



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

May 16, 2022

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 and on the City website at www.ontarioca.gov/agendas/zoning

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-001**: A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales (ABC Type 21 License), including beer, wine, and distilled spirits for off-premise consumption in conjunction with an existing 20,528 square-foot grocery and consumer goods store on 2.23 acres of land, located at 1714 South Euclid Avenue, within the CN (Neighborhood Commercial) zoning district. 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; (APN: 1050-284-01) **submitted by 99 Cents Only Stores.**

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 **May 12, 2022**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Administrative Assistant



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

May 16, 2022

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

DECISION NO.: [insert #]

FILE NO.: PCUP22-001

DESCRIPTION: A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales (ABC Type 21 License), including beer, wine, and distilled spirits for off-premises consumption, in conjunction with an existing 20,528-square-foot grocery and consumer goods store on 2.23 acres of land located at 1714 South Euclid Avenue, within the CN (Neighborhood Commercial) zoning district; (APN: 1050-284-01) **submitted by 99 Cents Only Stores.**

PART 1: BACKGROUND & ANALYSIS

99 CENTS ONLY STORES, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP22-001, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 2.23 acres of land located at 1714 South Euclid Avenue, 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:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	99 Cents Only Grocery/General Merchandise Store	Neighborhood Commercial (0.4 FAR)	CN (Neighborhood Commercial)	N/A
North:	Vacant	Neighborhood Commercial (0.4 FAR)	CN (Neighborhood Commercial)	N/A
South:	Vacant and Multi-Family Residential	Neighborhood Commercial (0.4 FAR) and MDR (11.1-25 du/ac)	CN (Neighborhood Commercial) and MDR-18 (Medium-Density Residential)	N/A
East:	Vacant and Multi-Family Residential	Neighborhood Commercial (0.4 FAR) and MDR (11.1-25 du/ac)	CN (Neighborhood Commercial) and MDR-18 (Medium-Density Residential)	N/A
West:	Single-Family Residential	Low-Density Residential (2.1-5 du/ac)	LDR-5 (Low-Density Residential)	N/A

Prepared: AV - 05/02/2022 Reviewed: CM - 05/05/2022 Decision: [enter initial/date]

PROJECT ANALYSIS:

(1) Background — The Project site is comprised of an existing shopping center, which includes a small 20,528-square-foot grocery and consumer goods store (previously Cardenas), gas station, and taco restaurant (see Exhibit B: Site Plan). The Applicant filed for tenant improvements through the Building Department in May of 2021 to begin the conversion of the store from a Cardenas market to a 99 Cents Only store. Available permits indicate that the building's original construction permits were issued in 1997 for Southland Market, with likely completion in 1998.

99 Cents Only Stores was founded in 1982, and currently operates 382 stores in California, Texas, Arizona, and Nevada, with nearly 300 stores in California and 145 locations that sell alcoholic beverages. Grocery and fresh products occupy over 50 percent of their typical sales area, and according to the applicant, many of their customers consider the store their primary grocery supplier.

(2) Proposed Use — In January 2022, the Applicant applied for a Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for off-premises consumption (Type 21 ABC License) in conjunction with the grocery and general merchandise store. The store will utilize a floor plan typical of other similar stores, including aisles of pre-packaged goods and other general merchandising, along with coolers for produce, non-alcoholic beverages, and dairy items, along with checkout stands located at the entry/exit of the store (see Exhibit C: Floor Plan). The Applicant has proposed to introduce an approximate 48-square-foot alcoholic beverage display toward the rear of the store, which accounts for less than one percent of the sales floor area of the store. No cold storage of alcoholic beverages is proposed at this time, and an assortment of store rules will be applied at this location governing the operations, advertisement, and product types available (see Exhibit D: Business Plan/Statement of Operations).

The store's main entrance is located on the east side of the building, facing the parking lot. The proposed daily business hours of operation are 8:00 AM to 10:00 PM, daily, with extended morning hours on Tuesdays and Thursdays (7:00 AM to 10:00 PM) to accommodate senior citizens and other at-risk customers during the current pandemic. The store operates with 8 to 12 associates per shift, with approximately 50 associates employed at the store in total.

The Police Department has conditioned the sale of alcohol to occur between 7:00 AM and 11:00 PM, daily. No on-site consumption of alcoholic beverages shall be permitted.

(3) Parking — The site plan available at the time of building construction does not indicate the number of parking stalls that were provided at the time of original building construction; however, the site has been in operation as a grocery store with a neighboring small restaurant and gas station since approximately 1998, when Development Code standards regarding parking were different than they are today. The current site has 95 parking spaces, and the current Development Code requires 81 spaces for the grocery store and 12 spaces for the restaurant (the gas station's spaces may be satisfied under the existing canopy area), resulting in a surplus of 2 parking spaces. Staff believes that the request to provide an additional convenience to customers of the store, which will operate similarly to the previous grocery store land uses, will not adversely affect the existing parking demand for the shopping center, as the application does not propose an expansion to the previously-approved floor plan or elimination of previously-approved parking spaces, and that a parking surplus currently exists.

(4) **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 17.07, which allows for a total of four off-site ABC licenses, and a total of two off-site ABC licenses are currently active. As such, the Census Tract is not over-concentrated. Additionally, the Police Department does not object to allowing the proposed Type 21 ABC License provided all City and State Department of Alcoholic Beverage Control rules, regulations, and Conditions of Approval are met and followed.

(5) **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 appropriate measures for mitigation accordingly. The Project site is located within an existing shopping center, which consists of a grocery and general goods store and a small restaurant intended to provide a walkable convenience to the residential neighborhoods surrounding the Project site. As the proposed Conditional Use Permit for alcoholic beverage sales will be to provide an added convenience for the previously-approved 99 Cents Only grocery and general goods store, and as the total floor area dedicated to alcoholic beverage sales will be less than one percent of the store, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within the shopping center will not be exposed to any impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other grocery store use within the surrounding area.

AIRPORT LAND USE COMPATIBILITY PLAN: This 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). Any special Conditions of Approval associated with uses in close proximity to the airport are attached to this report.

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.

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.

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 2: 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 located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on May 16, 2022, 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 3: THE DECISION

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED by the Zoning Administrator of the City of Ontario as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Zoning Administrator, the Zoning Administrator finds as follows:

(1) 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, 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 all of the following conditions:

(a) 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

(b) The area in which the Project is located is not environmentally sensitive, as the Project site is fully improved with a retail shopping center.

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. 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 ("ONT"), 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. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation 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, the ZA, therefore, finds and determines that the Project, when implemented in conjunction with the Conditions of Approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(1) *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 City of Ontario Development Code and the CN (Neighborhood Commercial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, with the Project's Conditions of Approval, the proposed grocery and general goods store with off-site alcoholic beverage sales land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the CN (Neighborhood Commercial) zoning district; and

(2) *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 grocery and general goods store with off-site alcoholic beverage sales land use will be located within the CN (Neighborhood Commercial) zoning district. With the applicable development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, the Project is consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan, which promotes intensification of retail and service commercial land uses in the area of the Project site; and

(3) *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 grocery and general goods store with off-site alcoholic beverage sales land use is located with the Neighborhood Commercial land use district, and the CN (Neighborhood Commercial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use is consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. The proposed use will provide an additional convenience for patrons of the 99 Cents Only store; and

(4) *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 Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code 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; and

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

- *The retailer occupies a minimum of 12,000 square feet of gross floor area. The 99 Cents Only store will be 20,528 square feet in size.*
- *No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. Less than one percent of the gross floor area will be devoted to alcoholic beverage display.*

- *No less than 10 percent of the floor area is devoted to food sales. Greater than 50 percent of the floor area is devoted to food sales.*
- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The Police Department has not flagged this site as a high crime area and is supporting the request to sell alcoholic beverages, provided Conditions of Approval are met.*
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The Project site is currently under construction for tenant improvements for 99 Cents Only and has been conditioned to bring the landscaping up to code as part of this entitlement.*
- *The site is properly maintained, including building improvements, landscaping, and lighting. While the property fell into minor disrepair as a result of Cardenas' vacation of the building, the Project has been conditioned to bring the property into code compliance as part of this entitlement.*

SECTION 4: Zoning Administrator Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the Zoning Administrator hereby APPROVES the Application 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.

SECTION 5: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

APPROVED AND ADOPTED this _____ day of _____, 2022.

Rudy Zeledon
Zoning Administrator

Exhibit A: AERIAL PHOTOGRAPH

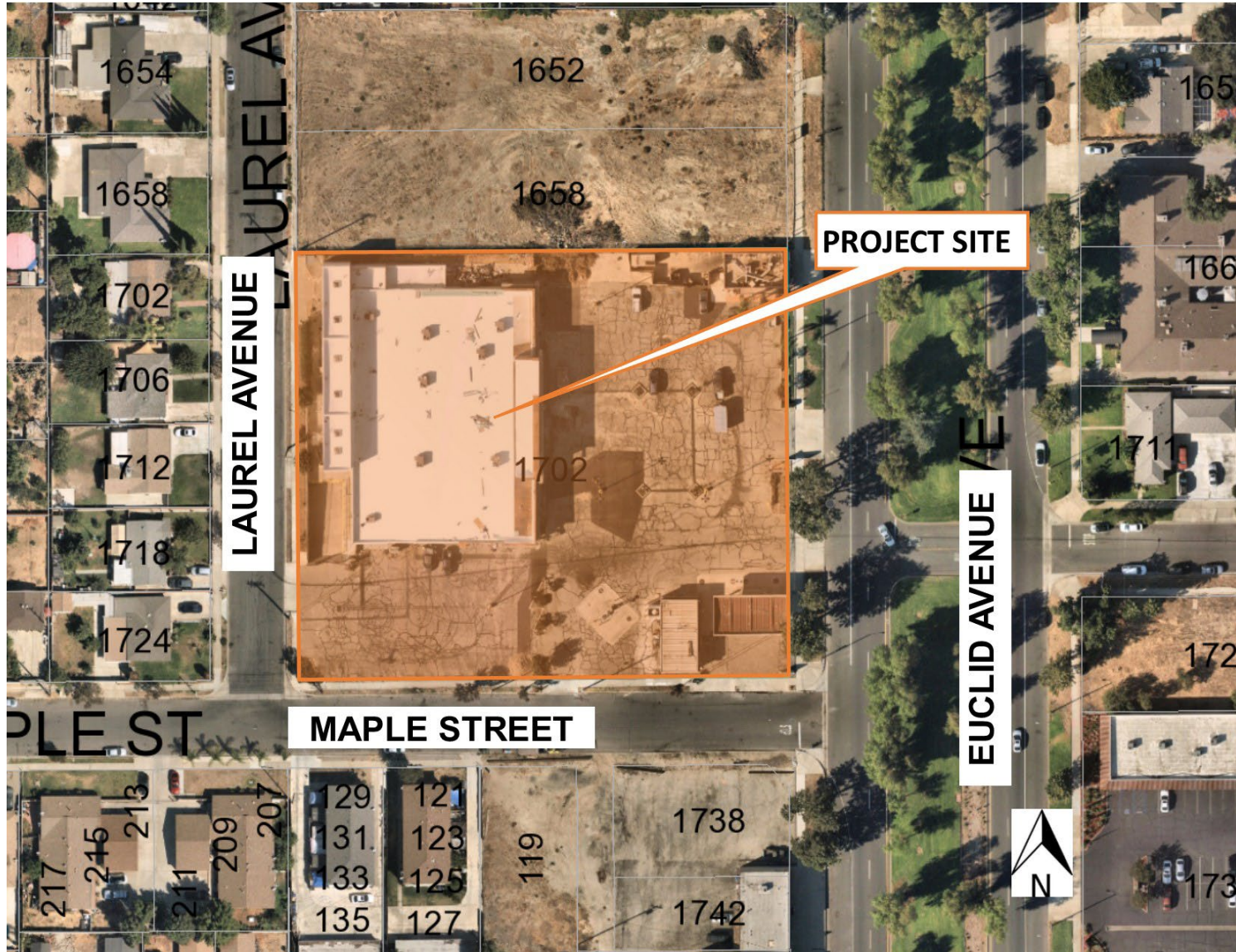


Exhibit C: FLOOR PLAN

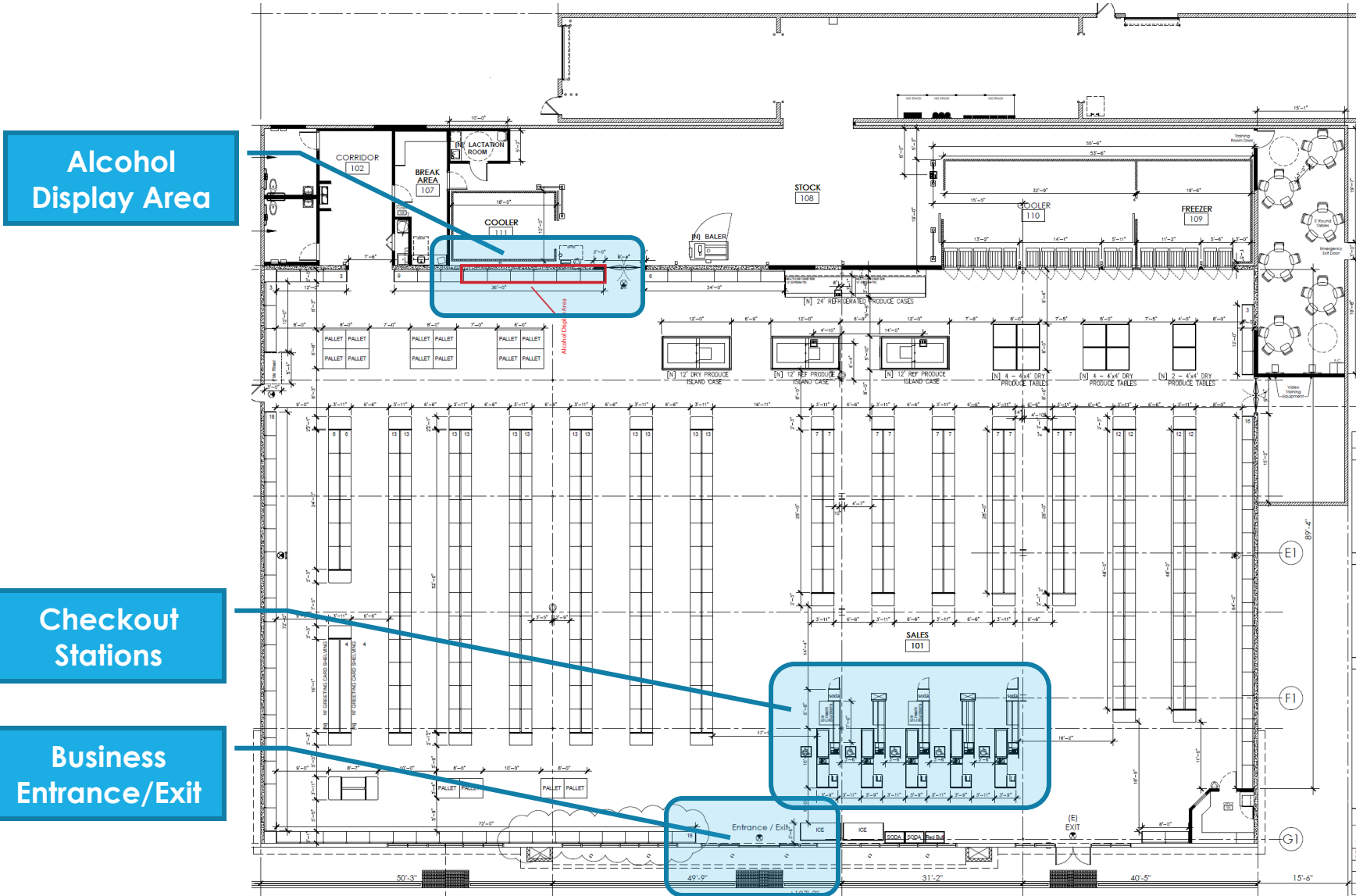


Exhibit D: BUSINESS PLAN/STATEMENT OF OPERATIONS



Statement of Operations The 99 Store #448 1714 S Euclid Ave

Who We Are

- Founded in 1982, 99 Cents Only Stores LLC (“The 99”) is the leading operator of extreme value stores in California and the Southwestern United States. The 99 currently operates 382 stores located in California, Texas, Arizona and Nevada. The 99 operates nearly 300 stores in California, with approximately 145 locations that sell beer and wine.
- The 99 offers a balanced portfolio of everyday name brands, extreme values, special buys and other attractively priced merchandise and compelling seasonal offerings. Our partners include Kellogg’s, Campbell’s, Bimbo Bakeries, Kraft, Hershey, Tyson, PepsiCo, Frito-Lay, Dreyer’s, Mars, Unilever, Proctor & Gamble, and Colgate.
- Grocery and fresh products represent over 50% of our sales area, including fresh produce, milk, eggs, bread, tortillas, frozen and deli items. Many of our customers consider The 99 as their primary grocery store.
- The 99 is expecting to open its Ontario #448 store in the first quarter of 2022.
- For more information about our company, please visit www.99only.com.

Proposed Additional Use and Request

- The 99 requests a Conditional Use Permit (“CUP”) to sell beer, wine, and distilled spirits for offsite consumption (Type 21 ABC License) within a 20,528 square foot grocery and consumer goods store (Ontario #448).

Hours of Operation

- 8:00 am to 10:00 pm daily.
- On Tuesdays and Thursdays, the hours of operation are 7:00 am to 10:00 pm to allow our senior citizens and other at-risk customers, such as pregnant women and those with underlying medical conditions, a convenient shopping option.

Associates at #448/Ontario

- We average 8 to 12 associates per shift.
- Approximately 50 associates currently employed at the store.

Alcohol Display Area

- The display of alcohol is proposed to be 24 linear feet of shelf units (48 +/- sf of floor area) which is less than 1% of the sales floor area of the store
- No cold storage of alcohol is proposed at this time
- There will be no posters advertising beer or wine in store windows
- There will be no single sales of beer and malt products in containers larger than 25 ounces
- Single wine bottles will be sold at a minimum of 375 ml in size and wine coolers will be sold in minimum of 2-pack containers
- Distilled spirits will be sold in minimum of 750 ml containers
- There will be no display of alcohol within 20 feet of an exit

Security Measures

- Ontario #448 has approximately 24 surveillance cameras.
- Cameras are strategically placed in a manner that every part of the sales floor area, including checkout stands, are videotaped during store hours.
- Security videos are stored for a minimum of 30 days and are made available to local police departments upon request.

Associate Training

- Associates who handle alcohol sales are required to complete corporate training for alcohol sales that closely follows the ABC LEAD program.
- The 99 has a zero-tolerance policy for associates who do not sell alcohol in a responsible manner, and immediately terminates associates who violate ABC laws and regulations.
- Associates are trained to contact law enforcement promptly when faced with incidents of public intoxication, suspicious or harassing behavior, theft, and loitering.

Additional Information

- The 99 gladly offers to meet with stakeholders to discuss the requested CUP, our business operations, and our commitment to the responsible sale of alcoholic beverages.

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing Conditions of Approval follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 5/2/2022

File No: PCUP22-001

Related Files: N/A

Project Description: A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales (ABC Type 21 License), including beer, wine, and distilled spirits for off-premises consumption, in conjunction with an existing 20,528-square-foot grocery and consumer goods store on 2.23 acres of land, located at 1714 South Euclid Avenue, within the CN (Neighborhood Commercial) zoning district; (APN: 1050-284-01) **submitted by 99 Cents Only Stores.**

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 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.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation

system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

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

2.3 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) 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).

2.4 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.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.5 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 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 with landscaping and/or decorative low garden walls.

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 8.1 (Sign Regulations).

2.8 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).

2.9 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 may 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. 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.

2.10 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 display or sale of beer or wine shall be made from an ice tub.

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

2.11 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 all of 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.

2.12 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.

2.13 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"). The filing of a NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

2.14 Additional Requirements.

(a) The site shall be maintained in a clean and orderly fashion, including upkeep of all landscaping. Parking lots shall be routinely patrolled to ensure all trash is properly disposed of; all carts are returned to their corrals; and that no nuisance activities are occurring, including vandalism, vagrancy, and loitering.

(b) Under no circumstances shall alcoholic beverages be consumed on-site.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Alexis Vaughn, Assistant Planner

FROM: Savannah Thompson, Police Officer, ABC/Tobacco

DATE: January 25, 2022

SUBJECT: FILE NO. PCUP22-001 – 99 CENT STORE 1714 S. Euclid Ave

The Ontario Police Department has researched the request for an off-site type 21 (off-sale general) alcohol license for the 99 Cent Store, located at 1714 S. Euclid Avenue. There is currently one (1) pending off-sale alcohol license for this business.

The Police Department is placing the following conditions:

ABC CONDITIONS

1. Sales of alcohol will occur between the hours of 7:00 a.m. to 11:00 p.m. daily.
2. No sales or service to minors.
3. No sales or service to intoxicated patrons.
4. No open alcohol beverages in the establishment.
5. No drug paraphernalia will be sold at any time.
6. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
7. No single can or bottle sales of alcoholic beverages are allowed (For wine, see below). These must be sold in manufacture multi-packs or multi-packaging authorized by the Ontario Police Department.

8. No single bottle sales of wine smaller than 375 ml and wine coolers must be sold in 2-packs is permitted unless otherwise permitted by City ordinance or written policy.
9. No single bottle sales of distilled spirits smaller than 750 ml is permitted unless otherwise permitted by City ordinance or written policy.
10. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
11. Employees engaged in the sales of alcohol must be 18 years of age or older.
12. No more than 25% of advertisements are allowed on the windows of the business.
13. No warm beer displays close to the front door will be allowed.
14. 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.
15. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premise. In no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under control of the business.
16. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
17. 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.
18. 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.
19. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
20. 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.

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

If alcohol related crimes at this location are higher than four other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the zoning administrator for review and re-conditioning or revocation of the permit. The 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 the laws of the State or City are the intent of this action.

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

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

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

The Applicant is invited to contact Officer Savannah Thompson at (909) 408-1155 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

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

DATE: January 27, 2022

SUBJECT: PCUP22-001 A Conditional Use Permit to establish alcoholic beverage sales, (ABC Type 21 License) including beer, wine and distilled spirits for off-premise consumption in conjunction with an existing 20,528-square foot grocery and consumer goods store on 2.23 acres of land located at 1714 South Euclid Ave, within the CN zoning district (APN(s): 1050-284-01-0000).

-
- 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: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: January 17, 2022

SUBJECT: FILE #: PCUP22-001 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, (ABC Type 21 License) including beer, wine and distilled spirits for off-premise consumption in conjunction with an existing 20,528-square foot grocery and consumer goods store on 2.23 acres of land located at 1714 South Euclid Ave, within the CN zoning district (APN(s): 1050-284-01-0000). Related File(s): [insert File #s].

- 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
Department

Minador
Signature


Landscape Intern
Title

2/24/2022
Date
Item A - 22 of 27

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off

	01/24/22
Jamie Richardson, Landscape Planner	Date

Reviewer's Name: Jamie Richardson, Landscape Planner	Phone: (909) 395-2615
--	---------------------------------

D.A.B. File No.: PCUP22-001	Related Files:	Case Planner: Alexis Vaughn
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Project Name and Location:
 ABC in conjunction with a grocery and consumer goods store
 1714 S Euclid Ave

Applicant/Representative:
 99 Cents Only Stores: Edgar Flores
 4000 Union Pacific Ave
 Commerce, CA 90023

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A site plan (01/17/22) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met. |
| <input type="checkbox"/> | A site plan () has not been approved. Corrections noted below are required prior to DAB approval. |

- Note landscapes shall be maintained by the property management association or maintenance personnel.
- Show existing trees on site and in parkways. Install parkway trees where missing; Koelreuteria paniculata 24" box spaced 30' on center.
- Contact property management to replace missing parking lot island trees. For single parking rows, there should be a island planter with 1 tree at every 10 parking spaces. For double parking rows, there should be a 5' wide center strip and 1 tree for every 5 spaces. 24" box size trees shall match existing species or consider low water trees for this climate such as: Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistacia chinensis, or similar. Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established.
- Show tree staking details on plan.
- Add a planter to the south of the building where the transformer is located at; remove the bollards and ensure the transformer is a min of 5' away from paving or curbs. Screen the transformer with 3' high shrubs and 18" high groundcover in front of its access doors.
- Add a parking end island planter with 1 tree and 2 tree planter diamonds to the south of the building for parking lot shade.
- Continue the landscaping in the irregularly shaped end island planter south of the building.
- Landscape renovations shall include a weather-based controller with a weather sensor and system tune-up to prevent any overspray or runoff.
- Repair or replace broken or leaking irrigation components; match existing components.
- Existing trees shall be protected in place. If tree removal is requested, a tree inventory shall be submitted to this department for review and approval.
- Submit landscape and irrigation plans for review and approval.
- Contact this department for inspection when construction is completed.
- Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
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Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: February 11, 2022

SUBJECT: FILE #: PCUP22-001

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:
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 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
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 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales (ABC Type 21 License), including beer, wine and distilled spirits for off-premise consumption in conjunction with an existing 20,528 square-foot grocery and consumer goods store on 2.23 acres of land located at 1714 South Euclid Ave, within the CN zoning district (APN(s): 1050-284-01-0000). Related File(s): [insert File #s].

- 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

Department

Raymond Lee

Signature

Asst. City Engineer

Title

2/15/22

Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
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Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

Nathan Kuan

NO COMMENT

FROM: Alexis Vaughn, Assistant Planner

DATE: January 17, 2022

SUBJECT: FILE #: PCUP22-001

Finance Acct#:

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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.

ENG./TRAF.

ENG. ASST

2/22/22

Department

Signature

Title

Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES *ATTN: READING*
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Assistant Planner

DATE: January 17, 2022

SUBJECT: FILE #: PCUP22-001

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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- 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 - Env
Department

[Signature]
Signature

Engineering Assistant
Title

1/24/22
Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP22-001

Address: 1714 S Euclid Avenue

APN: 1050-284-01

Existing Land Use: Grocery Store (99 Cents Only)

Proposed Land Use: A Type 21 ancillary ABC License for a 20,528 SF grocery store (99 cents store)

Site Acreage: 2.23 Proposed Structure Height: 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: 5/3/2022

CD No.: 2022-001

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="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> 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: _____