



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

June 3, 2019

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

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

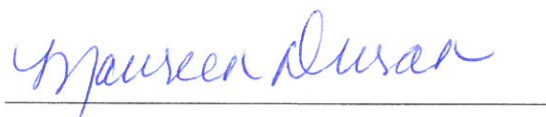
**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-008:** A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-premises consumption (Type 41-On Sale Beer and Wine for Bona Fide Public Eating Place) within an existing 1,579 square-foot restaurant (Nataly's Tacos) on 3.01 acres of land located at 1945 East Riverside Drive, Unit 5, within the 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 (ALUCP). (APN: 0113-564-27) **Submitted by Ms. Rocelia Balderas**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-009:** A Conditional Use Permit (File No. PCUP19-009) to establish a 17,500 square foot enclosed contractor's and vehicle/equipment storage yard on 0.64 acres of land located at 1002 Mildred Avenue, within the IG (General Industrial) 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 (ALUCP). (APN: 113-343-37) **submitted by RG Investments, LLC.**

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

If you challenge any action of the Zoning Administrator in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

I, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **May 30, 2019**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

June 3, 2019

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP19-008

**DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-premises consumption (Type 41-On Sale Beer and Wine for Bona Fide Public Eating Place) within an existing 1,579 square-foot restaurant (Nataly's Tacos) on 3.01 acres of land located at 1945 East Riverside Drive, Unit 5, within the Neighborhood Commercial zoning district. (APN: 0113-564-27) **Submitted by Rocelia Balderas**

## **PART I: BACKGROUND & ANALYSIS**

ROCELIA BALDERAS, (herein after referred to as "Applicant") has filed an application requesting a Conditional Use Permit approval for File No. PCUP19-008, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is located within an existing 1,579 square-foot restaurant suite (Unit 5) that's part of an existing multi-tenant (Vineyard Village Shopping Center) shopping center, located at 1945 East Riverside Drive, and is depicted in Exhibit A: Aerial Photograph (1) and Exhibit B: Aerial Photograph (2). Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Multi-Tenant Commercial/Retail	Neighborhood Commercial (CN)	Neighborhood Commercial (CN)	Commercial/Office
<i>North</i>	Single Family Residential	Low Density Residential (LDR)	Low Density Residential (LDR-5)	Residential
<i>South</i>	Vacant	Low Density Residential (LDR)	Armstrong Ranch Specific Plan (SP)	Residential
<i>East</i>	Single Family Residential	Low Density Residential (LDR)	Low Density Residential (LDR-5)	Residential

<i>Prepared: MT 05/20/19</i>	<i>Reviewed: CM 05/23/19</i>	<i>Decision: [enter initial/date]</i>
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	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
West	Multi-Tenant Commercial/Retail	Neighborhood Commercial (CN)	Neighborhood Commercial (CN)	Commercial/Office

**(2) Project Analysis:**

**(a) Background** — The 1,579 square-foot project suite is located within an existing 32,583 multi-tenant commercial shopping center (Vineyard Village Shopping Center) that was constructed in 1979, as shown in Exhibit C: Site Plan. The shopping center is currently occupied by a skate shop, laundromat, hair salon, dentist office, party supply store, furniture shop, and a bookkeeping office.

Nataly’s Tacos is an existing restaurant that specializes in Mexican cuisine. Its menu includes a variety of tacos, burritos, tortas, and specialty dishes like menudo soup. Nataly’s Tacos has been operating for 18 years.

**(b) Proposed Use** — On March 27, 2019, the applicant filed for a Conditional Use Permit application to allow their beverage menu to include the on-premises sale of beer and wine (Type 41 ABC license) at the subject location. The restaurant space is divided into six general areas (see Exhibit D: Nataly’s Tacos Floor Plan) that include:

- Dining Area
- Kitchen
- Walk in Pantry Storage, Refrigerator & Freezer
- Dishwashing Station
- Restroom
- Food Service Area

The restaurant’s main entrance is located on the south side of the building, facing the parking lot (see Exhibit E: Site Photograph). The restaurant’s current hours of operation are Monday through Friday, from 9:00 A.M. to 9:00 P.M. and Saturday through Sunday, from 8:00 A.M. to 9:00 P.M. The restaurant operates with two employees per shift.

The Police Department is requiring that the business enforce a last call for alcohol 45 minutes prior to closure (8:15 P.M.). Alcohol will be allowed to be served and consumed only indoors, as there is no outdoor patio for this suite.

**(c) Parking** – According to the Ontario Development Code, the project is required to provide 21 parking spaces, at a ratio of 13.3 spaces per 1,000 square feet of Gross Floor Area. The shopping center has 260 reciprocal parking stalls and is adequately parked to accommodate the proposed use. Staff believes that the proposed use will not adversely affect the parking demand for the existing neighborhood shopping

center, as the application does not include the elimination of parking spaces and the proposed Conditional Use Permit would allow for the serving of beer and wine as a convenience to restaurant patrons.

(d) ABC Concentration – The California Department of Alcoholic Beverage Control (ABC) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 18.09, which is located entirely within the City of Ontario and according to ABC, is over concentrated (**see Exhibit F: Census Tract Map**). ABC has determined that Census Tract 18.09 can support three on-sale licenses. There are currently four businesses that have an active Type 41-On Sale Beer and Wine-Eating Place (Restaurant) licensing and two businesses that have an active Type 47-On Sale General-Eating Place (Restaurant) licensing. 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 State Department of Alcohol Beverage Control rules, regulations and conditions of approval are met and followed. In addition, the project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

(e) 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 a multi-tenant commercial building and has been historically utilized for retail and fast food restaurants and related sale of food/restaurant uses. There are other restaurant uses located within the immediate area and an addition of an ancillary Type 41 ABC license in conjunction with a restaurant use is consistent with surrounding uses (**see Exhibit G: List of Current Businesses with Type 41 License**). Furthermore, the Police Department has reviewed this application and has not found the surrounding area to be within a high call area for alcohol related issues. As a result the Police Department has approved the use with conditions of approval.

Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within the surrounding area 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.

(3) **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.

**(4) 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.

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

## ***PART II: RECITALS***

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

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

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

WHEREAS, on June 3, 2019, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Mai Thao, Land Development Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) Applicant or applicant's representative explained the business operation and spoke in favor of the application.

(3) **Additional speaker** name

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

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

### **PART III: THE DECISION**

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

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

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code within which the site is located. The proposed Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with the existing 1,579 square-foot restaurant (Nataly's Tacos) will be located at 1945 East Riverside Drive, within the Neighborhood Commercial land use designation of the General Plan and the Neighborhood Commercial Zoning District. With the conditions of approval, the proposed use will be established consistent with the City of Ontario Development Code and its objectives, purposes, development standards and guidelines.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with the existing 1,579 square-foot restaurant (Nataly's Tacos) will be located at 1945 East Riverside Drive, which the Policy Plan Land Use Plan designates as Neighborhood Commercial. With the conditions of approval, the proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan).

(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.* With conditions of approval, the proposed use will be consistent with the uses allowed within the Neighborhood Commercial Zoning District, which allows for commercial, retail, restaurant, and entertainment uses. The proposed use will provide an additional convenience for patrons of the existing restaurant.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is located within Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the proposed use is consistent with the policies and criteria of the plan.

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community. In addition, the Police Department has also reviewed the application and they are in support of the application subject to the attached conditions of approval.

(f) The Zoning Administrator hereby finds and determines that the requested Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-premises consumption (Type 41-On Sale Beer and Wine for Bona Fide Public Eating Place) is located within a Census Tract having an undue concentration of On-Sale licenses. The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is deemed to be provided as convenience to business patrons and it is therefore established that the public convenience would be served by the issuance of a Type 41 ABC license in this case.

(g) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1 - Existing Facilities) of the State CEQA Guidelines. Existing facilities consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions or operational changes and therefore is categorically exempt.

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

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP19-008, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this [Insert Day] day of June 2019.

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Cathy Wahlstrom  
Zoning Administrator

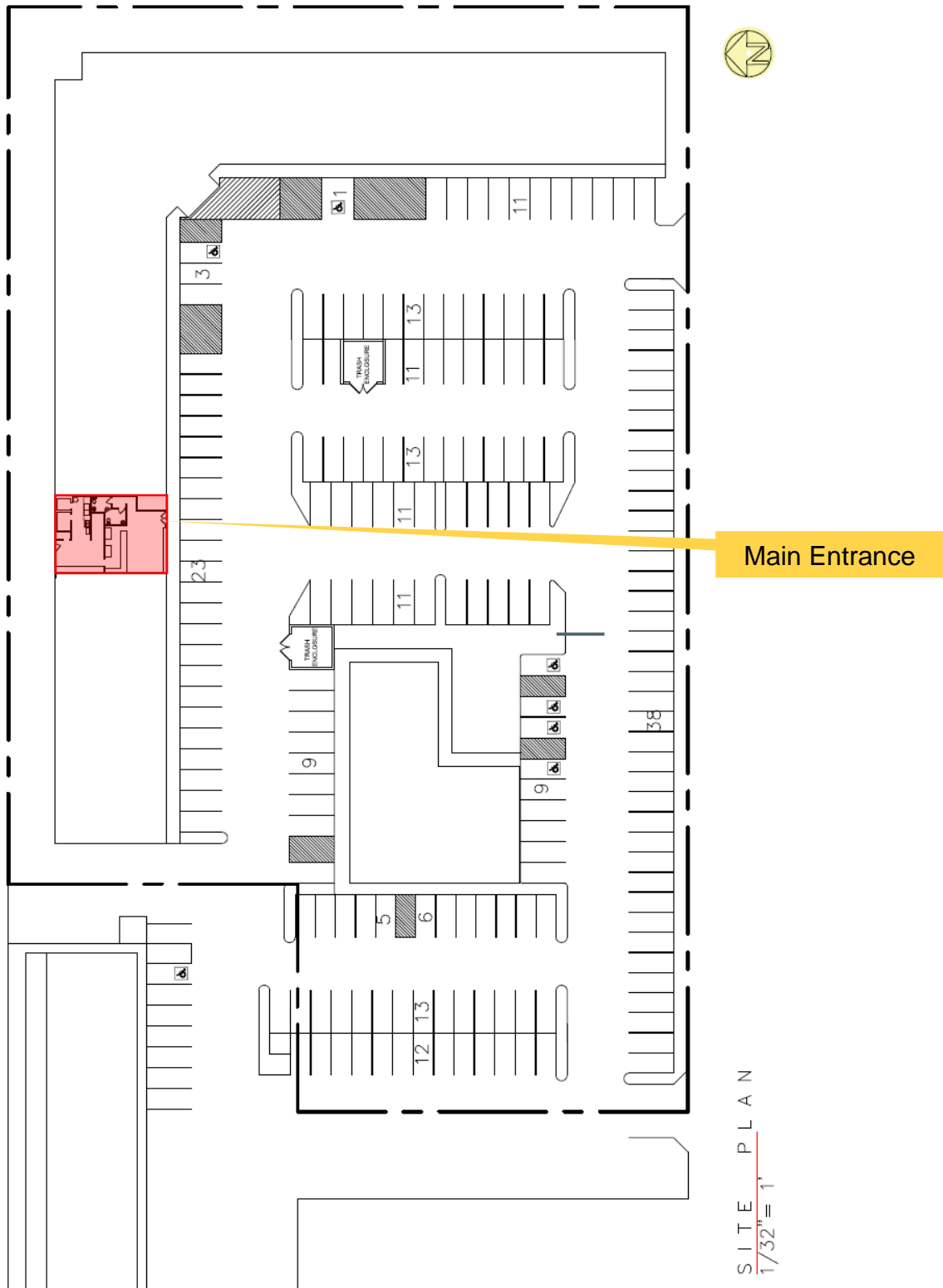
**Exhibit A: Aerial Photograph (1)**



**Exhibit B: Aerial Photograph (2)**

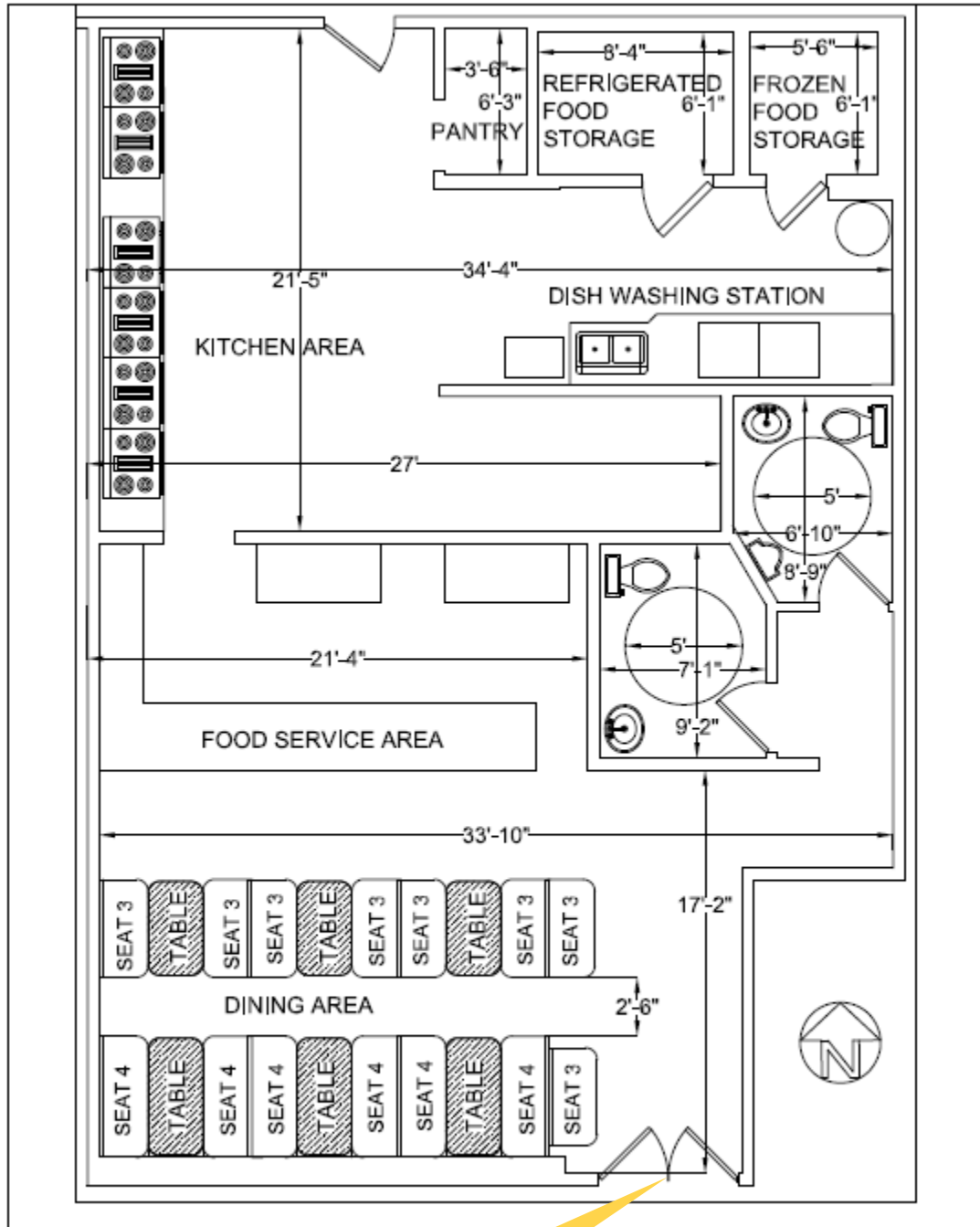


**Exhibit C: Site Plan**



S I T E P L A N  
1/32" = 1'

### Exhibit D: Nataly's Tacos Floor Plan



FLOOR PLAN  
3/16" = 1'

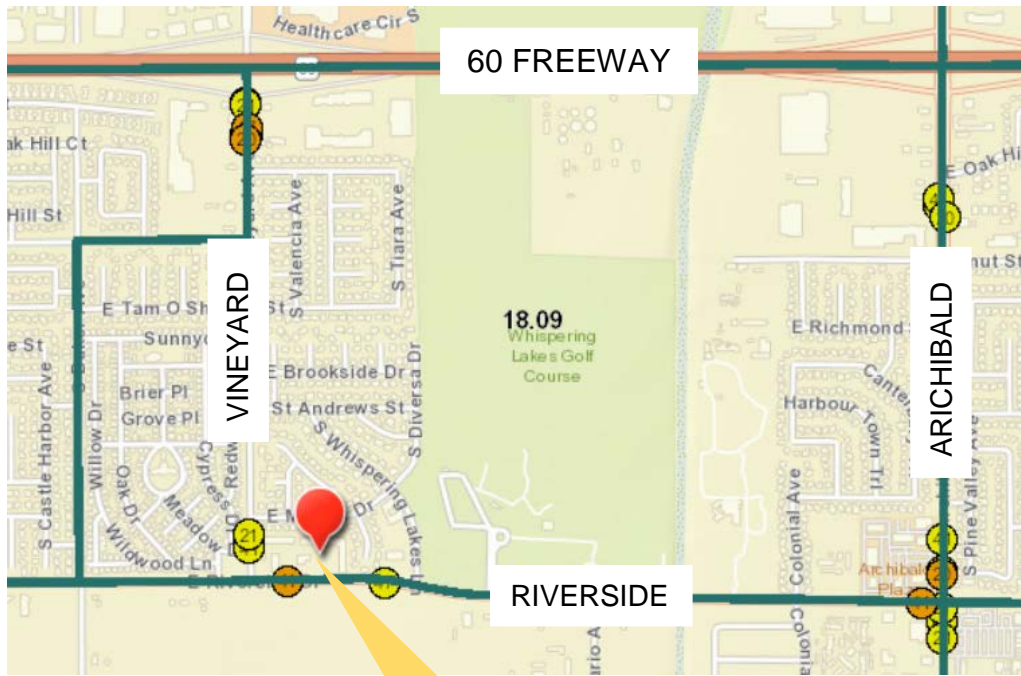
Main Entrance

**Exhibit E: Site Photograph**



**Main Entrance**

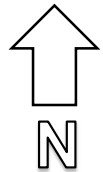
**Exhibit F: Census Tract Map**



**Legend:**

- Census Tract
- Multiple License per Address
- One License per Address
- Multiple License Type

**Site Location**



Zoning Administrator Decision

File No. PCUP19-008

June 3, 2019

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**Exhibit G: List of Current Businesses with Type 41 License**

License No	Status	Type	Orig. Iss. Date	Expir. Date	BUSINESS NAME	Primary Owner	Premises Address
537981	ACTIVE	41	12/12/13	11/30/19	ARCHIBALDS	B. A. T. ENTERPRISES, INC	2685 E RIVERSIDE DR
479913	ACTIVE	41	07/20/09	06/30/19	BENTO BOX JAPANESE GRILL	SERVUS INC	2910 S ARCHIBALD AVE, # C
408472	ACTIVE	41	03/11/04	02/29/20	MARISCOS LA BRISA RESTAURANT	PRECIADO, BERTA ALICIA	2951 S VINEYARD AVE
560115	ACTIVE	41	09/16/15	08/31/19	KING SUSHI	KIM, MICHAEL	2550 S ARCHIBALD AVE, STE O



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

*Planning Department  
Land Development Division  
Conditions of Approval*

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**Meeting Date:** June 3, 2019

**File No:** PCUP19-008

**Related Files:** None

**Project Description:** A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-premise consumption (Type 41-On Sale Beer and Wine for Bona Fide Public Eating Place) within an existing 1,579 square-foot restaurant (Nataly's Tacos) on 3.01 acres of land located at 1945 East Riverside Drive, Unit 5, within the Neighborhood Commercial zoning district. (APN: 0113-564-27)  
**Submitted by Ms. Rocelia Balderas**

**Prepared By:** Mai Thao  
**Phone:** 909.395.2443 (direct)  
**Email:** MThao@ontarioca.gov

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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.

**1.1** Time Limits.

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

**1.2** Parking, Circulation and Access.

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

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

(c) All parking and loading spaces shall be maintained in good condition for the duration of the building or use.



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

**(e)** Use shall provide a minimum of 21 parking spaces.

**1.3** 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.

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

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

**1.6** Any new signs on the building or outside the tenant space shall be reviewed and approved by the City, prior to installation.

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

**1.8** 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)** 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.

**(e)** The applicant and all employees 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. New employees shall attend the training class within three months of their hire date.

**(f)** 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.

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

**1.9** 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.

**1.10** Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

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

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

**1.11** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**2.0** Additional Fees.

**(a)** Within 5 days following final application approval, the Notice of Determination (NOD) filing fee of \$50.00 dollars shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

**3.0** Additional Requirements.

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

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



**CITY OF ONTARIO**  
**MEMORANDUM**  
*“Excellence Through Teamwork”*



**TO:** Alexis Vaughn, Assistant Planner

**FROM:** Erich Kemp, Police Officer/ C.O.P.S. Unit

**DATE:** April 16<sup>th</sup>, 2019

**SUBJECT:** FILE NO. PCUP19-008– Nataly’s Tacos  
1945 E. Riverside Drive Ste. 5, ONTARIO, CA 91761

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This location has applied for a type 41 On-Sale Beer and Wine for a Bona Fide Public Eating Place located within Census Tract No. 18.03. According to the Department of Alcohol Beverage Control (ABC), two on-sale licenses are allowed within this tract, there are currently three. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing this conditional use permit. The location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

**RESTAURANT CONDITIONS**

1. Alcohol sales will be from 08:00 A.M. to 09:00 P.M. daily. Last call for alcohol shall be made 45 minutes prior to closing and no later than 08:15 P.M.
2. No sales to minors.
3. The restaurant will have no bar seating.
4. No sales to obviously intoxicated patrons.
5. No self-serve alcohol displays allowed.
6. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
7. Signs must be posted at all exits stating no alcohol beyond this point.
8. No smoking inside of the establishment is permitted, including any type of electronic nicotine delivery device.

9. There will be no narcotic sales or usage on the premises at any time.
10. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties. Bartenders and cocktail servers must be 21.
11. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
12. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
13. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
14. The parking lots under control of the applicant shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
15. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
16. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
17. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6).

### **PATIO CONDITIONS**

1. The applicant did not propose a patio seating.

### **ENTERTAINMENT CONDITIONS**

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

### **SECURITY CONDITIONS**

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the bar/restaurant area. A minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and therefore would not require security.) If security personnel are needed they will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole

discretion, request a revocation hearing if they determine that the establishment is being operated in violation of this CUP or has violated the laws of the State or City are the intent of this action.

**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 in six months to determine whether additional conditions will be needed.

**Please contact Officer Erich Kemp if you have any questions regarding this matter at (909) 408-1922.**



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Assistant Planner  
Planning Department

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

**DATE:** April 15, 2019

**SUBJECT:** PCUP19-008 A Conditional Use Permit to establish alcoholic beverage sales, including Type 47 (On-Sale General for Bona Fide Public Eating Place) for on-premise consumption in conjunction with an existing 1,579-square foot (Nataly's Tacos) on 3.01 acres of land located at 1945 East Riverside Drive #5, within CN zoning district. (APN: 0113-564-27).

- 
- 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](http://www.ontarioca.gov) , click on Fire Department and then on forms.





# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008 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 **Monday, April 15, 2019**.

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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales, including Type 47 (On-Sale General for Bona Fide Public Eating Place) for on-premise consumption in conjunction with an existing 1,579-square foot (Nataly's Tacos) on 3.01 acres of land located at 1945 East Riverside Drive #5, within the CN zoning district. (APN: 0113-564-27).

- 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.

<i>Building</i>			
Department	Signature	Title	Date

# CITY OF ONTARIO MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** April 03, 2019  
**SUBJECT:** PCUP19-008

---

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

KS:lr





# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 Kevin Shear, Building Official  
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 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

*Math*

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008

Finance Acct#:

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*ENG/LAND*  
Department

*[Signature]*  
Signature

*ASST. ENGINEER*  
Title

*4/17/2019*  
Date



CITY OF ONTARIO  
MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director (Copy of memo only)  
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Eric Woosley, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008

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eng  
Department

Signature

Title

Date



# CITY OF ONTARIO MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008

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- Standard Conditions of Approval apply

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

Engineering  
Traffic

Senior Associate  
Civil Engineer

4/16/19

Department

Signature

Title

Date

## Mai Thao

---

**From:** Raymond Chavez  
**Sent:** Wednesday, April 17, 2019 12:04 PM  
**To:** Alexis Vaughn  
**Cc:** Ahmed Aly; Matthew S. Holmes  
**Subject:** PCUP19-008 - DPR #1 - 1945 E Riverside Dr #5 - Utilities Comments (#5949)

Hello Alexis,

**OMUC has No Comments on this submittal.**

Note: if there are any changes and a resubmittal of the plans, please send OMUC a copy for review.

Let me know if you have any questions.

Thank you,

Raymond C.



1425 South Bon View Avenue  
Ontario, CA 91761  
Ph: 909-395-2603  
Fx: 909-395-2608

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP19-008

Address: 1945 East Riverside Drive

APN: 0113-564-27

Existing Land Use: 1,579 SF restaurant (Nataly's Tacos)

Proposed Land Use: CUP to establish an ancillary Type 47 (ABC License) in conjunction with an existing restaurant

Site Acreage: 3.01 acres      Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Alexis Vaughn

Date: 4/23/19

CD No.: 2019-028

PALU No.: n/a

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

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

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

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

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: *Lorena Mejia*



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008

Finance Acct#:

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- Note:
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- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
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- The plan does not adequately address the departmental concerns.
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Landscape Planning Carolyn Bell, Sc. Landscape Architect  
Department Signature Title Date



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

**CONDITIONS OF APPROVAL**

**Sign Off**

*Carolyn Bell*  
 Carolyn Bell, Sr. Landscape Planner

4/16/19  
 Date

Reviewer's Name:  
**Carolyn Bell, Sr. Landscape Planner**

Phone:  
**(909) 395-2237**

D.A.B. File No.:  
 PCUP19-008

Related Files:

Case Planner:  
 Alexis Vaughn

Project Name and Location:  
**Nataly's Tacos Type 47**  
 1945 E Riverside Dr.

Applicant/Representative:  
**Rocelia Balderas**  
 1523 E Tam O' Shanter St  
 Ontario, ca 91761

**A site plan (dated 4/1/19) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.**

**A site plan (dated ) has not been approved. Corrections noted below are required prior to DAB approval.**

1. Contact property management to replace missing parking lot island trees: 1 at each parking island or row end, 24" box size trees. Tree type shall match existing trees or consider low water trees such as: Brachychiton populneus, Bottle Tree, Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistachia chinensis or similar. Provide irrigation for trees such as pop up stream bubblers to wet the entire tree root system until established.
2. Repair or replace broken or leaking irrigation components. Renovations shall include an irrigation system tune up to prevent any overspray or run off and weather based controller with weather sensor.
3. 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.
4. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement.
5. Note on plans landscape shall be properly maintained by the property management association or maintenance personnel. Dead or damaged landscape shall be replaced immediately.
6. Contact this department for inspection when construction is completed.
7. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008

Finance Acct#:

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Community Imp. Joe De Sousa Supervisor 4/2/19  
Department Signature Title Date



# CITY OF ONTARIO

## MEMORANDUM

TO: **Scott Murphy, Development Director**  
Cathy Wahlstrom, Planning Director (Copy of memo only)  
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Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008 Finance Acct#:

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*TO THEY ALREADY HAVE BEER/WINE? IF SO, DO THEY REALLY NEED LIQUOR FOR SUCH A SMALL SITE?*

- The plan does adequately address the departmental concerns at this time.
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Department: *DEVELOPMENT* Signature: *SM* Title: Date: *4/1/19*



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: April 01, 2019

SUBJECT: FILE #: PCUP19-008 Finance Acct#:

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

- No comments
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- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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

Broadband Operations	Anna Vaca	Sr. Systems Analyst	4/8/2019
Department	Signature	Title	Date



# CITY OF ONTARIO MEMORANDUM

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



FROM: Alexis Vaughn, Assistant Planner

DATE: March 20, 2019

SUBJECT: FILE #: PMTT19-006

Finance Acct#:

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

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**PROJECT DESCRIPTION:** A Parcel Map to subdivide 20.48 acres of land into 154 parcels (128 numbered lots and 26 lettered lots) located at approximately 670' south of the southeast corner of Mill Creek Avenue and Ontario Ranch Road, within the Standalone Residential land use district of the Rich Haven Specific Plan (APN: 0218-211-12).

- 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.

Community Imp Joe De Sousa Sup 3/28/19  
 Department Signature Title Date



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

June 3, 2019

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP19-009

**DESCRIPTION:** A Conditional Use Permit (File No. PCUP19-009) to establish a 17,500 square foot enclosed contractor's and vehicle/equipment storage yard on 0.64 acres of land located at 1002 Mildred Avenue, within the IG (General Industrial) zoning district. (APN: 113-343-37); **submitted by RG Investments, LLC.**

## ***PART I: BACKGROUND & ANALYSIS***

RG INVESTMENTS, LLC, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP19-009, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 0.64 acres of land located at 1002 Mildred 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:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Parking	IND (Industrial)	IG (General Industrial)	N/A
<i>North</i>	Union Pacific Rail Road	Rail	RC (Rail Corridor)	N/A
<i>South</i>	Industrial	IND (Industrial)	IG (General Industrial)	N/A
<i>East</i>	Vacant/Warehouse	IND (Industrial)	IG (General Industrial)	N/A
<i>West</i>	Industrial	IND (Industrial)	IG (General Industrial)	N/A

### **(2) Project Analysis:**

**(a) Background** — The project site, located on the northeast corner of Belmont Street and Grove Avenue, was constructed in 2018 and approved as part of Development Plan (File No. PDEV13-039), that consisted of 7 industrial buildings totaling 250,157 square feet (**See Exhibit B: Mission/Grove Business Park Site Plan**). The project site consisted of City-owned Part 150 parcels (airport acquisition property for noise abatement) and privately owned parcels. On December 3, 2013, the City Council

Prepared: LM/5-23-19	Reviewed: RZ/5-24-19	Decision: [enter initial/date]
----------------------	----------------------	--------------------------------

approved an Acquisition, Disposition and Development Agreement between the City and Mission Grove Partners, L.P., which established the terms and conditions to allow for the construction of the proposed industrial development (Mission/Grove Business Park). The development included the 0.63 acre project site to be developed as a stand-alone enclosed parking yard. The parking yard area was allowed to be enclosed with an 8-foot tall decorative screen walls that complemented the adjacent architectural design of the proposed buildings. In addition, the parking yard area was located within Safety Zone 1 of the ONT ALUCP, which restricted the construction of any structures or any land uses other than vehicle parking. The screen walls were allowed to be incorporated within the development plan after the City received FAA approval for allowing the proposed screen walls (structures).

On July 17, 2018 the City Council approved an amendment to the Ontario Airport Land Use Compatibility Plan that included the reconfiguration of the Safety Zones, which resulted in a portion of the project site being located within Safety Zone 1 and 2. The applicant is now seeking approval of the Conditional Use Permit to allow for the establishment of a contractor's and vehicle/equipment storage yard.

**(b) Project Description** — The Applicant is requesting approval of a contractor's and vehicle/equipment storage yard. The existing enclosed yard area is 17,500 square feet in size and is approximately 115 feet wide by 166 feet long along the western side of the yard area (**See Exhibit C: Existing Site Plan**). Ingress and egress to the site, is provided by a 35 foot wide driveway located at the southwest corner of the yard. The driveway provides access, via a drive aisle, to the overall industrial park site and to Mildred Avenue to the east. The yard area is secured by 35 foot wide gate.

The Ontario Airport Land Use Compatibility Plan amendment, approved by City Council in 2018, reconfigured the boundaries of Safety Zone 1 and 2, resulting in the project site being located in Safety Zone 1 and 2. Safety Zone 2 is less restrictive and allows for the proposed use to be established. The applicant is seeking to establish a contractor's yard within the Safety Zone 2 area of the project site. Safety Zone 2 is located along western wall of the enclosed yard area and is 27 feet wide by 165 feet long totaling 4,455 square feet (**See Exhibit D: Safety Zones**). The remaining portion of Safety Zone 1 of the site will be utilized for vehicle parking only. The contractor's yard portion will be used for the storage of equipment and materials. The project is being conditioned so that all equipment and materials shall not extend past the height of the existing screen walls. The proposed hours of operation will be daily from 6:00 a.m. to 10 p.m. and there will be a maximum number of 3 employees at any given time.

**(c) Land Use Compatibility** — The Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. The existing enclosed yard area currently only allows for the use of vehicle storage. The CUP will allow for the contractor's yard use to be established and allow for

the storage of equipment and associated building materials, which is a conditionally permitted use within the IG (General Industrial) zoning district. The project site is located within an industrial/business park where similar uses are allowed. The proposed use will be similar to the surrounding uses; therefore, no significant negative impacts are anticipated. Furthermore, the project had been conditioned to maintain consistency with the ONT ALUCP Safety Zone policies and criteria.

**(d) Recommendation** — Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. The proposed use will not expose the surrounding businesses to any impacts beyond those that would normally be associated with any other use similarly permitted within the IG (General Industrial) zoning district.

**(3) Airport Land Use Compatibility Plan:** This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

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

## ***PART II: RECITALS***

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

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



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

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

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

WHEREAS, on June 3, 2019, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

### ***PART III: THE DECISION***

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

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

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use*

*district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed contractor's and vehicle/equipment storage yard will be located at 1002 Mildred Avenue, which is designated for the IG (General Industrial) zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the IG (General Industrial) zoning district.

(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 contractor's and vehicle/equipment storage yard will be located at 1002 Mildred Avenue, which the Policy Plan Master Land Use Plan designates for Industrial land use. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of industrial land uses in the area of the project site.

(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 Conditional Use Permit application to establish a 17,500 square foot enclosed contractor's and vehicle/equipment storage yard on 0.64 acres of land, will be located at 1002 Mildred Avenue, is within the General Industrial zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the General Industrial zoning district.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The proposed project is located within Safety Zone 1 and 2 and has been conditioned to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP).

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The project site is located within the IG (General Industrial) zoning district, in which a contractor's yard and vehicle storage is a conditionally permitted use. The project will be conditioned to ensure that it will operate and be properly maintained, therefore the project will not be detrimental or injurious to surrounding property and improvements

(f) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines

promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the State CEQA Guidelines. Existing facilities consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing enclosed yard area and does not include any negligible building additions and therefore is categorically exempt.

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

(h) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP19-009, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this 3rd day of June 2019.

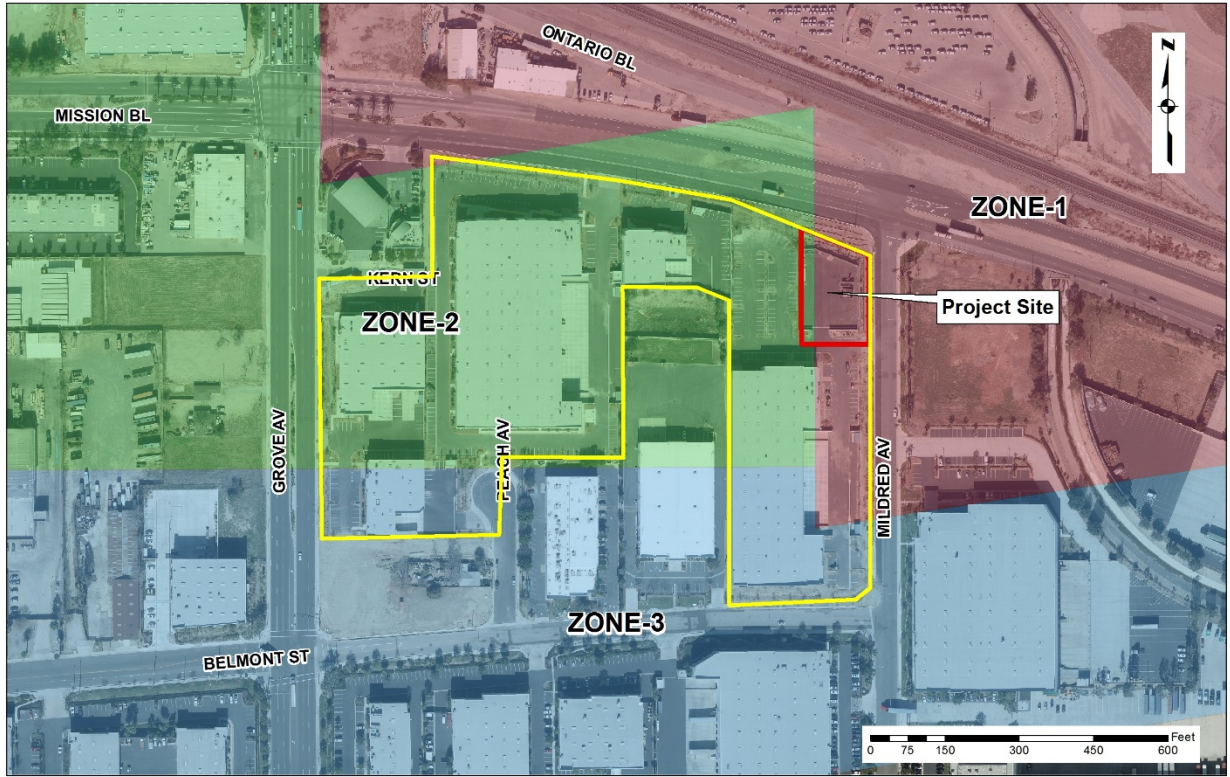
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Cathy Wahlstrom  
Zoning Administrator

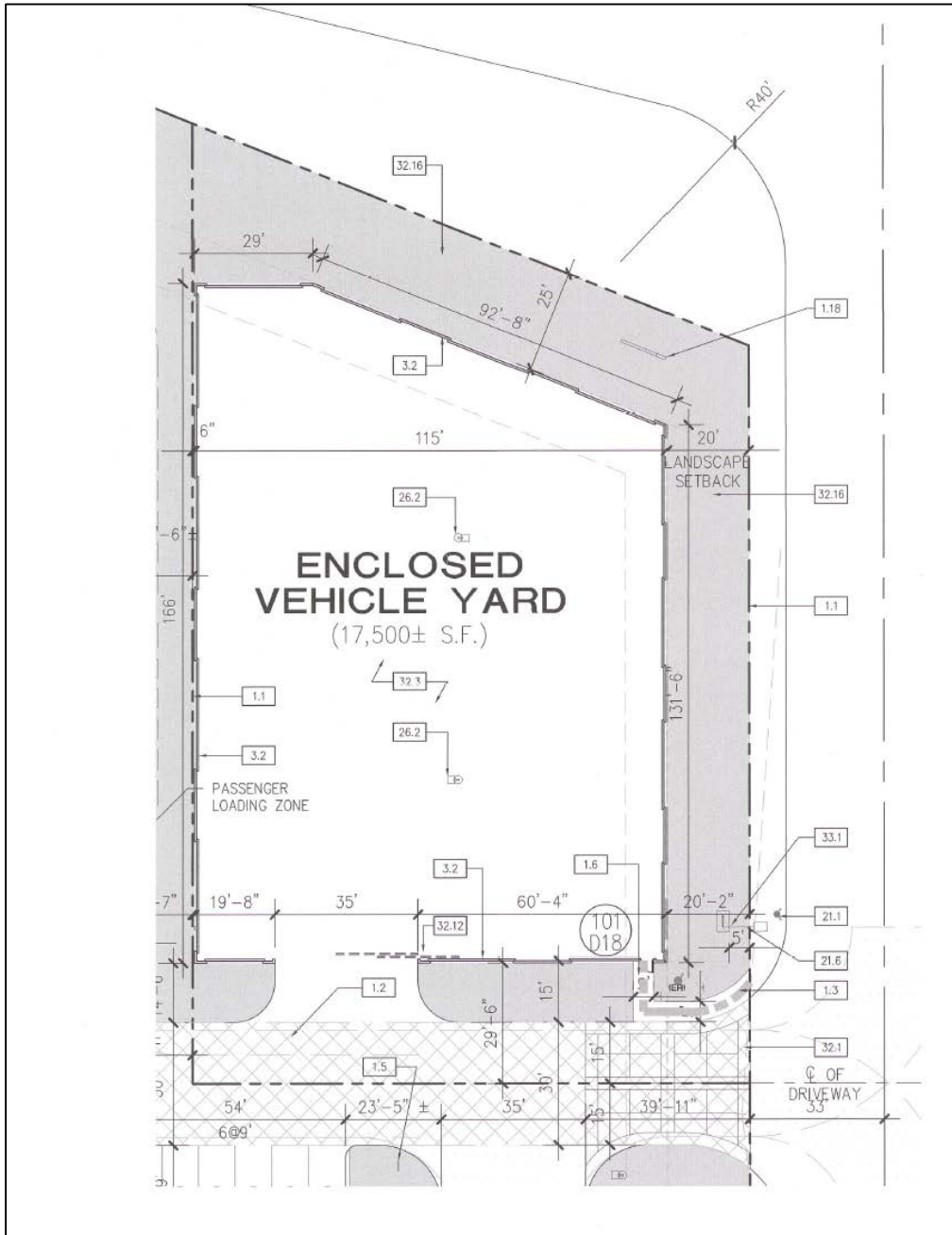
**Exhibit A: Aerial Photograph**



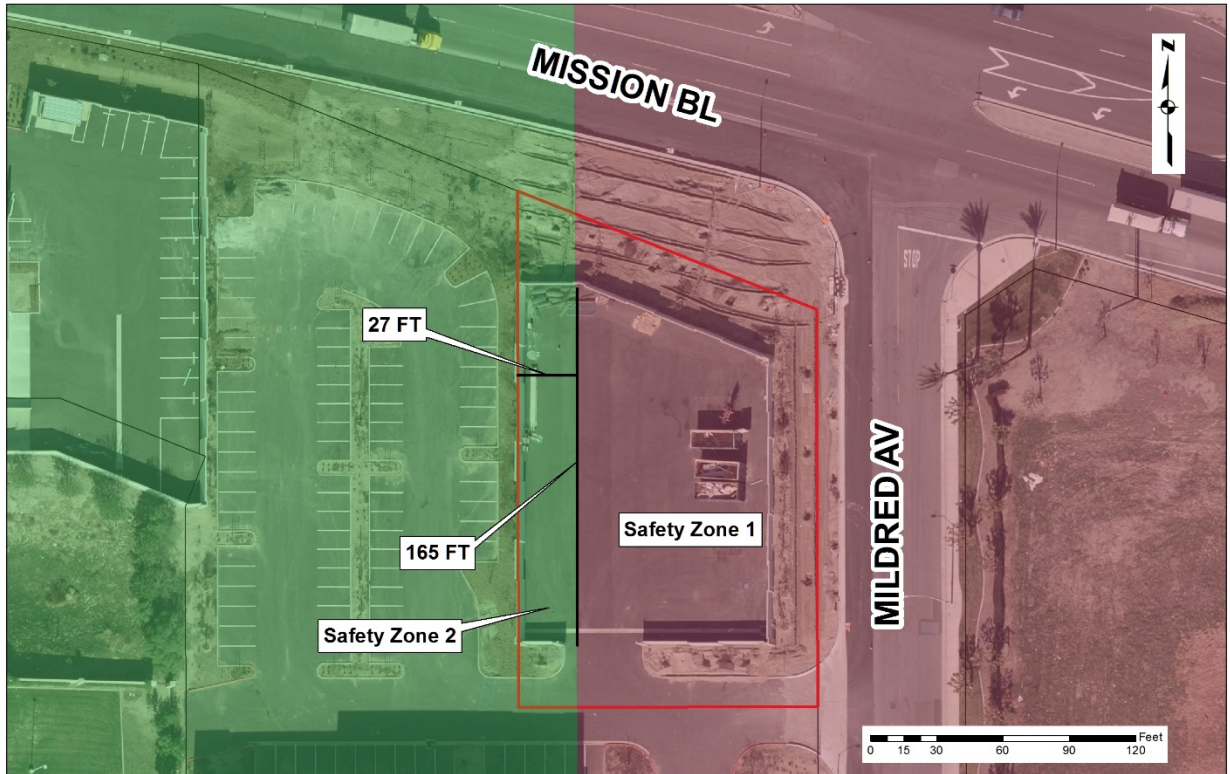
**Exhibit B: Mission/Grove Business Park Site Plan**



**Exhibit C: Existing Site Plan**



**Exhibit D: Safety Zones**





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

## ***Planning Department Land Development Division Conditions of Approval***

**Meeting Date:** June 3, 2019

**File No:** PCUP19-009

**Related Files:** N/A

**Project Description:** A Conditional Use Permit (File No. PCUP19-009) to establish a 17,500 square foot enclosed contractor's and vehicle/equipment storage yard on 0.64 acres of land located at 1002 Mildred Avenue, within the IG (General Industrial) zoning district. (APN: 113-343-37); **submitted by RG Investments, LLC.**

**Prepared By:** Lorena Mejia, Senior Planner  
Phone: 909.395.2276 (direct)  
Email: lmejia@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** Time Limits.

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

### **1.1** Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

**1.2** 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.



**1.3**     Additional Fees.

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

**1.4**     Additional Requirements.

(a)       No materials or equipment may be stored to a height greater than the height of the existing screen wall.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP19-009  
 Address: 1002 Mildred Avenue  
 APN: 113-343-37  
 Existing Land Use: 17,500 SF Enclosed Vehicle Yard  
 Proposed Land Use: A CUP to establish a 17,500 square foot enclosed contractor's and vehicle/equipment storage yard  
 Site Acreage: 0.64 acres Proposed Structure Height: Existing Structure  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Lorena Mejia  
 Date: 5/28/19  
 CD No.: 2019-029  
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input checked="" type="checkbox"/> Zone 1	<input type="checkbox"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input checked="" type="checkbox"/> Avigation Easement Dedication
<input type="checkbox"/> Zone 1A	<input checked="" type="checkbox"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input checked="" type="checkbox"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input checked="" type="checkbox"/> Airspace Avigation Easement Area	
<input type="checkbox"/> Zone 4		Allowable Height: <u>45 ft</u>	
<input type="checkbox"/> Zone 5			

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

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

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

See Attached Conditions of Approval

Airport Planner Signature: \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2019-029  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

1. Project is located within Safety Zones 1 and 2 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed.
2. There shall be a maximum number of 9 people allowed on-site.
3. The portions of the site located within Zone 2 shall be utilized as a contractor's storage yard and the portions of the property within Zone 1 shall only be utilized for vehicle storage.

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Lorena Mejia  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** April 2, 2019  
**SUBJECT:** PCUP19-009

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

KS:lm



# CITY OF ONTARIO MEMORANDUM


## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**PROJECT:** PCUP19-009, a Conditional Use Permit to establish outdoor vehicle storage on 0.64 acres of land.

**APN:** 0113-343-37

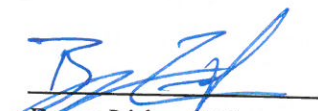
**LOCATION:** 1002 South Mildred Avenue (SWC Mission Blvd and Mildred Ave)

**PROJECT ENGINEER:** Eric Woosley, Assistant Engineer  (909) 395-2134

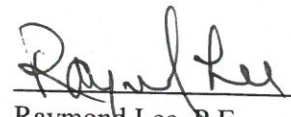
**PROJECT PLANNER:** Lorena Mejia, Senior Planner (909) 395-2276

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

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. Modifications: If the project site applies for a Conditional Use Permit Modification for anything other than the currently proposed vehicle storage, the applicant may be required to do the following:
  - a. Install a new domestic meter to service the project site, in addition to the existing irrigation meter.
  - b. Install a lateral sewer line to provide sewer service to the project site
  - c. Install a trash enclosure. Trash enclosures shall demonstrate compliance with the Services Standards in the City's Solid Waste Planning Manual (<https://www.ontarioca.gov/omuc/integrated-waste>)

  
Bryan Lirley, P.E.  
Principal Engineer

5/24/19  
Date

  
Raymond Lee, P.E.  
Assistant City Engineer

5/21/19  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** April 24, 2019

**SUBJECT:** PCUP19-009: A CONDITIONAL USE PERMIT TO ESTABLISH A VEHICLE STORAGE YARD AT THE SOUTHWEST CORNER OF MISSION BLVD. AND MILDRED AVE.

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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. 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.

In addition, the Ontario Police Department places the following conditions on the project:

- 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 Applicant is invited to contact Douglas Sorel at (909) 408-1873 regarding any questions or concerns.

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

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
<i>Carolyn Bell</i>	4/23/19
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: <b>Carolyn Bell, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
----------------------------------------------------------------	---------------------------------

D.A.B. File No.: PCUP19-009	Related Files:	Case Planner: Lorena Mejia
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Project Name and Location: Outdoor Vehicle storage 1002 S Mildred Ave
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Applicant/Representative: Brad Boatman 13602 Carroll Way Tustin, CA 92780
------------------------------------------------------------------------------------

<input checked="" type="checkbox"/>	<b>A site plan (dated 4/1/19) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan (dated ) has not been approved. Corrections noted below are required prior to DAB approval.</b>

1. Property management to replace dead or missing plants, repair broken or leaking irrigation components and remove trash and debris in planters.
2. Any landscape and irrigation modifications shall be submitted for review and meet the requirements of the Landscape Development Guidelines. <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner  
Planning Department

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

**DATE:** April 15, 2019

**SUBJECT:** PCUP19-009 A Conditional Use Permit request to allow for outdoor vehicle storage on 0.64 acres of land, located on the southwest corner of Mission Blvd. and Mildred Ave., within the IG (General Industrial) zoning designation. (APN: 0113-343-37)

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

No comments

Report below.

1. Comply with all fire lane, fire department access, turnarounds/turning radius requirements.
2. Comply with all fire hydrant requirements.

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For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov](http://www.ontarioca.gov) , click on Fire Department and then on forms.