



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

September 18, 2023

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

All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764 and on the City website at www.ontarioca.gov/agendas/zoning

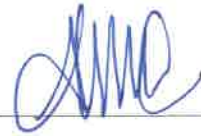
PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP23-006:** A public hearing to establish a Conditional Use Permit for three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) for on-sale and off-sale alcohol consumption in conjunction with a proposed 5,040 square-foot restaurant and 1,250 square-foot outdoor patio, on 0.72 acres of land, located at 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within 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; (APN: 0210-531-10) **submitted by Left Coast Brewing Co.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP23-009:** A public hearing to consider a Type 41 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer and wine within a proposed 2,864 square-foot restaurant (California Fish Grill) on 17.09 acres of land, at the southwest corner of Hamner Avenue and Ontario Ranch Road within Planning Area 8 (Regional Commercial) of the Rich Haven Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 218-211-37) **submitted by California Fish Grill, LLC.**

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

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

I, Angie Alvarez Cruz, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **September 14, 2023**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Office Specialist



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

September 18, 2023

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-006

DESCRIPTION: A public hearing to establish a Conditional Use Permit for three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) for on-sale and off-sale alcohol consumption in conjunction with a proposed 5,040 square-foot restaurant and 1,250 square-foot outdoor patio, on 0.72 acres of land, located at 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan; (APN: 0210-531-10) **submitted by Left Coast Brewing Co.**

PART 1: BACKGROUND & ANALYSIS

LEFT COAST BREWING CO., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-006, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 0.72 acres of land located at 980 North Haven Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Commercial Shopping Center Under Construction	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan - Piemonte Overlay Area	Commercial
North:	City of Rancho Cucamonga: Offices, Vacant & Industrial	City of Rancho Cucamonga: Industrial Park (0.40 – 0.60 FAR)	City of Rancho Cucamonga: Industrial Park (0.40 – 0.60 FAR)	N/A
South:	Vacant & Offices	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan - Piemonte Overlay Area	Urban Commercial
East:	Multiple-Family Residential	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan - Piemonte Overlay Area	Urban Residential
West:	Office & Multiple-Family Residential	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan and R.H. Wagner Properties Specific Plan	Garden Commercial and Urban Residential (Piemonte Overlay of the Ontario Center SP)

Prepared: JA – 09/05/2023

Reviewed: LM – 09/12/2023

PROJECT ANALYSIS:

(1) Background — On January 19, 2022, the Development Advisory Board approved a Development Plan (File No. PDEV21-013) to construct a neighborhood commercial shopping center (The Collection), consisting of six buildings totaling 101,163 square feet located at the southeast corner of Haven Avenue and Fourth Street, which is currently under construction (see Exhibit B: Site Plan). The approval of the Development Plan included an 8,820 square-foot building for Pad 2, located at the northwest corner of the Project site, oriented toward the Haven Avenue/Fourth Street intersection.

On March 28, 2023, the Applicant submitted a Conditional Use Permit application requesting three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) for on-sale and off-sale alcohol consumption in conjunction with a proposed 5,040 square-foot restaurant and 1,250 square-foot outdoor patio.

(2) Proposed Use/Operation — In 2004, the Hadjis family established Left Coast Brewing Co. in San Clemente, California, to manufacture beer for their family-owned pizza franchise, Oggi's Pizza. By 2007, the company expanded their operations and were distributing their brand of beers throughout California, Nevada, and Arizona. In 2009, the company opened their first Tasting Room next to their production brewery in San Clemente, California. In 2018, a second location opened in Irvine, California that included a distillery and restaurant. The applicant is now seeking to establish a third location in Ontario at the subject site that will include a restaurant, micro-brewery (Type 23 – Small Beer Manufacturer), a still (Type 6 – Still) and craft distiller (Type 74 – Craft Distillers).

The Brewery includes a restaurant with a Kansas City BBQ cuisine and will serve items such as brisket, tri-tip, sandwiches, salads, and complementary side dishes. The micro-brewery, Type 23 ABC License will allow the applicant to establish a small-scale brewery operation dedicated solely to the production of their specialty beers. The still, Type 6 ABC License will allow for the production of distilled spirits. The craft distillery, Type 74 ABC License will authorize the on and off-sale of craft beer and distilled spirits manufactured and packaged on site.

The on-premise consumption of alcoholic beverages will be served in branded drinkware, which consists of glasses bearing the Brewery's name, and could include products poured from the tap or from pre-packaged bottles or cans. The Brewery will also sell branded beer and distilled spirits for off-site consumption in the form of crowlers, canned beer, bottles, and growlers. Crowlers are typically a 32-ounce aluminum can and allow for the product to stay fresh for about a month. Growlers are typically a resealable half-gallon glass, ceramic, plastic, or stainless-steel jug, and are intended for more immediate consumption (three days to one week). Crowlers and growlers allow consumers to transport draft beer for at-home consumption.

The Brewery is divided into eight general areas, that include the brewery/distillery/filling area, indoor dining, bar area, kitchen and food preparation area, walk-in cooler, office, restrooms, and an outdoor patio area. The northwest quadrant of the building will be utilized for the manufacturing and storage of beer and distilled spirits. The seating capacity can accommodate 130 indoor patrons and 84 outdoor patrons (see Exhibit C—Floor Plan, attached).

The Brewery will operate with a total of 45 employees on staff and approximately 7 to 10 employees per shift. Brewery hours of operation would be from 10:00 AM to 12:00 AM Sunday through Thursday, and 10:00 AM to 1:00 AM Friday and Saturday. The main entrance to the

restaurant is located on the south side of the building, facing the parking lot. Parking for employees and patrons is located to the south of the building.

(3) Parking — The Collection commercial center was required to provide a total of 532 parking spaces per the Ontario Development Code standards, and a total of 592 parking spaces were provided. The Applicant does not propose the expansion of the existing building facility, nor include the elimination of any parking stalls and is consistent with the approved Development Plan (File No. PDEV21-013). Therefore, staff finds that the proposed use will not adversely affect the parking demand within the existing commercial center and no additional parking spaces are required.

(4) ABC License Concentrations – The California Department of Alcoholic Beverage Control (“ABC”) is the controlling State entity with authority to grant, renew, and revoke 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 populations. The Project site is located within Census Tract 21.09, which is over-concentrated with on-sale and off-sale alcoholic beverage licenses. The Census Tract currently allows three on-sale and three off-sale licenses; however, there are currently 52 active on-sale licenses and 13 active off-sale licenses within this census tract. However, Development Code Section 5.03.025.F.4 allows the Approving Authority (Zoning Administrator) to make a determination of Public Convenience or Necessity (“PCN”), allowing the issuance of additional ABC licenses for off-premises alcoholic beverage sales in census tracts that are over concentrated if the following conditions can be met:

- 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, including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all State Business and Professions Code violations, drug violations, and driving while intoxicated or under the influence.
- The proposed retail alcohol license is not located within close proximity (600 feet or less, as measured in a straight line from any point along the outer boundaries of the building gross floor area, GFA, containing the business) of an existing or proposed sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.
- The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales.
- If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA.
- No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale.

- At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation).
- The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Community Improvement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), landscape and lighting improvements.

The proposed retail ABC license is not located within a high crime area, as demonstrated by the fact that within the year preceding the preparation of this report, the City of Ontario had a total of 988 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within an over concentrated Census Tract, if a CUP to establish off-sale alcoholic beverage sales is proposed, the one-half mile radius area surrounding the proposed CUP location would not be able to exceed the City's average number of alcohol-related incidences by 20 percent attributable to an area in which an off-sale ABC license is proposed. An area exceeding 197 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC licensed facilities.

According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 90 alcohol-related incidences in the past year, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location.

The Brewery and restaurant are not considered a retail business, therefore the maximum gross floor area devoted to alcoholic beverages sales and minimum gross floor area devoted to food display and sales does not apply to this application. However, only 693 square feet of the subject site will be utilized for the brewery, distillery, and filling area which is approximately 11 percent of the gross floor area. In addition, the balance of the floor plan is dedicated to food display and sales, which amounts to well over 10 percent of the total display area. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

The proposed location will operate as a "Bona Fide Public Eating Place;" therefore, the Police Department does not object to allowing the proposed Type 6, 23, and 74 ABC Licenses, 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 compatibility of the proposed use with adjacent land uses by identifying potential nuisance activities and establishing measures for mitigation of identified nuisance activities, accordingly. The Project site is located within the previously approved The Collection commercial shopping center, which consists of a variety of retail and personal care service uses intended as a walkable convenience to the residential neighborhoods surrounding the project site. As the proposed Conditional Use Permit for alcoholic beverage sales will be to provide an added convenience of additional retail, gathering, entertainment, and dining opportunities for a previously approved retail shopping center that includes restaurants and allows for other related entertainment land

uses, staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within The Collection shopping center will not be exposed to additional impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other restaurant or grocery land uses within the surrounding area. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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

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

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

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

PART 2: RECITALS

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

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

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

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

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

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

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

WHEREAS, on September 18, 2023, 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.

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

PART 3: THE DECISION

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

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

(1) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes; and

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

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

SECTION 2: ONT ALUCP Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed ancillary three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) land uses will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Commercial land use district of the Piemonte Overlay area 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 three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) land uses will be located within the Mixed Use - Ontario Center (MU-Ontario Center) land use district of the Policy Plan Land Use Map, and the Commercial land use district of the Piemonte Overlay area 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 three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) land uses is located with the Mixed Use - Ontario Center (MU-Ontario Center) land use district, and the Commercial land use district of the Piemonte Overlay area 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 Ontario Center Specific Plan; and*

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

(e) For Off-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 retailer occupies a minimum of 12,000 square feet of gross floor area. The proposed Project is not considered a grocery store; therefore, this finding does not apply to the application.*
- *No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The proposed Project is a brewery and restaurant; therefore, this finding does not apply to the application. However, only 693 square feet of the subject site will be utilized for the brewery, distillery, and filling area which is approximately 11 percent of the gross floor area.*
- *No more than 10 percent of the floor area is devoted to food sales. The proposed Project is a brewery and restaurant; therefore, this finding does not apply to the application. However, the balance of the floor plan is dedicated to food display and sales, which amounts to well over 10 percent of the total display area.*
- *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. According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 988 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Of that total, 90 service calls were alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location.*

- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* The Project site is currently under construction and has no outstanding Building or Health Code violations.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The Project site is currently under construction but has been conditioned to be consistently maintained; 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.* According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 988 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Of that total, 90 service calls were alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location.
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* The Project site is currently under construction and has no outstanding Building or Health Code violations.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The Project site is currently under construction but has been conditioned to be consistently maintained.

SECTION 4: Zoning Administrator Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the Zoning Administrator hereby APPROVES the Application subject to each and every condition set forth in the Department reports included as "Attachment A" of this Decision, and incorporated herein by this reference.

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

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

APPROVED AND ADOPTED this 18th day of September 2023.

Kimberly Ruddins
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

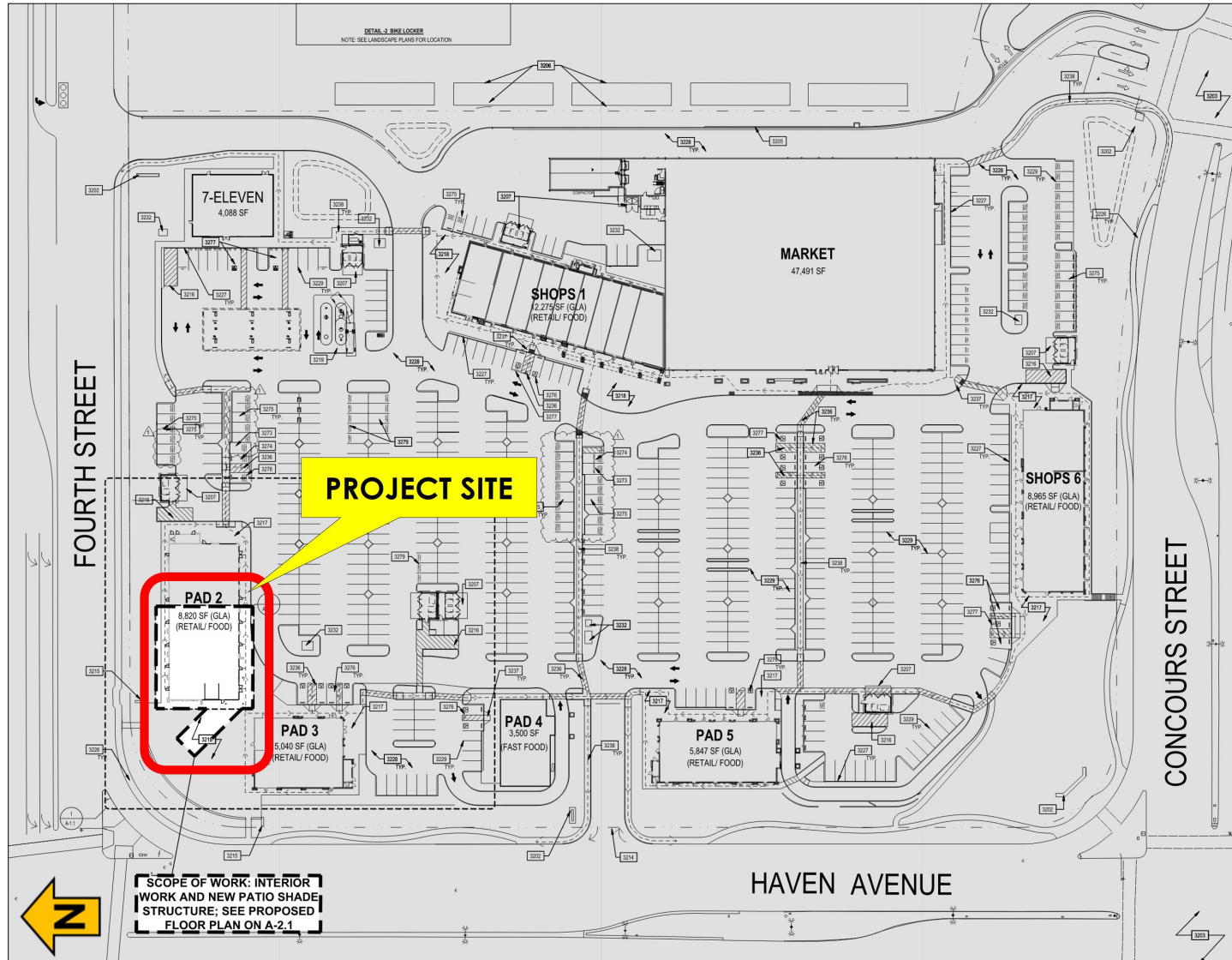


Exhibit C: FLOOR PLAN

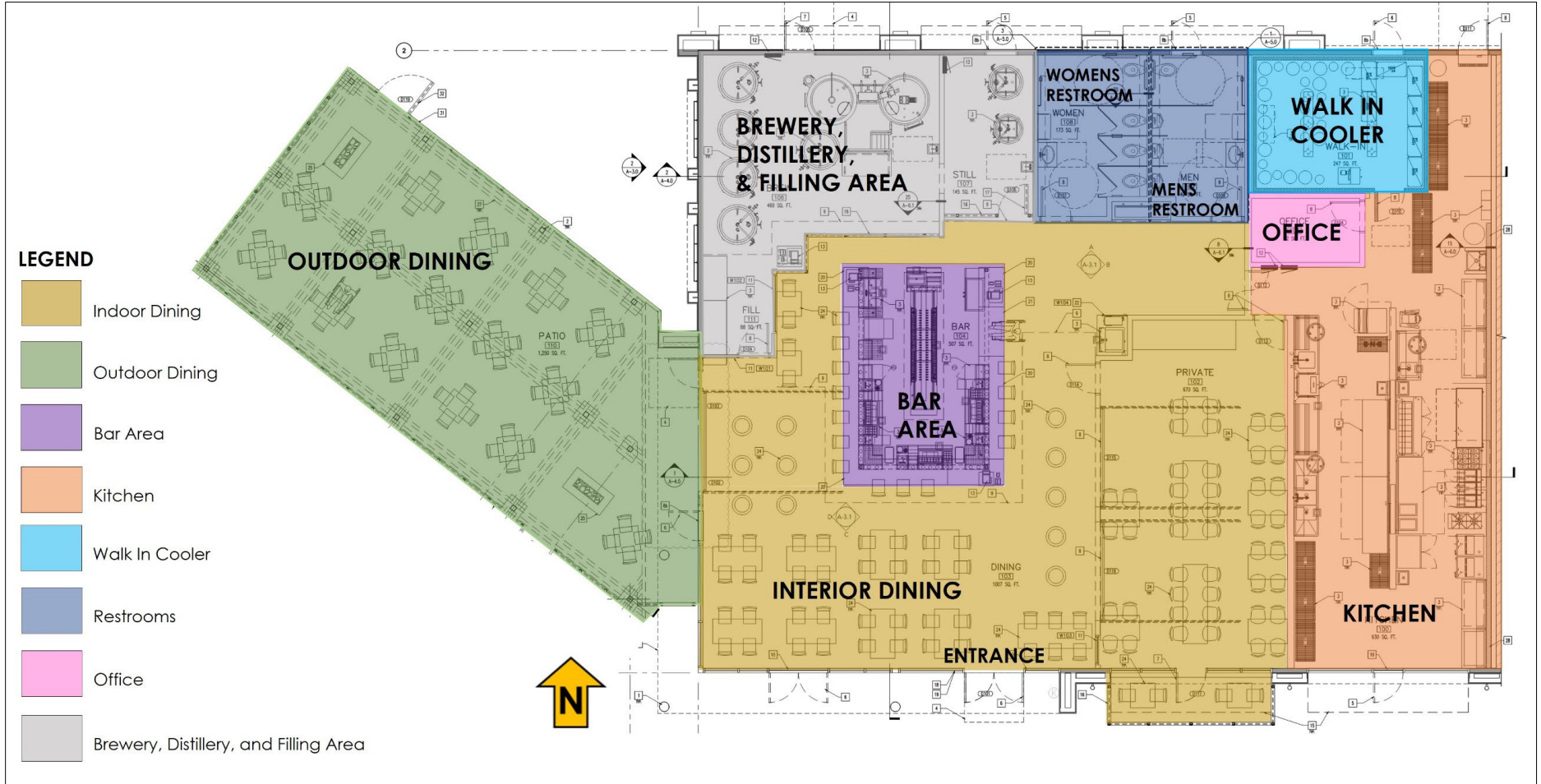
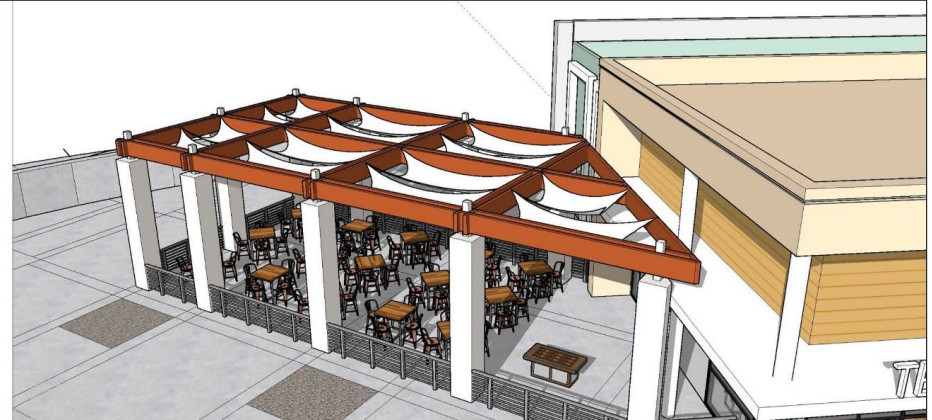


Exhibit D: RENDERINGS



FRONT ENTRANCE OF BREWERY AND RESTAURANT



1,250 SQUARE-FOOT OUTDOOR PATIO



INDOOR DINING/BAR AREA WITH BREWERY AND DISTILLERY AT REAR

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 9/12/2023

File No: PCUP23-006

Related Files: [Click here to enter file #](#)

Project Description: A public hearing to establish a Conditional Use Permit for three ABC Licenses (Type 6 – Still, Type 23 – Small Beer Manufacturer, and Type 74 – Craft Distillers) for on-sale and off-sale alcohol consumption in conjunction with a proposed 5,040 square-foot restaurant and 1,250 square-foot outdoor patio, on 0.72 acres of land, located at 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan; (APN: 0210-531-10) **submitted by Left Coast Brewing Co.**

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.

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

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

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

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

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

2.3 Landscaping.

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

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

2.4 Parking, Circulation and Access.

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

2.5 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.

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

2.7 Signs.

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

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

2.9 Alcoholic Beverage Sales—General.

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

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

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

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

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

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

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

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

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

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

(k) Electronic arcade and amusement games shall be prohibited on-site, unless specifically permitted by the Police Department and shown on the approved site plan.

2.10 Alcoholic Beverage Sales—Restaurants.

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

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

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

2.11 Environmental Requirements.

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

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

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

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (“NOE”) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the “Clerk of the Board of Supervisors”, which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (“CEQA”). The filing of a NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

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

2.14 Additional Requirements.

(a) 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 the retail sales of alcoholic beverages.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Jeanie Aguilo, Associate Planner

FROM: Jonathan Burnette, Police Officer / CET Unit

DATE: May 31, 2023

SUBJECT: FILE NO. PCUP23-006 – LEFT COAST BREWING CO.
980 N. HAVEN AVE, ONTARIO, CA 91764

This location has applied for a Type 23 Small Beer Manufacturer license, Type 74 Craft Distiller license, and a Type 6 Still license which are granted certain on-sale and off-sale privileges. The business is located within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), five (5) on-sale licenses are allowed within this tract, there are currently fifty (52). The census tract is currently over-concentrated. However, this census tract is considered an entertainment district by the City of Ontario, which allows for exceptions. The Police Department does not object to allowing the license. However, due to the above circumstances, it is recommended the applicant obtain the ABC license through the State ABC office prior to moving forward.

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

ABC CONDITIONS

1. Alcohol sales will be from 10:00 A.M. to 12:00 A.M., Sunday through Thursday. Last call for alcohol shall be made by 11:15 P.M. and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from the tables/patrons at 12:00 A.M.
2. Alcohol sales will be from 10:00 A.M. to 01:00 A.M., Friday through Saturday. Last call for alcohol shall be made by 12:15 A.M. and alcohol sales must cease by 12:30 A.M. All alcohol shall be removed from the tables/patrons at 01:00 A.M.
3. Beer sampling containers will be limited in size to no more than 16 ounces.
4. No sales of alcoholic beverages to minors.

5. No sales to obviously intoxicated patrons.
6. The business is required to have in place a driver's license and/or ID card reading device.
7. No drug paraphernalia to be sold at any time.
8. The practice known as Bottle Service will not be allowed.
9. No self-serve alcohol displays or machines allowed.
10. Signs must be posted at all exits (including patio exits) stating no alcohol beyond this point.
11. Off-sale of alcoholic beverages of cans or bottles must be sealed as defined by ABC regulations.
12. Left Coast Brewing must have distinct labeling on all off-sale products, identifying Left Coast Brewing as the seller.
13. Beer may be sold wholesale or to the public in kegs and is required to follow keg registration rules and regulations (Business and Professions Code 25659.5).
14. Beer may be sold for off-site consumption in growlers one liter to ½ gallon in size, 32oz crowlers (on-site canned products), 22oz bottles, and pre-packaged cans and bottles from another off-site location, and shall comply with Business and Professions Code 25200-Refilling and Labeling containers supplied by the consumer.
15. Distilled spirits may be sold for off-site consumption in bottles no less than 750ml in size.
16. 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.
17. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
18. There will be no narcotic sales or usage on the premises at any time.
19. Employees engaged in alcohol preparation and service shall be at least 21 years of age.
20. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
21. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.

22. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
23. Restrooms must be kept free of graffiti. Any damage to restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
24. The back door must be alarmed and closed at all times.
25. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to the Ontario Police Department CET unit prior to approval. As required by City of Ontario's Planning Department.
26. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
27. Emergency-only doors must be alarmed and closed at all times.
28. No pool tables will be allowed on the premises. No arcade games that may be associated with gambling (video poker, card games, etc.), will be allowed.
29. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
30. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
31. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6 CCR).
32. The applicant will be responsible for keeping the grounds of the business clean from debris.
33. Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP), which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the restaurant, a car show, or an OUTDOOR event with alcoholic beverages would be a special event, requiring a TUP.) Situations may arise where the applicant/business owner will

request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.

34. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
35. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.

PATIO DINING CONDITIONS

The proposed patio on the submitted site plan appears to be in the common public area near an adjacent building. Unless this is approved by the planning department, this patio will not be allowed. If the planning department approves this patio area, the following conditions will be required:

1. Patio fencing must be a minimum height of three (3) feet. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must always be gated and closed.
5. The patio exits will have a sign posted, in clear view, stating, “No alcohol beyond this point.”
6. Landscaping within the applicant’s control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
7. In the event the patio is utilized for criminal activity or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be

enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

ENTERTAINMENT CONDITIONS

1. No dance floor or stage will be allowed.
2. The entertainment area must be designated on a plan check and will be the only area allowed for entertainment purposes. Entertainment will be allowed on the interior of the establishment only. Entertainment will consist of trivia, bingo, yoga, live bands, solo musicians, and painting/art/craft events. 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. The location shall not exceed a noise level of 65dBA per section 9-1.3305 of the Ontario Development Code.
3. 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).
4. Interior/exterior tables and chairs shall not be removed or rearranged to increase occupancy.
5. All entertainment will stop fifteen (15) minutes prior to closing.
6. All entertainment noise will be in accordance with the Ontario Municipal Code Sections 5-29.03 through sections 5-29.05. If the City of Ontario or Ontario Police Department receives complaints regarding noise levels at the location, further noise requirements may be imposed at the discretion of the City of Ontario and/or Ontario Police Department.
7. The business shall not utilize promoters or allow "Flyer Parties".
8. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.
9. All business operations, including entertainment at the location must comply with all other ordinances and requirements, including occupancy level deemed by the fire department.

SECURITY CONDITIONS

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public

hearing process shall be conducted in accordance with the requirements of the City's development Code.

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

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning, or revocation of the permit. The Police Department may, at its sole discretion, request a revocation hearing if it determines that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

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

The Ontario Police Department will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

The Police Department will conduct a review six months after commencement of business to determine whether additional conditions will be needed or existing conditions revised.

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



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-006

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including license types 23, 74 and 6 for on-premise consumption along with brewing and distilling in conjunction with an a proposed restaurant comprised of 5,040 square feet of indoor area and a 1,300 square feet of patio area within an approximately 13 acre shopping center located at the 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan (APN(s): 210-531-10).

- 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.

ENG. Land Development
Department

Trevor Rivero
Signature

Administrative Intern - Engineering
Title

05/03/2023
Date



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-006

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including license types 23, 74 and 6 for on-premise consumption along with brewing and distilling in conjunction with an a proposed restaurant comprised of 5,040 square feet of indoor area and a 1,300 square feet of patio area within an approximately 13 acre shopping center located at the 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan (APN(s): 210-531-10).

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.

Nathan Pino



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-006 (1st Submittal) Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including license types 23, 74 and 6 for on-premise consumption along with brewing and distilling in conjunction with an a proposed restaurant comprised of 5,040 square feet of indoor area and a 1,300 square feet of patio area within an approximately 13 acre shopping center located at the 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan (APN(s): 210-531-10).

- 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.

OMUC Utilities Engineering

Peter Tran

Associate Engineer

05/16/2023

Department

Signature
ptran@ontarioca.gov

Title

Date
Item A - 29 of 34



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-006 Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including license types 23, 74 and 6 for on-premise consumption along with brewing and distilling in conjunction with an a proposed restaurant comprised of 5,040 square feet of indoor area and a 1,300 square feet of patio area within an approximately 13 acre shopping center located at the 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan (APN(s): 210-531-10).

- 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.

ENG/TRAFFIC
Department

Signature

ENG/ASST
Title

5/4/2023
Date



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: May 02, 2023

SUBJECT: FILE #: PCUP23-006 (1st Submittal) Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including license types 23, 74 and 6 for on-premise consumption along with brewing and distilling in conjunction with an a proposed restaurant comprised of 5,040 square feet of indoor area and a 1,300 square feet of patio area within an approximately 13 acre shopping center located at the 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan (APN(s): 210-531-10).

- 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.

OMUC Utilities Engineering

Peter Tran

Associate Engineer

05/16/2023

Department

Signature
ptran@ontarioca.gov

Title

Date
Item A - 31 of 34



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: May 25, 2023


SUBJECT: PCUP23-006 A Conditional Use Permit to establish alcoholic beverage sales, including license types 23, 74 and 6 for on-premise consumption along with brewing and distilling in conjunction with a proposed restaurant comprised of 5,040 square feet of indoor area and a 1,300 square feet of patio area within an approximately 13 acre shopping center located at 980 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay within the Ontario Center Specific Plan (APN(s): 210-531-10).

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

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

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

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

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

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

D.A.B. File No.: PCUP23-007	Related Files:	Case Planner: Jeanie Aguilo
--------------------------------	----------------	--------------------------------

Project Name and Location: Lewis Piemonte Land LLC 1156 N Mountain Avenue

Applicant/Representative: Dora Hadjis and Jon Hadjis doradahjis@oggis.com (949) 218-3963 1245 Puerta Del Sol San Clemente, CA 92672
--

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

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV21-013 & PCUP23-006

Address: SEC of Haven Ave and 4th Street

APN: Multiple parcels

Existing Land Use: Vacant

Proposed Land Use: Commercial Shopping Center - 6 buildings totaling 85,583 SF and CUP for Type 6, 23 and 74 ABC License for Left Coast Brewing Co.

Site Acreage: 13.46 Proposed Structure Height: 42 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: 9/11/2023

CD No.: 2021-022 Rev. 2

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 checked="" 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>70 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: _____



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

September 18, 2023

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-009

DESCRIPTION: A public hearing to establish a Conditional Use Permit for a Type 41 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer and wine within a proposed 2,864 square-foot restaurant (California Fish Grill) on 17.09 acres of land, at the southwest corner of Hamner Avenue and Ontario Ranch Road within Planning Area 8 (Regional Commercial) of the Rich Haven Specific Plan; (APN: 218-211-37) **submitted by California Fish Grill, LLC.**

PART 1: BACKGROUND & ANALYSIS

CALIFORNIA FISH GRILL, LLC, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-009, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 17.09 acres of land located at southwest corner of Hamner Avenue and Ontario Ranch Road, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Vacant	Mixed Use - Rich-Haven (MU-Rich-Haven) - 14.0 to 50.0 du/ac; 0.7 FAR office/retail	Rich-Haven Specific Plan	Planning Area 8 (Regional Commercial)
North:	Vacant	General Commercial (GC) - 0.40 FAR	Rich-Haven Specific Plan	Planning Area 6B (Regional Commercial)
South:	Vacant	Mixed Use - Rich-Haven (MU-Rich-Haven) - 14.0 to 50.0 du/ac; 0.7 FAR office/retail	Rich-Haven Specific Plan	Planning Area 10A (Stand Alone Residential Overlay & Regional Commercial)
East:	Commercial Development City of Eastvale	Commercial Retail	Goodman Commerce Center Specific Plan	PA-1 (Commercial Retail)
West:	Vacant	Mixed Use - Rich-Haven (MU-Rich-Haven) - 14.0 to 50.0 du/ac; 0.7 FAR office/retail	Rich-Haven Specific Plan	Planning Area 8A (Mixed Use Overlay)

Prepared: LM - 09/08/2023

Reviewed:

PROJECT ANALYSIS:

(1) Background — On January 18, 2023, the Development Advisory Board approved a Development Plan, File No. PDEV21-025 (Decision No. DAB23-003) to construct a commercial shopping center located at the Project site. The approved commercial shopping center includes one large multi-tenant building with six major tenants, two small multi-tenant buildings (Shops 1 and 2), and five building pads totaling 205,216 square feet (see Exhibit B—Site Plan, attached). The Project's construction drawings are currently being reviewed through the building plan check process and pending final permit approval.

On June 14, 2023, the Applicant submitted a Conditional Use Permit application requesting a Type 41 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer and wine within a 2,474 square-foot proposed restaurant (California Fish Grill) and 390 square-foot outdoor patio totaling 2,864 square feet.

(1) Proposed Use/Operation — California Fish Grill began operations in 1998 and has over 46 locations throughout California, Arizona, and Nevada. The fast casual chain restaurant specializes in providing sustainable sourced seafood that is wild-caught and farmed raised by following the Seafood Watch advisory list established by the Monterey Bay Aquarium. The majority of California Fish Grill locations currently serve beer and wine and within the State of California they have 48 active and 4 pending Type 41 ABC licenses.

California Fish Grill will be located within a multi-tenant building located on the northeast corner of the future commercial shopping center (see Exhibit B—Site Plan, attached). The restaurant's main entrance will be located on the west side of the building, facing the parking lot. The restaurant will utilize a floor plan layout typical of their other locations and require tenant improvements prior to operating the proposed use. The restaurant is divided into two general areas including the indoor and outdoor dining area occupying the western half of the suite and eastern half will consist of the order counter, kitchen, walk-in cooler, restrooms, office, storage, and other ancillary areas. The indoor seating capacity can accommodate 60 patrons and the outdoor dining patio area can accommodate 24 patrons (see Exhibit C—Floor Plan, attached).

The proposed business hours are 11:00 AM to 10:00 PM, Monday through Sunday, and are inclusive with serving alcohol. The restaurant will operate with approximately 25 employees, with approximately 5 employees per shift.

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

(3) ABC Concentration — The California Department of Alcoholic Beverage Control ("ABC") is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per census tract, based on its population. The Project site is located within Census Tract No. 19.06, which is not over-concentrated. Nine on-sale licenses are allowed within this tract, and currently there are three active on-sale licenses within the tract. The Police Department does not object to

allowing the proposed Type 41 ABC License, provided all City and State Department of Alcoholic Beverage Control rules, regulations, and conditions of approval are met and followed.

(4) Land Use Compatibility — Conditional Use Permit review is required to ensure compatibility of the proposed use with adjacent land uses by identifying potential nuisance activities and establishing measures for mitigation of identified nuisance activities. The Project site is located within a recently approved commercial shopping center, which will include a variety of retail, restaurant and personal care service uses designed to be conveniently accessible by foot to the nearby residential neighborhoods. The proposed Conditional Use Permit for the serving of alcoholic beverages in conjunction with a restaurant use is compatible with future neighboring uses and will provide an added convince for the restaurant's customers.

Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the future businesses within the approved shopping center will not be exposed to additional impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other restaurant use within a similar commercial shopping center.

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

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

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

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

PART 2: RECITALS

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

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that

categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

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

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

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

WHEREAS, on September 18, 2023, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

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

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in

the administrative record, including all written and oral evidence presented to the Zoning Administrator, the Zoning Administrator finds as follows:

(1) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes; and

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

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

SECTION 2: ONT ALUCP Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and Planning Area 8 (Regional Commercial) of the Rich-Haven 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 restaurant land use in conjunction with a Type 41 ABC license will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of Planning Area 8 (Regional Commercial) land use district of the Rich-Haven 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 restaurant land use in conjunction with a Type 41 ABC license will be located within the Mixed Use - Rich-Haven (MU Rich-Haven) land use district of the Policy Plan Land Use Map, and Planning Area 8 (Regional Commercial) land use district of the Rich-Haven 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 restaurant land use in conjunction with a Type 41 ABC license land use is located with the Mixed Use - Rich-Haven (MU Rich-Haven) land use district, and Planning Area 8 (Regional Commercial) land use district of the Rich-Haven 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 Rich-Haven 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 Rich-Haven 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.

SECTION 4: Zoning Administrator Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the Zoning Administrator hereby APPROVES the Application subject to each and every condition set forth in the Department reports included as "Attachment A" of this Decision, and incorporated herein by this reference.

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

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

APPROVED AND ADOPTED this 18th day of September 2023.

Kimberly Ruddins
Zoning Administrator

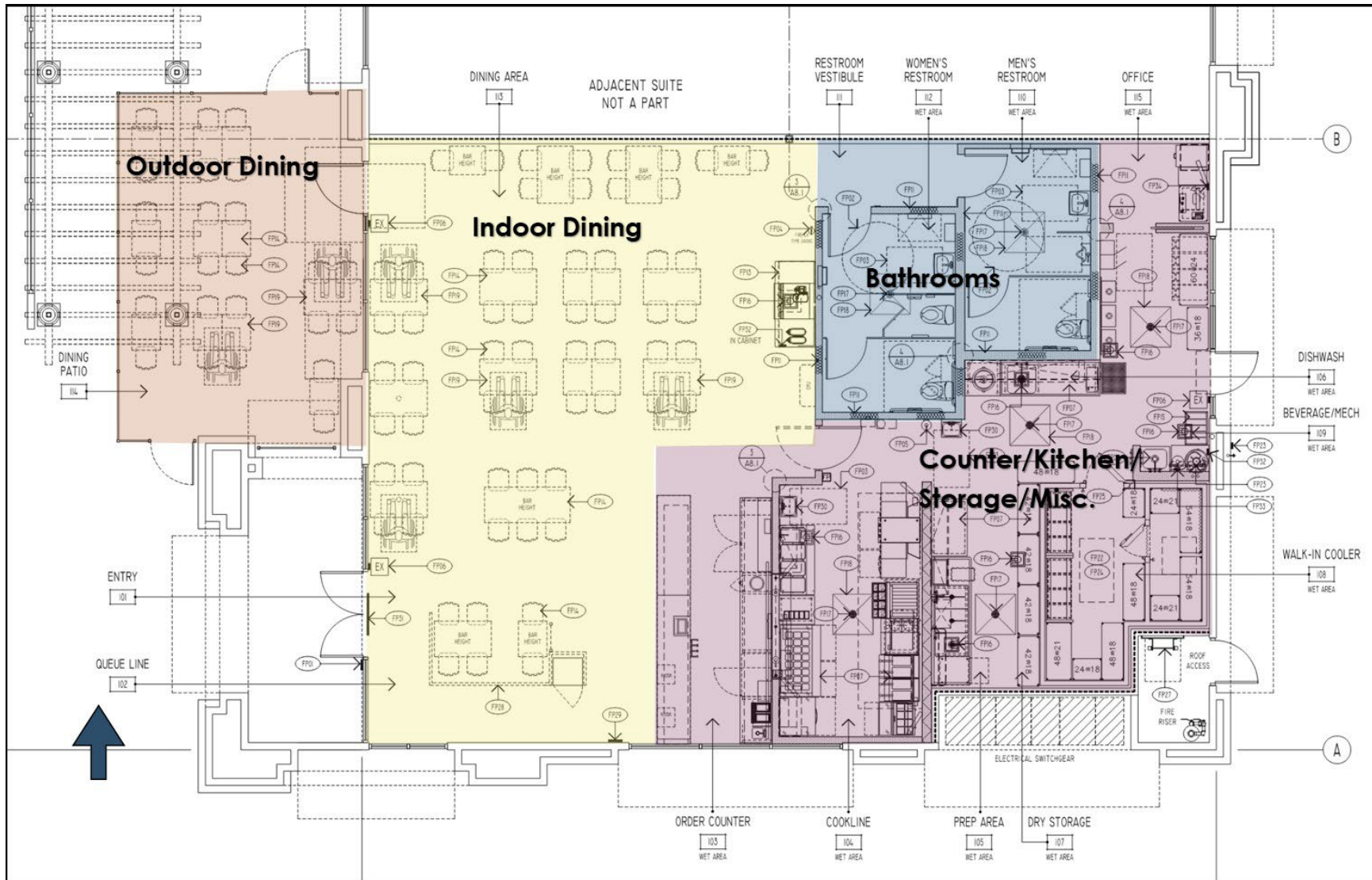
Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN



Exhibit C: FLOOR PLAN



Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 9/18/2023
File No: PCUP23-009
Related Files: PDEV21-025

Project Description: A public hearing to establish a Conditional Use Permit for a Type 41 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer and wine within a proposed 2,864 square-foot restaurant (California Fish Grill) on 17.09 acres of land, at the southwest corner of Hamner Avenue and Ontario Ranch Road within Planning Area 8 (Regional Commercial) of the Rich Haven Specific Plan; (APN: 218-211-37) **submitted by California Fish Grill, LLC.**

Prepared By: Lorena Mejia, Senior Planner
Phone: 909.395.2276 (direct)
Email: lmejia@ontarioca.gov

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

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

1.1 Time Limits.

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

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 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.

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

1.5 Signs.

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

1.6 Alcoholic Beverage Sales—General.

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

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

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

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be

placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

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

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

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

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

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

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

(k) Electronic arcade and amusement games shall be prohibited on-site, unless specifically permitted by the Police Department and shown on the approved site plan.

1.7 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 Environmental Requirements.

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

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

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

1.10 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). The filing of a NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

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

1.11 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 the retail sales of alcoholic beverages.

(c) The proposed patio fencing shall be a minimum of 3 feet high and architecturally compatible.



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: June 21, 2023

SUBJECT: FILE #: PCUP23-009 Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with a proposed 2,400 square-foot ' CALIFORNIA FISH GRILL' restaurant on 33.9 acres of land located at 4282 East Ontario Ranch Road, within the Planning Area 8A land use district of the Rich Haven Specific Plan (APN(s): 218-211-37). Related File(s): PMTT16-011; PDEV21-025.

- 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.

ENG. Land Development
Department

Trevor Rivero
Signature

Administrative Intern - Engineering
Title

07/11/2023
Date



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: June 21, 2023

SUBJECT: FILE #: PCUP23-009

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with a proposed 2,400 square-foot ' CALIFORNIA FISH GRILL ' restaurant on 33.9 acres of land located at 4282 East Ontario Ranch Road, within the Planning Area 8A land use district of the Rich Haven Specific Plan (APN(s): 218-211-37). Related File(s): PMTT16-011; PDEV21-025.

- 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.

env.eng
Department

Signature

Title

Date

Item B - 17 of 28



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: June 21, 2023

SUBJECT: FILE #: PCUP23-009 Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with a proposed 2,400 square-foot ' CALIFORNIA FISH GRILL' restaurant on 33.9 acres of land located at 4282 East Ontario Ranch Road, within the Planning Area 8A land use district of the Rich Haven Specific Plan (APN(s): 218-211-37). Related File(s): PMTT16-011; PDEV21-025.

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

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

The plan does not adequately address the departmental concerns.

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



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: June 21, 2023

SUBJECT: FILE #: PCUP23-009

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with a proposed 2,400 square-foot ' CALIFORNIA FISH GRILL' restaurant on 33.9 acres of land located at 4282 East Ontario Ranch Road, within the Planning Area 8A land use district of the Rich Haven Specific Plan (APN(s): 218-211-37). Related File(s): PMTT16-011; PDEV21-025.

- 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.

ENG/TRAF
Department

Signature

ENG ASST
Title

Date

7/11/2023

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP23-009

Address: SWC Hamner Avenue & Ontario Ranch Road

APN: 0218-211-25

Existing Land Use: Vacant

Proposed Land Use: A CUP for a Type 41 ABC license for California Fish Grill

Site Acreage: 17.13 Proposed Structure Height: 40 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 9/12/2023

CD No.: 2021-040 Rev. 2

PALU No.: n/a

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

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Lorena Mejia, Senior Planner

FROM: Jonathan Burnette, Police Officer / CET Unit

DATE: July 19, 2023

SUBJECT: FILE NO. PCUP23-009 – CALIFORNIA FISH GRILL
4282 E. ONTARIO RANCH RD, ONTARIO, CA 91761

This location has applied for an ABC Type 41 On-Sale Beer and Wine license for a Bona Fide Public Eating Place within Census Tract No. 19.06. According to the Department of Alcohol Beverage Control (ABC), nine (9) on-sale licenses are allowed within this tract, there are currently three (3). The Police Department does not object to allowing the license. It is recommended the applicant obtain the ABC license through the State ABC office prior to moving forward.

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

ABC CONDITIONS

1. Alcohol sales will be from 11:00 A.M. to 10:00 P.M., Sunday through Monday. Last call for alcohol shall be made no later than 45 minutes prior to closing, and not later than 09:15 P.M. All alcohol sales must cease 15 minutes prior to closing, and not later than 09:45 P.M. All alcohol must be removed from the tables/patrons at closing.
2. The restaurant will have no bar seating.
3. No sales of alcoholic beverages to minors.
4. No sales to obviously intoxicated patrons.
5. The business is required to have in place a driver's license and/or ID card reading device.
6. There will be no narcotic sales or usage on the premises at any time.

7. No self-serve alcohol displays or machines allowed.
8. No alcoholic beverages are to be sold or removed from the establishment for off-site consumption.
9. Alcohol consumption at the location will only be types of alcohol allowed in conjunction with the state issued ABC license type.
10. Distilled spirits are not allowed to be sold or consumed at the location.
11. Signs must be posted at all exits (including patio exits) stating no alcohol beyond this point.
12. 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.
13. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
14. 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.
15. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
16. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
17. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
18. Restrooms must be kept free of graffiti. Any damage to restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
19. The back door must be alarmed and closed at all times.
20. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to the Ontario Police Department CET unit prior to approval. As required by City of Ontario's Planning Department.
21. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than

72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

22. Emergency-only doors must be alarmed and closed at all times.
23. No pool tables will be allowed on the premises. No arcade games that may be associated with gambling (video poker, card games, etc.), will be allowed.
24. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
25. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
26. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6 CCR).
27. The applicant will be responsible for keeping the grounds of the business clean from debris.
28. Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP), which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the restaurant, a car show, or an OUTDOOR event with alcoholic beverages would be a special event, requiring a TUP.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.
29. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
30. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.

PATIO DINING CONDITIONS

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

ENTERTAINMENT CONDITIONS

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

SECURITY CONDITIONS

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the restaurant area. A minimum of one camera will record the parking lot (if applicable). A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 14 days and made available to the Ontario Police Department upon request.

PARKING LOT CONDITIONS

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

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

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning, or revocation of the permit. The Police Department may, at its sole discretion, request a revocation hearing if it determines that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

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

The Ontario Police Department will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

The Police Department will conduct a review six months after commencement of business to determine whether additional conditions will be needed or existing conditions revised.

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



CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Senior Planner
Planning Department

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

DATE: July 13, 2023

SUBJECT: PCUP23-009 A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with a proposed 2,400 square foot 'CALIFORNIA FISH GRILL' restaurant on 33.9 acres of land located at 4282 East Ontario Ranch Road, within the Planning Area 8A land use district of the Rich Haven Specific Plan (APN(s): 218-211-37). Related File(s): PMTT16-011; PDEV21-025.

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

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



CITY OF ONTARIO

MEMORANDUM

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

FROM: Lorena Mejia, Senior Planner

DATE: June 21, 2023

SUBJECT: FILE #: PCUP23-009

Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 beer and wine for on-premises consumption in conjunction with a proposed 2,400 square-foot ' CALIFORNIA FISH GRILL' restaurant on 33.9 acres of land located at 4282 East Ontario Ranch Road, within the Planning Area 8A land use district of the Rich Haven Specific Plan (APN(s): 218-211-37). Related File(s): PMTT16-011; PDEV21-025.

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

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

The plan does not adequately address the departmental concerns.

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

Landscape Planning Division

Sr. Landscape Architect

7/10/2023

Department

Signature

Title

Date
Item B - 28 of 28