



CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

February 21, 2024

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. PCUP23-017:** A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant on 11.59 acres of land located at 701 North Milliken Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15331 (Class 1, Existing Facilities) of the CEQA. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 0210-211-43) **submitted by LYMAC International Ltd.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP23-018:** A public hearing to consider a Conditional Use Permit to establish a 10,314 square-foot Adult Day Care facility on 0.46 acres of land located at 910 North Mountain 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: 1010-141-03) **submitted by Michael Mai.**

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, Angie Alvarez Cruz, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **February 15, 2024**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

A handwritten signature in blue ink, appearing to be 'AMC', written over a horizontal line.

(Office Specialist)



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

February 21, 2024

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-017

DESCRIPTION: A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant on 11.59 acres of land located at 701 North Milliken Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN: 0210-211-43); **submitted by LYMAC International Ltd.**

PART 1: BACKGROUND & ANALYSIS

LYMAC INTERNATIONAL LTD., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-017, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is a 2,470 square foot restaurant within 11.59 acres of land located at 701 North Milliken Avenue and is depicted in *Exhibit A: Aerial 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: | Fast Food Restaurant | Mixed Use – Ontario Center | Specific Plan – Ontario Center | Urban Commercial |
| North: | Retail | Mixed Use – Ontario Center | Specific Plan- Ontario Center | Urban Commercial |
| South: | Interstate 10 Freeway | Not Applicable | Not Applicable | Not Applicable |
| East: | Retail | Mixed Use – Ontario Mills | Specific Plan- CCC North (The Mills) | Commercial/ Office |
| West: | Commercial Auto Sales | Mixed Use – Ontario Center | Specific Plan- Ontario Center | Garden Commercial |

PROJECT ANALYSIS:

Prepared: RM 02/05/2024

Reviewed: KR 02/14/2024

(1) Background — The project site is located in a 2,470 square foot tenant space located on southwestern side on the Home Center shopping center constructed in 2001 (see Exhibit A: Project Location Map). The commercial shopping center accommodates various retail and service-oriented commercial establishments, and restaurants such as Arizona Leather, Furniture Outlet, Children's Dental Fun Zone, Luxe Buffet, Hooters, Denny's and Changan Kitchen. Changan Kitchen established its Ontario restaurant branch in 2018 and currently operates a restaurant within the City of Chino Hills with an existing ABC license in good standing.

On October 5, 2023, the Applicant submitted a Conditional Use Permit application requesting a Type 41 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer and wine for their existing restaurant (Changan Kitchen) at the Project site.

(2) Proposed Use — Changan Kitchen occupies a 2,470 square-foot tenant space located in the center of the existing multi-tenant building. The restaurant is divided into 6 general areas (Exhibit B: Floor Plan), which include a dining and counter area, service area, a kitchen, restrooms, storage, and hallway area located at the rear of the restaurant. The Applicant will use the existing rear storage area of the restaurant to store all alcoholic beverages.

The restaurant's main entrance is located on the east side of the building, facing the parking lot. Dining room seating can accommodate 88 patrons. The proposed daily business hours are from 10:30 AM to 8:30 PM, Monday through Sunday. The restaurant will operate with 8 employees.

The Police Department will require last call for alcohol to be made by 7:45 P.M. and all alcohol sales must cease by 8:00 PM. All alcohol must be removed from the tables/patrons at closing. No alcoholic beverages are to be sold or removed from the establishment for outside consumption. In addition, the restaurant will have no bar seating or outdoor dining.

(3) Parking — The existing commercial shopping center currently has 550 shared parking spaces. Staff believes that granting the proposed Conditional Use Permit will not adversely affect the shopping center's existing parking demand, as the Application does not propose any expansion to the building nor the elimination of existing parking spaces. Further, the proposed alcoholic beverage sales will be ancillary to the restaurant's use and will provide the public an additional convenience by means of offering a wider variety of dining options.

(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 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 the ABC, is currently over-concentrated. The Census Tract currently

allows 5 on-sale licenses; however, there are currently 53 active on-sale licenses within this census tract. The proposed location operates as a “Bona Fide Public Eating Place;” therefore, the Police Department does not object to allowing the proposed Type 41 ABC License, provided that all City and ABC 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 have 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 within an existing commercial shopping center, which includes a variety of retail, fast food and personal care service uses to local and regional shoppers. The proposed Conditional Use Permit for the serving of alcoholic beverages in conjunction with restaurant use is compatible with neighboring uses and will provide an added convenience for the restaurant's customers.

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 uses 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 February 21, 2024, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Robert Morales, Assistant Planner, presented the staff report on the proposed use, indicating the staff recommendation of Approval. 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 15331 (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. Furthermore, the Project 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; 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, when implemented in conjunction with the conditions of approval, will be 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 Center Specific Plan Urban Commercial land use district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Urban Commercial land use district of the Ontario Center 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 alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant land use will be located within the Mixed-Use Ontario Center land use designation of the Policy Plan Land Use Map, and the Ontario Center Specific Plan Urban Commercial land use district zoning district. 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 alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant land use is located with the Mixed Use – Ontario land use designation, and the Ontario Center Specific Plan Urban Commercial land use district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Center 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 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 Ontario Center Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located; and

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

- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole.* The Police Department has reviewed the Application and is recommending approval subject to the conditions of approval. The use is consistent with the Urban Commercial land use district of the Ontario Center Specific Plan and other similar restaurants in the area have also received approval for an On-Sale ABC license. The proposed use will also be provided as a convenience to restaurant patrons that would like to purchase alcoholic beverages.
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* Since the project site was developed, there have been no recorded Building or Health Code Violations.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The site is properly maintained, including the building,

landscaping, and lighting. Additionally, department conditions of approval require the project site to be maintained and free of debris, litter, and graffiti.

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 21st day of February, 2024.

Henry K. Noh
Zoning Administrator

Exhibit A: Aerial Map



Exhibit B: Project Location

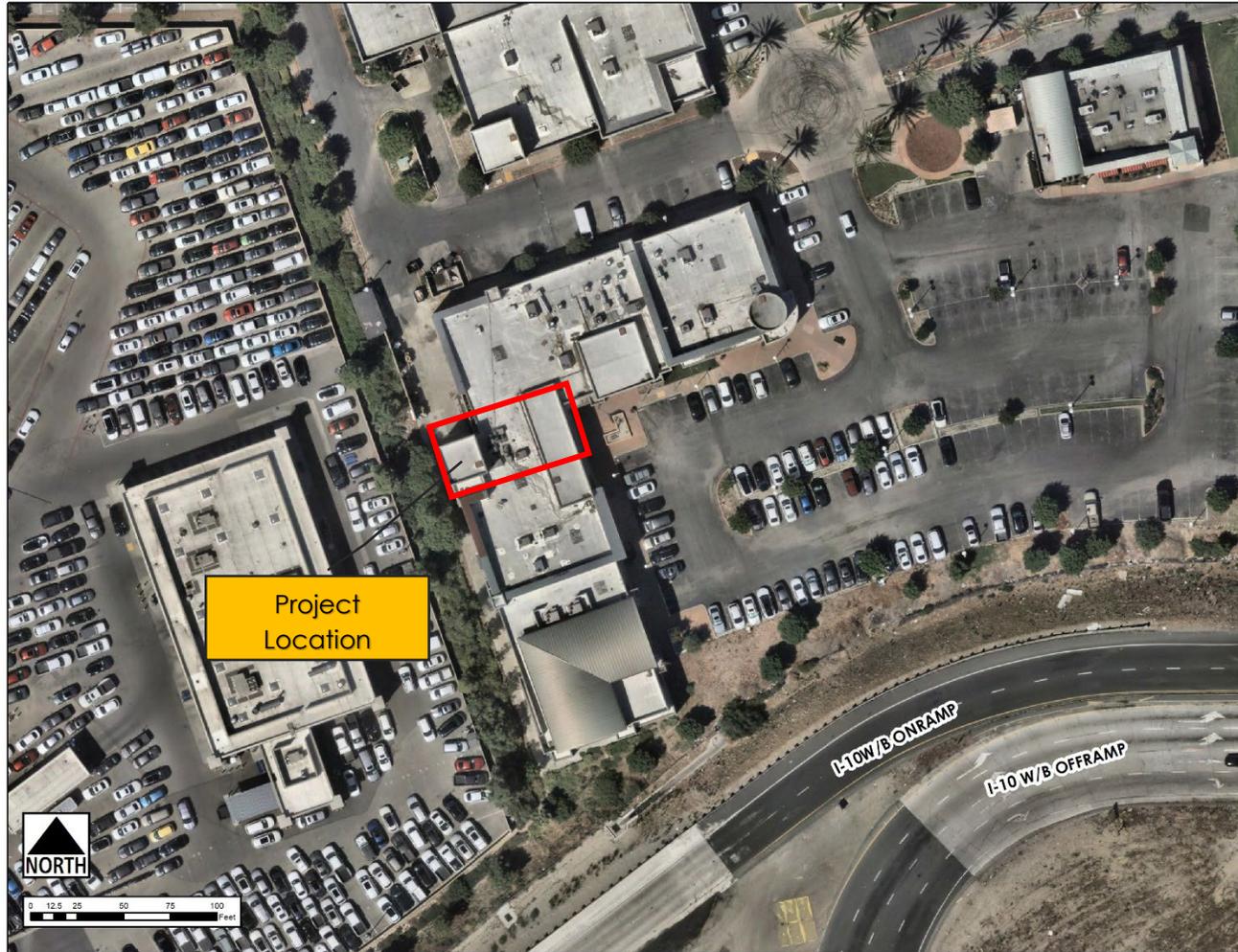


Exhibit C: FLOOR PLAN

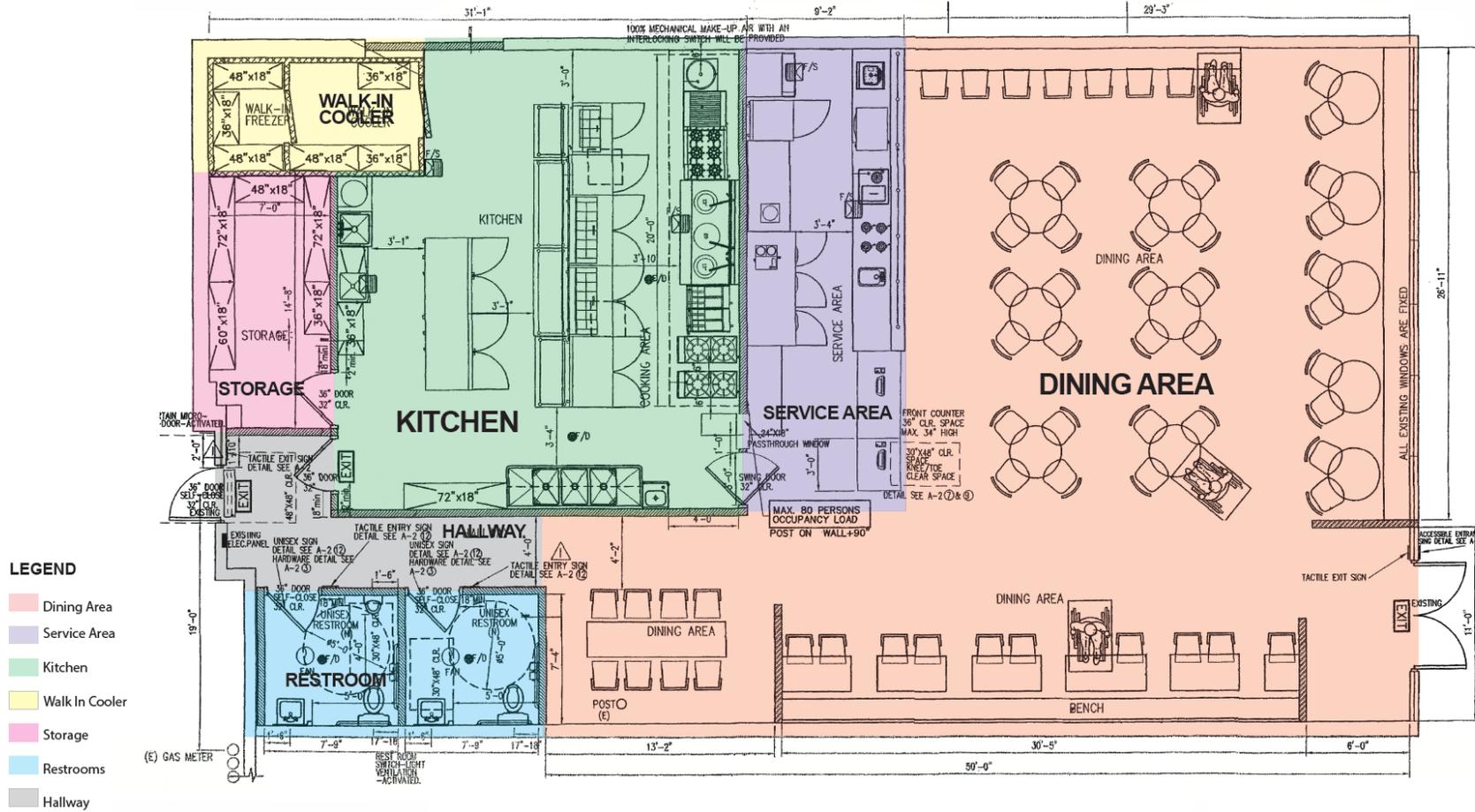


Exhibit D: SITE PHOTOS



Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 2/6/2024

File No: PCUP23-017

Project Description: A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant on 11.59 acres of land located at 701 North Milliken Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN: 0210-211-43); **submitted by LYMAC International Ltd**

Prepared By: Robert Morales, Assistant Planner
Phone: 909.395.2432 (direct)
Email: Rmorales@ontarioca.gov

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

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

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

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a 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 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.4 Signs.

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

2.5 Alcoholic Beverage Sales—General.

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

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

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

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

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

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

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

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

(i) 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.

2.6 Alcoholic Beverage Sales—Restaurants.

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

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

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

2.7 Environmental Requirements.

(a) 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).

(b) 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.

2.8 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.

2.9 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.

2.10 Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance with the approved plans. Any deviation to approved plans shall require a resubmittal to the Planning Department for review and approval prior to construction. The Occupancy Release Request Form/Architect Certificate of Compliance shall be provided prior to final occupancy. After the receipt of this Certification, the Planning Department will conduct a final site and exterior elevations inspection. The Owner's Representative and Contractor shall be present.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Robert Morales, Assistant Planner

FROM: Jonathan Burnette, Police Officer / CET Unit

DATE: November 28, 2023

SUBJECT: FILE NO. PCUP23-017 – CHANGAN KITCHEN
701 N. MILLIKEN AVE. UNIT C, ONTARIO, CA 91764

This location has applied for an ABC Type 41 On-Sale Beer and Wine license for a Bona Fide Public Eating Place within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), five (5) on-sale licenses are allowed within this tract, there are currently fifty-three (53). The Police Department does not object to allowing the license. 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:

ABC CONDITIONS

1. Alcohol sales will be from 10:30 A.M. to 8:30 P.M., seven days a week. Last call for alcohol shall be made by 7:45 P.M. and all alcohol sales must cease by 8:00 P.M. All alcohol must be removed from the tables/patrons at closing.
2. At least 51% of sales at the establishment shall be food, based on the Type 41 ABC license.
3. No sales of alcoholic beverages to minors.
4. No sales to obviously intoxicated patrons.
5. The restaurant will have no bar seating.
6. Interior dining tables and chairs shall not be removed or rearranged to increase occupancy.

7. The business is required to have in place a driver's license and/or ID card reading device.
8. Alcohol will only be sold to patrons 21 years of age or older. The ages of patrons consuming alcoholic beverages will be confirmed by their driver's license or government issued identification cards.
9. The practice known as Bottle Service will not be allowed.
10. Food sales and service must be available for sale at all times.
11. There will be no narcotic sales or usage on the premises at any time.
12. No drug paraphernalia to be sold at any time.
13. No self-serve alcohol displays or machines allowed.
14. No alcoholic beverages are to be sold or removed from the establishment for off-site consumption.
15. Alcohol consumption at the location will only be types of alcohol allowed in conjunction with the state issued ABC license type. Based on this application of a Type-41 license, only beer and wine will be allowed to be sold.
16. Distilled spirits are not allowed to be sold or consumed at the location.
17. Signs must be posted at all exits stating no alcohol beyond this point.
18. No more than 25% of window space may be used for advertisements. If advertisements are placed on the windows, they must be below two feet on the window and/or above 6 feet on the window to allow clear visibility into and out from the business.
19. Smoking is not permitted inside of the establishment. This includes electronic nicotine delivery devices.
20. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties.
21. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
22. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.

23. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
24. Restrooms must be kept free of graffiti. Any damage to restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
25. The back door must be alarmed and closed at all times.
26. 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.
27. 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.
28. Emergency-only doors must be alarmed and closed at all times.
29. No pool tables will be allowed on the premises. No arcade games that may be associated with gambling (video poker, card games, etc.), will be allowed.
30. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
31. 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.
32. 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 CCR).
33. The applicant will be responsible for keeping the grounds of the business clean from debris.
34. 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.) 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.

35. 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.
36. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.

PATIO DINING CONDITIONS

1. Currently there is no patio dining area. No alcoholic beverages or will be allowed outside of the business.

ENTERTAINMENT CONDITIONS

1. There was no entertainment area designated on a plan check. No entertainment of any kind will be allowed without the submission and approval of a Temporary Use Permit (TUP).

SECURITY CONDITIONS

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.

3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the restaurant area. A minimum of one camera will record the parking lot (if applicable). A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 14 days and made available to the Ontario Police Department upon request.

PARKING LOT CONDITIONS

The applicant will work with the property owner to install customer parking only signs. The signs will follow the guidelines set forth by California Vehicle Code Section 22658(a)(1).

California Vehicle Code 22658(a)(1): There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property. The sign may also indicate that a citation may also be issued for the violation.

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: Robert Morales, Assistant Planner

FROM: Heather Lugo, MA, CET - Police Department

DATE: October 24, 2023

SUBJECT: *PCUP23-017: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with an existing 2,470 square-foot restaurant on 11.59 acres of land located at 701 North Milliken Avenue, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN(s): 0210-211-43).*

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor at the prescribed foot-candle levels. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.
- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry doors, all cash registers, and at least one camera shall capture any vehicle utilizing the drive-thru. Cameras shall be positioned so as to maximize the coverage of patrons and vehicles in these areas. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City

within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

The above conditions shall not be construed so as to permit the sale of alcohol on the premises. Please refer to the Ontario Police Department Alcohol and Beverage Control officer's conditions for the ABC permit.

The Applicant is invited to call Heather Lugo at (909) 408-1074 regarding any questions or concerns.

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

| CONDITIONS OF APPROVAL | |
|--|------------|
| Sign Off | |
|  | 11/02/2023 |
| Jamie Richardson, Sr. Landscape Architect | Date |

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

| | | |
|--------------------------------|----------------|---------------------------------|
| D.A.B. File No.: PCUP23-017 | Related Files: | Case Planner: Robert Morales |
|--------------------------------|----------------|---------------------------------|

| |
|--|
| Project Name and Location: REO Property Group LLC - ABC License 701 N Milliken Ave |
|--|

| |
|---|
| Applicant/Representative: Lymac International Ltd. – liang@lymac.com skybob74@gmail.com 17700 Castleton St., Ste 308 City of Industry, CA 91748 |
|---|

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A site plan (dated 10/17/2023) 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. |

1. Landscapes shall be maintained by the property management association or maintenance personnel.
2. Coordinate with onsite maintenance company: Planter areas shall be planted with living landscape material; no artificial turf.
3. Coordinate with onsite maintenance company: Repair or replace broken or leaking irrigation components.
4. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
5. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

February 21, 2024

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-018

DESCRIPTION: A public hearing to consider a Conditional Use Permit to establish a 10,314 square-foot Adult Day Care facility on 0.46 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03); **submitted by Michael Mai.**

PART 1: BACKGROUND & ANALYSIS

MICHAEL MAI, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-018, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 0.46 acres of land located at 910 North Mountain 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: | Vacant commercial building (former Bank of America) | Neighborhood Commercial (NC) - 0.40 FAR | CN (Neighborhood Commercial) | N/A |
| North: | Existing Commercial Shopping Center | Neighborhood Commercial (NC) - 0.40 FAR | CN (Neighborhood Commercial)) | N/A |
| South: | Commercial building (Auto Parts Store) | Neighborhood Commercial (NC) - 0.40 FAR | CN (Neighborhood Commercial) | N/A |
| East: | Senior Apartment Complex | Medium Density Residential (MDR) - 11.1 to 25.0 du/ac | MDR-25 (Medium-High Density Residential) | N/A |
| West: | Single-Family Residential | Low Density Residential (LDR) - 2.1 to 5.0 du/ac | LDR-5 (Low Density Residential) | N/A |

PROJECT ANALYSIS:

| | |
|-------------------------|------------------------|
| Prepared: JT 01-26-2024 | Reviewed: DFE 02-13-24 |
|-------------------------|------------------------|

(1) Background — The existing commercial building was constructed in 1982 and was previously occupied by Bank of America and an electronics store. The Applicant submitted a Conditional Use Permit application on October 12, 2023, to establish a 10,314 square-foot Adult Day Care facility. The Applicant will be applying for an Adult Day Health Care (ADHC) license with the California Department of Public Health. Interior tenant improvements are proposed to renovate the existing building for the proposed Adult Day Care facility. The Applicant currently operates at another location at 5402 Philadelphia Street in the City of Chino, with similar operational characteristics. The Chino facility is approximately 7,300 square feet in size and has 120 participants daily. The Applicant has stated that the Chino facility will close once the Ontario location is ready for occupancy.

Currently, there are two Adult Day Care facilities that have been approved in Ontario. These facilities are located at 214 West E Street (File No. PCUP10-054) and at 1945 East Riverside Drive (File No. PCUP22-022). The Applicant has indicated that the proposed use offers a needed service for the elderly and the mentally disabled (dementia) populations in San Bernardino County.

(2) Proposed Use/Operations — The proposed adult day care facility will occupy approximately 10,314 square feet in an existing 14,530 square-foot building (see Exhibit B – Site Plan, attached). The proposed use will be located on the 1st floor in Unit A. The remaining 1,162 square feet on the first floor (Unit B) is not part of the project scope. Additionally, Unit A contains a 2nd floor that is roughly 3,054 square feet. The upper floor of Unit A is also not part of the Project scope, as the Applicant has indicated they do not intend to use the space as part of the Adult Day Care operation.

The proposed Adult Day Care facility will have primary access along the north side of the building (see Exhibit C – Floor Plan, attached). The lobby area will be designated for recreational and therapeutic group activities including, but not limited to, social services, group exercises, arts & crafts, and bingo. The Floor Plan consists of various activity rooms, a food preparation area, nurse room, social work room, and two offices at the entrance of the building.

The Adult Day Care facility will provide the following services at the facility:

- Skilled nursing and personal care services.
- Physical therapy, occupational therapy, and speech therapy.
- Social work, transportation, and nutrition.
- Recreation and social activities.
- Psychiatric and psychological services.

The proposed Adult Day Care facility will offer health, rehabilitative and activity services to prevent prematurely relocating Participants to nursing homes (see Exhibit D: Operational Characteristics Letter, attached). A registered nurse will oversee the medical component of the program and will coordinate individualized plans, medication, and treatment. Licensed therapists will provide therapeutic services including physical

therapy, occupational and speech therapy. Licensed social workers will provide personal, family, and/or economic counseling and registered dietitians will provide nutrition counseling.

A maximum of 35 employees and a total of 240 participants are anticipated. Licensed social workers, occupational therapists, physical therapists, registered dietitians, and speech therapists will only be present on their scheduled days. The Applicant has indicated that Participants may have different schedules for visiting the facility, and not all Participants would be present at the same time. As indicated by the Applicant, transportation services will be provided via a shuttle. Participants will be picked up at 7:30 AM and dropped off at 2:00 PM. Participants will not be driving to the facility and no ambulatory services or overnight care will be provided on-site. The facility is required to provide transportation to the Participants; however, there might be occasions where a family member picks up and drops off the Participants. The proposed hours of operation for the program will be Monday through Friday from 8:00 AM to 2:00 PM and office hours will be from 7:30 AM to 4:00 PM.

(3) Parking — The primary use of the existing building will be an Adult Day Care Facility. The Development Code does not have parking standards for Adult Day Care facilities. The parking requirements for this use was based on the American Planning Association – Parking Standards PAS Report Number 510/511 for “adult daycare home” parking, which requires one space for each employee, plus one space per 10 attendees. A total of 35 employees will be present during the largest shift and a maximum of 240 participants daily. Based on the parking calculation, the Project is required to have a minimum of 59 parking stalls and a total of 65 parking stalls have been provided. Participants will be picked up and dropped off via shuttle vans (see Exhibit E: Shuttle Van Photograph, attached). A total of 8 shuttle vans are proposed including 3 minivans (8 seats) and 5 passenger vans (12 seats). A Condition of Approval will require the Applicant to provide adequate loading spaces to accommodate the anticipated accessibility needs of the Participants.

The Project site is located within an existing commercial shopping center known as the Ontario Plaza where reciprocal access is provided. The Covenants, Conditions & Restrictions (CC&Rs) for the shopping center, dated June 19, 1997, indicates that the parking lot directly to the north of the former Bank of America is an easement area for the former bank for ingress, egress, and parking. Additionally, the CC&Rs Exhibit “A” Site Plan calls out the parking lot to the north as the “Bank Easement Area” (see Exhibit F: CC&Rs Site Plan Exhibit, attached).

(4) 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 the Neighborhood Commercial (CN) zoning district. Within the Neighborhood Commercial (CN) zoning district Adult Day Care Facilities with 7 or more persons is listed as a Conditionally Permitted Use. The property to the north is developed with an existing shopping center, to the east is a senior apartment complex, to the south

is a commercial building, and directly west are single family residential uses. The proposed use will not have a detrimental impact on the adjacent properties. No noise will be generated from the proposed use, parking will not be impacted as participants will not be driving themselves, and the proposed facility will have similar operational characteristics as the surrounding commercial businesses. The proposed use will serve as an added service to the community as Adult Day Health Care facilities are designed to help people stay mentally and physically active, improve their health, and prevent decline of their abilities. Additionally, the associated conditions of approval will ensure that the proposed use does not have a determinantal effect on the surrounding commercial and residential properties.

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;

WHEREAS, on February 21, 2024, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jocelyn Torres, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. 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 major alterations or expansions, as the proposed use will operate entirely within the existing tenant space; 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, when implemented in conjunction with the conditions of approval, will be 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 accordance with the objectives and purposes of the City of Ontario Development Code and the Neighborhood Commercial (CN) 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, the proposed adult day care land use will be established and operated in a manner that is consistent with the objectives and purposes, and development standards and guidelines, of the Development Code; 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 adult day care land use will be located within the Neighborhood Commercial (CN) land use district of the Policy Plan Land Use Map, and the Neighborhood Commercial (CN) zoning district. 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 adult day care land use is located within the Neighborhood Commercial (CN) land use district, and the Neighborhood Commercial (CN) 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; 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 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.

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 21st day of February, 2024.

Henry K. Noh
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

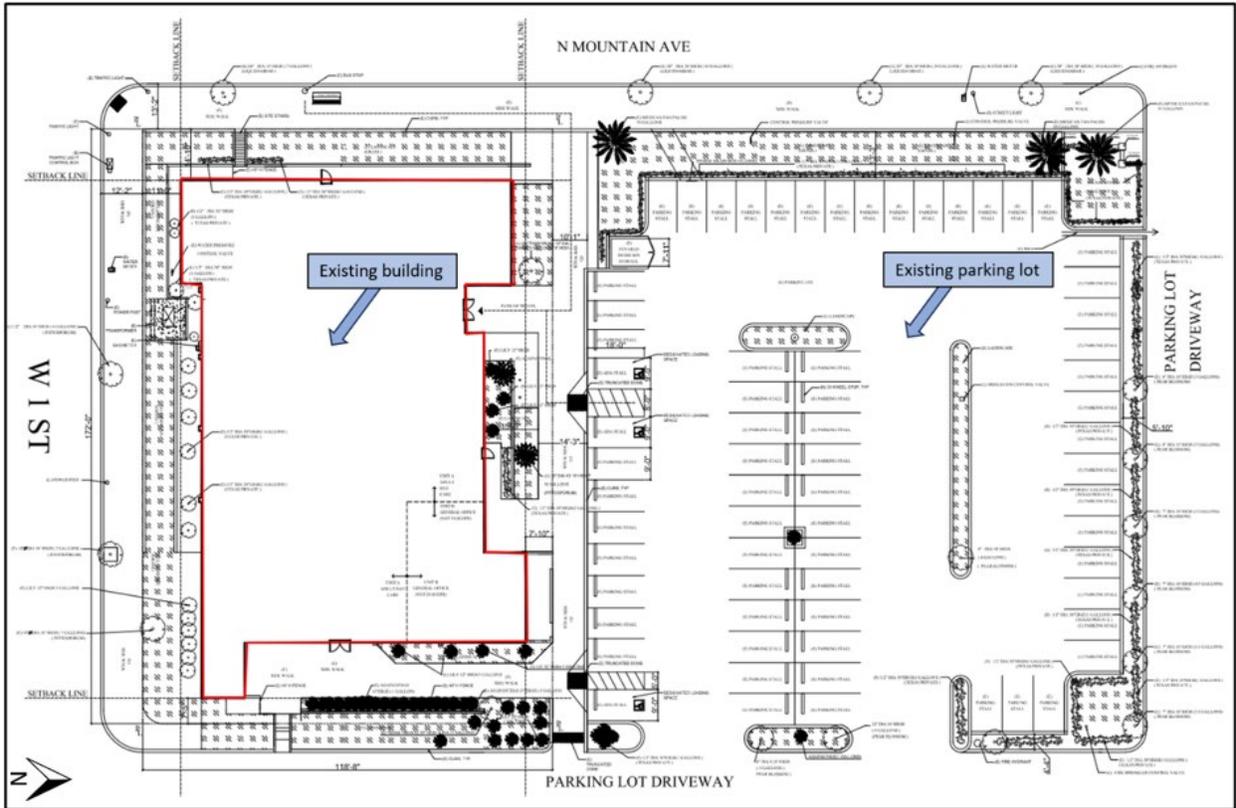
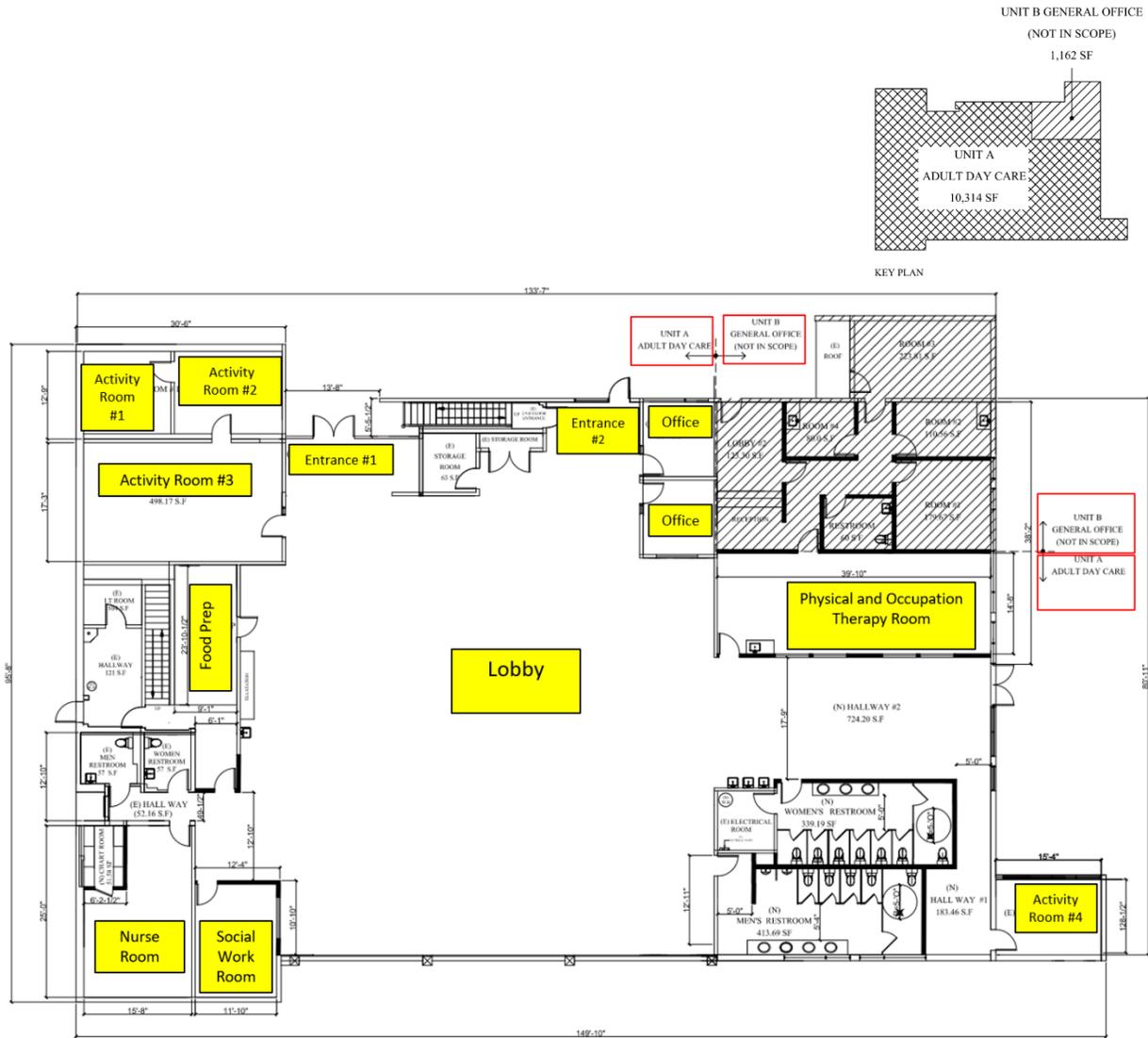


Exhibit C: PROPOSED FLOOR PLAN – 1ST FLOOR



LEVEL 1 FLOOR PLAN
 SCALE: 1/8" = 1'-0"

LEGEND

- NEW WALL
- EXISTING WALL

Exhibit C: FLOOR PLAN – 1ST FLOOR FURNITURE PLAN

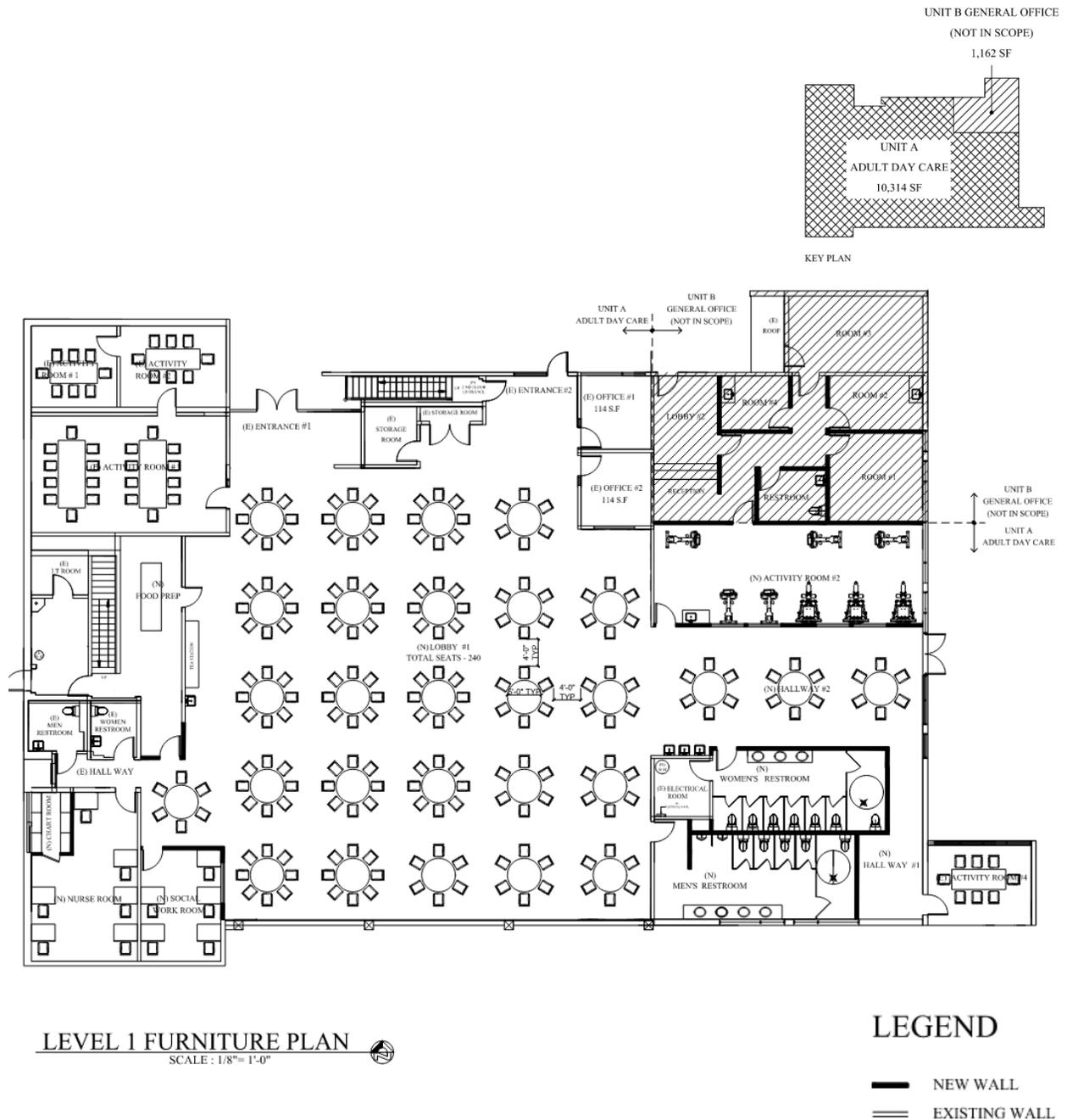
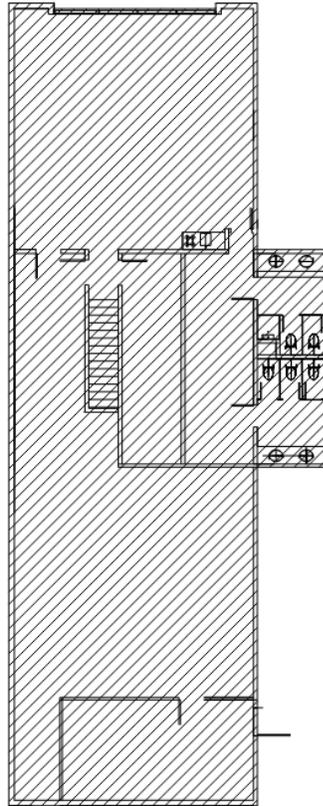


Exhibit C: FLOOR PLAN – 2ND FLOOR



LEVEL 2 FLOOR PLAN 
SCALE : 1/8" = 1'-0"

LEGEND



NOT IN SCOPE

Exhibit D: OPERATIONAL CHARACTERISTICS LETTER

PROPOSED PROJECT SUMMARY

The proposed Chino Care Inc/Chino Care ADHC project in 910 N Mountain Ave, Ontario is committed to provide quality services for the elderly and the mentally disabled (dementia) population. It was developed as a consequence need of services by elderly living in “Residential living Homes” and “Board and Care Facilities”.

Our goal is to prevent or at the least delay participants from losing their ability to be independent at an older age and to restore these abilities for those requiring such rehabilitative programs. With Medi-Cal CBAS programs in the Adult Day Health Care Facility, we can service those mentally disabled adults that don't qualify for partial programs as well as prevent premature institutionalization to all frail elderly.

The function of the organization is to offer the services of the CBAS programs in the Adult Day Health Care and Adult Day Care facilities. The organization shall offer community-based programs of health, rehabilitative and social services to seniors and people with disabilities living within the area.

CHINO CARE INC DBA CHINO CARE ADHC works under the philosophy that the elderly need our compassionate understanding and that our management and staff must be devoted to the compliance of Policies and Procedures and the implementation of participants' needs and its remedies.

Objectives

- To provide health care services in a Medi-Cal CBAS day health program to 240 frail elderly and mentally ill (Dementia) people.
- To provide high quality health, rehabilitation and activity services to prevent premature institutionalization.
- To provide coordination of services with the larger community's network of organizations for the elderly.
- To provide a safe and welcoming environment for participants.
- To work with families to promote understanding and good health care for the participants.
- To expand business to a one-stop service setting providing medical, prescription, nursing, therapeutic, recreational, and social services, serving the senior population in San Bernardino County, primarily in the city of Ontario and its vicinities.

Service Components

The Adult Day Health Care-CBAS Facility shall provide skilled nursing attendant services, physical and psychological therapeutic services and equipment, nutritional sustenance and medical health care, transport facilities, recreational and social activities.

Exhibit D: OPERATIONAL CHARACTERISTICS LETTER

- **Nursing services:** The registered Nurse oversees the medical component of the program according to physician orders and nursing standards of care. The RN assesses participants, formulates Individualized Plan of Care, and administers medications, treatments and nursing procedures.
- **Personal Care Services:** Personal care support is provided to participants as needed, such as grooming, bathing, toileting, transferring, dressing etc.
- **Physical Therapy:** Assessments of mobility and functional abilities are to be conducted by the licensed therapists and therapeutic exercises are provided and administered by the licensed therapists.
- **Occupational Therapy:** The occupational therapist will conduct assessments in a) functional level in activities of daily living, b) motor skills in activities which provide for and enhance quality of life. Therapeutic exercises, assistive devices will be provided and supervised by the licensed therapists.
- **Social work:** The licensed social worker will provide personal, family and/or economic counseling, assessment of the participant's psychosocial status, home settings.
- **Recreational and Social Activities:** A planned schedule of purposeful social and other activities are provided, which includes individual or group activities, designed to encourage self-care and resumption of normal activities, or to prevent further mental and physical deterioration.
- **Transportation:** Transportation is provided as necessary, including the pick-up and return of participants to their own homes.
- **Nutrition:** Nutrition counseling is to be provided by a Registered Dietician and well-balanced meals geared to dietary needs of the participants are served daily.
- **Speech Therapy:** Treatment includes speech or writing exercises, instruction for eating, or arranging for assistive devices.
- **Psychiatric and Psychological Services:** A licensed Clinical Social Worker will provide consultation to participants as needed.
- **Referral for Additional Health Services:** Referrals are made for optional services that include Dentistry, Audiology, Optometry and Podiatry.

Period of Operation

The Adult Day Health Care – CBAS Facility shall operate 5 days a week as follows:

Program Hours: 8am – 2pm Monday through Friday.

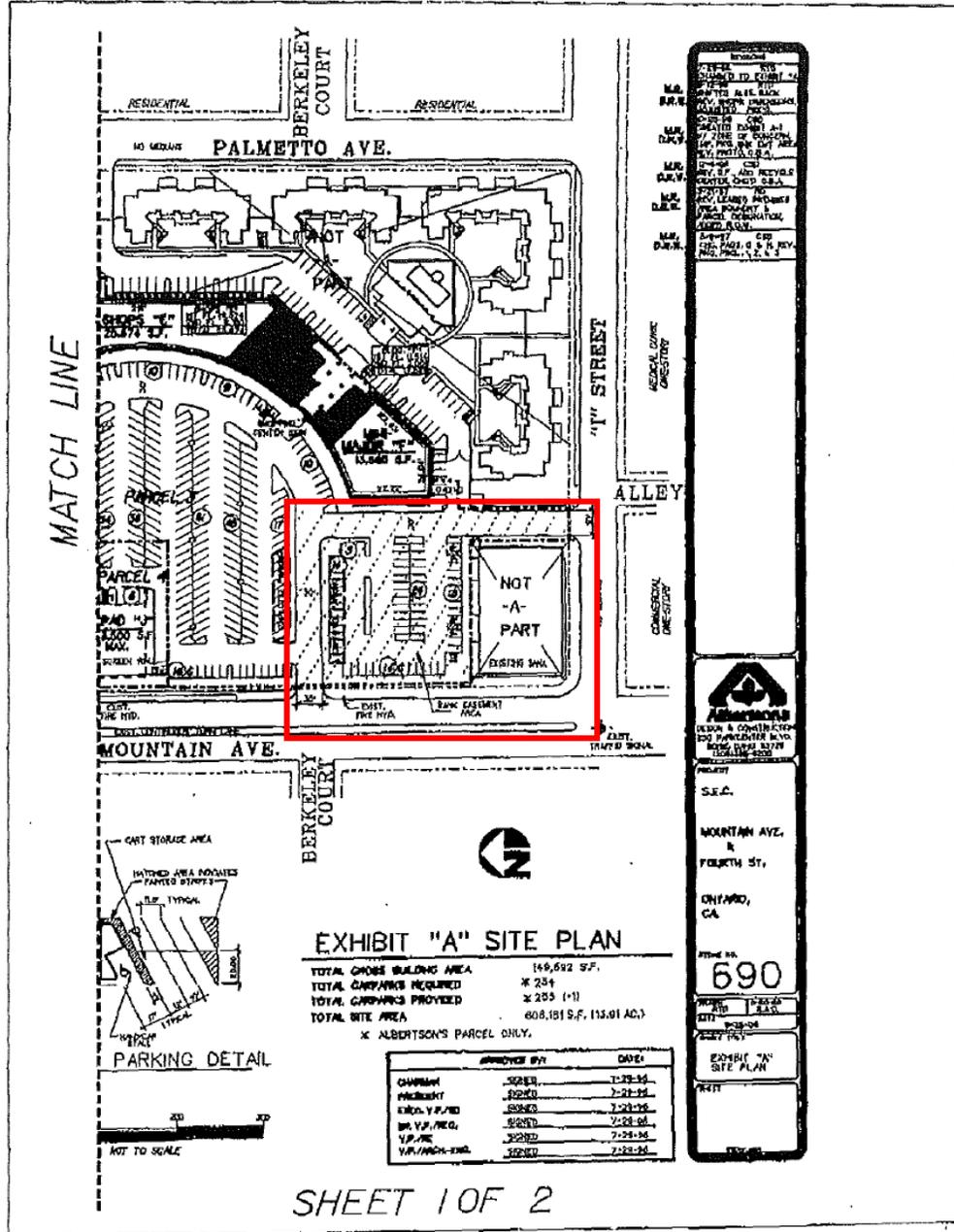
Office Hours: 7:30am – 4:00pm Monday through Friday.

Exhibit E: SHUTTLE VAN PHOTOGRAPH



Exhibit F: CC&R EXHIBIT "A" SITE PLAN

Nov-19-04 03:16pm From-Fidelity National Title +949-477-3788 T-565 P.021/049 F-490
 SITE PLAN



Description: San Bernardino, CA Document-Year.DocID 1997.216947 Page: 48 of 61
 Order: 9850020 Comment:

Exhibit G: SITE PHOTOS - EXTERIOR



EXTERIOR VIEW - LOOKING NORTH EAST ELEVATION



EXTERIOR VIEW - LOOKING NORTH WEST ELEVATION



EXTERIOR VIEW - LOOKING SOUTH EAST ELEVATION



EXTERIOR VIEW - LOOKING SOUTH WEST ELEVATION

Exhibit G: SITE PHOTOS - INTERIOR



INTERIOR VIEW - LOOKING NORTH (E) ENTRANCE #1



INTERIOR VIEW - LOOKING NORTH (E) ENTRANCE #2



INTERIOR VIEW - LOOKING NORTH

Exhibit G: SITE PHOTOS - INTERIOR



INTERIOR VIEW - LOOKING SOUTH EAST



INTERIOR VIEW - LOOKING SOUTH



INTERIOR VIEW - LOOKING SOUTH WEST

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 1/31/2024

File No: PCUP23-018

Project Description: A public hearing to consider a Conditional Use Permit to establish a 10,314 square-foot Adult Day Care facility on 0.46 acres of land located at 910 North Mountain Avenue within the CN (Neighborhood Commercial) zoning district; (APN: 1010-141-03); **submitted by Michael Mai.**

Prepared By: Jocelyn Torres, Associate Planner
Phone: 909.395.2424 (direct)
Email: jocelyntorres@ontarioca.gov

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

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

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

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a 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, if any, 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).

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.

(a) 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 Environmental Requirements.

(a) 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).

(b) 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.

(c) 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.

2.12 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.

(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.

2.14 Additional Requirements.

(a) The Applicant shall comply with the applicable Conditions of Approval from each City departments.

(b) Prior to the operation of the facility, all required permits and licenses shall be obtained from the State of California.

(c) Prior to operation of the facility, a City Business License shall be reviewed and approved by the City of Ontario Planning Department.

(d) Prior to operation of the facility, any required occupancy changes shall be completed.

(e) The proposed use shall comply with the California Building Code.

(f) Construction plans shall be submitted into plan check for the proposed interior tenant improvements.

(g) Adequate passenger loading spaces shall be provided to accommodate the accessibility needs of the participants, subject to Planning Department review and approval.

(h) The proposed shuttle vans shall not exceed the existing width and depth of the existing parking spaces.

(i) The shuttle vehicles shall not be visible from the public right of way and shall be parked on the eastern side of the parking lot.

(j) The proposed shuttle vehicles for the associated use shall only be parked within the associated parking lot easement area.

(k) The proposed use shall be conducted completely within the enclosed building.

(l) Facility staff shall always supervise Participants including during arrivals and departures.

(m) The Applicant shall provide appropriate lounge areas and amenities for Participants.

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

| CONDITIONS OF APPROVAL | |
|--|------------|
| Sign Off | |
|  | 12/21/2023 |
| Jamie Richardson, Sr. Landscape Architect | Date |

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

| | | |
|--------------------------------|----------------|---------------------------------|
| D.A.B. File No.: PCUP23-018 | Related Files: | Case Planner: Jocelyn Torres |
|--------------------------------|----------------|---------------------------------|

| |
|--|
| Project Name and Location: Adult Day Care 910 N Mountain Ave |
|--|

| |
|--|
| Applicant/Representative: Gordon Au hongmingau@gmail.com 5680 Sultana Ave Temple City, CA 91780 |
|--|

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A site plan (dated 11/30/2023) 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 () has not been approved. Corrections noted below are required before DAB approval. |

1. During Plan Check: Submit a landscape and irrigation plan for review and approval if any on-site construction, staging, or storage occurs that would require landscape or irrigation replacement.
2. Contact this department for inspection when construction is completed.
3. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

DEVELOPMENT PLAN REVIEW COMMENTS Engineering Department/Land Development Section

DATE: January 9th, 2024

PROJECT: 10,099 SF Adult Day-Care Facility. Related Files: PCUP23-018

LOCATION: 910 N. Mountain Avenue

APN: 1010-141-03

PROJECT ENGINEER: Henry Pham, Associate Engineer (909) 395-2141

PROJECT PLANNER: Jocelyn Torres, Associate Planner (909) 395-2424

Engineering has no further comments or conditions of approval for this project.

C: Raymond Lee, P.E., Assistant City Engineer



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: Jocelyn Torres, Associate Planner

DATE: October 17, 2023

SUBJECT: FILE #: PCUP23-018 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 a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

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

Henry Pham
Signature

Associate Engineer
Title

10/30/23
Date
Item B - 29 of 37



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: Jocelyn Torres, Associate Planner

DATE: October 17, 2023

SUBJECT: FILE #: PCUP23-018

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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PROJECT DESCRIPTION: A Conditional Use Permit to establish a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

- 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.

Nathan Pino

Department

Signature

Title

Date
Item B - 30 of 37



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: Jocelyn Torres, Associate Planner

DATE: October 17, 2023

SUBJECT: FILE #: PCUP23-018 (1st Submittal) 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
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PROJECT DESCRIPTION: A Conditional Use Permit to establish a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

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.

OMUC Utilities Engineering

Department

Peter Tran

Signature

ptran@ontarioca.gov

Associate Engineer

Title

10/31/2023

Date

Item B - 31 of 37



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 - 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: Jocelyn Torres, Associate Planner

DATE: October 17, 2023

SUBJECT: FILE #: PCUP23-018

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
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 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
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PROJECT DESCRIPTION: A Conditional Use Permit to establish a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

- 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.

EUG / TRAF
Department


Signature

EUG ASST
Title

11/13/2023
Date

Item B - 32 of 37



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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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: Jocelyn Torres, Associate Planner

DATE: October 17, 2023

SUBJECT: FILE #: PCUP23-018 (1st Submittal) 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 a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

The plan does adequately address the departmental concerns at this time.

- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Broadband Operations
Department


Signature

Title

11/15/2023

Date
Item B - 33 of 37



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: Jocelyn Torres, Associate Planner

DATE: October 17, 2023

SUBJECT: FILE #: PCUP23-018

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 a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

- 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.

Police
Department

Heather Lugo
Signature

MA
Title

10.24.23
Date



Tel

CITY OF ONTARIO

MEMORANDUM

TO: Jocelyn Torres, Associate Planner

FROM: Heather Lugo, MA, C.E.T.

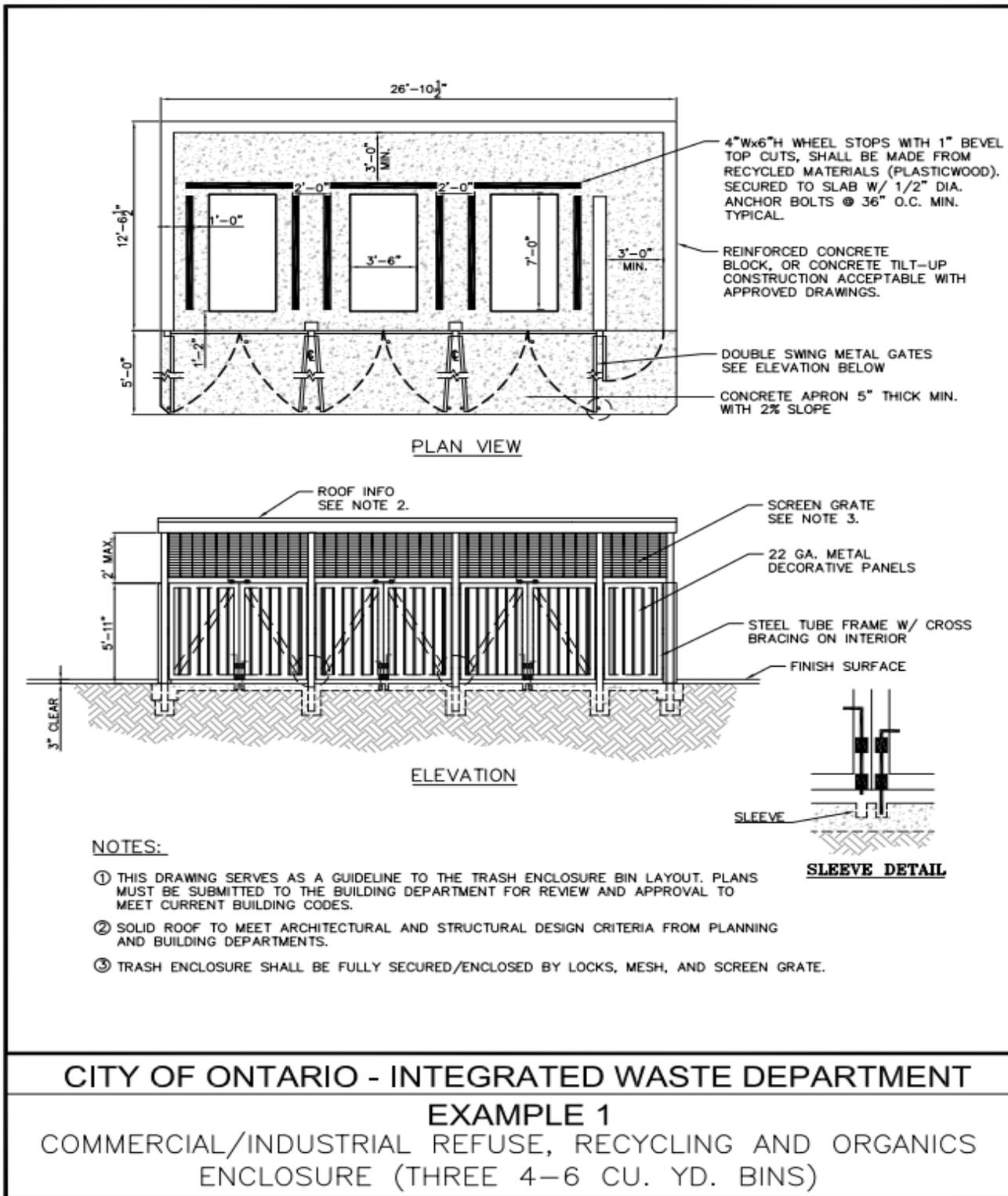
DATE: October 24, 2023

SUBJECT: PCUP23-018: A Conditional Use Permit to establish a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03).

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. LED lighting will be required for all lighting fixtures. Optimal lighting for visibility and video color rendering is approximately 3400 degrees Kelvin. The lighting shall be as close to 3400 degrees Kelvin as possible. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry/exits and the parking lot. Cameras shall be positioned so as to maximize the coverage of patrons and vehicles in these areas. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.
- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee’s or management control so that it may be abated by the property owner and/or the City’s graffiti team.
- Rooftop addresses shall be installed on the buildings as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street. Associated letters shall also be included.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.
- Outdoor services and activities are prohibited in the absence of a Temporary Use Permit.
- All exterior electrical outlets shall be secured and locked.
- All exterior water spigots / water supply sources shall be secured and locked.

- Trash enclosure shall be fully secured/enclosed by locks, mesh, and screen grate to reduce crime and encampment opportunities for homeless persons.





CITY OF ONTARIO

MEMORANDUM

TO: Jocelyn Torres, Associate Planner
Planning Department

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

DATE: November 9, 2023

SUBJECT: PCUP23-018 A Conditional Use Permit to establish a 10,099 square-foot Adult Day-Care Facility on 0.477 acres of land located at 910 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-141-03)

-
- 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.