



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

April 19, 2021

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. PCUP21-002**: A Conditional Use Permit to establish and construct a second floor 574 square foot Accessory Dwelling Unit (ADU) above an existing covered patio exceeding 16 feet in height on 0.245-acres of land, located at 1515 South San Antonio Avenue, within the RE2 (RE-2 Rural Estate—0 to 2.0 DU/Acre) 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: 1050-031-44) **submitted by Won Jun Choi.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-003**: A Conditional Use Permit (File No. PCUP21-003) to establish a 1,018 square-foot brewery tasting room (Type 23 ABC License, Small Beer Manufacturer) for Bearded Tang Brewery and ancillary live entertainment (amplified music) on 0.85 acres of land, located at 3430 East Ontario Ranch Road, Suites 4 and 5 of the New Haven Marketplace. The project site is located within the Retail district of The Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. This application introduces no new significant environmental impacts, and all previously-adopted mitigation measures are a condition of project approval. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-402-47) **submitted by Bearded Tang Brewery 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, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **April 15, 2021**, 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

April 19, 2021

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

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

**FILE NO.:** PCUP21-002

**DESCRIPTION:** A Conditional Use Permit to establish and construct a second floor 574 square foot Accessory Dwelling Unit (ADU) above an existing covered patio exceeding 16 feet in height on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE-2 (RE-2 Rural Estate – 0 to 2.0 du/ac) zoning district; (APN: 1050-031-44) **submitted by Won Jun Choi.**

## PART 1: BACKGROUND & ANALYSIS

WON JUN CHOI, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-022, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The project site is comprised of 0.245-acre of land located at 1515 South San Antonio 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> |
|--------|---------------------------|---|--|-------------------------------|
| Site:  | Single Family Residential | Rural Residential (0 – 2.0 du/ac)         | RE-2 (Rural Estate - 0 to 2.0 du/ac)               | N/A                           |
| North: | Single Family Residential | Rural Residential (0 – 2.0 du/ac)         | AR-2 (Residential Agricultural - 0 to 2.0 du/ac)   | N/A                           |
| South: | Single Family Residential | Rural Residential (0 – 2.0 du/ac)         | RE-2 (Rural Estate - 0 to 2.0 du/ac)               | N/A                           |
| East:  | Single Family Residential | Rural Residential (0 – 2.0 du/acre)       | AR-2 (Residential Agricultural - 0 to 2.0 du/ac)   | N/A                           |
| West:  | Single Family Residential | Low Density Residential (2.1 – 5.0 du/ac) | LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac) | N/A                           |

## PROJECT ANALYSIS:

|                        |                         |           |
|------------------------|-------------------------|-----------|
| Prepared: LL/4.05.2021 | Reviewed: CM/04.13.2021 | Decision: |
|------------------------|-------------------------|-----------|

(1) Background — The project site was developed in 2004, with a single-story, 2,800 square foot single-family home and a 552 square foot attached garage. The single family home consists of four bedrooms and three bathrooms and a rear attached patio cover located along the east elevation, which was built in 2004. The property also features a 605 square foot pool and spa located in the rear yard, which were built in 2009.

The Applicant is proposing to construct a second-story 572 square foot Accessory Dwelling Unit ("ADU") located above the existing rear patio cover (see Exhibit B: Site Plan, attached). The Development Code requires Conditional Use Permit ("CUP") for any ADU that exceeds 16 feet in height. On February 2, 2021, the applicant submitted a CUP application in fulfillment of this requirement.

(2) Proposed Use — The proposed ADU will have an overall building height of 24.65 feet, and contain one bedroom, one bathroom, a kitchen, and a living room (see Exhibit C: Floor Plan, attached). The existing patio cover/ADU will be set back 10 feet from the interior south property line, 35 feet from the interior north property line, and 39 feet from the east (rear) property line. Access to the unit will be taken from a staircase located on the north side of the proposed building. The ADU is located within one-half mile walking distance of public transit and does not require an off-street parking space; however, the existing residence provides a two-car garage with a driveway that accommodates up to three vehicles.

The proposed ADU will be designed to complement the architectural style of the existing home (See Exhibit D: Proposed Elevations, attached) and will match the existing home's exterior colors, stucco finish, roof, window style, and trim. Privacy glass will be installed on the east elevation of the proposed ADU to comply with development code section 5.0310, which requires windows and doors of an ADU to not have direct line of sight to an adjoining residential property. Additionally, staff has imposed a condition of approval that requires all new construction shall be built to match the existing home, including but not limited to, colors, exterior materials and finishes, trim, fascia, and roofing material.

(3) 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 single-family residential home and proposed ADU are located within an established single-family neighborhood, surrounded by predominantly single-family residential uses. Although the project site is primarily surrounded by single-story residential homes, the proposed second floor ADU is setback 10 feet from the property line to the south and 35 feet from the property line to the north. The overall height of the structure is well below the Development Code allowance of 35 feet for the neighborhood. The proposed use is consistent with the surrounding residential uses; therefore, no significant negative impacts are anticipated.

(4) **Recommendations** — Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the proposed use will not expose the surrounding residences to any impacts beyond those that would normally be associated with any other residential use similarly permitted within the RE-2 zoning district.

**AIRPORT LAND USE COMPATIBILITY PLAN:** This project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan ("ALUCP").

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

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

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

## **PART 2: RECITALS**

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

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan, 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 April 19, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) [insert planner name and title], presented the staff report on the proposed use, indicating the staff recommendation of [insert staff recommendation]. 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 additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; 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: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the 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 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 RE-2 (Rural Estate – 0 to 2.1 du/ac) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. The proposed ADU will be constructed above an existing patio cover with an overall height of 24.65 feet, well

below the Development Code allowance of 35 feet in height. Furthermore, the proposed Residential land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the RE-2 (Rural Estate – 0 to 2.1 du/ac) zoning district; 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 Residential land use will be located within the Rural Residential (0-2.1 du/ac) land use district of the Policy Plan Land Use Map, and the RE-2 (Rural Estate – 0 to 2.1 du/ac) 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 ADU land use is located with the Rural Residential land use district, and the RE-2 (Rural Estate – 0 to 2.1 du/ac) zoning 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

(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.

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APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

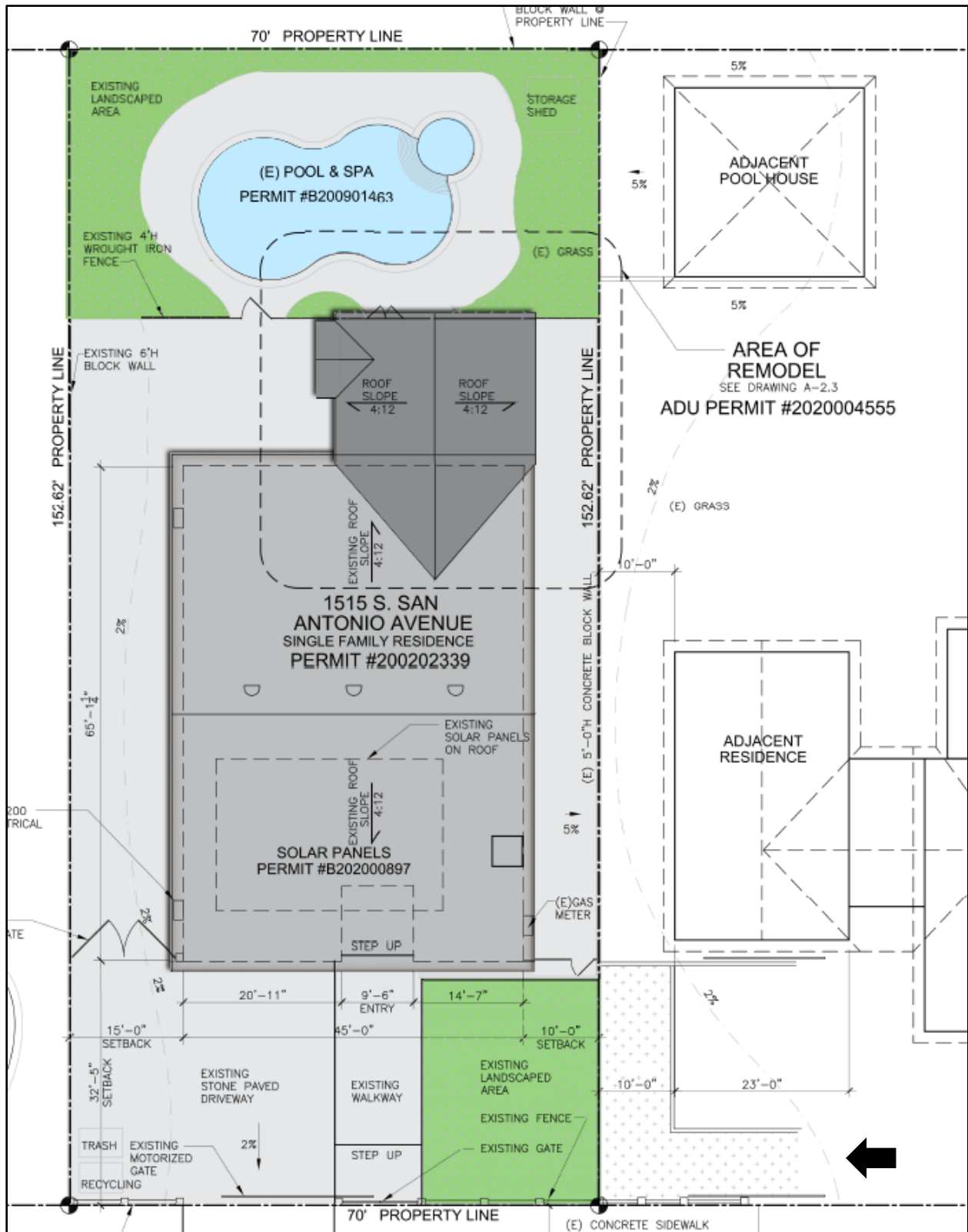
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Rudy Zeledon  
Zoning Administrator

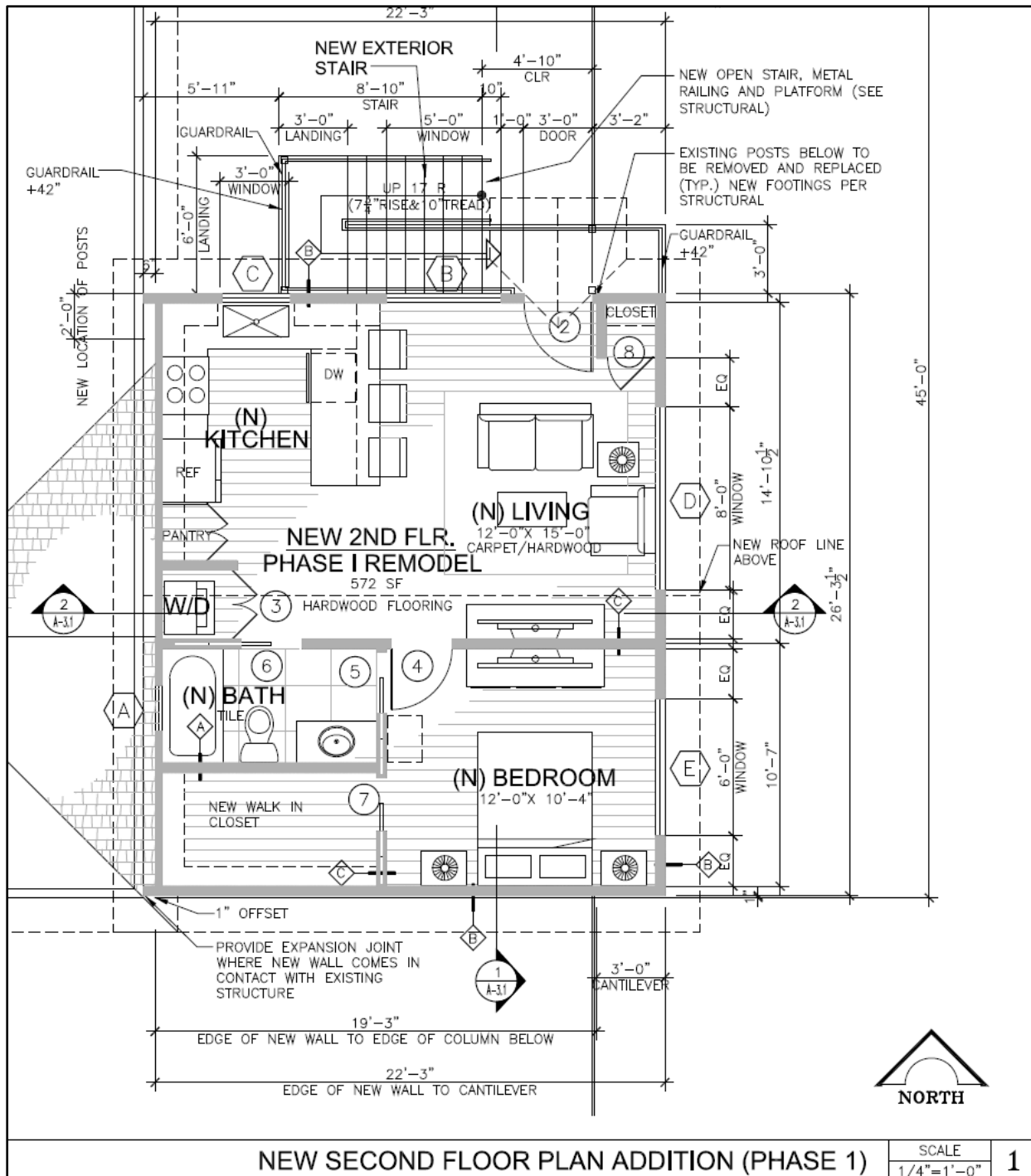
**Exhibit A: AERIAL PHOTOGRAPH**



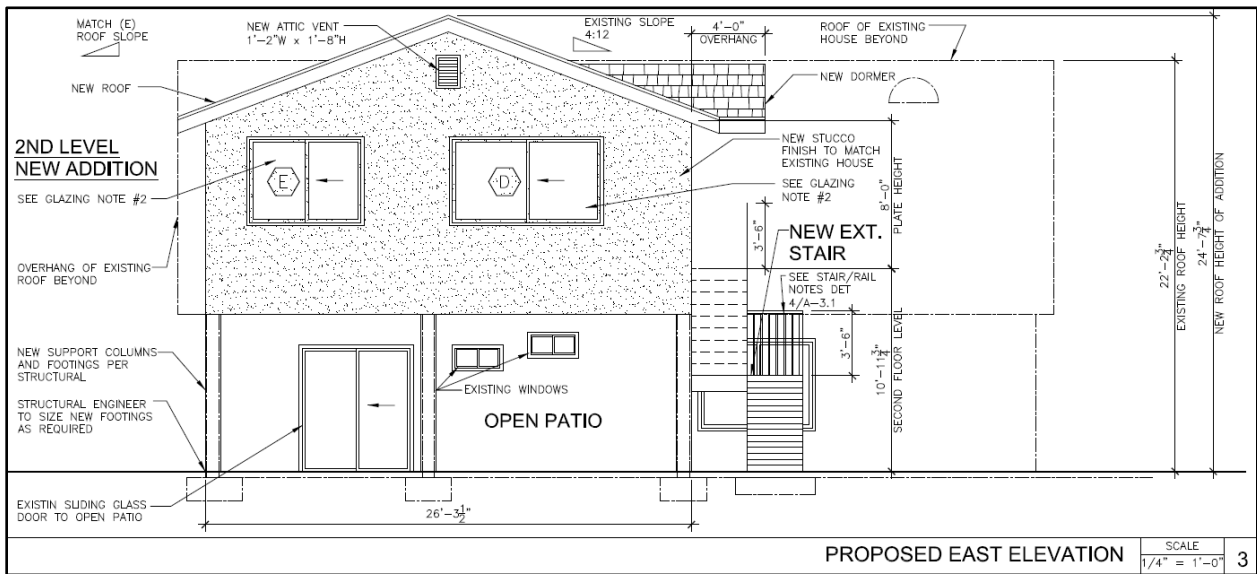
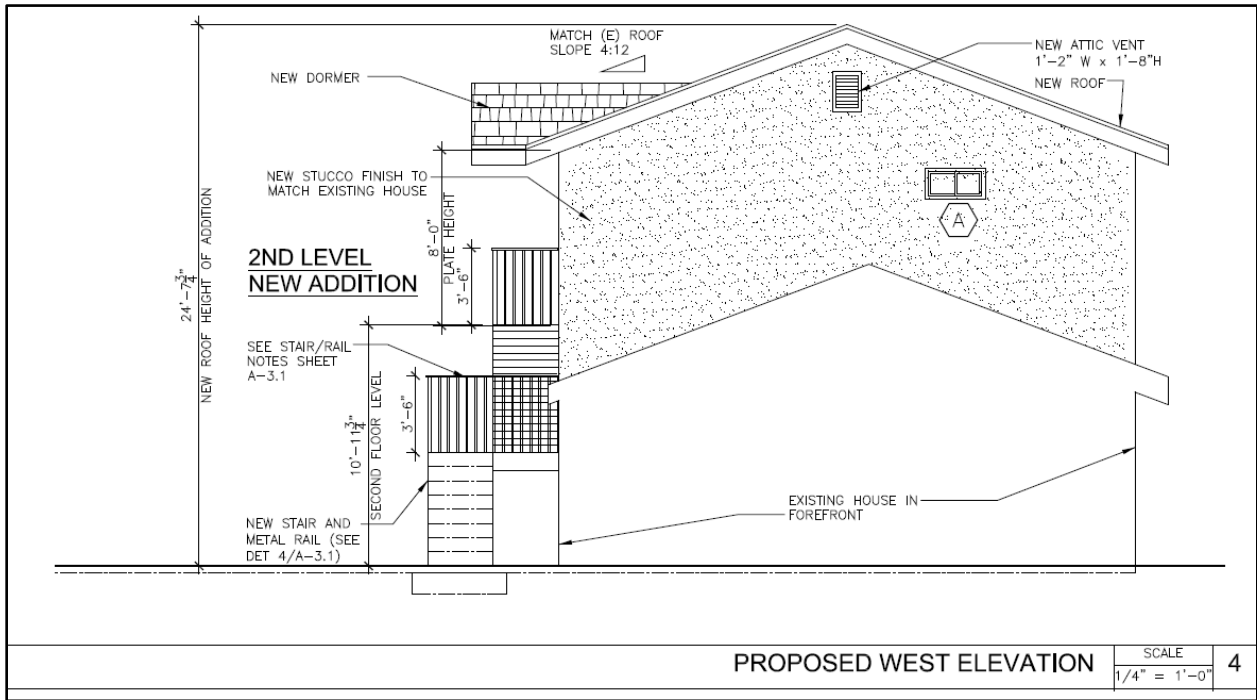
**Exhibit B: SITE PLAN**



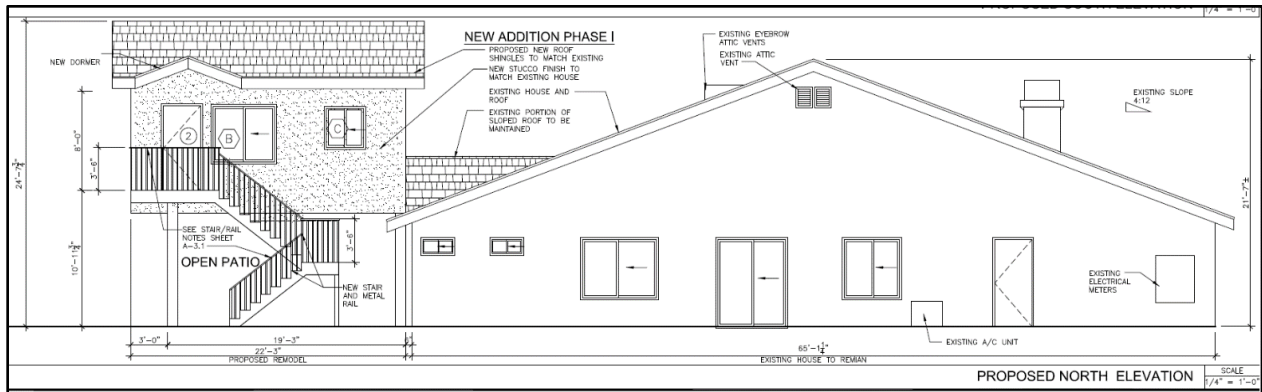
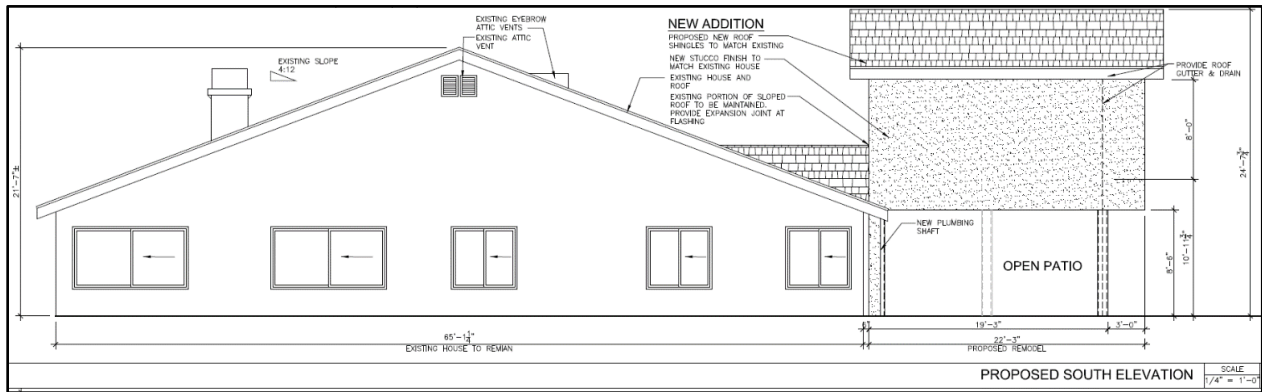
**Exhibit C: FLOOR PLAN**



**Exhibit D: ELEVATIONS**



**Exhibit D: ELEVATIONS**



**Exhibit E: SITE PHOTOS**



Looking South towards open patio



Looking North at patio cover from adjoining property.

**Exhibit E: SITE PHOTOS**



Looking West at patio cover



Looking East from Patio



## **Attachment A: Department Reports (Conditions of Approval)**

*(Department Reports containing conditions of approval follow this page)*



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

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

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**Meeting Date:** April 19, 2021

**File No:** PCUP21-002

**Related Files:** B202004555

**Project Description:** A Conditional Use Permit to establish and construct a second floor 574 square foot Accessory Dwelling Unit (ADU) above an existing covered patio exceeding 16 feet in height on 0.245-acres of land, located at 1515 South San Antonio Avenue, within the RE-2 (RE-2 Rural Estate—0 to 2.0 DU/Acre) zoning district. (APN: 1050-031-44) **submitted by Won Jun Choi.**

**Prepared By:** Larissa Lomen, Planning Intern  
Phone: (909) 395-2443 (direct)  
Email: [llomen@ontarioca.gov](mailto:llomen@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 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:

**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** 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.

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

**1.4** 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.

**1.5** 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 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.

**1.6** Additional Fees.

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

**(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.

**1.7** Additional Requirements.

**(a)** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the office of the San Bernardino County Recorder and a recorded copy filed with the Planning Director of the City of Ontario, pursuant to the requirements of Development Code Section 5.03.010.E.7 (Deed Restriction). The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City. The deed restriction must be filled out and wet signed (notarized) by the property owner(s).

**(b)** Privacy glass/glazing shall be installed on east facing windows, which have direct line of sight to the adjoining property.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Larissa Lomen, Administrative Intern  
Planning Department

**FROM:** Mike Gerken, Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** February 16, 2021

**SUBJECT:** PCUP21-002 - A Conditional Use Permit to establish and construct a second floor 574 square foot ADU above an existing covered patio exceeding 16 feet in height (a 21'-7" building height is proposed) on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE2 (RE-2 Rural Estate—0 to 2.0 DU/Acre) zoning district (APN: 1050-031-44).

- 
- The plan **does** adequately address Fire Department requirements at this time.
- No comments

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-002

Address: 1515 South San Antonio Ave

APN: 1050-031-44

Existing Land Use: Single Family Residential

Proposed Land Use: CUP to establish and construct a second story ADU

Site Acreage: n/a Proposed Structure Height: 22 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Larissa Lomen

Date: 4/5/2021

CD No.: 2021-010

PALU No.: n/a

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

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

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

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

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

## CONSISTENCY DETERMINATION

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

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

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



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Official  
Khoi Do, City Engineer  
Jamie Richardson, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Larissa Lomen, Administrative Intern

DATE: February 09, 2021

SUBJECT: FILE #: PCUP21-002 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 and construct a second floor 574 square foot ADU above an existing covered patio exceeding 16 feet in height (a 21'-7" building height is proposed) on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE2 (RE-2 Rural Estate—0 to 2.0 DU/Acre) zoning district (APN: 1050-031-44).

- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Landscape Planning Division  
Department

*Phil Moore*  
Signature

Associate Landscape Planner 2/23/21  
Title Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Official  
Khoi Do, City Engineer  
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Ahmed Aly, Municipal Utility Company  
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Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

David

FROM: Larissa Lomen, Administrative Intern

DATE: February 09, 2021

SUBJECT: FILE #: PCUP21-002 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 and construct a second floor 574 square foot ADU above an existing covered patio exceeding 16 feet in height (a 21'-7" building height is proposed) on 0.245-acre of land located at 1515 South San Antonio Avenue, within the RE2 (RE-2 Rural Estate—0 to 2.0 DU/Acre) zoning district (APN: 1050-031-44).

- 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-  
LAND

Department

  
Signature

ENGINEERING ASSISTANT

Title

3.2.2021

Date



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

April 19, 2021

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

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

**FILE NO.:** PCUP21-003

**DESCRIPTION:** A Conditional Use Permit to establish a 1,018 square foot micro brewery tasting room (Type 23 ABC License, Small Beer Manufacturer) for Bearded Tang Brewery and ancillary live entertainment (amplified music) on a 0.85-acre property located at 3430 East Ontario Ranch Road, Suites 4 and 5, of the New Haven Marketplace, within the Retail district of The Avenue Specific Plan (APN: 0218-402-47); **submitted by Bearded Tang Brewery LLC.**

## PART 1: BACKGROUND & ANALYSIS

BEARDED TANG BREWERY, LLC., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-003, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The project site is comprised of 0.85-acre of land located at 3430 East Ontario Ranch Road, Suites 4 and 5, of the New Haven Marketplace shopping center, and is depicted in Exhibit A: Location Map, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

|        | <i>Existing Land Use</i> | <i>General Plan Designation</i>            | <i>Zoning Designation</i> | <i>Specific Plan Land Use</i> |
|--------|--------------------------|--|---------------------------|-------------------------------|
| Site:  | Commercial               | Neighborhood Commercial (0.4 FAR)          | The Avenue Specific Plan  | Retail                        |
| North: | Commercial               | Neighborhood Commercial (0.4 FAR)          | The Avenue Specific Plan  | Retail                        |
| South: | Residential              | Medium-Density Residential (11.1-25 du/ac) | The Avenue Specific Plan  | Low-Density Residential       |
| East:  | Commercial               | Neighborhood Commercial (0.4 FAR)          | The Avenue Specific Plan  | Retail                        |

|                         |                         |           |
|-------------------------|-------------------------|-----------|
| Prepared: AV 03/29/2021 | Reviewed: CM 04/09/2021 | Decision: |
|-------------------------|-------------------------|-----------|



|       | <i>Existing Land Use</i> | <i>General Plan Designation</i>   | <i>Zoning Designation</i> | <i>Specific Plan Land Use</i> |
|-------|--------------------------|-----------------------------------|---------------------------|-------------------------------|
| West: | Commercial               | Neighborhood Commercial (0.4 FAR) | The Avenue Specific Plan  | Retail                        |

**PROJECT ANALYSIS:**

(1) Background— The project site is located within the previously approved New Haven Marketplace shopping center, which, when completed, will provide approximately 95,000 square feet of commercial development. The shopping center included plans for three drive-thru restaurants in conjunction with multi-tenant buildings, including a new 45,700 square foot Stater Bros. grocery store (File No. PDEV17-051).

(2) Proposed Use— In February 2021, the applicant applied for a Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for on-site consumption and Brewery branded/licensed beer for off-site consumption, in conjunction with a micro brewery tasting room (Type 23 ABC License, Small Beer Manufacturer) and ancillary live entertainment for Bearded Tang Brewery, to perform business under the name Brew Haven (“Brewery”).

The 1,018 square foot Brewery will offer a tasting room to serve beer and wine for on-premises consumption. While Type 23 ABC licenses alone do not require the business to be a bona-fide public eating establishment to sell the Brewery’s beer, the Brewery will establish legal partnership directly with a restaurant tenant occupying a portion of Suite 4, to provide food for patrons and allow for the Brewery to serve other manufacturers’ products for on-premise consumption (beer, wine, and cider). Patrons will be able to order food from the Suite 4 bar-top, and Suite 5 will only serve beer and wine. In addition, the building occupied by the Applicant will host other food tenants by means of a “food hall” format with communal dining. The Brewery will not prevent outside food from being brought into the establishment. On-premise consumption will utilize branded drinkware, which consists of glasses bearing the Brewery’s name, and could include products poured from the tap or from pre-packaged bottles or cans. Brewery hours of operation would be from 10:00 a.m. to 11:00 p.m. Sunday through Thursday, and 10:00 a.m. to 12:00 a.m. Friday and Saturday. The entire service premises will be supervised with security cameras and employees will continuously roam the facility. Peak night operations would have up to nine employees.

The Brewery will also sell Brew Haven brand beer for off-site consumption in the form of crowlers, canned beer, and growlers. Pre-packaged beer may be sold, or beer may be packaged on site from draft using specialty sealing machines. Crowlers are typically a 32-ounce aluminum can and allow for the product to stay fresh for about a month. Growlers are typically a resealable half-gallon glass, ceramic, plastic, or stainless steel jug, and are intended for more immediate consumption (3 days to one week). Crowlers and growlers allow for consumers to transport draft beer for at-home consumption.

In addition to alcoholic beverage sales, the applicant has proposed live entertainment in the form of amplified music. Entertainment hours of operation would be from 11:00 a.m. to 11:00 p.m. and would occur a maximum of twice on the weekdays, and nightly on weekends. The live entertainment would include a mixture of country, rock, alternative, mixed/DJ, and solo artists. The amplified live entertainment would occur indoors, with all doors closed (nothing propped open) (see Exhibit C – Floor Plan). On occasion, the business would like to have acoustic sets outdoors. The business would be required to be compliant with all provisions of the City's noise regulations (Ontario Municipal Code Title 5, Chapter 29, commencing with Section 5-29.01).

The Ontario Police Department has reviewed the proposed use, and does not object to allowing for the license, provided all Federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions are followed. In addition, the Police Department has provided for adoption, conditions of approval, which impose certain limitations on the proposed uses such as, but not limited to, hours of operation, last call, container size, wholesale and retail sales, live entertainment, patio conditions, and security, which is attached to this Decision in conjunction with all other departmental conditions of approval.

(3) Site Plan and Floor Plan— The unit is located within a multi-tenant building located within the westerly portion of the New Haven Marketplace (see Exhibit B: Site Plan, attached). The floor plan includes a bar seating area for patrons, access to restrooms, and standard tables and chairs (See Exhibit C: Floor Plan, attached). Patrons will have access to neighboring restaurants that will provide a variety of food options. The building has been established so as to provide for communal seating for all of the tenants of the building, and the Conditional Use Permit application covers all of the seating inside Suites 4 and 5, as well as outside seating immediately adjacent to the building perimeter. Outdoor seating in conjunction with the building has been distinguished by means of garden fencing and gates. The outdoor seating areas will also provide an assortment of lounging and entertainment options, including built-in benches, long picnic tables, and a concrete corn hole court.

(4) Parking – The original Development Plan application for the project site required a total of 596 parking spaces per the Ontario Development Code standards, and a total of 522 shared parking spaces were provided to serve the full commercial development, based on a study of peak demand for the site. Staff believes that in granting the proposed Conditional Use Permit, shopping center patrons will be provided an additional convenience by means of being offered a wider variety of retail, entertainment, dining, and gathering options and experiences that would not adversely affect the existing parking demand for the shopping center, as the Application does not propose any expansion to the previously-approved building or elimination of previously-approved parking spaces.

(5) ABC Concentration – The California Department of Alcoholic Beverage Control ("ABC") is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license

types should be issued per census tract, based on its population. The project site is located within Census Tract 19.06, which is not over concentrated for either off-sale or on-sale uses. Four off-sale alcohol licenses are authorized for this tract, and currently only two active off-sale licenses within the tract have been established. Five on-sale alcohol licenses are authorized for this tract, and currently only one active on-sale license within the tract has been established. Therefore, the Police Department does not object to allowing the proposed Type 23 ABC License; provided, all City and State Department of Alcoholic Beverage Control rules, regulations, and conditions of approval are met and followed.

(6) Land Use Compatibility - Conditional Use Permit review is required to ensure compatibility of the proposed use with adjacent land uses by identifying potential nuisance activities and establishing measures for mitigation of identified nuisance activities, accordingly. The project site is located within the previously approved New Haven Marketplace commercial shopping center, which consists of a variety of retail and personal care service uses intended as a walkable convenience to the residential neighborhoods surrounding the project site. As the proposed Conditional Use Permit for alcoholic beverage sales will be to provide an added convenience of additional retail, gathering, entertainment, and dining opportunities for a previously approved retail shopping center that includes restaurants and allows for other related entertainment land uses, 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 New Haven Marketplace shopping center will not be exposed to additional impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other restaurant or grocery land uses within the surrounding area

**AIRPORT LAND USE COMPATIBILITY PLAN:** This project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). Standard conditions apply and have been 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. The recommended conditions of approval were provided and are attached to this Decision.

**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 minimum 300 feet of the exterior boundaries of the full New Haven Marketplace property that surrounds the subject parcel of the hearing (property generally bound by Ontario Ranch Road to the north, New Haven Drive to the west, Haven Avenue to the east, and by an adjacent project boundary to the south, as shown on the records of the County Assessor.

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

## **PART 2: RECITALS**

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

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); and

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

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

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

WHEREAS, on April 19, 2021 the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

### **PART 3: THE DECISION**

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, within 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 is not within an area that is environmentally sensitive.

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

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

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use

Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the 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 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 Retail land use district of The Avenue Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed Micro Brewery Tasting Room (Type 23 ABC License) land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Retail land use district of The Avenue Specific Plan. The land use will be established within two commercial tenant suites specifically designed with retail and personal service uses in mind; 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 Micro Brewery Tasting Room (Type 23 ABC License) with ancillary live entertainment land use will be located within the Neighborhood Commercial (0.4 FAR) land use district of the Policy Plan Land Use Map, and the Retail land use district of The Avenue Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan, which promotes the establishment and intensification of retail and service commercial land uses in the area of the project site. With the project Conditions of Approval, the

proposed project will provide an added convenience to the retail center, further helping to implement the Policy Plan and City Council Priorities; 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 Micro Brewery Tasting Room (Type 23 ABC License) with ancillary live entertainment land use is located with the Neighborhood Commercial (0.4 FAR) land use district, and the Retail land use district of The Avenue Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and The Avenue Specific Plan. The proposed use will provide an additional convenience to patrons of the New Haven Marketplace Shopping Center; and

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Zoning Administrator has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of The Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located; and

(e) Although the project site is not located within an over-concentrated Census Tract for Off-Sale or On-Sale alcoholic beverage license types, the project meets a mixture of the requirements of the Development Code Section 5.03.025.F (Public Convenience or Necessity Determination "PCN"). Therefore, based on the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

- *The 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 property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* The property site is currently under construction and has no outstanding Building or Health Code violations.

- *The site is properly maintained, including building improvements, landscaping, and lighting.* The project site is currently under construction but has been conditioned to be consistently maintained.

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.

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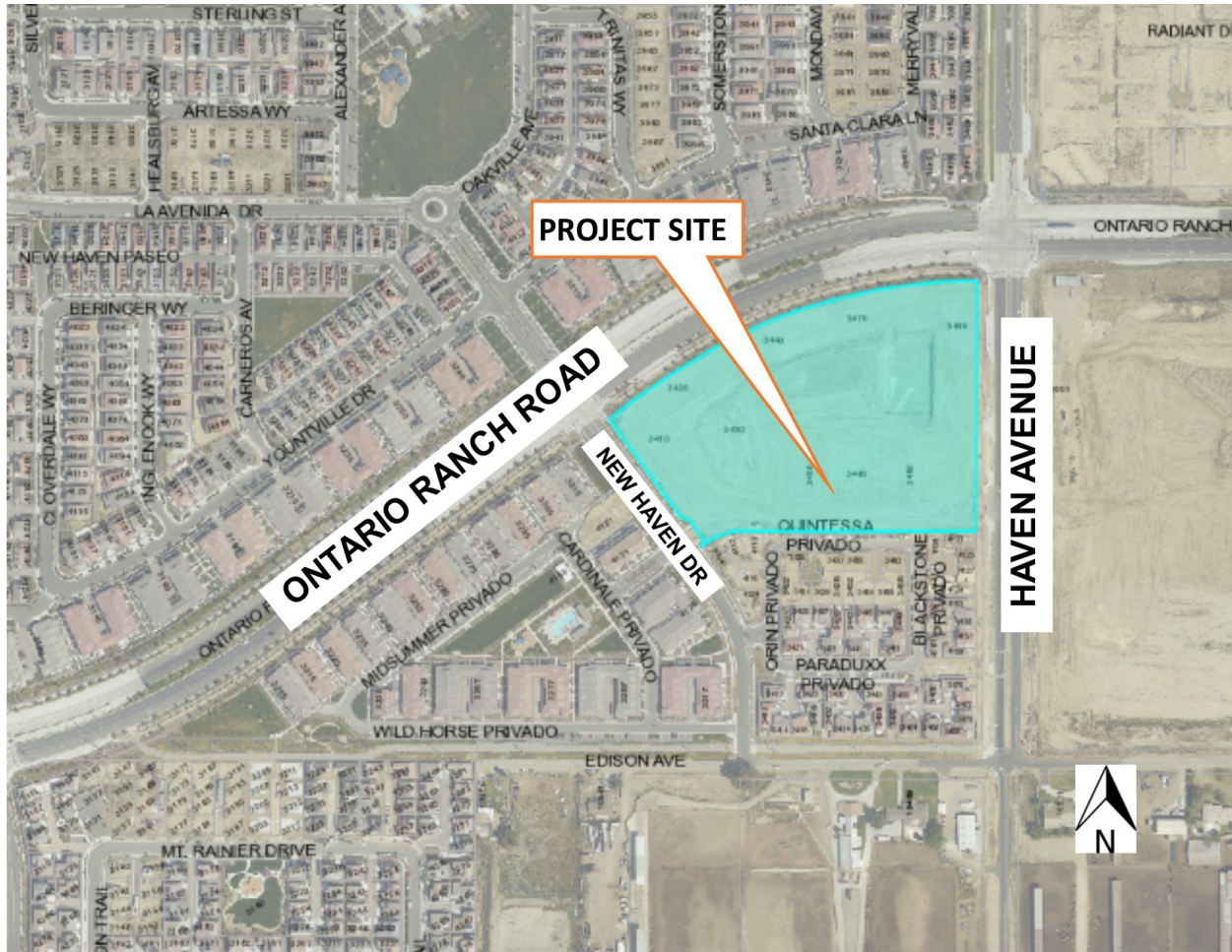
APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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Rudy Zeledon  
Zoning Administrator



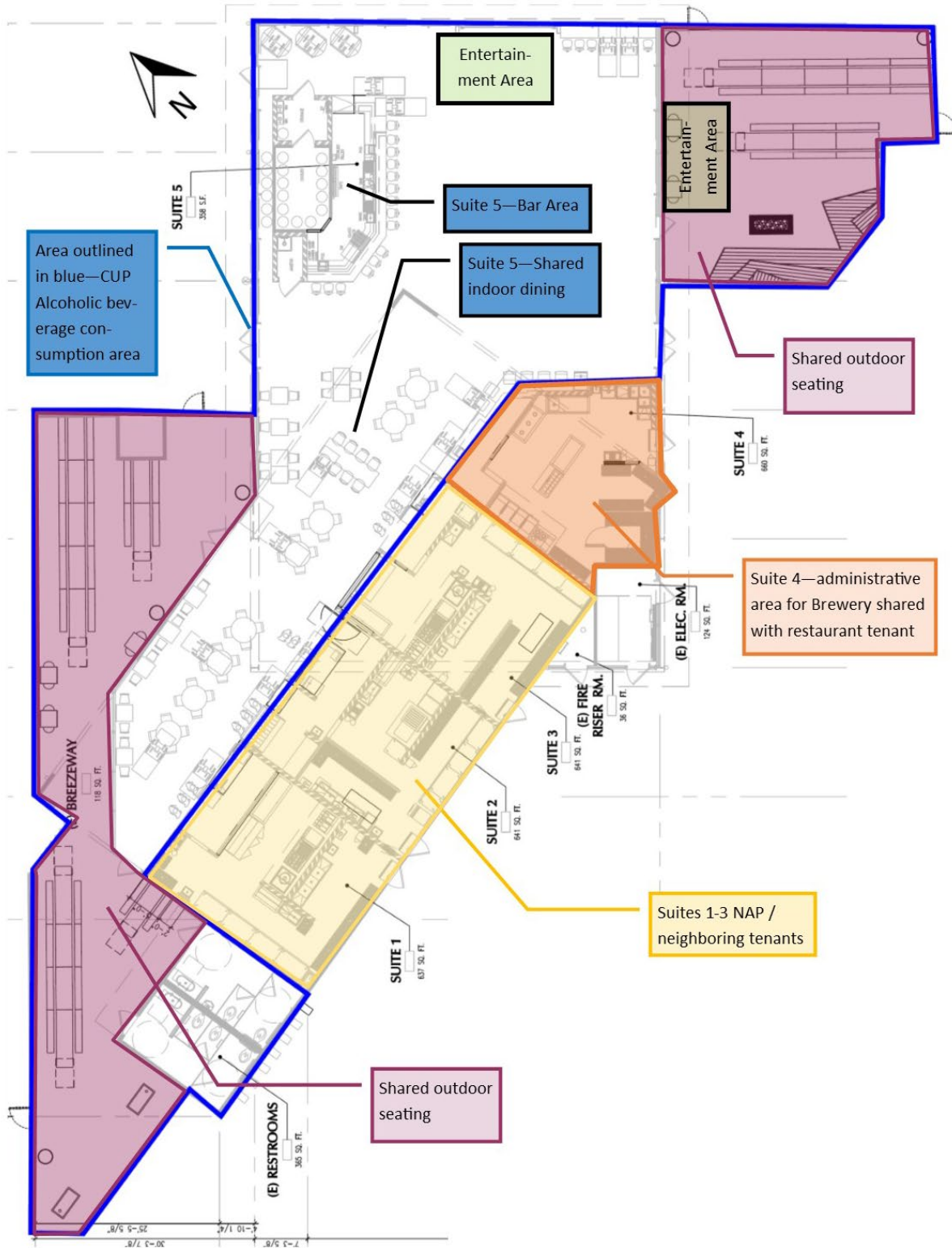
**Exhibit A: LOCATION MAP**



**Exhibit B: SITE PLAN**



**Exhibit C: FLOOR PLAN**



## **Attachment A: Department Reports (Conditions of Approval)**

*(Department Reports containing conditions of approval follow this page)*



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

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

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**Meeting Date:** April 19, 2021

**File No:** PCUP21-003

**Project Description:** A Conditional Use Permit to establish a 1,018 square-foot micro brewery tasting room (Type 23 ABC License, Small Beer Manufacturer) for Bearded Tang Brewery and ancillary live entertainment (amplified music) on 0.85 acres of land, located at 3430 East Ontario Ranch Road, Suites 4 and 5 of the New Haven Marketplace. The project site is located within the Retail district of The Avenue Specific Plan (APN: 0218-402-47); **submitted by Bearded Tang Brewery LLC.**

**Prepared By:** Alexis Vaughn  
Phone: 909.395.2416 (direct)  
Email: [avaughn@ontarioca.gov](mailto:avaughn@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.

**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** Parking, Circulation and Access.

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

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

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

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

(e) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

**2.5** Mechanical and Rooftop Equipment.

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

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

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

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

**2.9** Alcoholic Beverage Sales—General.

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

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

**(c)** Coinciding with the annual Police Department inspection, the Planning Department 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 permitted to occur indoors at a designated area within the establishment. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment. The building's doors, windows, and roll-up doors shall remain closed while live entertainment and amplified sound is occurring.

**(j)** Live entertainment in the form of occasional acoustic performances can occur on the northerly outdoor patio; however, under no circumstances shall any amplification be used. Further, all Noise Ordinance provisions shall be observed, as established in the Ontario Municipal Code (Chapter 29) and the Ontario Development Code (Chapters 5 and 6). Outdoor acoustic entertainment shall cease no later than 10:00 p.m.

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

(l) Electronic arcade and amusement games shall only be allowed with an approved site plan.

#### **2.10 Alcoholic Beverage Sales—Tasting Room in Partnership with a Restaurant.**

(a) The provisions of the Alcoholic Beverage Control do not require Type 23 establishments to operate as a “bona fide public eating place”; however, the establishment will be operated in legal partnership with a restaurant tenant, within a building inclusive of multiple dining establishments sharing communal seating. Current State regulations resulting from the ongoing COVID-19 pandemic do require bars, breweries, and tasting rooms to provide bona fide food service. The restaurant shall contain full kitchen facilities in an adjacent business suite, partnering with the tasting room, 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, and the Brewery will not prohibit any patron without outside food from utilizing its tables.

(b) In order for the micro-brewery to be able to sell other manufacturers’ products (beer, wine, and cider) for on-premise consumption, a restaurant must be legally established and permanently in operation for the duration of the micro-brewery land use. If a restaurant operating as the micro-brewery’s bona fide public eating place ceases operation, it shall promptly be replaced in order to resume on-premise consumption of other manufacturers’ products.

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

(d) No alcoholic beverages shall be served or sold to persons younger than 21 years of age.

(e) All products sold for off-site consumption shall be sealed and are limited to goods manufactured under the applicant’s Alcoholic Beverage Control Type 23 license for Brew Haven (Bearded Tang Brewery).

#### **2.11 Environmental Review.**

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

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

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

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



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

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

**2.13** Additional Fees.

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

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

**2.14** Additional Requirements.

(a) All departments were provided with the opportunity to review the Conditional Use Permit application. The following departments issued no comment on the subject application, but may provide comments in the suite tenant improvement Plan Check process:

- (i) Building Department
- (ii) Ontario Municipal Utilities Company (OMUC)
- (iii) Advance Planning
- (iv) Airport Planning



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Alexis Vaughn, Assistant Planner

**FROM:** Rick Rees, Police Officer, CET

**DATE:** April 8, 2021

**SUBJECT:** PCUP21-003 – Bearded Tang Brewery – 3430 E Ontario Ranch Road

---

This location has applied for a Type 23 Small Beer Manufacturer license that is granted certain on-sale and off-sale privileges. The business is located within Census Tract No. 19.06. According to the Department of Alcohol Beverage Control (ABC), this type of license is listed as “non-retail,” and is not counted for the purposes of tracking Census Tract Concentrations. The Police Department does not object to allowing the license.

The location must follow all federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Ontario Police Department:

### ABC CONDITIONS

1. The hours permitted for alcohol service will be 10:00 a.m. to 11:00 p.m., Sunday through Thursday, and 10:00 a.m. to 12:00 a.m. Friday to Saturday.
2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 11:15 p.m. All sales of alcohol shall be completed 15 minutes prior to closing, and not later than 11:45 p.m. All alcohol must be removed from tables/patrons at 12:00 a.m.
3. Beer sampling containers will be limited in size to no more than 16 ounces.
4. Alcohol consumption at the location will only be types of alcohol allowed in conjunction with the state issued ABC license type.
5. No sales or service of alcoholic beverages to minors.

6. No sales or service to obviously intoxicated patrons.
7. The business is required to have in place a driver's license and/or ID card reading device.
8. Distilled spirits are not allowed to be sold or consumed at the location.
9. No self-serve alcohol displays or machines.
10. No drug paraphernalia to be sold at any time.
11. No loitering shall be permitted on any property under the control of the applicant, this includes any property adjacent to the licensed premise.
12. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
13. There will be no narcotic sales or usage on the premises at any time.
14. Beer may be sold wholesale or to the public in kegs and is required to follow keg registration rules and regulations (Business and Professions Code 25659.5)
15. Beer may be sold for off-site consumption in growlers one liter to ½ gallon in size, crowlers (on-site canned products), and pre-packaged cans from another off-site location, and shall comply with Business and Professions Code 25200-Refilling and Labeling containers supplied by the consumer.
16. 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.
17. Employees engaged in the sale of alcohol must be 21 years of age or older.
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. Applicant, managers, and all employees must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six (6) months of this approved Conditional Use Permit (CUP), or within six (6) months of each employees' start date at the location. Proof of re-certification is required every three (3) years. This class is given free of charge by the Ontario Police Department or can be taken on-line through the state department of Alcohol Beverage Control (ABC).

20. Lighting within the establishment must be kept at a reasonable level for safe movement of patrons.
21. Emergency-only doors must be alarmed and closed at all times.
22. The address to the establishment must be illuminated, using a photo sensor, for easy identification by safety personnel.
23. 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.
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. 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.
26. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises. 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.
27. The applicant will be responsible for keeping the grounds of the business clean from debris.
28. The restaurant managers 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).
29. 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 brewery, 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.

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

## **PATIO CONDITIONS**

1. Patio fencing must be a minimum height of 36 inches as proposed on the submitted plans. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. Due to the height of the proposed patio fencing, the fence does not prevent patrons from passing alcoholic drinks outside the licensed premises. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area, or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must be gated and closed at all times.
5. The patio exits will have a sign posted, in clear view, stating, "No alcohol beyond this point."
6. Outdoor tables shall not be removed or rearranged to increase occupancy.
7. Landscaping within the applicant's control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
8. In the event the patio is utilized for criminal activity, or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

## **ENTERTAINMENT CONDITIONS**

1. The entertainment area must be designated on a plan check and will be the only area allowed for entertainment purposes. Live entertainment includes Karaoke, DJ, and Live Bands. No gang-related entertainment will be allowed. Upon knowledge of an entertainer being linked to organized criminal activity or gang activity, the business will be required to cancel any related event.
2. All above forms of entertainment will only be permitted during regular business hours (hours of business shall not be extended for special events without a TUP).
3. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. The establishment will provide a minimum of one employee, or extra security guard, not part of the alcohol serving operation staff, to control and proactively monitor patrons inside the establishment during hours of entertainment (ex. Lounge Host, Bouncer).
4. Tables shall not be removed or rearranged to increase occupancy.
5. All entertainment will stop fifteen (15) minutes prior to closing.
6. All entertainment noise will be in accordance with the Ontario Municipal Code Sections 5-29.03 through sections 5-29.05. Live bands will be allowed on Sunday-Thursday until 10:00 p.m. and Friday-Saturday until 11:45 p.m. If the City of Ontario or Ontario Police Department receives complaints regarding noise levels at the location, further noise requirements may be imposed at the discretion of the City of Ontario and/or Ontario Police Department.
7. The business shall not utilize promoters or allow "Flyer Parties".
8. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.
9. All business operations, including entertainment at the location must comply with all other ordinances and requirements, including occupancy level deemed by the fire department.

## **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, 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. The Code of Conduct will include a dress code and shall be utilized on days/nights of entertainment and special events.
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. A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. A minimum of one camera will record each patio. A minimum of one camera will record the bicycle racks. A minimum of one camera will record the exterior of the patio restroom area. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Ontario Police Department upon request.

## **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.

## **CONCLUSION**

If alcohol related crimes at this location are higher than four (4) other similar establishments in the overall city during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Ontario Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in the violation of this CUP and/or its intent, or has violated applicable laws.

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

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

The Police Department will conduct a review in six months of these submitted conditions and/or within six months of opening to determine whether additional conditions will be needed. These conditions would be in addition to any current conditions imposed by the Ontario Police Department, under this CUP or related file.

**The Applicant is invited to contact Officer Rees at (909) 408-1660, with any questions or concerns regarding these conditions.**





# CITY OF ONTARIO

## MEMORANDUM

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

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

**DATE:** March 23, 2021

**SUBJECT:** PCUP21-003 A Conditional Use Permit to a Type 23ABC license (Small Beer Manufacturer) to establish a 1, 018 square foot brewery tasting room (Bearded Tang Brewery, LLC) and live entertainment (amplified music) on 0.85 acres of land, located at 3430 East Ontario Ranch Road Suites 4 and 5 (New Haven Marketplace) within the Retail district of the Avenue Specific Plan. APN: 02185-402-43

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

No comments

Report below.

1. Occupant load appears to be greater than 49, therefore, occupant, must comply with all A-occupancy type requirements, such as, occupant load, exiting, emergency lighting, decorative materials to be fire resistive, etc.
2. Any changes or modifications affecting the fire sprinkler system and/or fire alarm system will require a plans submittal prior to any work being conducted.

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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.



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Community Development Director  
 Rudy Zeledon, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 James Caro, Building Official  
**Khoi Do, City Engineer**  
 Jamie Richardson, Landscape Planning Division  
 Ahmed Aly, Municipal Utility Company  
 Gabriel Gutierrez, Police Department  
 Mike Gerken, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, T. E., Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Robin Lucero, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

*Nathan*

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2021

SUBJECT: FILE #: PCUP21-003

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 a Type 23 ABC license (Small Beer Manufacturer) to establish a 1,018 square foot brewery tasting room (Bearded Tang Brewery, LLC) and live entertainment (amplified music) on 0.85 acres of land, located at 3430 East Ontario Ranch Road Suites 4 and 5 (New Haven Marketplace) within the Retail district of the Avenue Specific Plan.  
 APN:02185-402-43

- 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      *[Signature]*      Engineering Assistant      2/23/2021  
 Department      Signature      Title      Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Official  
Khoi Do, City Engineer  
Jamie Richardson, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
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Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
**Jimmy Chang, IT Department**

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2021

SUBJECT: FILE #: PCUP21-003 Finance Acct#:

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**Broadband Operations**

*Cameron Chadwick*

**Fiber Technician**

**02/23/2021**

Department

Signature

Title

Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
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Lorena Mejia, Airport Planning  
**Eric Woosley, Engineering/NPDES**  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2021

SUBJECT: FILE #: PCUP21-003 Finance Acct#:

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pnv.eng                      *Chli Carl*                      eng.asst.                      2/10/21  
Department                      Signature                      Title                      Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
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Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: February 08, 2021

SUBJECT: FILE #: PCUP21-003

Finance Acct#:

*NATHAN*

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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ENGINEERING/  
TRAFFIC

ENGINEERING  
ASSISTANT

3/3/21


Department

Signature

Title

Date

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

| <b>CONDITIONS OF APPROVAL</b>  |          |
|--|----------|
| <b>Sign Off</b>  |          |
|  | 02/18/21 |
| Philip Marino, Associate Landscape Planner   | Date     |

|   |                                 |
|---|---------------------------------|
| Reviewer's Name:<br><b>Philip Marino, Associate Landscape Planner</b> | Phone:<br><b>(909) 395-2237</b> |
|---|---------------------------------|

|                                |                              |                                |
|--------------------------------|------------------------------|--------------------------------|
| D.A.B. File No.:<br>PCUP21-003 | Related Files:<br>PDEV17-051 | Case Planner:<br>Alexis Vaughn |
|--------------------------------|------------------------------|--------------------------------|

|  |
|--|
| Project Name and Location:<br>Bearded Tang Brewery, LLC - ABC license<br>3430 E Ontario Ranch Road |
|--|

|  |
|--|
| Applicant/Representative:<br>Bearded Tang Brewery- Brandon Smith <a href="mailto:brandon@beardedtang.com">brandon@beardedtang.com</a><br>31791 Los Rios St.<br>San Juan Capistrano, Ca 92675 |
|--|

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <b>A site plan (dated 02/8/21) 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 () has not been approved. Corrections noted below are required prior to DAB approval.</b>  |

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-003

Address: 3430 East Ontario Ranch Road

APN: 2185-402-43

Existing Land Use: Commercial Shopping Center

Proposed Land Use: CUP to establish a Type 23 ABC license for a brewery with tasting room

Site Acreage: 0.85 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: 03/29/2021

CD No.: 2021-007

PALU No.: n/a

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

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

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

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

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

## CONSISTENCY DETERMINATION

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

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

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