



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

July 17, 2023

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 FOR FILE NO. PCUP23-007**: A public hearing to consider a Conditional Use Permit to establish a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a proposed 2,833 square-foot restaurant (IL TORO ROSSO) with a 709 square-foot enclosed patio on 1.21 acres of land, located at 960 North Ontario Mills Drive, Suite A, within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) 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; (APN: 0238-014-04). **submitted by Rosa's Cucina, 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 **July 13, 2023**, 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

July 17, 2023

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-007

DESCRIPTION: A public hearing to consider a Conditional Use Permit to establish a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a proposed 2,833 square-foot restaurant (IL Toro Rosso) with a 709 square-foot outdoor patio on 1.21 acres of land, located at 960 North Ontario Mills Drive, Suite A, within the Commercial / Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) Specific Plan (APN: 238-014-04); **submitted by Rossa's CUCINA, INC.**

PART 1: BACKGROUND & ANALYSIS

ROSSA'S CUCINA, INC (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-007, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 1.21 acres of land located at 960 Ontario Mills Drive, Suite A, and is depicted in *Exhibit A: Project Location Map*, 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:	Existing Retail/Commercial	Mixed-Use	Ontario Mills Specific Plan	Commercial/Office
North:	Retail/Commercial	Mixed-Use	Ontario Mills Specific Plan	Commercial/Office
South:	Heroes Restaurant and Brewhouse	Mixed-Use	Ontario Mills Specific Plan	Commercial/Office
East:	Retail/Commercial	Mixed-Use	Ontario Mills Specific Plan	Commercial/Office
West:	Regal Edwards Ontario Palace	Mixed-Use	Ontario Mills Specific Plan	Commercial/Office

PROJECT ANALYSIS:

(1) Background— The Project site is located within an existing commercial shopping center (Daybreak Plaza) which was developed in 1996. On February 18, 2015, the Development Advisory Board approved a Development Plan (File No. PDEV14-036) to convert a 6,061 square foot restaurant building into a multi-tenant building (3 units) with a drive-thru facility. The existing

Prepared: PC/JA – 07/07/2023	Reviewed: KR – 07/12/2023
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building tenants include Starbucks (Suite B) and Mochinut (Suite C). The Project unit (Suite A) was previously occupied by Noodle World Jr., which since ceased operation in February 2022.

On May 02, 2023, the Applicant submitted a Conditional Use Permit application requesting a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits within a proposed restaurant (IL Toro Rosso) on the subject site.

(2) Proposed Use/Operation — The Applicant previously operated and established Rossa's Cucina Enoteca in 2014 through November 2020 as a full-service restaurant with a Type 47 ABC license located at 425 North Vineyard Avenue in Ontario. Due to the economic challenges during the pandemic, the owners closed the restaurant. The Applicant is now seeking to re-establish the restaurant at the subject site under a new business name, IL Toro Rosso, and will feature the same Italian dining experience featuring authentic Italian cuisine and steaks.

The proposed business hours are daily from 11:00 AM to 12:00 AM inclusive with serving alcohol. The restaurant will operate with approximately 12 employees, with half of the staff working the lunch shift and the other half working the dinner shift.

The restaurant is divided into seven general areas including the indoor dining area, outdoor dining area, bar area, kitchen, walk-in cooler, restrooms, and miscellaneous areas such as food preparation, serving, storage, and other ancillary areas. The indoor seating capacity can accommodate 67 patrons and the outdoor dining area can accommodate 26 patrons (see Exhibit C—Floor Plan, attached).

The main entrance to the restaurant is located on the easterly side of the building, facing the parking lot. Parking for employees and guests is located to the east of the building.

(3) Parking — The commercial center (Daybreak Plaza) was developed with 268 parking spaces with an approved shared parking plan. The Applicant does not propose the expansion of the existing building facility, nor include the elimination of any parking stalls and is consistent with the approved Development Plan (File No. PDEV14-036). Therefore, staff finds that the proposed use will not adversely affect the parking demand within the existing commercial center and no additional parking spaces are required.

(4) ABC License Concentrations – 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 upon their population. The Project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and according to ABC, is over concentrated.

The Census Tract currently allows three on-sale and three off-sale licenses; however, there are currently 52 active on-sale licenses and 12 active off-sale licenses within this census tract. The proposed location will operate as a "Bona Fide Public Eating Place;" therefore, the Police Department does not object to allowing the proposed Type 47 ABC License, provided that all City and State Department of Alcohol Beverage Control rules, regulations, and conditions of approval are met and followed. In addition, the Project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation, accordingly. The Project site is located east of Ontario Mills Mall and is surrounded by restaurant and entertainment uses to the north, west, and east. 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 and surrounding the Project site will not be exposed to any impacts resulting from alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant use within the center and surrounding area. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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 ("ONT 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 ONT 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 July 17, 2023, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Pablo Castilla, Planning Intern, presented the staff report on the proposed use, indicating staff's 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 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; and

(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: ONT 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 ONT 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. 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 ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, is consistent with the policies and criteria set forth within the ONT 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:

(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 City of Ontario Development Code and the Ontario Mills Specific Plan (formerly the California Commerce Center North/Ontario Gateway Plaza Wagner Properties Specific Plan), and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the Type 47 ABC license proposed to operate in conjunction with the proposed 2,833 square-foot restaurant and 709 square-foot outdoor patio land use to be established and operated consistent with the objectives and purposes, and development standards and guidelines of the Commercial/Office land use district of the Ontario Mills Specific Plan; and

(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 47 ABC License in conjunction with the proposed 2,833 square-foot restaurant and 709 square-foot outdoor patio land use will be located within the Mixed-Use land use district of the Policy Plan Land Use Map, and the Ontario Mills Specific Plan (formerly the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan).

The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(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 47 ABC license in conjunction with the proposed 2,833 square foot restaurant and 709 square-foot outdoor patio land use is located with the Mixed-Use land use district, and the Office/Commercial land use district of the Ontario Mills specific Plan (formerly the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan), 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 and Office/Commercial land use district of the Ontario Mills Specific Plan; and

(d) *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 impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) 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; and

(e) The proposed on-sale alcoholic beverage license is proposed within overconcentrated census tract (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.), in conjunction with a “bona fide restaurant.” Pursuant to the requirements of Development Code Section 5.03.025.F.3 located, the Zoning Administrator hereby finds and determines that the issuance of the requested alcoholic beverage license in conjunction with the bona fide restaurant is provided as convenience to business patrons.

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 July 2023.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit C: FLOOR PLAN

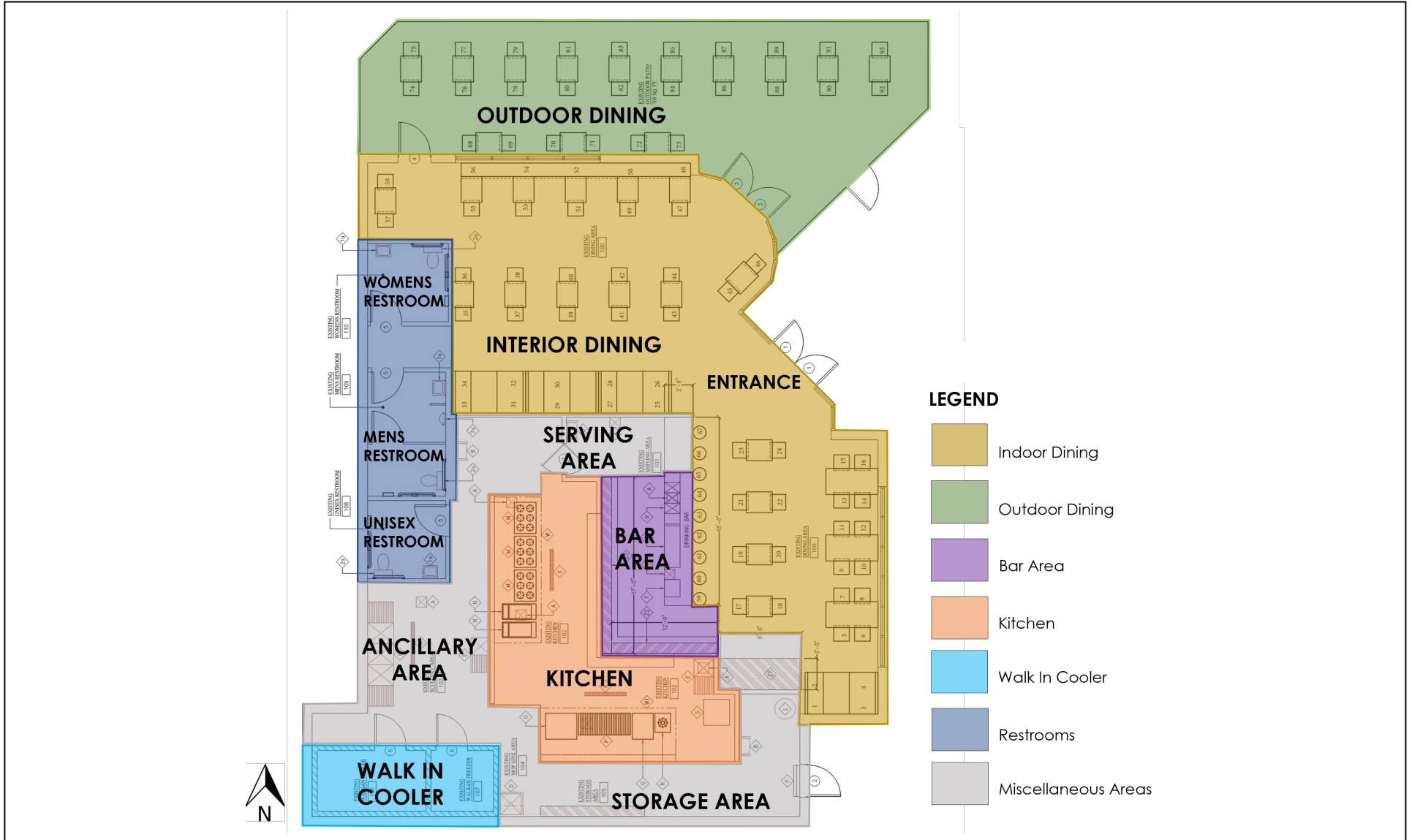


Exhibit D: SITE PHOTO



Project site entrance, formerly Noodle World Jr.

Attachment A: Departmental Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 7/7/2023

File No: PCUP23-007

Related File: PDEV14-036

Project Description: A public hearing to consider a Conditional Use Permit to establish a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a proposed 2,833 square-foot restaurant (Il Toro Rosso) with a 709 square-foot outdoor patio on 1.21 acres of land, located at 960 North Ontario Mills Drive, Suite A, within the Commercial / Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties (Ontario Mills) Specific Plan (APN: 238-014-04); **submitted by Rossa's CUCINA, INC.**

Prepared By: Pablo Castilla, Administrative Intern / Jeanie Irene Aguilo, Associate Planner
Phone: 909.395.2421 (direct) / 909.395.2418 (direct)
Email: pcastilla@ontarioca.gov / jaguilo@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. 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 Conditional Use Permit 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.

(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.

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

2.5 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).

(e) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

2.6 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.

2.7 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.

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

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

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

2.11 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 hereby deemed to be 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.

2.12 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 restaurant's 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.

2.13 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.

2.14 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.

2.15 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.

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

2.16 Additional Requirements.

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

(b) Building and use shall comply with all Building and Safety requirements prior to opening for business.

(c) A City Business License must be reviewed and approved by the Ontario Planning Department prior to operation of business with sales of alcohol.

(d) The conducting of any special event which is beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, shall require approval of a Temporary Use Permit by the City prior to commencement of that special event.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Pablo Castilla, Administrative Intern

FROM: Jonathan Burnette, Police Officer, CET Unit

DATE: June 1, 2023

SUBJECT: PCUP23-007 – Il Toro Rosso
960 Ontario Mills Drive Suite A, Ontario, CA 91764

This location has applied for a type 47 On-Sale General Liquor License for a Bona Fide Public Eating Place located within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), three (3) on-sale licenses are allowed within this tract, there are currently fifty-two (52). The census tract is currently over-concentrated. However, this census tract is considered an entertainment district by the City of Ontario, which allows for exceptions. The Police Department neither approves nor denies conditional use permits. However, due to the above circumstances, it is recommended the applicant obtain the ABC license through the State ABC office prior to moving forward.

On approval by the planning department, the location must follow all federal, state, local, and Department of Alcohol Beverage Control laws, rules and conditions. In addition, the following conditions of approval shall be imposed by the Ontario Police Department:

RESTAURANT/ BAR CONDITIONS

1. Monday through Sunday, alcohol sales will be from 11:00 A.M. to 12:00 A.M., last call for alcohol shall be made by 11:15 P.M. and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from the tables/patrons at the respective closing times daily.
2. At least 51% of sales at the establishment shall be food.
3. No sales or service of alcoholic beverages to minors.
4. No sales or service to obviously intoxicated patrons.

5. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
6. No smoking inside of establishment is permitted. This includes electronic nicotine delivery devices.
7. There will be no narcotic sales or usage on the premises at any time.
8. All restaurant employees servicing alcohol must be 18 years or older.
9. Employees engaged in servicing alcohol inside the bar lounge area must be 21 years of age or older.
10. Interior and exterior dining tables and chairs shall not be removed or rearranged to increase occupancy.
11. The business is required to have and use driver license and/or ID card reading devices.
12. Lighting within the establishment must be kept at a reasonable level as determined by city officials.
13. Food sales and service must be always available for sale. A menu will be submitted for review.
14. Back door must be alarmed and always closed.
15. The practice known as Bottle Service will not be allowed.
16. Address to establishment must be illuminated for easy identification to safety personnel.
17. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
18. Restrooms must be kept free of graffiti.
19. No Juke Boxes will be allowed in the premises.
20. No arcade video game machines will be allowed in the premises.
21. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.

22. 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.
23. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, signs must be posted reference same
24. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
25. Applicant, security, and all employees serving alcohol must attend an Alcohol Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within three months of this dated conditional use permit. Proof of re-certification is required every 3 years.
26. 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).
27. A no trespass letter will be on file with the Police Department.
28. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to the Ontario Police Department CET unit prior to approval. As required by City of Ontario's Planning Department.

PATIO DINING CONDITIONS

1. Patio fencing must be a minimum height of three (3) feet. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. It will be the responsibility of the

applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area or being given to minors.

2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must always be gated and closed.
5. The patio exits will have a sign posted, in clear view, stating, "No alcohol beyond this point."
6. Landscaping within the applicant's control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
7. In the event the patio is utilized for criminal activity or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

ENTERTAINMENT CONDITIONS

No entertainment was submitted as part of this application, therefore no live entertainment will be allowed.

1. No live entertainment/DJ/Karaoke will be allowed as part of this conditional use permit, as indicated on the application.
2. 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, a car show, or an OUTDOOR event with alcoholic beverages would be a special event, requiring a TUP and/or ABC daily license) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.

3. No dance floor or stage will be allowed.

SECURITY CONDITIONS

1. A Code of Conduct will be required and posted at all public entrances of the bar lounge.
2. 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 the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
3. Any security personnel hired will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).
4. Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) 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 additional security.)
5. 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 their sole discretion, request a revocation hearing if they determine that the establishment is being operated in violation of this CUP or has violated the laws of the State or City are the intent of this action.
6. A copy of the listed conditions of approval must be always posted with your ABC license in a prominent place in the interior of the premises.
7. The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the opening of the restaurant with the conditional use permit.
8. The Police Department will conduct a review in six months to determine whether additional conditions will be needed.

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 or existing conditions revised.

Please contact Officer Jonathan Burnette if you have any questions regarding this matter at (909) 408-1069.



CITY OF ONTARIO

MEMORANDUM

TO: Pablo Castilla, Administrative Intern
Planning Department

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

DATE: May 25, 2023


SUBJECT: PCUP23-007 A Conditional Use Permit to establish alcoholic beverage sales, including Type 47 – beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 2,833 square-foot restaurant with a 709 square-foot enclosed patio on 1.21 acres of land located at 960 North Ontario Mills Drive within Suite A, within the Commercial/Office land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN(s): 238-014-04).

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

1. Any modification to the fire sprinkler system or fire alarm system will require a plans submittal to the Ontario Fire Department. This also includes the addition or deletion of walls that may change the coverage area.
2. Must comply with all requirements of a Place of Assembly (example: exiting, panic hardware, occupant load posted, etc.).
3. Kitchen hood/ansul system will require a plans submittal to the Ontario Fire Department.

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

CONDITIONS OF APPROVAL	
Sign Off	
	5/17/2023
Jamie Richardson, Sr. Landscape Architect	Date

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

D.A.B. File No.: PCUP23-007	Related Files:	Case Planner: Pablo Castilla
--------------------------------	----------------	---------------------------------

Project Name and Location: Rosa's Cucina, Inc. 960 N Ontario Mills Drive
--

Applicant/Representative: Rosa's Cucina, Inc. rossascucina@gmail.com (562) 631-5883 7660-H Fay Avenue #369 La Jolla, CA 92037
--

<input checked="" type="checkbox"/>	A site plan (dated 5/2/2023) meets the Standard Conditions for New Development and has been approved, considering that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required before DAB approval.

1. Existing trees shall be protected in place. A tree inventory shall be submitted to this department for review and approval if tree removal is requested.
2. Note landscapes shall be maintained by the property management association or maintenance personnel.
3. Where required: Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established. Replace any missing parking lot island trees:
4. Any landscape renovations shall include a weather-based controller with a weather sensor and system tune-up to prevent overspray or runoff.
5. Where required: Repair or replace broken or leaking irrigation components.



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
Heather Lugo, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Pablo Castilla, Administrative Intern

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-007 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 Type 47 - beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 2,833 square-foot restaurant with a 709 square-foot enclosed patio on 1.21 acres of land located at 960 North Ontario Mills Drive within Suite A, within the Commercial / Office land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN(s): 238-014-04).

- 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.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
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Jeff Tang, Engineering/NPDES
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Nathan Pino

Department

Signature

Title

Date
Item A - 28 of 33



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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Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Pablo Castilla, Administrative Intern

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-007 (1st Submittal) Finance Acct#:

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OMUC Utilities Engineering

Peter Tran

Associate Engineer

05/16/2023

Department

Signature
ptran@ontarioca.gov

Title

Date
Item A - 29 of 33



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
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 James Caro, Building Department
 Raymond Lee, Engineering Department
 Jamie Richardson, Landscape Planning Division
 Dennis Mejia, Municipal Utility Company
 Heather Lugo, Police Department
 Paul Erhman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, Traffic/Transportation Manager - DIEGO TAPIA
 Lorena Mejia, Airport Planning
 Jeff Tang, Engineering/NPDES
 Angela Magana, Community Improvement (Copy of memo only)
 Jimmy Chang, IPA Department
 Blaine Ishii, Integrated Waste

FROM: Pablo Castilla, Administrative Intern

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-007 Finance Acct#:

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ENG/TRAFFIC
Department

Signature

ENG/ASST
Title

5/4/2023
Date



CITY OF ONTARIO

MEMORANDUM

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Rudy Zeledon, Planning Director (Copy of memo only)
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Jeff Tang, Engineering/NPDES
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Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Pablo Castilla, Administrative Intern

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-007 (1st Submittal) Finance Acct#:

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OMUC Utilities Engineering

Peter Tran

Associate Engineer

05/16/2023

Department

Signature
ptran@ontarioca.gov

Title

Date
Item A - 31 of 33

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP23-007

Address: 960 Ontario Mills Drive, Suite A

APN: 238-014-04

Existing Land Use: Restaurant

Proposed Land Use: Restaurant with ancillary Type 47ABC license - IL Toro Rosso

Site Acreage: 1.21 Proposed Structure Height: n/a

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 7/13/2023

CD No.: 2023-005

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 type="radio"/> Recorded Overflight Notification
<input type="checkbox"/> 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="radio"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="checkbox"/> Zone 4		Allowable Height: <u>125 feet</u>	
<input type="radio"/> Zone 5			

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

Zone A
 Zone B1
 Zone C
 Zone D
 Zone E

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 Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature:



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
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Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Pablo Castilla, Administrative Intern

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-007 Finance Acct#:

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- 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.

Community Improvement Dept
Department

Signature

CI Supervisor
Title

5/8/23
Date