



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

July 19, 2021

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

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

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-039:** A Conditional Use Permit to establish a 491-square foot addition to an existing place of worship (Prayer and Praise Ministries Church of God in Christ) on 0.34-acre of land located at 130 West Phillips Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 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: 1049-552-10) **submitted by Dorothy Porter.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-015:** A Conditional Use Permit (File No. PCUP20-015) to establish a restaurant with live entertainment (DBA: Barrel House Saloon) in conjunction with alcoholic beverage sales (Type 47 ABC License; Beer, Wine & Distilled Spirits) on 1.73 acres of land, located at 3660 East Porsche Way, within the Urban Commercial land use designation of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-211-44) **submitted by Ryan Maderios**

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

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

I, Gwen Berendsen, Administrative Assistant of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **July 15, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.


Administrative Assistant



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

July 19, 2021

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

DECISION NO.: [insert #]

FILE NO.: PCUP18-039

DESCRIPTION: A Conditional Use Permit to establish a 491-square foot addition to an existing place of worship (Prayer and Praise Ministries Church of God in Christ) on 0.34-acre of land located at 130 West Phillips Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac) zoning district; (APN: 1049-552-10) **submitted by Dorothy Porter.**

PART 1: BACKGROUND & ANALYSIS

DOROTHY PORTER, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-039, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 0.34 acre of land located at 130 West Phillips Street, 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:	Religious Assembly (Prayer and Praise Ministries Church)	LDR (Low Density Residential)	LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac)	N/A
North:	Residential	LDR (Low Density Residential)	LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac)	N/A
South:	Residential	OS-R (Open Space – Residential)	OSR (Open Space Residential)	N/A
East:	Residential	LDR (Low Density Residential)	LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac)	N/A
West:	De Anza Park	LDR (Low Density Residential)	LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac)	N/A

PROJECT ANALYSIS:

(1) Background— The project site is presently developed with a 723 square foot building that is occupied by a religious assembly use (Prayer and Praise Ministries Church of God in Christ). The existing church use was established in January 1991, prior to the 1999

Prepared: JA 07/09/21	Reviewed: CM 07/12/21	Decision: [enter initial/date]
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Development Code update, which did not require Conditional Use Permit ("CUP") approval for religious assembly uses. In 2013, a CUP (File No. PCUP13-021) was submitted and withdrawn after the determination was made that the religious assembly use was pre-existing and did not require a CUP; however, pursuant to Development Code Section 3.01.020 (Nonconforming Lots, Land Uses, and Structures), any future expansion and/or substantial improvements to the building or site would require a CUP.

On December 13, 2018, the applicant submitted a Conditional Use Permit application requesting to expand the existing religious assembly use and building.

Staff scheduled the project for review and consideration at the February 3, 2020, Zoning Administrator meeting and forwarded draft conditions of approval to the applicant for their review prior to the meeting. The project conditions of approval included requirements to remove the existing cesspool and construct a new sewer line to service the project site. The applicant requested staff continue their item to the February 19, 2020, meeting to allow them additional time to assess the costs of the sewer line requirement. The item was continued a third time to the March 16, 2020, meeting and subsequently continued indefinitely allowing the applicant additional time to address the required sewer line condition.

On March 31, 2021, the applicant submitted a revised site plan that proposes the relocation of the existing cesspool from its current location to accommodate the proposed addition, satisfying requirements for the building and engineering departments, thus allowing the applicant to move forward with their CUP application.

(2) Proposed Use/Building Addition — Prayer and Praise Ministries is proposing to establish and operate a religious assembly use within the proposed building, to include the following operations:

- Sunday school and Sunday services — Sunday school will be held from 10:00 a.m. to 11:15 a.m. and Sunday service will be held from 11:30 a.m. to 1:30 p.m. Sunday service will consist of the largest assembly of parishioners, with 25 to 30 people in attendance.
- Bible study and Prayer meetings — Bible study will be held on Tuesdays, from 7:30 p.m. to 9:00 p.m., and prayer meetings will be held on Thursdays, from 7:30 p.m. to 9:00 p.m. Each prayer meeting and bible study will have from 6 to 15 people in attendance.

The proposed building addition/improvements consists of a sanctuary expansion/remodel totaling 787 square feet, a 295-square-foot rear addition to accommodate a multi-purpose room/kitchen prep area, storage, and ADA compliant bathrooms (Exhibit C: Floor Plan). The improvements include a new front porch entrance to the church and a narthex at the front of the sanctuary totaling 98 square feet. The building will have two points of access, one facing Phillips Street at the front and one at the rear of the building, facing the parking lot. Phillips Street will serve as the primary entrance and access to the site. A condition of approval has been placed on the project requiring a change of occupancy to accommodate the assembly use. Occupancy will not be allowed until all improvements are approved and permits have been finalized. The applicant is also providing a parking lot on the northern half of the project site for parishioners to utilize.

(3) Nonconforming Nonresidential Structure — The Development Code requires nonresidential land uses within residential zoning districts to maintain a 25-foot setback from abutting residentially zoned property. The existing building and addition currently maintain a minimum 10-foot setback along the west property line that does not meet the 25-foot setback

requirement; however, Development Code Section 3.01.020 allows a nonconforming nonresidential land use or structure to be granted a one-time, 25 percent expansion that maintains the nonconforming setback, subject to the granting of a Conditional Use Permit. Of the total 393 square foot addition, approximately 137 square feet is proposed within the 25-foot interior side yard setback area along the west property line. A total of 17 percent of the expansion area is within the proposed setback area, meeting the nonconforming requirements of the Development Code (see Figure 2). Additionally, the expansion area is not utilized for the sanctuary area but rather to provide access to the ADA compliant bathrooms.

(4) Architecture — The proposed building addition and exterior remodel were designed to have a modern farmhouse architectural style with a white and grey color palette (Exhibit D: Elevations). Architectural elements of the remodel include reconstructing and raising the gable roof from 14 feet to 22.5 feet in order to provide a more spacious space within the sanctuary. The existing brown composition shingle roof will be replaced with a grey standing seam metal roof. The exterior beige stucco walls will be replaced with a white vertical board and batten fiber cement board on all four sides. Additionally, the front of the building includes the addition of a narthex with a gable roof and an aluminum cross with an attached front entry porch that features a shed roof with wood columns.

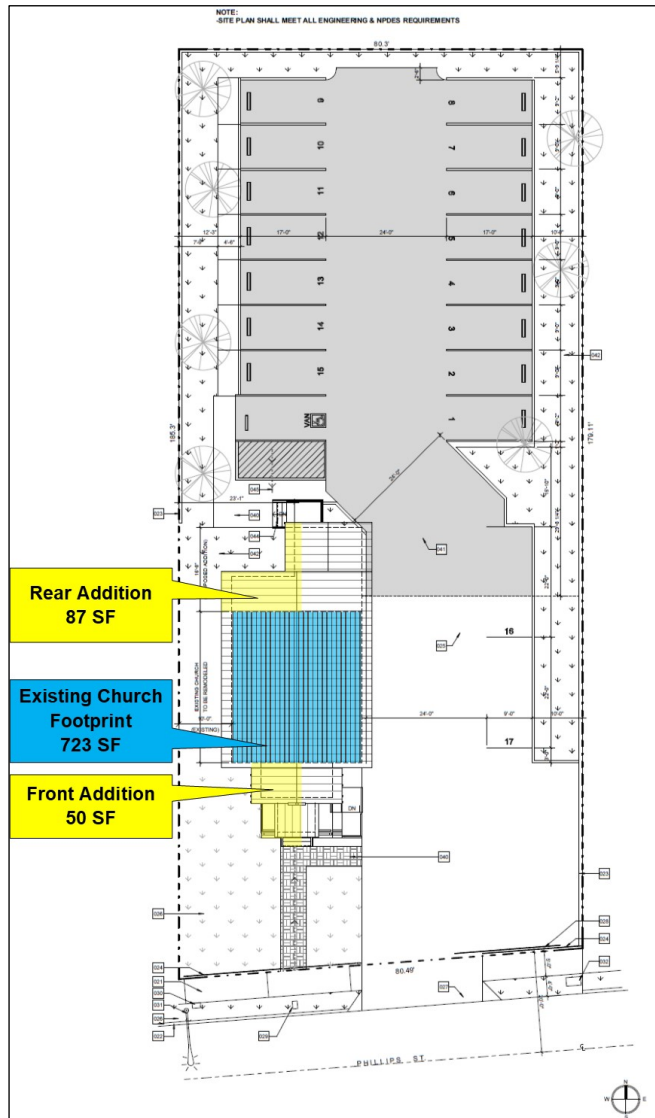


Figure 2: Proposed Site Plan Showing Portions of Building Within the Set Yard Setback Area

(5) Parking — Parking requirements for church uses within the City are based on the seating capacity of the proposed sanctuary area. According to the Ontario Development Code parking requirements, the existing religious assembly use requires a minimum of 18 parking spaces, which have been provided. No other use or business exists or is proposed on the project site; therefore, no parking issues are anticipated.

(6) Land Use Compatibility — The Conditional Use Permit review is required to ensure that the proposed use will be consistent with all local regulations and to ensure that the use will not be detrimental to the public health, safety, or welfare, or be materially injurious to uses, properties or improvements in the vicinity. Pursuant to the Ontario Development Code, a Conditional Use Permit is required to establish a religious assembly use within the LDR-5 (Low Density

Residential - 2.1 to 5.0 du/ac) zoning district. The proposed use is located in an area of the City that is developed with a mix of residential, open space, and other religious land uses. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses and residents within the surrounding area will not be exposed to any impacts resulting from the proposed use beyond those that would normally be associated with any other similarly allowed land use within the same 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). Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

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

PART 2: RECITALS

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

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); 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 February 3, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, and continued the item to the February 19, 2020, meeting date; and

WHEREAS, on February 19, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, and continued the item to the March 16, 2020, meeting date; and

WHEREAS, on March 16, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application and continued the item indefinitely, to a future hearing date; and

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

(1) Jeanie Irene Aguilo, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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 Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from environmental review pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

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

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

(2) 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 Development Code and zoning district within which the site is located. The proposed place of worship will be located at 130 West Phillips Street, which is designated with the LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac) zoning district. The proposed use will be established

consistent with the City of Ontario Development Code, and its objectives and purposes, and development standards and guidelines of the LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac) zoning district.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed religious assembly will be located at 130 West Phillips Street, which the Policy Plan Master Land Use Plan designates for LDR (Low Density Residential) land use. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of religious assemblies land uses in the area of the project site.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed religious assembly land use is located with the LDR (Low Density Residential) land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the LDR-5 (Low Density Residential - 2.1 to 5.0 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. The proposed religious assembly use will be expanded to add functional space such as the multi-purpose room and narthex area. The proposed religious assembly use expansion will not be used for sanctuary/congregational use, which complies with 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 Zoning Administrator has required certain safeguards and has imposed 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.

-or-

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

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

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

APPROVED AND ADOPTED this _____ day of July 2021.

Rudy Zeledon
Zoning Administrator

Exhibit A: AERIAL PHOTOGRAPH

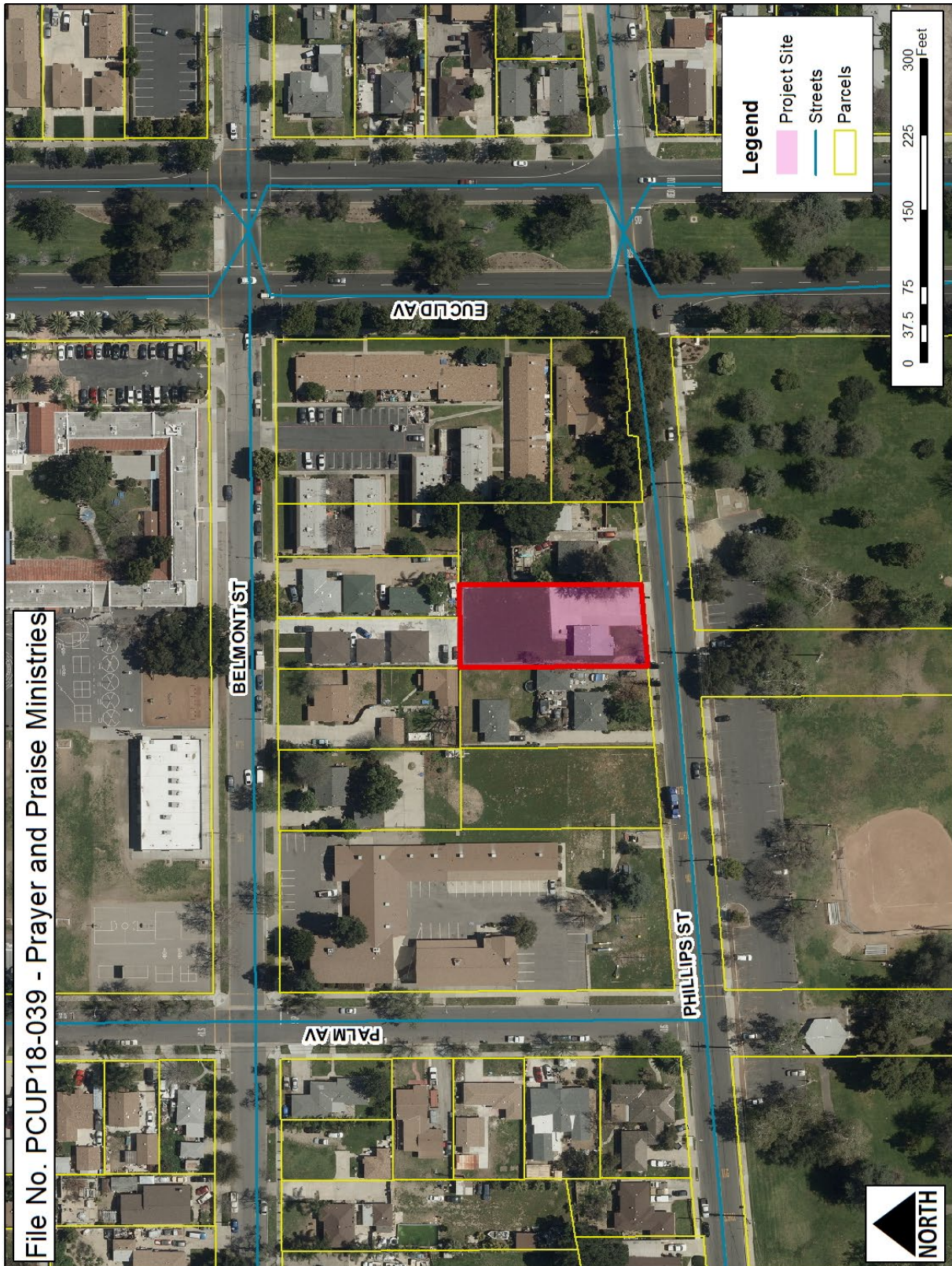


Exhibit B: SITE PLAN

NOTE:
-SITE PLAN SHALL MEET ALL ENGINEERING & NPDES REQUIREMENTS

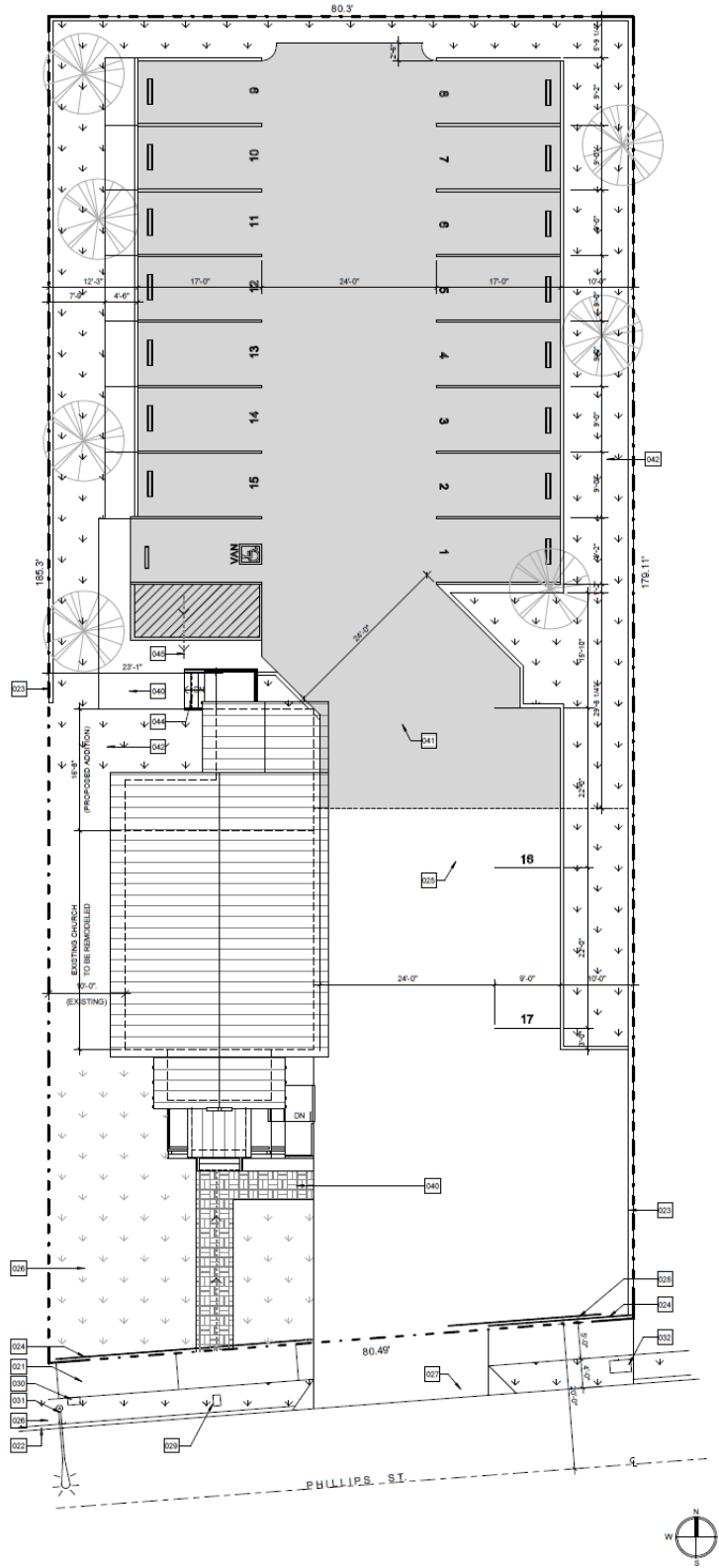


Exhibit C: FLOOR PLAN

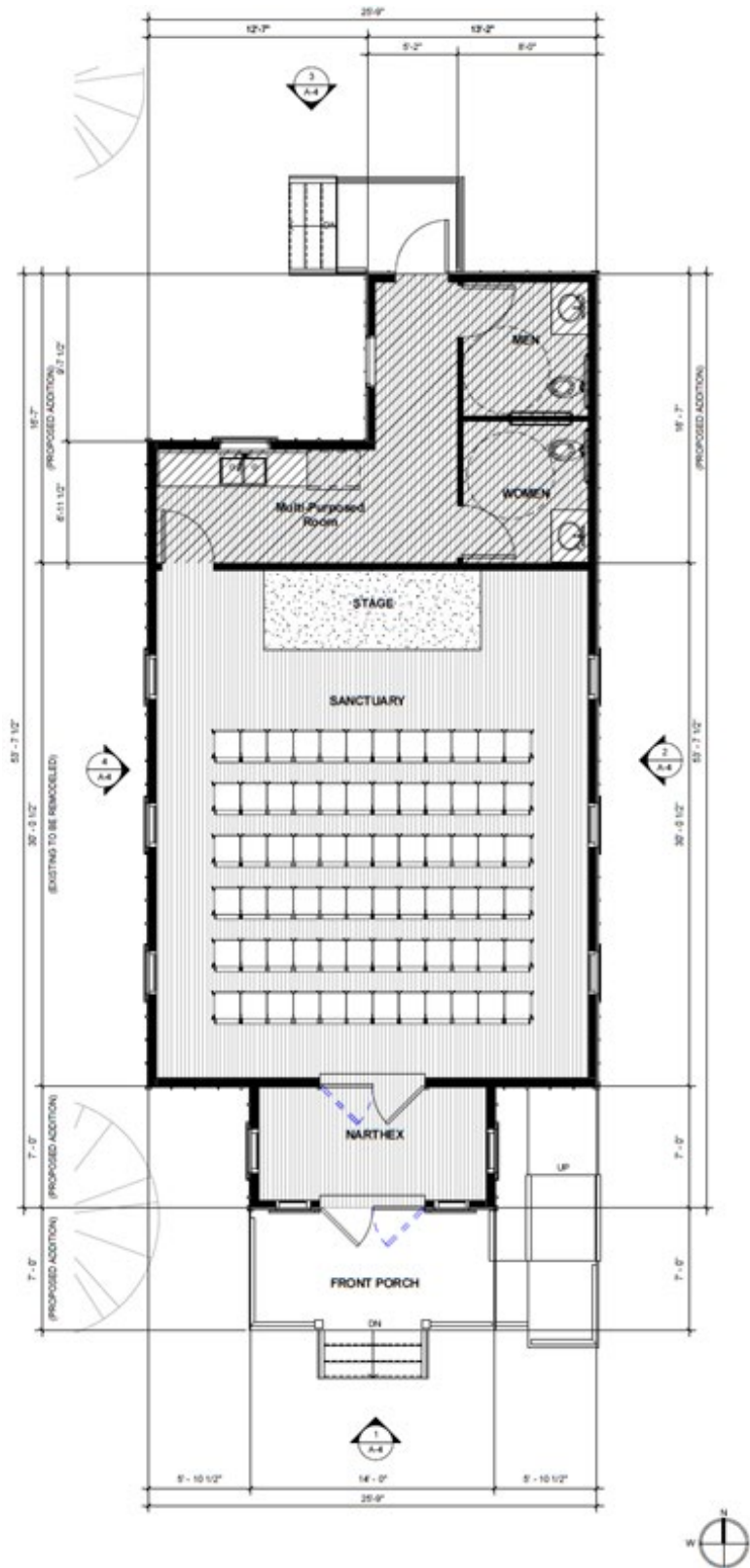


Exhibit D: ELEVATIONS

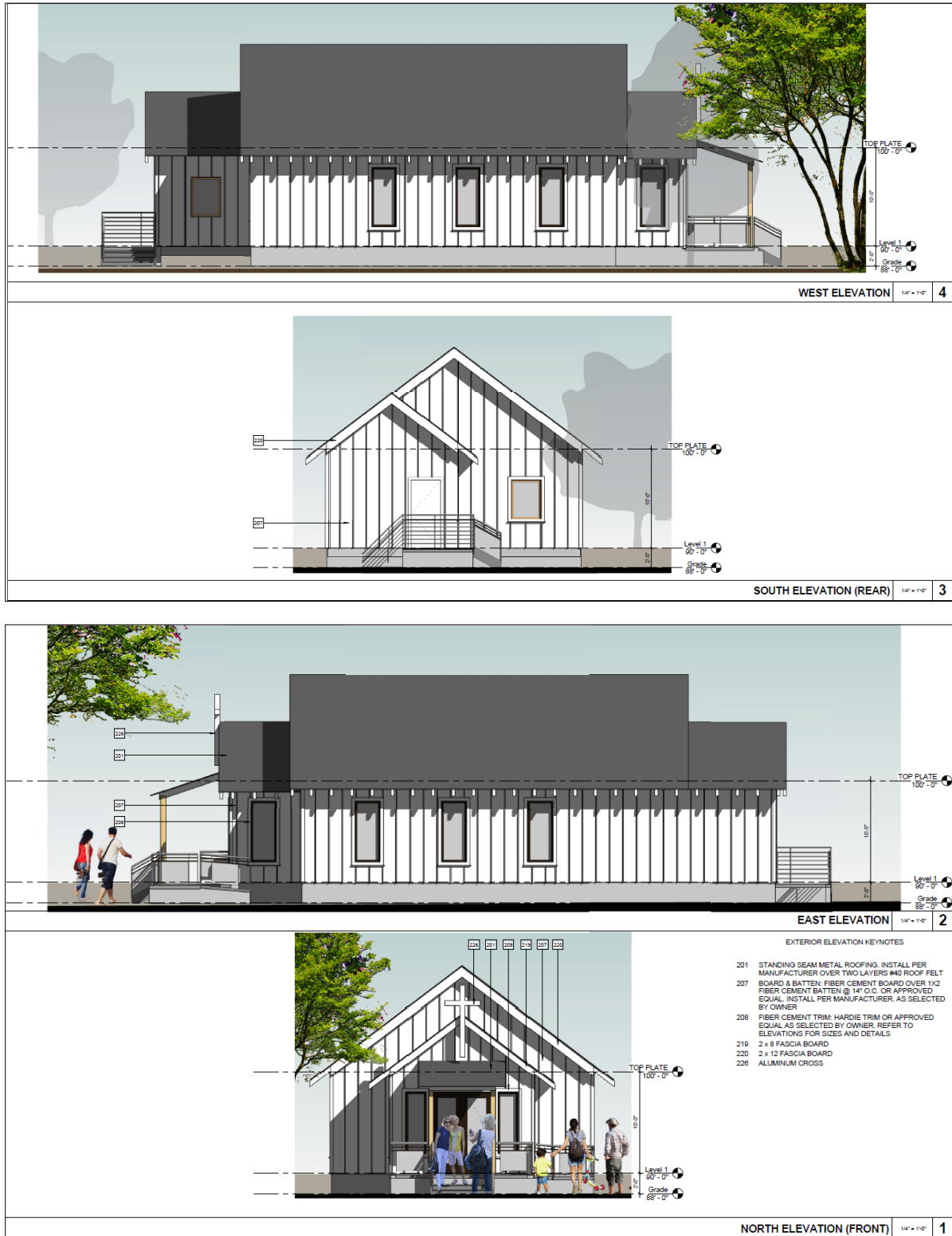


Exhibit E: SITE PHOTOS



INTERIOR SANCTUARY



INTERIOR SANCTUARY



REAR ELEVATION



FRONT ELEVATION

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

Meeting Date: July 19, 2021

File No: PCUP18-039

Project Description: A Conditional Use Permit to establish a 491-square foot addition to an existing place of worship (Prayer and Praise Ministries Church of God in Christ) on 0.34-acre of land located at 130 West Phillips Street, within the LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac) zoning district (APN: 1049-552-10); **submitted by Dorothy Porter.**

Prepared By: Jeanie Irene Aguilo, Associate Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

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

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

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

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

2.2 General Requirements. The Project shall comply with the following general requirements:

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

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

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

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

2.5 Parking, Circulation and Access.

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

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) 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.

(d) 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.

(e) 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).

(f) Use shall provide a minimum of 18 off-street parking spaces.

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

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

2.7 Mechanical and Rooftop Equipment.

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

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.0 (Sign Regulations).

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

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.

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

(b) All tenant/site improvements shall be completed prior to operating the proposed religious assembly use.

(c) The occupancy change of the building to accommodate an assembly use shall be completed and all applicable permits shall be finalized prior to commencement of use.

(d) Any changes in the hours of operation shall require Planning Department review and approval.

(i) Sunday School – Sundays from 10:00 a.m. to 11:15 a.m.

(ii) Sunday Service – Sundays from 11:30 a.m. to 1:30 p.m.

(iii) Bible Studies – Tuesdays from 7:30 p.m. to 9:00 p.m.

(iv) Prayer Meetings – Thursdays from 7:30 p.m. to 9:00 p.m.

(e) Any intensification of the church use, such as daycare or an increase in the sanctuary area shall require a modification of this Conditional Use Permit. Assembly area shall be limited to 723 square feet.

(f) A revised City Business License must be reviewed and approved by the Ontario Planning Department prior to operation of the expanded religious assembly use.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP18-039
 Address: 130 West Phillips Street
 APN: 1049-552-10
 Existing Land Use: Religious Assembly (Church)
 Proposed Land Use: 488 SF addition to an existing church
 Site Acreage: 0.345 AC Proposed Structure Height: 15 FT
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Jeanie Aguilo
 Date: 3/25/2019
 CD No.: 2018-086
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input checked="" type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 140 FT	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: August 09, 2019

SUBJECT: FILE #: PCUP18-039 Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, August 23, 2019**.

PROJECT DESCRIPTION: A Conditional Use Permit to establish a 488-square foot addition to an existing church (Prayer and Praise Ministries Church of God in Christ) on 0.345 acres of land located at 130 West Phillips Street, within the LDR-5 (Low Density Residential-2.1 to 5.0 DU/Acre) zoning district (APN: 1049-552-10).

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


- No comments
- See previous report for Conditions
- 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 *J. P.* Landscape Planner 9/12/19
Department Signature Title Date

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

CONDITIONS OF APPROVAL	
Sign Off	
	1/19/19
Jamie Richardson, Sr. Landscape Planner	Date

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

D.A.B. File No.: PCUP18-039	Related Files:	Case Planner: Jeanie Irene Aguilo
---------------------------------------	----------------	---

Project Name and Location: Church Addition 130 W Phillip, St
--

Applicant/Representative: Dorothy Porter 130 W Phillips St Ontario Ca 91762

<input checked="" type="checkbox"/>	A site plan (dated 08/09/2019) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

PREVIOUS DAB CONDITIONS

1. Show and identify existing and proposed trees in parkways, on site and in parking lot islands. Shade trees are required on every planter island and at each row end. Consider Ulmus 'Drake', Quercus ilex, Pistachia chinensis or similar.
2. Note to repair or replace irrigation system to meet water efficient requirements of the Landscape Development Guidelines.
3. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
4. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Aguilo, Planning Department

FROM: Douglas Sorel, Police Department

DATE: January 10, 2019

SUBJECT: PCUP18-039 – A CONDITIONAL USE PERMIT APPLICATION TO ESTABLISH AN ADDITION TO A CHURCH LOCATED AT 130 WEST PHILLIPS STREET

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

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.

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

- Outdoor services and activities are prohibited in the absence of a Temporary Use Permit.
- Food or beverage distribution to the public shall be prohibited.
- The storage of personal belongings on the site shall be prohibited.

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: December 20, 2018
SUBJECT: PCUP18-039

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner
Planning Department

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

DATE: January 16, 2019

SUBJECT: PCUP18-039 A Conditional Use Permit to establish a 488-square foot addition to an existing church (Prayer and Praise Ministries Church of God in Christ) on 0.345 acres of land located at 130 West Phillips Street, within the LDR-5 (Low Density Residential 2.1 to 5.0 DU/Acre) zoning district (APN: 1049-552-10).

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

If the location does not already meet all Place of Assembly requirements, with this addition, the building will need to meet those requirement. That will include items such as proper exiting, exit hardware, emergency lighting, etc.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: December 18, 2018

SUBJECT: FILE #: PCUP18-039

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 **Tuesday, January 1, 2019**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish a 488-square foot addition to an existing church (Prayer and Praise Ministries Church of God in Christ) on 0.345 acres of land located at 130 West Phillips Street, within the LDR-5 (Low Density Residential-2.1 to 5.0 DU/Acre) zoning district (APN: 1049-552-10).

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

Community Improvement Department Signature: Joe De Sousa Title: Supervisor Date: 12/20/18



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

PROJECT ENGINEER: Antonio Alejos, Assistant Engineer *AA* (909) 395-2384

PROJECT PLANNER: Jeanie Aguilo, Associate Planner (909) 395-2418

DAB MEETING DATE: July 19th, 2021

PROJECT NAME/DESCRIPTION: PCUP18-039, a Conditional Use Permit to establish a 488-square foot addition to an existing church on 0.345 acres of land.

LOCATION: 130 West Phillips Street (APN: 1049-552-10)

APPLICANT: Prayer and Praise Ministries Church of God in Christ

REVIEWED BY: *Raymond Lee* 7/13/21
Raymond Lee, P.E. Date
Assistant City Engineer

APPROVED BY: *[Signature]* 7-13-21
Khoi Do, P.E. Date
City Engineer

THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.

1. The applicant/developer shall pay all Development Impact Fees (DIF) to the Building Department.
2. The applicant/developer shall prepare a final Water Quality Management Plan (WQMP) if the subject project exceeds the addition or replacement of 5,000 or more square feet of impervious surface on an already developed site subject to discretionary approval of the Permittee.
3. The applicant/developer shall prepare a Precise Grading Plan & Hydrology Report to design & construct a storm water detention facility on the project site as an adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. 100-year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
4. The applicant/developer shall install parkway landscaping with an irrigation system along the properties frontage per the Landscape Planning Division requirements.
5. The applicant/developer shall equip a backflow device to the existing domestic water service per the latest City Standard Drawings.

6. The applicant/developer shall construct a separate water service for irrigation purposes only and equip the service with a backflow device per the latest City Standard Drawings.
7. Prior to issuance of a Building Permit, the applicant/developer shall provide documentation from the State Water Resources Control Board (SWRCB) accepting the existing Septic System/ On-Site Wastewater Treatment System (OWTS) or the following sewer improvements shall be required:
 - a. Extend the existing 8-inch sewer main, approximately 400 linear-feet, at the intersection of Palm Avenue and Phillips Street to the front of the property.
8. Prior to the issuance of a Building Permit, the applicant/developer shall comply with the following Solid Waste Requirements:
 - a. Submit a Solid Waste Handling Planning (SWHP) and Integrated Waste Management Report (IWMR) with the Precise Grading Plan for the Ontario Municipal Utilities Company (OMUC) to review and approve.
 - b. Include on the SWHP how Organics separation and collections shall be handled in addition to refuse and recycling collections. This site shall comply with the Requirements of State Assembly Bill AM1826, which requires organic waste to be diverted and collected separately from recycling and other refuse wastes.
 - c. Provide a three (3) bin trash enclosure with a solid roof per the City's Solid Waste Planning Manual, Page 9 (available online at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>) and place the trash enclosure along the eastern property line, north of Phillips Street.

For questions on the SWHP and IWMR submittal requirements, please contact:
Peter Tran, Associate Engineer
ptran@ontarioca.gov
Phone: (909) 395-2677

EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PCUP18-039

The following items are required to be included with the first plan check submittal:

1. **A copy of this check list**
2. **Payment of fee for Plan Checking**
3. **One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp**
4. **One (1) copy of project Conditions of Approval**
5. **Include a PDF (electronic submittal) of each required improvement plan at every submittal**
6. **Two (2) sets of Domestic and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)**
7. Three (3) sets of Public Street improvement plan with street cross-sections
8. Three (3) sets of Public Street Light improvement plan
9. Three (3) sets of Signing and Striping improvement plan
10. Two (2) sets of the Site plan with proposed public street improvements
11. Two (2) sets of Delta Revision Plans to Record Street, Street Light, and/or Signing & Striping Drawings which reflect the proposed public street improvements
12. **Two (2) sets of Delta Revision Plans to Record Domestic Water, Recycled Water, and/or Sewer Drawings which reflect the installation of the proposed service laterals, and/or abandonment of unused existing service laterals**
13. Three (3) sets of Wet Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
14. Two (2) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include AutoCAD electronic submittal)
15. **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP)**
16. **One (1) copy of Hydrology/Drainage study**
17. **One (1) copy of Soils/Geology report**
18. Other: _____



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

July 19, 2021

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

DECISION NO.:

FILE NO.: PCUP20-015

DESCRIPTION: A Conditional Use Permit (File No. PCUP20-015) to establish a 6,271 square foot restaurant with live entertainment (DBA: Barrel House Saloon) in conjunction with alcoholic beverage sales (Type 47 ABC License; Beer, Wine & Distilled Spirits) on 1.73 acres of land, located at 3660 East Porsche Way, within the Urban Commercial land use designation of The Ontario Center Specific Plan (APN: 0210-211-44); **submitted by Ryan Maderios**

PART 1: BACKGROUND & ANALYSIS

RYAN MADERIOS, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP20-015, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 1.73 acres of land located at 3660 East Porsche Way (APN: 0210-211-44), within the Urban Commercial land use district of the Ontario Center Specific Plan, and is depicted in Exhibit A: Location Map, attached. The subject site is currently developed with off-street parking facilities and a former restaurant building that was abandoned during remodeling efforts in 2008. 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:	Vacant Restaurant Building	MU - 7 (Ontario Center Mixed Use Area)	The Ontario Center Specific Plan	Urban Commercial
North:	Empire Towers Building	MU - 7 (Ontario Center Mixed Use Area)	The Ontario Center Specific Plan	Urban Commercial
South:	Black Angus Steak House	MU - 7 (Ontario Center Mixed Use Area)	The Ontario Center Specific Plan	Urban Commercial
East:	Commercial	MU - 7 (Ontario Center Mixed Use Area)	The Ontario Center Specific Plan	Urban Commercial
West:	Commercial	MU - 7 (Ontario Center Mixed Use Area)	The Ontario Center Specific Plan	Urban Commercial

PROJECT ANALYSIS:

(1) Background— The subject site previously held a Type 47 (On-Sale General) ABC license, which was issued on August 22, 1989, to Spoons Restaurants, Inc. The license was transferred to Crabby Bob's Franchise Corporation on September 15, 2003 and was subsequently surrendered on February 15, 2008. On September 15, 2008, the Zoning Administrator granted a CUP (File No. PCUP08-010) for alcoholic beverage sales on the

Prepared: DC 07/12/21	Reviewed: LM 07/15/21	Decision: [enter initial/date]
-----------------------	-----------------------	--------------------------------

subject site (Type 47 ABC license), in conjunction with live entertainment; however, due to the economic recession the applicant was unable to secure funding to complete the required tenant improvements and the CUP approval was allowed to expire in accordance with the conditions of approval.

On August 7, 2020, the Applicant submitted a Conditional Use Permit application requesting to establish a restaurant (Barrel House Saloon) with alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47 (On-Sale General) ABC License) in conjunction with live entertainment on the above-described subject site.

(2) Proposed Use — The Barrel House Saloon is proposed as a full-service restaurant that will serve beer, wine, and distilled spirits for consumption on the premises. Additionally, the restaurant will feature live entertainment, to include country DJ music, classic rock bands, 80s and 90s bands, acoustic bands, and blues bands on Thursday, Friday, Saturday, and Sunday. The proposed live entertainment schedule is as follows:

- Thursdays: Country Music and DJ
 - Country Line Dancing Lessons – 7:00 PM to 9:00 PM.
 - Country DJ – DJ Kevin Luvelady – 9:00 PM to 12:00 AM.

- Fridays and Saturdays: Classic Rock Bands/80s Bands/90sBands/Country Bands
 - On Fridays and Saturdays, the above listed bands and genres will be rotated to provide a variety of music for live entertainment.
 - Bands will play from 9:00 PM to 1:30 AM.
 - Last Call for service will be at 1:30 AM and the building will be cleared by 2:00 AM, when the restaurant closes.

- Sundays: Brunch with live music – Acoustic Bands/Jazz Bands/Blues Bands
 - Each Sunday the above listed bands and genres will be rotated to provide a variety of music for live entertainment.
 - Bands will play from 11:00 AM to 2:00 PM, during brunch service.

Proposed business hours are Monday through Friday, from 11:00 AM to 2:00 AM, and Saturday and Sunday from 10:00 AM to 2:00 AM. The restaurant will operate with approximately 22 to 26 full-time employees.

The restaurant is divided into six general areas, that include a dining and bar area; pool table area; stage area; kitchen, cold storage, and keg storage areas; restrooms; and two outdoor patio areas (a 690-square-foot existing patio area on the north side of the existing building and a new 545-square-foot patio area on the west side of the building). The indoor seating capacity is approximately 300 persons, and the outdoor seating capacity is approximately 100 persons (see Exhibit C—Floor Plan, attached).

The main entrance to the restaurant is located on the westerly side of the building, facing the parking lot and Inland Empire Boulevard. Parking for employees and guests are located along the easterly, southerly, and westerly sides of restaurant building.

The applicant is proposing to remodel the building's interior and exterior to incorporate a rustic modern design. The building's new exterior will incorporate a combination of horizontal wood siding, a running bond black tile design over the entryway, smooth stucco walls, a wood trellis over

both patios, black metal roof caps over the parapet walls with a white, black, and semi-transparent brown wood-stained color palette(Exhibit D – Elevations).

(3) Parking — Per the City's Development Code, the Project is required to provide 63 off-street parking spaces, at a ratio of 10 spaces for each 1,000 square feet of gross floor area. The Plaza Continental commercial center was developed with 931 parking spaces and an approved shared parking and access agreement. The application does not include the elimination of any parking spaces. The proposed Conditional Use Permit request is to provide an additional convenience to restaurant patrons; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing commercial center.

(4) ABC License Concentrations — The California Department of Alcoholic Beverage Control ("ABC") is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 127.00, which is located entirely within the City of Ontario and according to ABC, is over concentrated. The Census Tract currently allows three on-sale licenses; however, there are currently 10 active on-sale licenses within this census tract. The proposed location operates as a "Bona Fide Public Eating Place;" therefore, the Police Department does not object to allowing the proposed Type 47 ABC License, provided that all City and State Department of Alcohol Beverage Control rules, regulations, and conditions of approval are met and followed. In addition, the project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of the proposed use with adjacent existing and proposed uses by identifying potential nuisance activities and establishing measures for appropriate mitigation accordingly. The project site is located within the Plaza Continental commercial center, which consists of one stand-alone shopping complex and several surrounding multi-tenant commercial, office, and restaurant buildings. Several restaurants existing in the area currently have a Type 47 (On-Sale General) ABC license, including Hamburger Mary's, Benihana, and El Torito.

Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential negative impacts that may be associated with the proposed use. Additionally, the nearby businesses within and surrounding the Plaza Continental commercial center will not be exposed to any impacts resulting from alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant uses within the center and surrounding areas. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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

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

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

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

PART 2: RECITALS

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

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

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

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

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

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

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

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

(1) Denny D. Chen, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [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; and

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 of the CEQA Guidelines, which consists of Class 1, Existing Facilities; 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 ("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 Urban Commercial land use district of The Ontario Center Specific Plan, and the scale and intensity of land uses intended for the land use district in which the use is proposed to be located. Furthermore, the proposed Type 47 ABC License (On Sale General – Eating Place) in conjunction with an existing 6,271 square-foot restaurant (Barrel House Saloon) and live entertainment land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Urban Commercial land use district of The Ontario Center Specific Plan; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 47 ABC License (On Sale General – Eating Place) in conjunction with an existing 6,271 square-foot restaurant (Barrel House Saloon) and live entertainment land use will be located within the Mixed-Use land use district of the Policy Plan Land Use Map, and the Urban Commercial land use district of The Ontario Center Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed Type 47 ABC License (On Sale General – Eating Place) in conjunction with an existing 6,271 square-foot restaurant (Barrel House Saloon) and live entertainment land use is located with the Mixed-Use land use district, and the Urban Commercial land use district of The Ontario Center 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 Ontario Center Specific Plan; and

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

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

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

- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole.* The 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 total number of alcohol-related calls for service, between the period of June 1st, 2020 to June 1st, 2021, was 29 out of the 3,711 calls for service received within a half mile radius from the project site, which is less than one-percent and does not exceed 20 percent. The Police Department has reviewed the application and is recommending approval subject to the attached conditions of approval. The proposed use is consistent with the Ontario Center Specific Plan and other similar restaurant uses in the area. The use will be providing a convenience for restaurant patrons that would like to purchase alcoholic beverages with their meal(s).
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* The building will require tenant improvements and will be in good operating condition prior to building occupancy and currently has no outstanding enforcement violations.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The project site is properly maintained, including building improvements, landscaping, and lighting. The Plaza Continental shopping center, including the Barrel House Saloon restaurant site, is properly maintained, and serviced on a regular basis.

(g) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1 - Existing Facilities) of the State CEQA Guidelines. Existing facilities consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building

and does not include any negligible building additions or operational changes and therefore is categorically exempt.

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.

-or-

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 2021.

Rudy Zeledon
Zoning Administrator

EXHIBIT A: LOCATION MAP

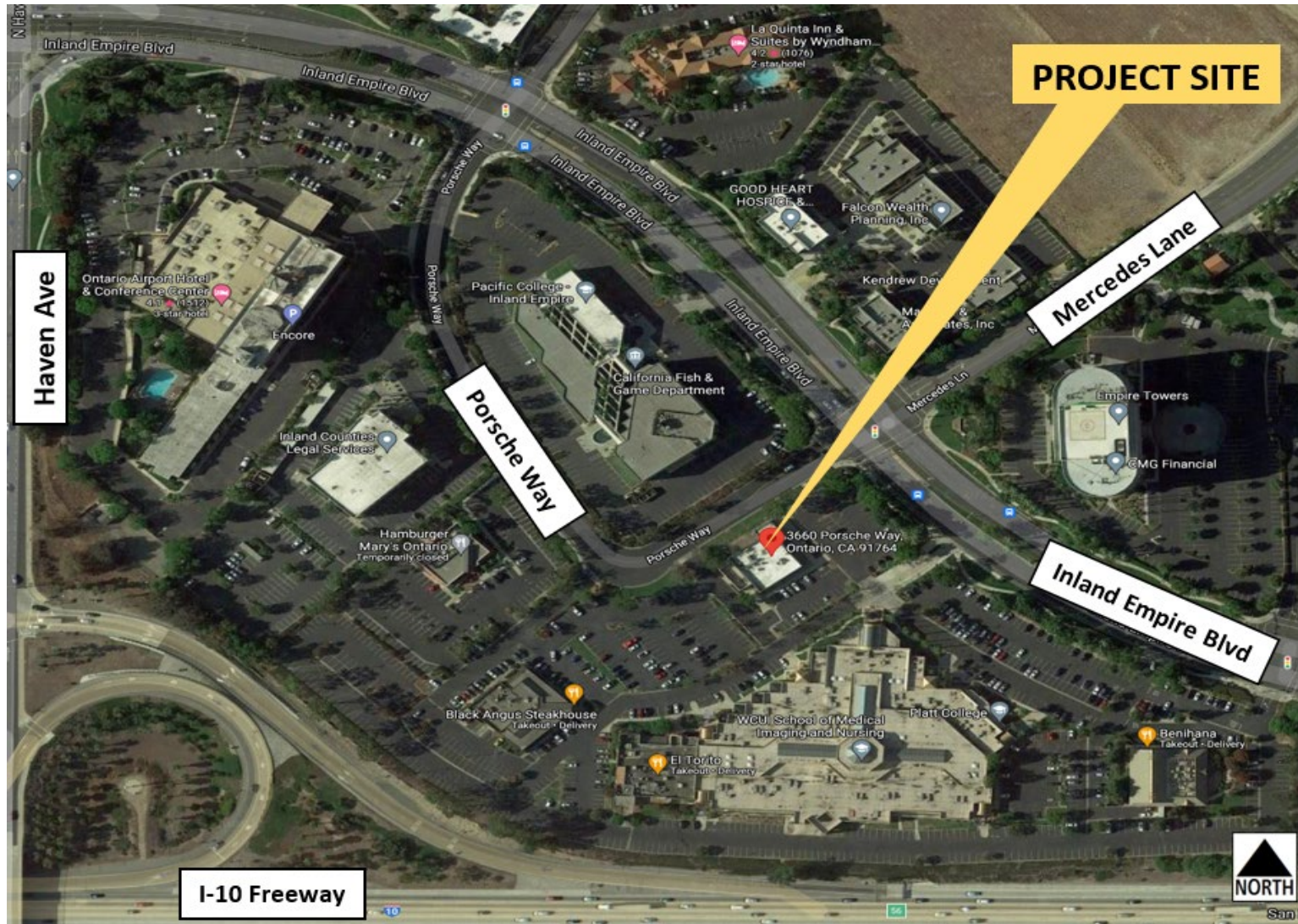


EXHIBIT B: SITE PLAN



EXHIBIT C: FLOOR PLAN

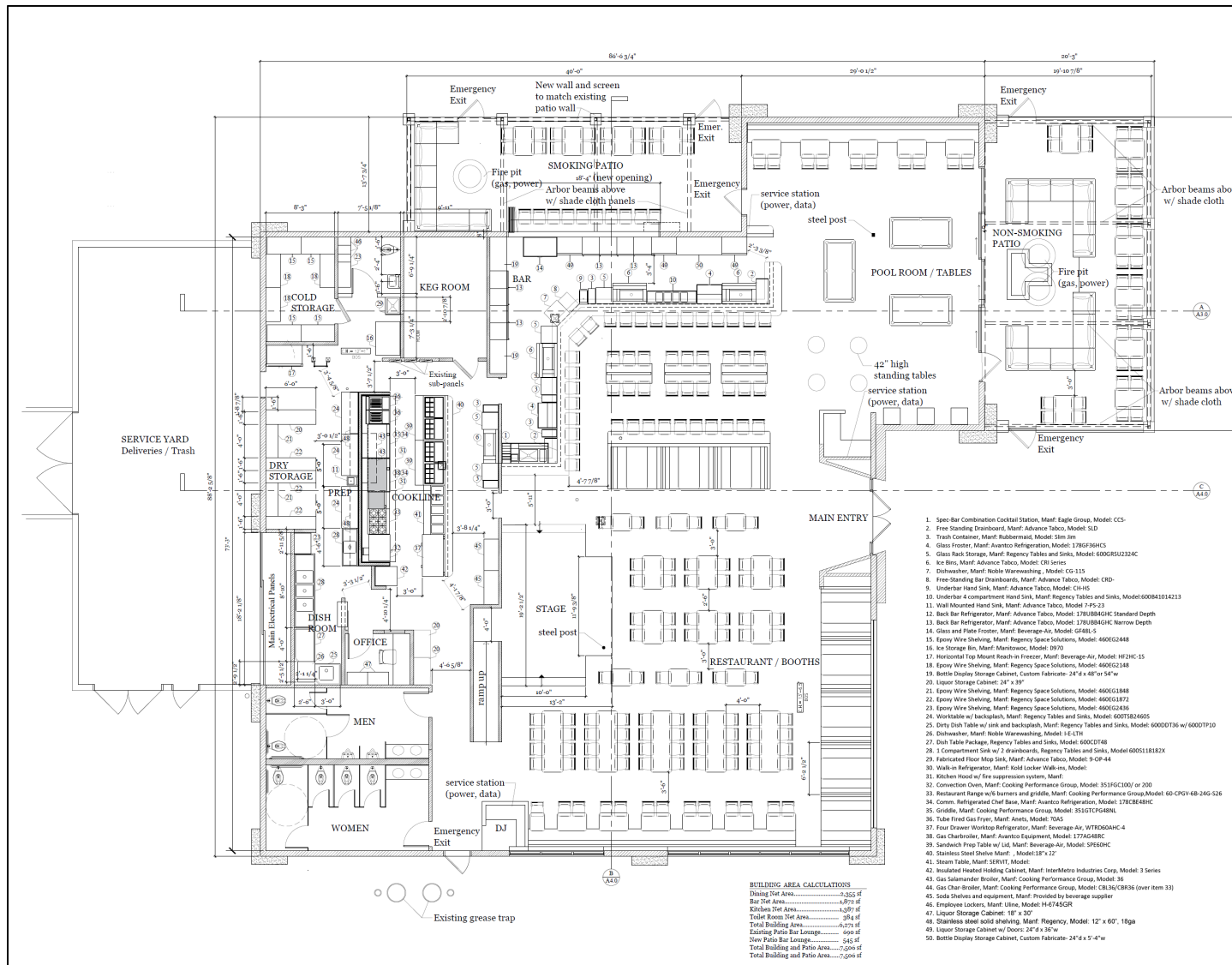
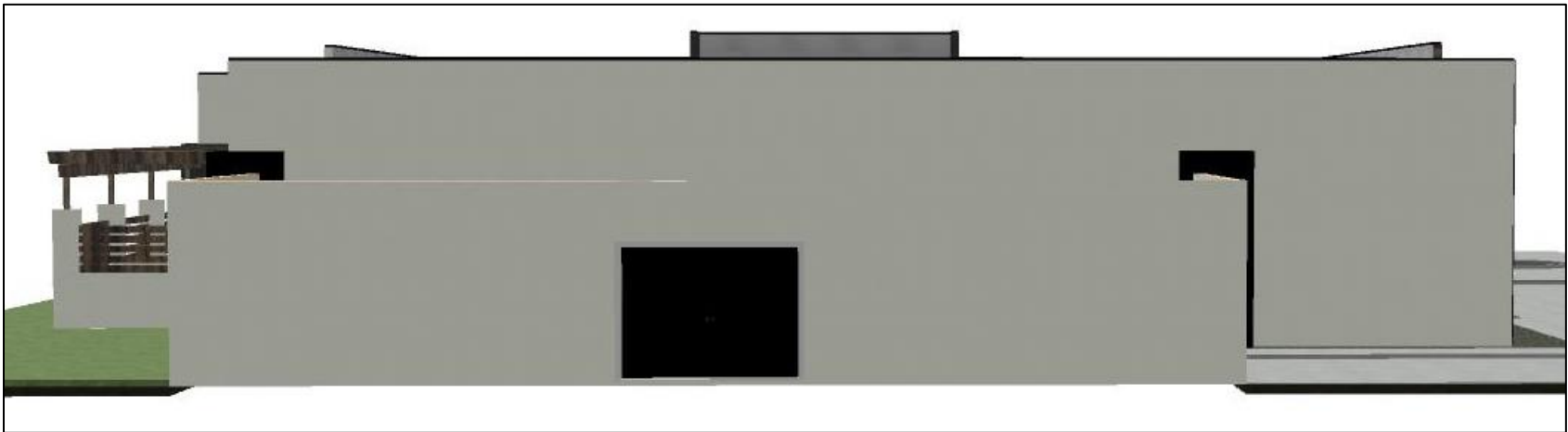


EXHIBIT D: ELEVATIONS



North Elevation

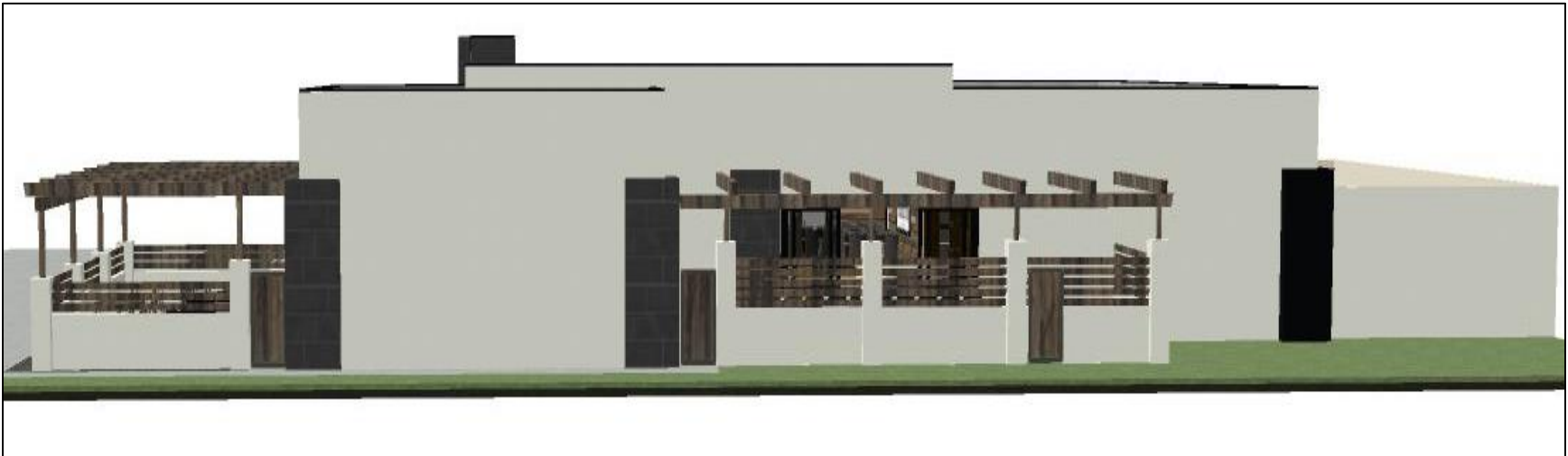


South Elevation

EXHIBIT D: ELEVATIONS CONTINUED



East Elevation



West Elevation

EXHIBIT F: SITE PHOTOS



North Elevation



South Elevation

EXHIBIT F: SITE PHOTOS CONTINUED



East Elevation



West Elevation

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

Meeting Date: July 19, 2021

File No: PCUP20-015

Related Files: None

Project Description: A Conditional Use Permit to establish a restaurant with live entertainment (DBA: Barrel House Saloon) in conjunction with alcoholic beverage sales (Type 47 ABC License; Beer, Wine & Distilled Spirits) on 1.73 acres of land, located at 3660 East Porsche Way, within the Urban Commercial land use designation of the Ontario Center Specific Plan. (APN: 0210-211-44) **submitted by Ryan Maderios**

Prepared By: Denny D. Chen, Assistant Planner
Phone: 909.395.2424 (direct)
Email: dchen@ontarioca.gov

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

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

1.1 Time Limits.

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

1.2 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 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.

1.4 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.

1.5 Parking, Circulation and Access.

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

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

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

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

(e) Use shall provide a minimum of 63 parking spaces. The tenant space is part of the Plaza Continental shopping center and utilizes shared parking and access accordingly.

1.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

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

1.7 Mechanical and Rooftop Equipment.

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

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

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

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

1.11 Alcoholic Beverage Sales—General.

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

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

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

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

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

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

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

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

1.12 Alcoholic Beverage Sales—Restaurants.

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

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

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

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

2.0 Additional Fees.

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

3.0 Additional Requirements.

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

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



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Denny Chen, Associate Planner

FROM: Rick Rees, Police Officer, Alcohol and Tobacco Enforcement

DATE: June 17, 2021

SUBJECT: PCUP20-015- A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits for on premise consumption in conjunction with a proposed 6,261 square foot restaurant located at 3660 E. Porsche Way.

The Ontario Police Department has researched the request for an on-site type 47 (general eating place) alcohol license for 3660 E. Porsche Way in the city of Ontario. The requested license is within census tract 127.00 which is over concentrated with on-sale alcohol licenses. The department of Alcohol Beverage Control authorizes three (3) on-sale alcohol licenses for this tract. There are currently ten (10) active on-sale alcohol licenses within census tract 127.00. The Ontario Police Department does not approve or deny Conditional Use Permits, Administrative Use Permits or ABC licenses. The Ontario Police Department has no objections to the approval of PCUP20-15, which is at the discretion of the City of Ontario Planning Department. However, due to the over concentration factor, the Ontario Police Department recommends the applicant obtain a license approval from the California Department of Alcohol Beverage Control prior to moving forward.

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 11:00AM to 2:00AM Monday through Friday and 10:00AM to 2:00AM Saturday and Sunday.

2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM. All sales of alcohol shall be completed 15 minutes prior to closing, and not later than 01:45AM. All alcohol must be removed from tables/patrons at 2:00AM.
3. The business shall maintain the ability to make substantial meals until last call.
4. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties. Bartenders and cocktail servers must be 21.
5. No sales of alcoholic beverages to minors.
6. No sales of alcohol to obviously intoxicated patrons.
7. The business is required to have in place a driver's license and/or ID card reading device.
8. No alcohol shall be sold/removed from the establishment for consumption.
9. No self-serve alcohol displays or machines.
10. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant. This includes shared parking areas.
11. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
12. There will be no narcotic sales or usage on the premises at any time.
13. 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.
14. 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 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).
15. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.

16. Emergency-only doors must be alarmed and remain closed at all times, except in the case of emergency use.
17. The address to the establishment must be illuminated, using a photo sensor, for easy identification by safety personnel. The address must be situated on the wall facing the addressed street.
18. Roof-top numbers shall be installed on the commercial building. The numbers shall be a minimum of three (3) feet in length and one (1) foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. The bottom of the roof-top numbers must be oriented according to the addressed street (Porsche Way) and maintained every three (3) years.
19. 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 ABC unit prior to approval.
20. Restrooms must be kept free of graffiti.
21. No arcade video game machines permitted on the premise. Three pool tables will be permitted as proposed on the plans.
22. All hallways must be kept clear from merchandise, storage, and patrons blocking pathways.
23. 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.
24. The applicant will be responsible for keeping the grounds of the business clean from debris.
25. 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).

26. Any special event outside the scope of the Conditional Use Permit (CUP) will require a Temporary Use Permit (TUP), which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the restaurant, 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.
27. 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 5 feet. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area, or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must be gated and closed at all times. Emergency sounding devices and panic hardware must be installed on these gates.
5. The patio exit will have a sign posted, 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 two 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 two feet and six feet throughout the location.

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. Tables shall not be removed or rearranged to increase occupancy.
4. Entertainment sounds must be confined within the restaurant/patio area and cannot expand outside the premises. This would include any parking areas, parks, adjacent businesses or residential structures.
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 Fridays and Saturdays from 9:00 p.m. to 1:00 a.m. On these nights, Security Officers are required and must be present from 9:00 p.m. until 2:00 a.m. when the restaurant closes.
7. The business shall not utilize promoters or allow "Flyer Parties".
8. The business is required to have in place driver license and/or ID card reading devices.
9. 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.

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.

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 officers. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. All 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. 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.

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 Hernandez at (909) 408-1755 or Officer Rees (909) 408-1660, with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

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

FROM: Denny Chen, Associate Planner

DATE: August 17, 2020

SUBJECT: FILE #: PCUP20-015

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 live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 6,261-square foot restaurant on 1.734 acres of land located at 3660 East Porsche Way, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN: 210-211-44).

- 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

Department

Signature

ENR. ASSISTANT

Title

9.1.2020

Date

Denny Chen

From: David Zurita
Sent: Thursday, June 24, 2021 3:50 PM
To: Denny Chen
Subject: PCUP20-015 Approval
Attachments: PCUP20-015 Land_Approval Memo.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Denny,

The subject project is currently **recommend for approval** by the Land Development Section, Environmental Section, Ontario Municipal Utilities Company (OMUC), and Traffic & Transportation Division. There are no conditions applied to this project.

If you have any questions please feel free to contact me.

Thank you,

DAVID ZURITA

ENGINEERING ASSISTANT

ENGINEERING DEPARTMENT

303 EAST B ST, ONTARIO, CA 91764

(909) 395-2155 | DZURITA@ONTARIOCA.GOV





CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

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

DATE: August 19, 2020

SUBJECT: PCUP20-015A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 6,261 – square foot restaurant on 1.734 acres of land located at 3660 East Porsche Way, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN: 210-211-44)

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

No comments

Report below.

1. 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.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: August 19, 2020
SUBJECT: PCUP20-015

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

KS:lr

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP20-015

Address: 3660 East Porsche Way

APN: 210-211-44

Existing Land Use: Vacant Commercial Building

Proposed Land Use: A Conditional Use Permit to establish a restaurant with live entertainment in conjunction with an ancillary Type 47 ABC License

Site Acreage: 1.73 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: Denny Chen

Date: 10-13-2020

CD No.: 2021-040

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 checked="" 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>100 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: _____