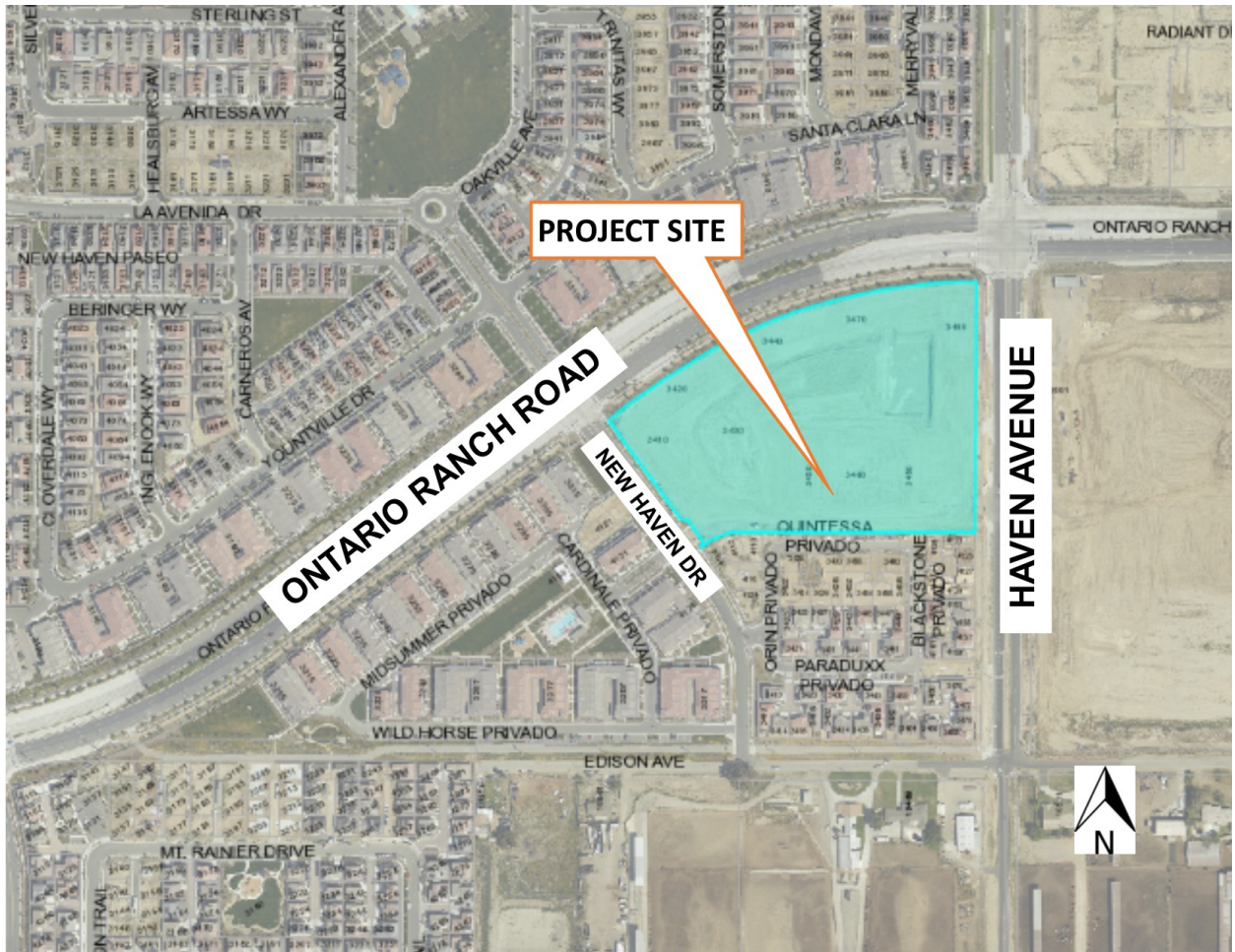


Exhibit B: Site Plan

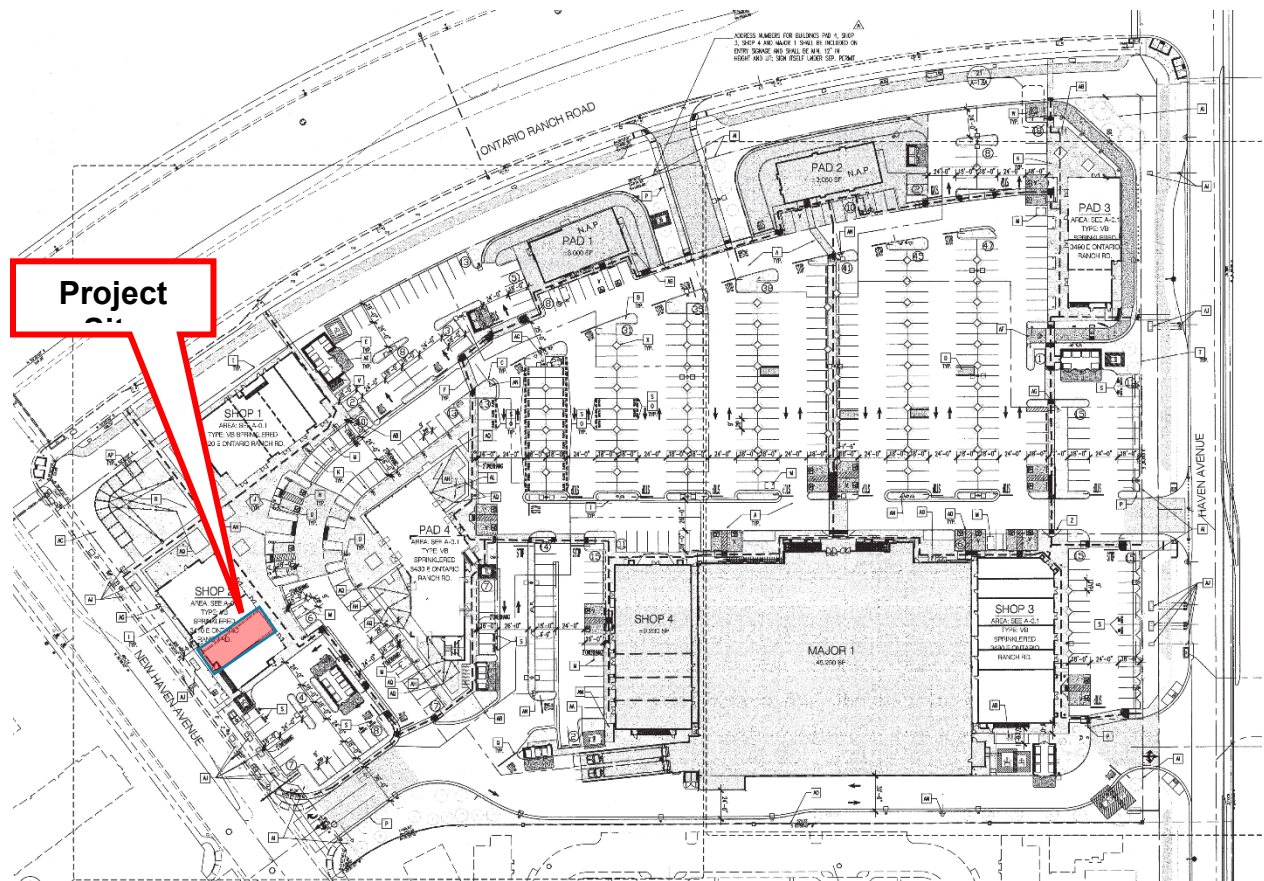


Exhibit C: Floor Plan

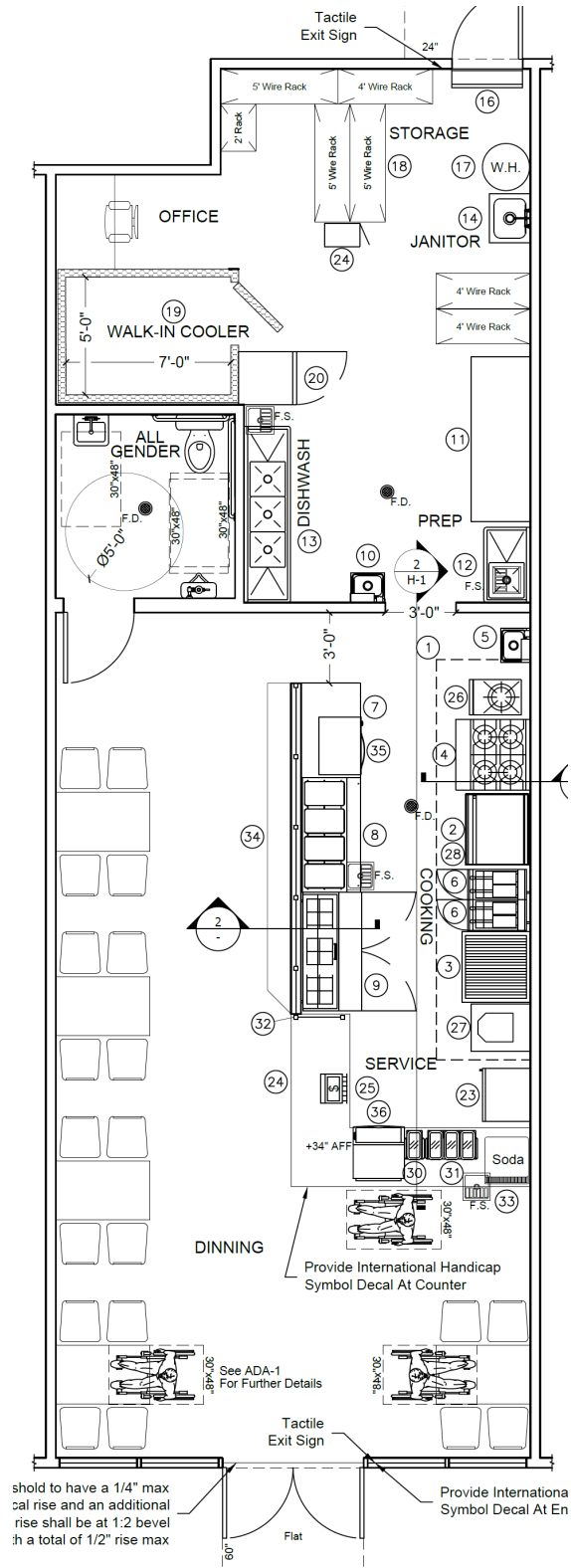


Exhibit D: Site Photo



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: October 19, 2020

File No: PCUP20-012

Related Files: PDEV17-051

Project Description: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-sale consumption (Type-41 ABC License), for a 1,153 square-foot restaurant on 2.2 acres of land located at 3410 E. Ontario Ranch Road, STE. 202, within The New Haven Marketplace Shopping Center, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02); **submitted by Southern California Restauranteurs LLC, DBA Pio Pico's Tacos, care of George and Tony Tamayo.**

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 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

2.3 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.4 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(c) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(d) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

2.5 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

2.6 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

2.9 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).

2.10 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) Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment, are considered live entertainment.

(j) Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.

(k) Electronic arcade and amusement games shall be prohibited on-site, unless specifically permitted by the Police Department and shown on the approved site plan.

2.11 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon

request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

2.12 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.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

2.13 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.

2.14 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 (as applicable).



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Alexis Vaughn, Assistant Planner

FROM: Rick Rees, Police Officer/ C.O.P.S. Unit

DATE: September 2, 2020

SUBJECT: FILE NO. PCUP20-012 – PIO PICO’S TACOS
3410 E ONTARIO RANCH ROAD STE. 202, ONTARIO, CA 91761

This location has applied for a type 41 On-Sale Beer and Wine for a Bona Fide Public Eating Place located within Census Tract No. 19.05. According to the Department of Alcohol Beverage Control (ABC), four on-sale licenses are allowed within this tract, there are currently six. The census tract is currently over-concentrated. However, due to ongoing construction and population changes in the southern part of the City of Ontario, the Ontario Police Department understands exceptions may be made by the planning department. The Police Department neither approves or denies conditional use permits. However, due to the above circumstances, it is recommended the applicant obtain an ABC license through the State ABC office prior to moving forward. On approval by the planning department, the location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Ontario Police Department:

RESTAURANT CONDITIONS

1. Alcohol sales will be from 08:00 A.M. to closing daily. Last call for alcohol shall be made 45 minutes prior to closing and alcohol sales must cease 15 minutes prior to closing. All alcohol must be removed from the tables/patrons at closing. If the business stays open later than 2:00 A.M., last call shall be no later than 1:15 A.M., sales shall cease at 1:45 A.M., and all alcohol must be removed at 2:00 A.M.
2. No sales to minors.
3. The restaurant will have no bar seating.
4. No sales to obviously intoxicated patrons.
5. No self-serve alcohol displays allowed.

6. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
7. Signs must be posted at all exits stating no alcohol beyond this point.
8. No smoking inside of the establishment is permitted, including any type of electronic nicotine delivery device.
9. There will be no narcotic sales or usage on the premises at any time.
10. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties. Bartenders and cocktail servers must be 21.
11. 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 the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
12. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
13. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
14. The parking lots under control of the applicant shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
15. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated 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 the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
16. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
17. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6).

PATIO CONDITIONS

1. The applicant did not propose a patio seating.

ENTERTAINMENT CONDITIONS

1. There was no entertainment area designated on a plan check. Any entertainment will have to be approved by the Ontario Police Department prior to the event.

SECURITY CONDITIONS

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the restaurant area. A minimum of one camera will record the parking lot. A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Ontario Police Department upon request.

Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and

therefore would not require security.) If security personnel are needed they will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.

If alcohol related crimes at this location are higher than 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 Police Department may, at its sole discretion, request a revocation hearing if it determines that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

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

The Ontario Police Department will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

The Police Department will conduct a review six months after commencement of business to determine whether additional conditions will be needed.

Please contact Officer Rees if you have any questions regarding this matter at (909) 408-1660.



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

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

DATE: August 11, 2020

SUBJECT: PCUP20-012 ****REVISE FOR TEMPLATE LANGUAGE**** A Conditional Use Permit request to establish a Type-41 ABC License (beer and wine for on-sale consumption), for a 1,153 square-foot restaurant located within The New Haven Marketplace Shopping Center, within the Retail District of The Avenue Specific Plan, at 3410 E Ontario Ranch Road, STE.202 (APN: 0218-412-02). Related file: PDEV17-051

-
- 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: July 27, 2020
SUBJECT: PCUP20-012

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

KS:lr



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: October 19, 2020

PROJECT: A Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine, for on-premises (Type 41 ABC License) in conjunction with a 1,153 square foot restaurant, within the Retail District of The Avenue Specific Plan Related File: PDEV17-051.

APN: 0218-412-02


LOCATION: 3410 E. Ontario Ranch Road, Suite 202

PROJECT ENGINEER: Miguel Sotomayor, Associate Engineer (909) 395-2108

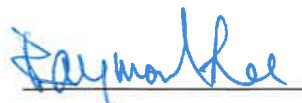
PROJECT PLANNER: Alexis Vaughn, Assistant Planner (909) 395-2416

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

1. 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; as well as project-specific conditions/requirements as outlined below:
2. All the required improvements for this tract shall be subject to completion of the required public improvements including public utilities beyond the tract limits as specified in The Avenue Specific Plan, the Development Agreement and the Conditions of Approval for PM-19978 and PDEV17-051.


Bryan Lirley, P.E.
Principal Engineer


Date


Raymond Lee, P.E.
Assistant City Engineer


Date



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: July 24, 2020

SUBJECT: FILE #: PCUP20-012 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: **REVISE FOR TEMPLATE LANGUAGE** A Conditional Use Permit request to establish a Type-41 ABC License (beer and wine for on-sale consumption), for a 1,153 square-foot restaurant located within The New Haven Marketplace Shopping Center, within the Retail District of The Avenue Specific Plan, at 3410 E. Ontario Ranch Road, STE. 202 (APN: 0218-412-02). Related file: PDEV17-051

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 *J.P. S. landscape planner* 8/10/2020
Department Signature Title Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP20-012

Address: 3410 East Ontario Ranch Road

APN: 0218-412-02

Existing Land Use: A 1,153 SF Restaurant within the New Haven Marketplace, commercial shopping center

Proposed Land Use: Ancillary Type 41 ABC license in conjunction with an existing restaurant (Pio Pico's Tacos)

Site Acreage: 10.06 Proposed Structure Height: N/A- Existing Building

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Alexis Vaughn

Date: 10/14/2020

CD No.: 2020-011

PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input type="radio"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 ft +</u>	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent Consistent with Conditions Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: _____



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

October 19, 2020

DECISION NO.: [insert #]

FILE NO.: PCUP20-013

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 2,838 square foot convenience store with fuel sales on 1.06 acres of land, located at the 2380 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-01); **submitted by Brixton Enterprises Inc.**

Part I—BACKGROUND & ANALYSIS

BRIXTON ENTERPRISES, INC., (herein after referred to as “Applicant”) has filed an application requesting Development Plan approval for File No. PCUP20-013, 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 1.06 acres of land located at 2380 South Archibald Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. A 0.78-acre portion of the Project site is currently developed with a 2,838 square foot commercial building that was previously occupied by a bakery. The remaining balance of the site (0.28-acre) is currently undeveloped. 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>	Retail/Commercial Store	General Commercial	Archibald Center Specific Plan	Support Commercial
<i>North</i>	Vacant Land	General Commercial	Archibald Center Specific Plan	Support Commercial
<i>South</i>	60-Freeway	Freeway	Freeway	N/A
<i>East</i>	Industrial Building	General Commercial	California Commerce Center South Specific Plan (CCCS-SP)	Commercial / Office
<i>West</i>	Industrial Buildings	Industrial	Archibald Center Specific Plan	Bulk Warehouse Retail

Prepared: DC – 10/05/2020	Reviewed: CM 10/08/2020	Decision: [enter initial/date]
---------------------------	-------------------------	--------------------------------

(2) Project Analysis:

Background — On February 19, 2020, the Development Advisory Board approved a Development Plan (File No. PDEV19-045) to convert the 2,838 square foot commercial building that exists on the Project site, into a convenience store (7-Eleven), along with the construction of a new 3,546 square foot detached carwash, fueling station canopy, and pump islands. To provide an additional convenience to its customers, the applicant submitted a Conditional Use Permit (“CUP”) application on July 24, 2020, to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine sales (Type 20 ABC License), within the convenience store.

(a) Proposed Operations — The proposed hours of operations for the convenience store is 24 hours per day, 7 days per week. A 40 square foot alcoholic beverage sales display area is proposed to be located towards the rear of the convenience store, adjacent to the cashier area, and makes up less than 5 percent of the convenience store’s gross floor area (see Exhibit C: Floor Plan, attached). A total of approximately 6 full-time employees will rotate in three shifts. Each shift has two employees, with the first shift from 7:00 AM to 2:00 PM, the second shift from 2:00 PM to 11:00 PM, and the third shift from 11:00 PM to 7:00 AM. In addition, the Applicant will adopt extra security measures to ensure customers do not consume alcohol on-site and will provide policy signs to enforce no consumption of alcoholic beverages. Employees engaged in the sales of beer and wine will be required to complete a training program approved by ABC and the City of Ontario Police Department. Furthermore, the Police Department has conditioned the sale of alcoholic beverages to occur between 6:00 AM to 2:00 AM, daily, consistent with State law.

The Applicant has been given conditions and ABC regulations, including but not limited to the following: (a) hours of operation; (b) alcohol beverage sales designated area; (c) age restrictions; (d) training class or a certified responsible beverage service class within six months for all employees (See attached Police Department Conditions of Approval).

The 2,838 square foot convenience store (7-Eleven) will be providing a variety of foods and snacks, with a focus on fresh food, such as fresh fruit, sandwiches, pizza, baked goods, and a healthy choice snack section (see Exhibit D: Proposed Convenience Store Items, attached).

(b) ABC License Concentrations — The California Department of Alcoholic Beverage Control (“ABC”) is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The project site is located within Census Tract 18.03, which is over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 2 off-sale alcohol licenses, and there are currently 5 active off-sale alcohol licenses within census tract 18.03; however, Development Code Section

5.03.025.F.4 grants the Approving Authority (the Zoning Administrator in this case) the authority to make a determination of Public Convenience or Necessity (PCN), thereby allowing the issuance of additional ABC licenses for off-premises alcoholic beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses.

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime area is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. The surrounding area (one-half mile radius of project site) shall not exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 451 calls for service related to alcohol-related reports citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within a one-half mile radius of the project site, there were an average of 2 alcohol-related incidences per month in the past year, between September 1, 2019 to September 1, 2020, which is less than one percent for alcohol-related incidences, and does not exceed the maximum 20 percent increase prescribed by the Development Code for alcohol-related incidences attributable to the area surrounding proposed CUP location. Therefore, the Zoning Administrator may make a PCN determination and grant the requested CUP. Additionally, the applicant has purchased a Type 20 (Off-Sale Beer & Wine, ABC License) from Walgreens Pharmacy, located at 2950 South Archibald Avenue, Ontario, California and will be utilizing ABC License No. 520475, which was surrendered by Walgreen's Pharmacy on March 6, 2014, and the License has no active disciplinary action.

(c) Parking – The project is required to provide a total of 21 parking spaces and 35 spaces have been provided. The application does not propose the addition of any building area to the existing facility, nor changes in operation; therefore, the proposed alcoholic beverage sales will not adversely affect parking demand and no additional parking is required.

(d) Land Use Compatibility – A CUP is required for the retail sale of alcoholic beverages whether intended for consumption on or off premises. A review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The introduction of alcoholic beverage sales at the proposed location, within the existing convenience store, will provide further convenience to customers and will not intensify the land use. Therefore, staff believes that the recommended Conditions of Approval will mitigate any potential impacts that may be associated with the proposed alcoholic beverage sales. Additionally, the nearby businesses within the approved fueling station, convenience store, car wash, and immediate area surrounding the project site, will not be exposed to any additional impacts resulting from the proposed CUP.

(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 (“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.

(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: To date, the Planning Department staff has not received any written or verbal communications from the property owners surrounding the project site or from the public in general, regarding the subject Conditional Use Permit 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 October 19, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Denny D. Chen, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [the applicant], spoke in favor of the project and had no comments or concerns. Applicant also accepted the conditions of approval.

(3) [Additional speaker(s)]

(4) 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. Existing Facilities 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 or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes.

(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 20 ABC License will be located at 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Archibald Center Specific Plan. The proposed Type 20 ABC License is ancillary to a previously approved convenience store with fuel sales and detached car wash facility (File No. PDEV19-045).

(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 20 ABC License will be located at 2380 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan, which the Policy Plan Master Land Use Plan designates for General Commercial land uses. 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 alcoholic beverage sales of off-premises consumption of Beer & Wine (Type 20 ABC License) is located with the General Commercial land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the Support Commercial land use district of the Archibald Center 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 Archibald Center Specific Plan. The proposed use will provide an additional convenience for patrons of the convenience store.

(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 Support Commercial land use district of the Archibald Center 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) Pursuant to 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:

(a) For Off-Sale alcoholic beverage license types located within overconcentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity (hereinafter referred to as "PCN") findings:

- The retailer is not a grocery store that occupies a minimum of 12,000 square feet of gross floor area. The project location is a convenience store and fueling station; therefore, the minimum 12,000 square feet of gross floor area requirement does not apply in this case.

- No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The proposed alcoholic beverage sales will be displayed towards the back of the existing 2,838 square foot convenience store, occupying 40 square feet. Less than 5 percent will be utilized for the display of the alcoholic beverages for sale. In addition, the Police Department has conditions for alcoholic sales, including a condition stating that no more than 4 doors on the walk-in cooler shall be designated for beer and wine sales.

- At least 10 percent of the floor area is devoted to food sales. The majority of the convenience store floor area is devoted to various prepackaged food items (such as chips, cookies, and other snacks) and daily prepared sandwiches and snacks (see Exhibit D: Proposed Sale Items, attached). The proposed Type 20 ABC License is estimated to attribute to less than 5 percent of overall sales; therefore, it is ancillary to the convenience store.

- 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. Within the year preceding the preparation of this report, the City of Ontario had a total of 451 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. According to the Ontario Police Department, the one-half mile radius area surrounding the project location had an average total of 2 alcohol-related incidences in the past year (between September 1, 2019 to September 1, 2020), less than one percent for alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The property site will be 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. PCUP20-013, 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 [insert day] day of [insert month & year].

Rudy Zeledon
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

Existing Retail Store to be
Converted into C-Store

New Detached
Carwash

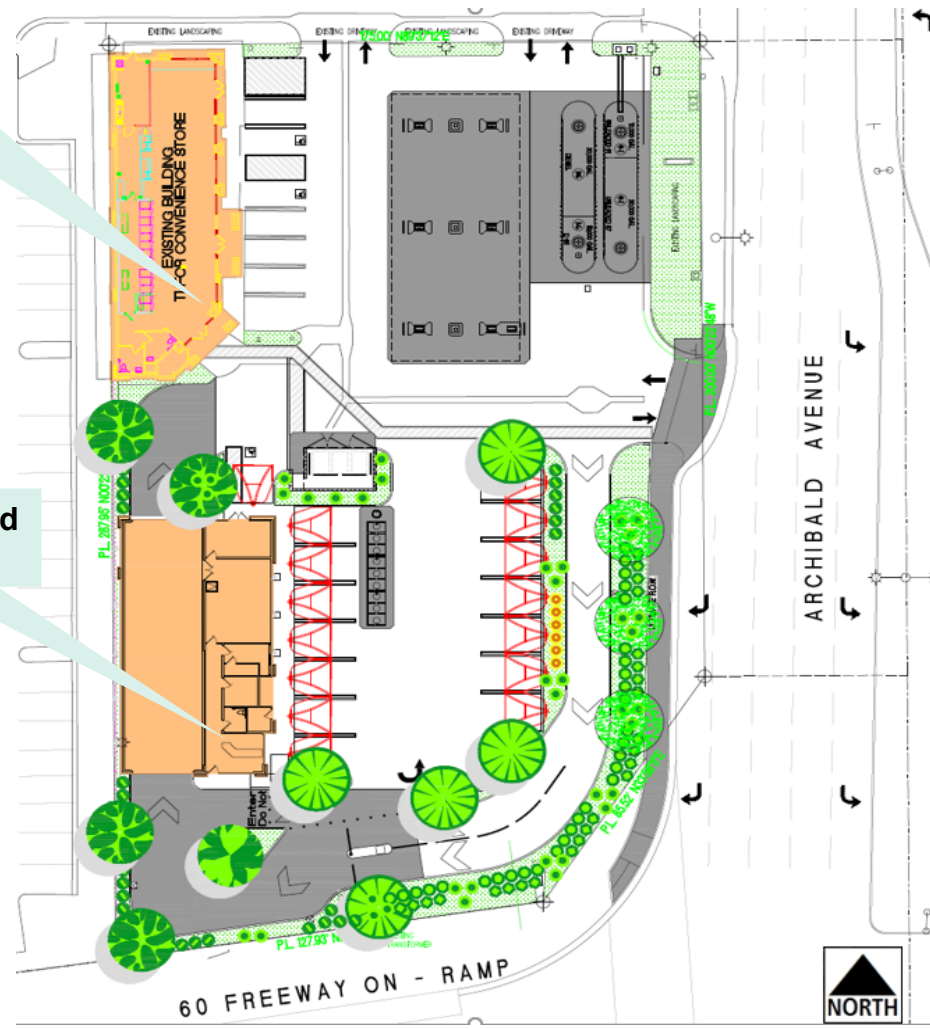
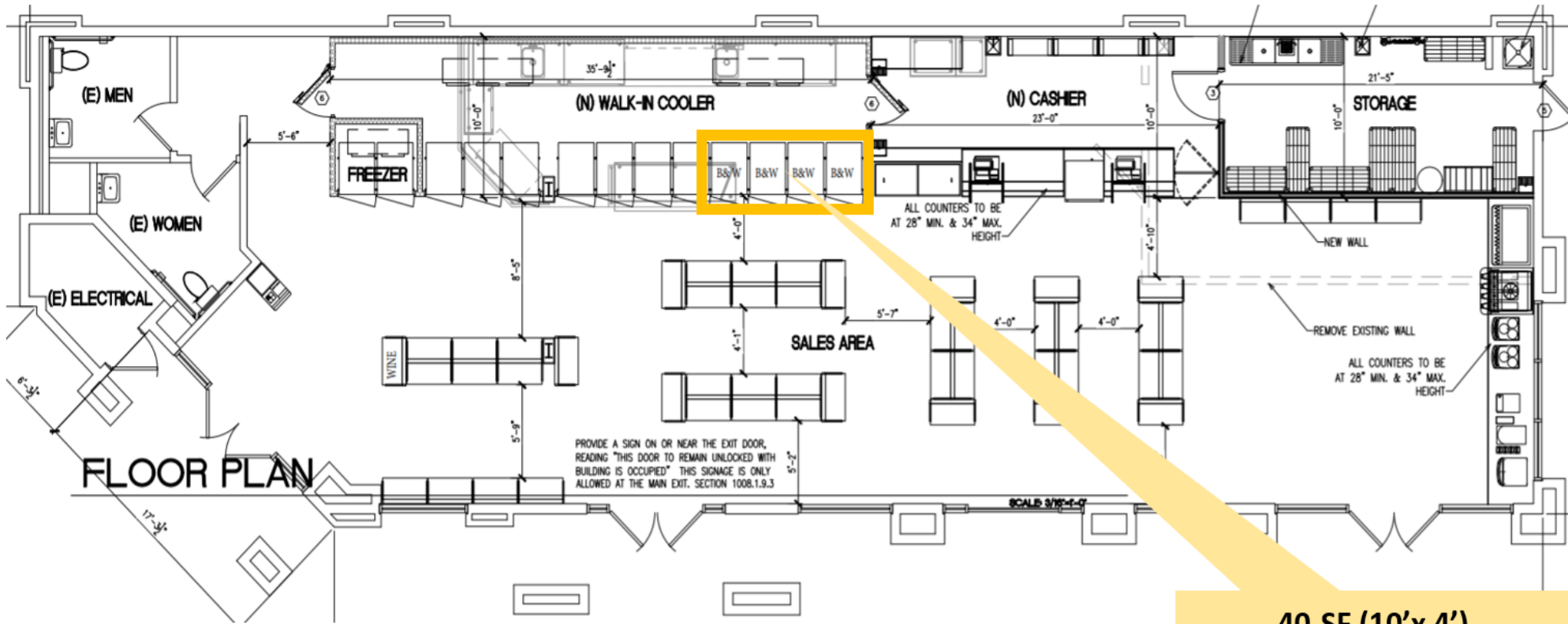


Exhibit C: Floor Plan



40-SF (10'x 4')
Beer & Wine Storage Area



Exhibit D: Proposed Convenience Store Items

 **Focus on Fresh Food**

- Daily prepared sandwiches & bakery
- Salads, vegetable & fruit cups
- Bananas, oranges, apples & lemons
- Healthy choice snack section
- Pizza, chicken wings & tenders
- Taquitos & hot dogs
- Minimal shelf space is dedicated to beer and wine



Exhibit E: Site Photos of Future Convenience Store (7-Eleven)



Northwest View of Existing Building



View of Building's East Elevation

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: October 19, 2020

File No: PCUP20-013

Related Files: PDEV19-045

Project Description: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 2,838 square foot convenience store on 1.06 acres of land, located at the 2380 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-01); **submitted by Brixton Enterprises Inc.**

Prepared By: Denny D. Chen, Associate Planner
Phone: 909.395.2424 (direct)
Email: dchen@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 General Requirements. The Project shall comply with the following general requirements:

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

2.4 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) A minimum of 21 on-site parking spaces shall be provided.

2.5 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

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

2.7 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.0 (Sign Regulations).

2.8 Alcoholic Beverage Sales—General.

(a) No upgrade and/or 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.

2.9 Alcoholic Beverage Sales—Convenience Markets and Liquor Stores.

(a) 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.

(b) 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.

(c) All provisions of the Alcoholic Beverage Control Act (Business and Professions Code Section 23000 et seq.) pertaining to the sale of beer and wine for off-premise consumption in conjunction with gasoline service stations shall be complied with, including, but not limited to, the following:

(i) No beer or wine shall be displayed within 5 feet of the cash register or the front door, unless it is in a permanently affixed cooler.

(ii) No advertisement of alcoholic beverages shall be displayed at motor fuel islands.

(iii) No sale of alcoholic beverages shall be made from a drive-thru window.

(iv) No display or sale of beer or wine shall be made from an ice tub.

(v) No illuminated advertising for beer or wine shall be located on building exteriors or in windows.

2.10 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.

2.11 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.

2.12 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) 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.

2.13 Additional Requirements.

(a) Sales of alcohol will be from 6:00 AM to 2:00 AM, daily. After 2:00 AM, cooler storing alcohol must be locked.

(b) No more than 25 percent of advertisements are allowed on the windows of the business.

(c) No more than four doors on the walk-in cooler shall be designated for beer and wine.

(d) The building tenant(s), Chevron Gas and 7-Eleven, shall obtain and maintain a City Business License.

(e) A final site inspection shall be performed by the Planning Department prior to Building Department's final inspection.

(f) All applicable Conditions of Approval from other City departments shall be met and addressed by the applicant.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Denny Chen, Associate Planner

FROM: Emily Hernandez, Police Officer

DATE: August 25, 2020

SUBJECT: PCUP20-013(ABC) – Anthem Oil- 2380 S. Archibald Avenue

The Ontario Police Department has researched the request for an off-site type 20 (beer & wine) alcohol license for Anthem Oil, located at 2380 South Archibald Avenue. The requested license is within census tract 18.03 which is over concentrated with off-sale alcohol licenses. The department of Alcohol Beverage Control authorizes two (2) off-sale alcohol licenses for this tract. There are currently five (5) active off-sale alcohol licenses within census tract 18.03. The Ontario Police Department does not approve or deny Conditional Use Permits, business or ABC licenses. The Ontario Police Department has no objections to the approval of PCUP20-013, which is at the discretion of the City of Ontario Planning Department. However, due to the over concentration factor, the Ontario Police Department recommends the applicant obtain a license approval from the California Department of Alcohol Beverage Control prior to moving forward.

If a Conditional Use Permit is granted, the location must follow all California 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 06:00 a.m. to 02:00 a.m. daily. After 02:00 a.m., cooler storing alcohol must be locked.
2. Applicant will follow all conditions per Business and Professions Code 23790.5(d) - Concurrent sales of alcohol and gasoline.
3. No sales or service to minors.
4. No sales or service to intoxicated patrons.

5. No open alcohol beverages in the establishment.
6. No alcohol sales through any pass-through type windows.
7. No drug paraphernalia will be sold at any time.
8. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
9. Single sale of beer, cans or bottles, will not be allowed.
10. Wine shall not be sold in containers less than 750ml.
11. Wine coolers must be sold in four packs.
12. The sale of distilled spirits is not permitted.
13. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
14. No more than four (4) doors on the walk-in cooler shall be designated for beer and wine.
15. Employees engaged in the sales of alcohol must be 18 years of age or older.
16. No more than 25% of advertisements are allowed on the windows of the business.
17. The cashier must be visible from the parking lot.
18. 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.
19. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but 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 the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
20. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
21. 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.

22. 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.
23. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
24. 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.
25. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the main entrance, to monitor patrons entering and exiting. A minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the police department upon request.

TOBACCO CONDITIONS

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post age of sale warning signs at each cash register.
3. Retailers must post Stake Act Stickers at each point of sale.
4. No self-service displays of tobacco products are allowed.
5. Tobacco products must be stored behind the counter.
6. Sales of individual cigarettes are prohibited.
7. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
8. The distribution of free or normal-cost tobacco products or coupons is prohibited.
9. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.

If alcohol or tobacco 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 and in a 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: Denny Chen, Associate Planner
Planning Department

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

DATE: August 11, 2020

SUBJECT: PCUP20-013 A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for off-premise consumption in conjunction with an existing 2,838-square foot retail building on 1.064 acres of land located at 2380 South Archibald Avenue, within the General Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-01).

-
- 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, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: August 4, 2020
SUBJECT: PCUP20-013

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

KS:lr

Denny Chen

From: Michael Bhatanawin
Sent: Monday, August 24, 2020 5:45 PM
To: Denny Chen
Cc: Raymond Lee
Subject: PCUP20-013 - 2380 S Archibald Ave
Attachments: PCUP20-013 Eng no comments - Review 1.pdf; PCUP20-013 ABC License 2380 S Archibald Ave; RE: PCUP19-013 Traffic Comments; PCUP20-013 DPR#1 (#7057); PCUP20-013 - 2380 South Archibald Ave

Denny,

Engineering, Environmental, Traffic, OMUC and IT have no comments on this project. See attached for your records.

Thanks,
Mike

Michael Bhatanawin, P.E.
Associate Engineer
City of Ontario
303 East B Street
Ontario, CA 91764
P: (909) 395-2130 / F: (909) 395-2122
MBhatanawin@ontarioca.gov





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
 Khol 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

Mike

FROM: Denny Chen, Associate Planner

DATE: July 30, 2020

SUBJECT: FILE #: PCUP20-013 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 and wine for off-premise consumption in conjunction with an existing 2,838-square foot retail building on 1.064 acres of land located at 2380 South Archibald Avenue, within the General Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-01).

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 (*Refer to conditions for PDEV19-045*)

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.

Engineering/Land Dev Department *Michael Bhatnagar* Signature *Associate Engineer* Title *8/18/20* Date

Denny Chen

From: Celia Corral
Sent: Monday, August 24, 2020 4:44 PM
To: Michael Bhatanawin
Subject: PCUP20-013 ABC License 2380 S Archibald Ave

Hello,
Environmental has no comments for the referenced project.



Celia Corral, EIT
Engineering Assistant
Work: 909-395-2387
Fax: 909-395-2122
ccorral@ontarioca.gov



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
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 Jimmy Chang, IT Department

FROM: Denny Chen, Associate Planner

DATE: July 30, 2020

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- 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.

ENGINEERING/
TRAFFIC
Department

[Handwritten Signature]
Signature

ENGINEERING
ASSISTANT
Title

8/18/20
Date

Denny Chen

From: Peter Tuan M. Tran
Sent: Thursday, August 6, 2020 11:40 AM
To: Michael Bhatanawin
Cc: Denny Chen
Subject: PCUP20-013 DPR#1 (#7057)

Mike,

OMUC has no subject comment. Thank you.

Sincerely,

Peter Tran
Associate Engineer/Project Manager
Ontario Municipal Utilities Company
Utilities Engineering and Operation Department



1425 South Bon View Avenue
Ontario, CA 91761
Ph: 909-395-2677
Fx: 909-395-2608

 Find us on Facebook [environment before printing this e-mail.](#)



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)
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 Lorena Mejia, Airport Planning
 Eric Woosley, Engineering/NPDES
 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department

FROM: Denny Chen, Associate Planner

DATE: July 30, 2020

SUBJECT: FILE #: PCUP20-013 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 .

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PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for off-premise consumption in conjunction with an existing 2,838-square foot retail building on 1.064 acres of land located at 2380 South Archibald Avenue, within the General Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-01).

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.

Broadband Operations
Department

Anna Vaca
Signature

Sr. Systems Analyst
Title

01/02/2020
Date

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV19-045
 Address: 2380 S Archibald Ave
 APN: 1083-011-01
 Existing Land Use: Vacant
 Proposed Land Use: Development Plan to construct a 2,838 SF convenience store, car wash and fueling station
 Site Acreage: 1.06 Proposed Structure Height: 30 ft
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Denny Chen
 Date: 11/6/19
 CD No.: 2019-054
 PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 FT +	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP
 Consistent
 Consistent with Conditions
 Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: *Lorena Mejia*