



CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

November 20, 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. PCUP23-002:** A public hearing to consider Conditional Use Permit (File No. PCUP23-002) to establish alcoholic beverage sales, including a Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place License, for on-premises consumption in conjunction with an existing 2,120 square-foot restaurant and a 704 square-foot bar within an existing 426,406 square-foot retail furniture store on 16.34 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 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; (APNs: 0210-205-12 & 0210-205-13) **submitted by Mathis Management, Inc.**
- B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP23-010:** A public hearing to establish a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a 2,377 square-foot restaurant (Cheba Hut) and 814 square-foot outdoor patio, on 10.31 acres of land, located at 1900 East Inland Empire Boulevard, within the PA-2 (Urban Commercial) land use district of the Meredith International 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: 0110-311-64), **submitted by Tyrone Myles.**

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 **November 16, 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

November 20, 2023

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-002

DESCRIPTION: A public hearing to consider Conditional Use Permit (File No. PCUP23-002) to establish alcoholic beverage sales, including a Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place License, for on-premises consumption in conjunction with an existing 2,120 square-foot restaurant and a 704 square-foot bar within an existing 426,406 square-foot retail furniture store on 16.34 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APNs: 0210-205-12 & 0210-205-13); **submitted by Mathis Management, Inc.**

PART 1: BACKGROUND & ANALYSIS

MATHIS MANAGEMENT, INC., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-002, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 16.34 acres of land located at 4105 East Inland Empire Boulevard, 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:	Retail Furniture Store	Ontario Center Mixed Use (20.0 to 125.0 DU/AC)	Ontario Center Specific Plan	Garden Commercial
North:	Toyota Arena	Ontario Center Mixed Use (20.0 to 125.0 DU/AC)	Ontario Center Specific Plan	Mixed Use
South:	Used Car Dealership (CarMax)	Ontario Center Mixed Use (20.0 to 125.0 DU/AC)	Ontario Center Specific Plan	Garden Commercial

Prepared: JT 11-3-2023

Reviewed: KR 11-14-2023

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
East:	Office & Commercial	Ontario Center Mixed Use (20.0 to 125.0 DU/AC)	Ontario Center Specific Plan	Garden Commercial
West:	Open Space/Park	Ontario Center Mixed Use (20.0 to 125.0 DU/AC)	Ontario Center Specific Plan	Open Space

PROJECT ANALYSIS:

(1) Background — In February 2006, the Development Advisory Board approved the construction of a retail furniture store called Mathis Home on the Project site. In 2021, the Applicant submitted an interior Tenant Improvement to the Building Department to construct a restaurant with full kitchen on the first floor and a serving counter/bar on the second floor. The restaurant’s use would be an ancillary use to the retail furniture store.

On January 21, 2023, the Applicant submitted a Conditional Use Permit application requesting a Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place ABC License, for on-premises consumption in conjunction with the existing 2,120 square-foot restaurant and a 704 square-foot bar within the existing retail furniture store.

(2) Proposed Use/Operation — The Applicant is requesting approval of a Conditional Use Permit to establish alcoholic beverage sales within the existing 426,406 square-foot retail furniture store (see Exhibit B – Site Plan, attached). The Project proposes a Type 41 On-Sale Beer & Wine – Eating Place and a Type 47 On-Sale General – Eating Place ABC license. The Type 41 ABC license authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). With a Type 41 ABC license the existing restaurant must operate as a bona fide eating establishment, have a suitable kitchen facility, and must make actual and substantial sales of meals that are consumed on the premises. The Applicant has indicated that they will first be starting with a Type 41 ABC license and will eventually transition into the Type 47 ABC License, which authorizes the sale of beer, wine, and distilled spirits for on-premises consumption.

The current business hours for Mathis Home furniture store are Monday through Saturday from 10:00 AM to 8:00 PM and Sunday from 11:00 AM to 7:00 PM. Mathis Home operations include an existing restaurant called “Thirty Four Bistro” located on the 1st Floor which offers a full menu selection and the bar called “Bar & Bistro” located on the 2nd Floor currently serves menu items from the first floor (see Exhibit C – Floor Plan, attached). The hours of operation for the restaurant are Monday through Saturday from 9:00 AM to 7:00 PM and Sunday from 11:00 AM to 6:00 PM. The restaurant opens at 9:00 AM and serves breakfast to employees. The bar will be open Monday through Saturday from 11:00 AM to 7:00 PM and Sunday from 11:00 AM to 6:00 PM. Alcoholic beverages will be stored behind the existing service counter for the restaurant and the bar will have display

shelving and a lockable wine storage cabinet (see Exhibit D – Restaurant & Bar Elevations, attached).

The restaurant provides a full menu selection including salads, sandwiches, wraps, pizzas, burgers, side dishes, etc. (see Exhibit E – Thirty Four Bistro Menu). The alcoholic beverage sales will be ancillary to the restaurant's operations and will be sold during the restaurant's operating hours. The Applicant intends to emulate an "at home" experience by allowing customers to dine, stroll, and drink throughout the showroom. Store employees will be trained in coordination with ABC guidelines and will supervise the service and removal of alcoholic beverages and food throughout the public showroom. The restaurant and bar will have 10 employees on the largest shift with an average of 6 to 7 employees per shift. The Applicant has indicated that Mathis Home has approximately 104 employees that will monitor alcoholic beverage sale activity. There will also be 5 to 7 employees at the entrance/exit points of the building to ensure that no customer leaves the premises with alcoholic beverages.

Customers ordering alcoholic beverages will have their age verified and will be provided with a distinct wristband to indicate that they are 21 years old and older. The distinctive wristband will allow staff to easily identify the customers who are eligible to drink alcoholic beverages throughout the showroom. Alcoholic beverages will also be served in distinct glassware to be distinguishable from non-alcoholic beverages (see Exhibit F – Alcoholic Beverage Glassware & Wristband, attached).

The Ontario Police Department reviewed the request and provided standard conditions of approval to ensure that the business and operational characteristics do not have a detrimental effect on the public or to the surrounding businesses. The Ontario Police Department has added a Condition of Approval that limits the alcoholic beverage sales for the restaurant and bar from 10:00 AM to 8:00 PM with the last call for alcohol made by 7:15 PM and alcoholic sales ceased by 7:30 PM. The Ontario Police Department has also indicated that no alcoholic beverages are allowed in the clearance section of the first floor, located adjacent to the Thirty Four Bistro.

(3) Parking — The existing retail furniture store was constructed to meet the parking requirements for the Ontario Center Specific Plan. The existing furniture store requires a total of 730 parking spaces and 766 parking spaces are provided. No increase in square footage is proposed. Staff believes that the granting of the proposed Conditional Use Permit will not adversely affect the existing parking on-site, as the Applicant does not propose any expansion to the building footprint nor eliminate any existing parking spaces. The proposed alcoholic beverage sales will be ancillary to the existing restaurant use and will provide patrons with additional convenience.

(4) ABC License 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 21.09, which authorizes five (5) on-sale licenses.

There are currently 53 on-sale licenses; however, the majority of the on-sale licenses within this census tract are for eating establishments. There is currently an “over-concentration” of on-sale licenses within this census tract given that the Project site and the surrounding parcels are developed with commercial related uses, eating establishments, and restaurants. Ontario Development Code Section 5.03.025.F.3 grants the Approving Authority (Zoning Administrator) the authority to make a determination of Public Convenience or Necessity, allowing additional ABC licenses for on-premises alcoholic beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses, if the following finding is met:

- *Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant.* The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent land uses by identifying potential nuisance activities and establishing appropriate measures for mitigation accordingly. The Project site is surrounded by commercial related development, which includes the Toyota Arena and a variety of retail and restaurant related uses designed to be conveniently accessible to the surrounding residential neighborhoods. The proposed Conditional Use Permit will be selling alcoholic beverages in conjunction with an existing restaurant (Thirty Four Bistro) and within an existing bar (Bar & Bistro). Additionally, the businesses within the nearby shopping center will not be exposed to any impacts resulting from alcoholic beverage sales or noise. The proposed sale of alcoholic beverages will be ancillary to the existing restaurant located on the subject property. The proposed alcoholic beverage sales area is less than one percent of the total floor area of the tenant space and the associated Conditions of Approval will ensure that the proposed use does not have determinantal effect on the surrounding commercial businesses.

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 1, 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 November 20, 2023, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any 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 accordance with the objectives and purposes of the City of Ontario Development Code and the Garden Commercial land use district of the Ontario Center Specific Plan, and the scale and intensity of land uses intended for the land use district in which the use is proposed to be located. Furthermore, the proposed retail furniture store with an ancillary restaurant and bar in conjunction with a Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place ABC License will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Garden Commercial land use district of the Ontario Center Specific Plan; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The existing retail furniture store with an ancillary restaurant and bar land use in conjunction with the proposed Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place ABC License will be located within the Ontario Center Mixed Use land use district of the Policy Plan Land Use Map, and the Garden Commercial land use district of the Ontario Center Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan 2050; 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 existing retail furniture store with an ancillary restaurant and bar land use in conjunction with the proposed Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place ABC License is located within the Ontario Center Mixed Use land use district, and the Garden Commercial land use district of the Ontario Center Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Center Specific Plan; and

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

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

- *Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant. The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases.* The Project site is an existing retail furniture store with an existing 2,120 square-foot restaurant and a 704 square-foot bar area. The sale of alcoholic beverages in conjunction with the bona fide eating establishment will provide an added convenience to business patrons.

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 20th day of November 2023.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

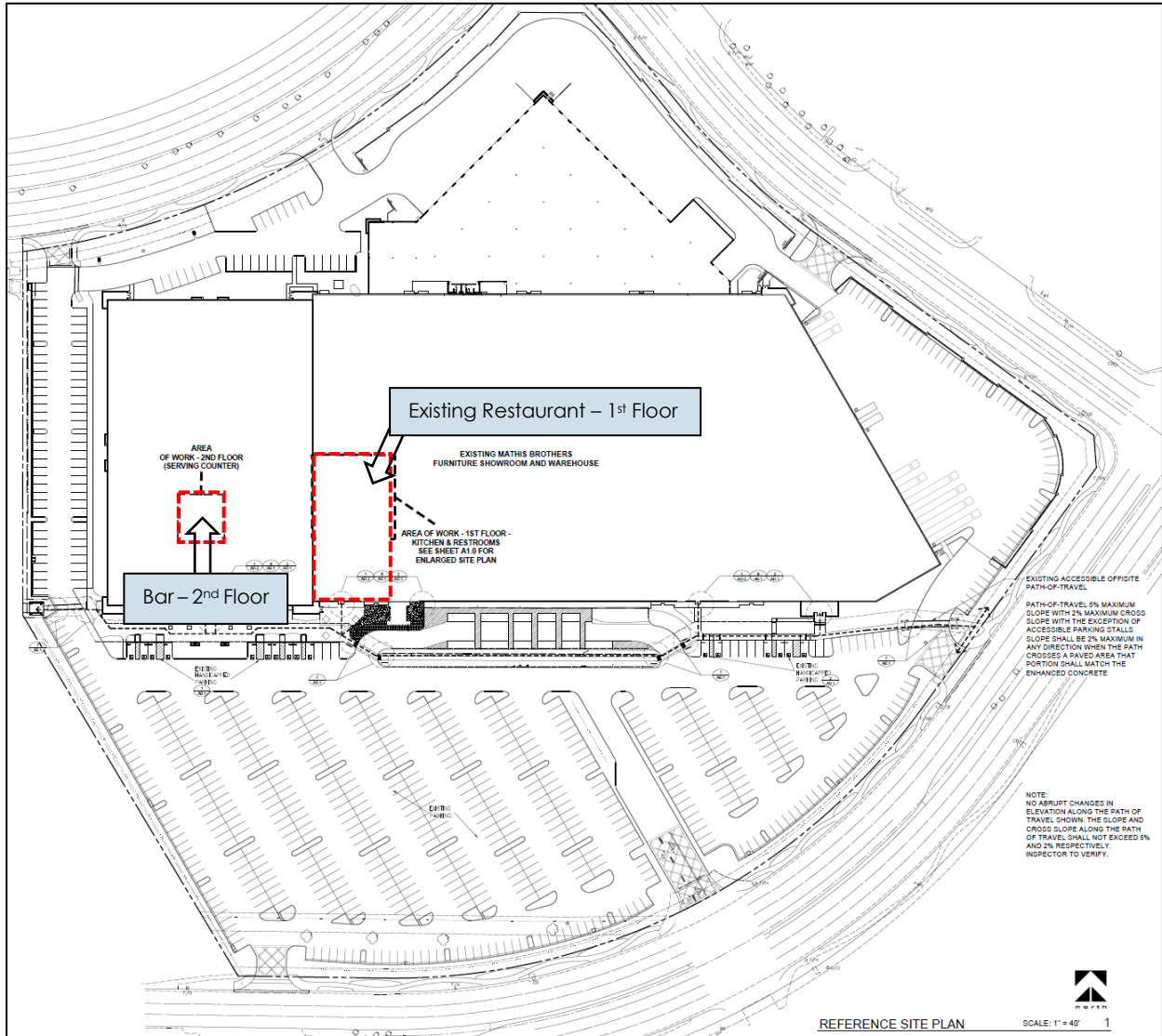


Exhibit C: FLOOR PLAN

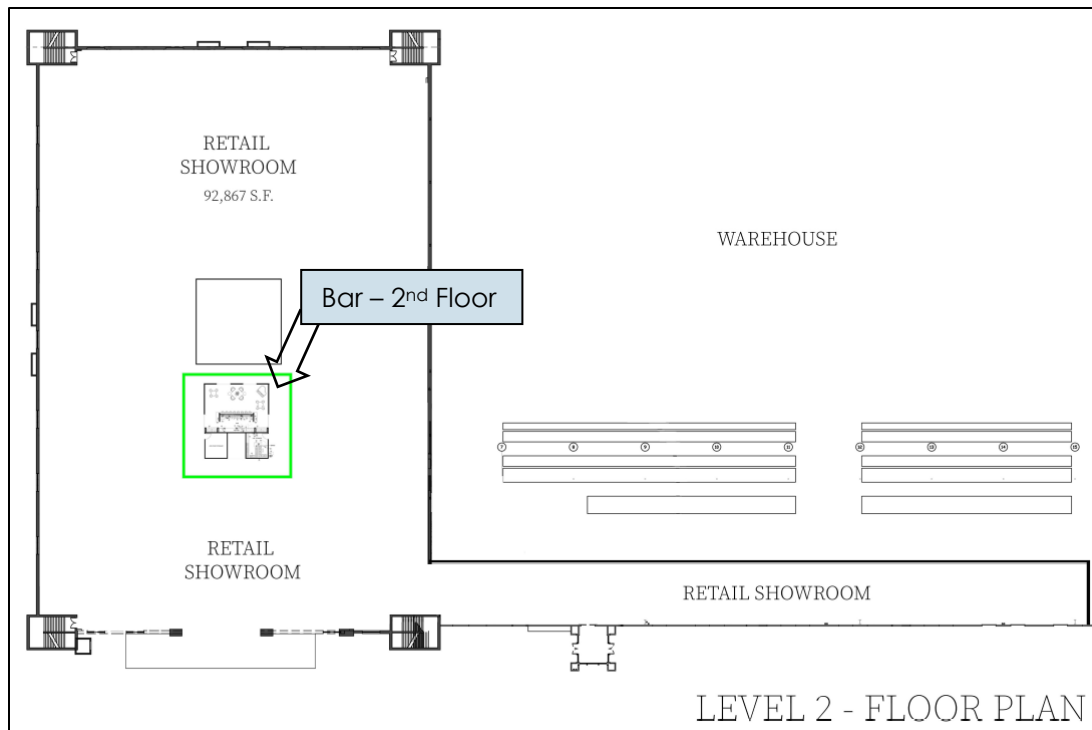
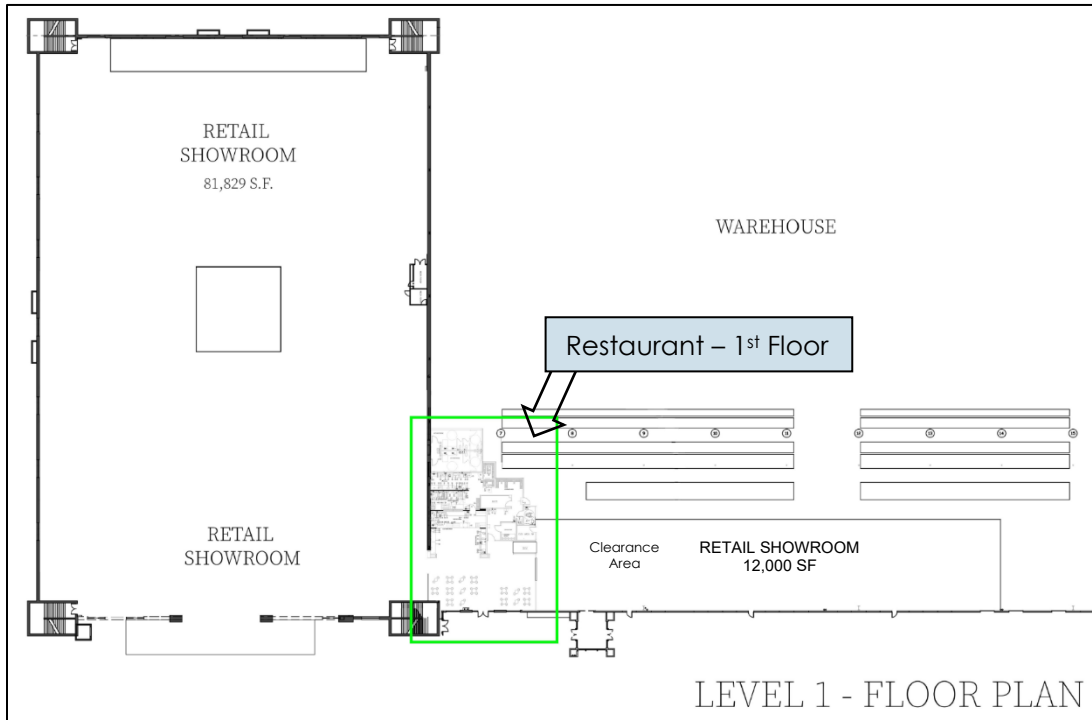
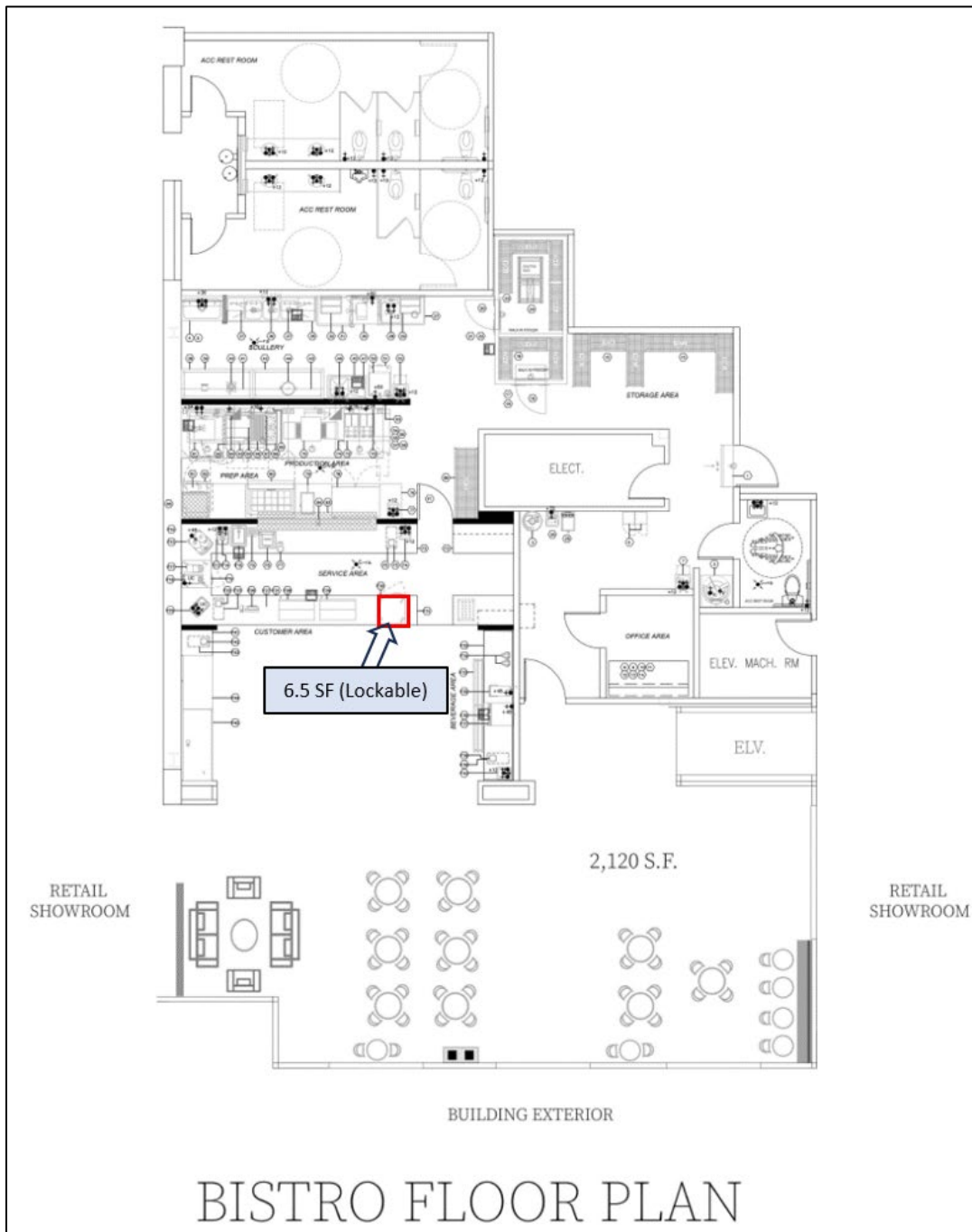


Exhibit C: FLOOR PLAN



BISTRO FLOOR PLAN

Restaurant (Enlarged) – 1st Floor
Alcohol Storage Locations

Exhibit C: FLOOR PLAN

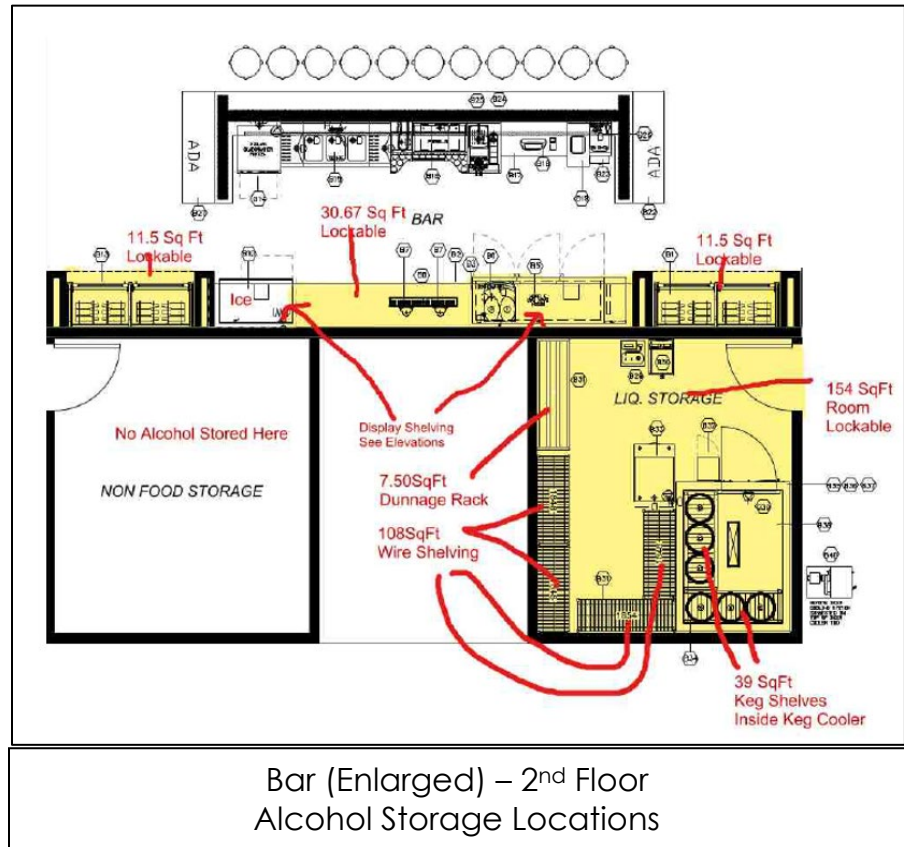
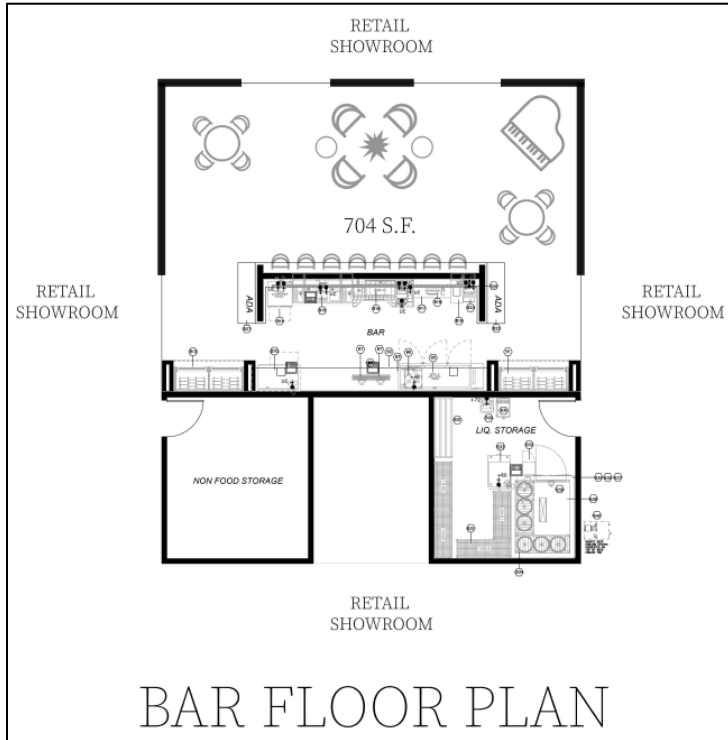


Exhibit D: RESTAURANT & BAR ELEVATIONS

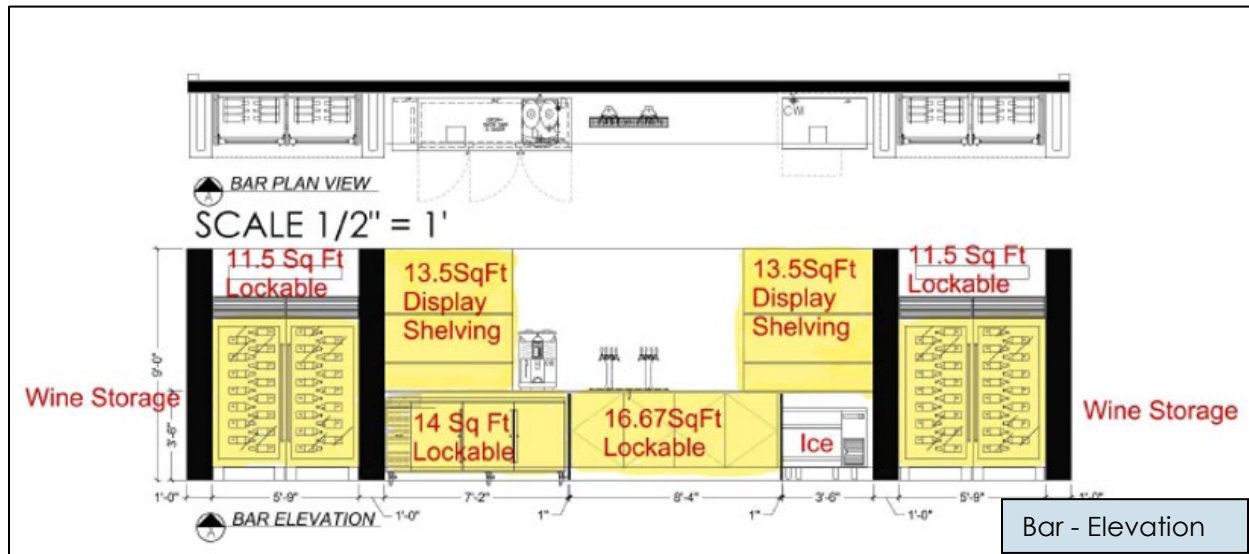
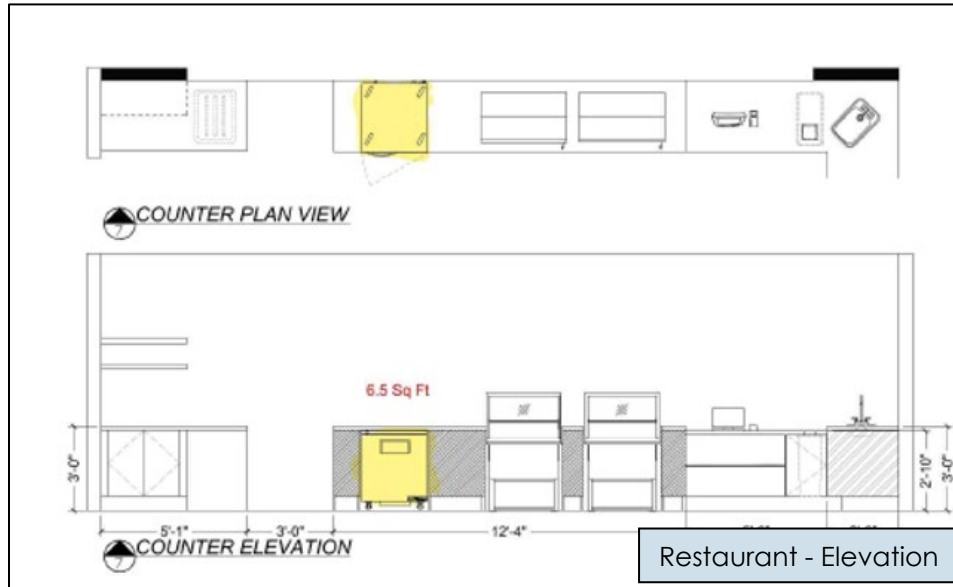


Exhibit E: THIRTY FOUR BISTRO MENU

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> THIRTY FOUR BISTRO </div>			
SALADS		PIZZA BOARD	
CHOP HOUSE	\$6	HAWAIIAN	\$7
Romaine Lettuce, Tomatoes, Cucumbers, Bacon, Cheese		Ham, Marinara, Mozzarella, Pineapple	
CHICKEN CAESAR	\$7	THREE MEAT	\$8
Romaine Lettuce, Chicken, Parmesan Cheese, Croutons		Pepperoni, Sausage, Ham	
MANDARIN CHICKEN	\$7	CHICKEN ALFREDO	\$8
Romaine Lettuce, Chicken, Mandarin Oranges, Asian Dressing		Chicken, Alfredo Sauce, Provolone, Mozzarella	
STRAWBERRY	\$7	BUFFALO CHICKEN	\$8
Spring Mix, Red Cabbage, Carrots, Strawberries, Sunflower Seeds, Smoked Gouda, Strawberry Balsamic Vinaigrette		Chicken, Buffalo Marinara Sauce, Bacon, Red Peppers, Onion	
ADD CHICKEN +\$2		SUPREME	\$9
KALE CHICKEN SALAD	\$8	Chicken, Sausage, Bacon, Red Onions, Olives, Pepperoncini	
Chopped Kale, Chicken Salad, Apples, Pecans, Almonds, Dried Cranberries		PROTEINS	
SANDWICHES & WRAPS		GRILLED PORK CHOP	\$5
BLT <i>with</i> SWISS CHEESE	\$5	GRILLED CHICKEN SOFT TACOS (2)	\$5
CHICKEN SALAD	\$6	GRILLED CHICKEN	\$6
Chicken Salad with Lettuce, Tomato		GRILLED SIRLOIN	\$10
CALIFORNIA CLUB	\$6	GRILLED SALMON	\$11
Turkey, Ham, Bacon, Lettuce, Tomato, Avocado, American Cheese		SIDES	
MATHIS SPECIAL	\$6	ROASTED SWEET POTATO WEDGES	\$2
Turkey, Swiss, Lettuce, Tomato, Mayo		SAUTÉED MIXED VEGETABLES	\$2
ITALIAN	\$7	SIDE SALAD	\$2
Ham, Salami, Pepperoni, Lettuce, Tomato, Mayo, Olives, Pepperoncini, Provolone, Parmesan Cheese		SEASONED FRIES	\$2
FRIED FISH SANDWICH	\$7	SWEET POTATO FRIES	\$2
Cheese, Lettuce, Tomato, Red Onions, with a Side of Tartar Sauce		RICE	\$2
CHICKEN	\$7	ROASTED POTATO WEDGES	\$2
Grilled or Fried Chicken With Bacon, Lettuce, Tomato, Onions, Swiss Cheese, Mayo		BAKED POTATO	\$2/\$3
CLASSICS		SAUTÉED KALE, CARROTS, CRANBERRIES	\$3
NATHAN'S HOT DOG	\$4	GRILLED BROCCOLINI	\$3
ADD CHILI & CHEESE +\$1		SAUTÉED GREEN BEANS	\$3
CHICKEN QUESADILLA	\$6	HOME MADE TORTILLA CHIPS & QUESO	\$3.5
Sour Cream, Chips & Salsa		KALE SIDE SALAD	\$4
CHICKEN NACHOS	\$7	all sides are available à la carte and with sandwiches	
BLACK BEAN	\$7		
CHEESEBURGER & SIDE	\$7		
Lettuce, Tomato, Pickles, Onion			
CHICKEN TENDERS & FRIES	\$7		
CHEESEBURGER & FRIES	\$8		
Lettuce, Tomato, Pickles, Onions			

Exhibit F: GLASSWARE & WRISTBAND



Exhibit G: SITE PHOTOS



Restaurant - Thirty Four Bistro

Exhibit G: SITE PHOTOS



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: 11/7/2023

File No: PCUP23-002

Related Files: N/A

Project Description: A public hearing to consider Conditional Use Permit (File No. PCUP23-002) to establish alcoholic beverage sales, including a Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place License, for on-premises consumption in conjunction with an existing 2,120 square-foot restaurant and a 704 square-foot bar within an existing 426,406 square-foot retail furniture store on 16.34 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APNs: 0210-205-12 & 0210-205-13); **submitted by Mathis Management, Inc.**

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

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

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

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 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.

1.4 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).

1.5 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.

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

1.7 Signs.

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

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

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

(k) All employees engaged in the sale or distribution of alcoholic beverages shall be 21 years of age or older.

(l) Signs shall be posted at the main entrance/exit doors stating no alcohol is allowed outside the business.

1.10 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 restaurant's 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.

1.11 Environmental Requirements.

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

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

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

1.12 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.

1.13 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.

1.14 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 retail sales of alcoholic beverages.

(c) A copy of the conditions of approval and the ABC license shall be required to be kept on the premises of the establishment and presented to any law enforcement officer or authorized state or city official upon request.

(d) The operation shall at all times be conducted in a manner not detrimental to surrounding properties or businesses as a result of noise, parking, or other activities.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Jocelyn Torres, Associate Planner

FROM: Thomas Cho, Police Officer, Alcohol Enforcement

DATE: February 22, 2023

SUBJECT: FILE NO. PCUP23-002 – MATHIS
4105 Inland Empire Boulevard, ONTARIO, CA 91764

Mathis Management, Inc. dba Mathis Management Services has applied for a type 47 On-Sale General Liquor License for a Bona Fide Public Eating Place and a type 41 On-Sale beer and wine eating place, located within Census Tract 21.09. According to the Department of Alcohol Beverage Control (ABC), five (5) on-sale licenses are allowed within this tract, and there are currently forty-two (42) in this census tract. The census tract is currently over-concentrated and based on public convenience/necessity survey, the applicant may be required to provide additional information to ABC. The Police Department neither approves nor denies conditional use permits. On approval by the planning department, the location must follow all Department of Alcohol Beverage Control rules and conditions. In addition to any State ABC office conditions, 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 08:00 P.M. seven days a week. Last call for alcohol shall be made by 07:15 P.M. and alcohol sales must cease by 07:30 P.M. All alcohol shall be removed from the tables/patrons at 08:00 P.M.
2. At least 51% of sales at the establishment shall be food based on Types 41 & 47 ABC license.
3. No sales of alcoholic beverages to minors.
4. The seating at the interior bar area not to be altered in any way to increase seating. Number of seats to remain as indicated on the plan that was submitted.
5. No sales to obviously intoxicated patrons.

6. No alcoholic beverages allowed in the clearance section of the business, located adjacent to the thirty-four bar & bistro.
7. The business is required to have in place a driver's license and/or ID card reading device.
8. No drug paraphernalia to be sold at any time.
9. There will be no narcotic sales or usage on the premises at any time.
10. No outside alcoholic beverages allowed at any time.
11. The practice known as "Bottle Service" will not be allowed.
12. No self-serve alcohol displays allowed.
13. No Off sale of any alcoholic beverages will be allowed, and the licensee must have an employee and or a security guard at the entrance & exits of the premise. The constant monitoring of alcoholic beverages from leaving and entering the location is required.
14. Exterior signs must be posted at all entrances to the main showroom, stating no outside alcoholic beverages are allowed inside. Interior signs must be posted at all exits, stating no alcoholic beverages beyond this point.
15. Alcoholic beverages shall be sold and served in containers that are distinctive in design and color that is easily distinguishable from containers used in the service of non-alcoholic beverages. Alcoholic beverages shall not exceed 16 ounces and must not be served in the manufacturers original bottle(s) or can(s).
16. The business shall sell alcoholic beverages only to persons who have obtained a non-removeable bracelet or wristband identifying the individual as being 21 years of age or older.
17. No more than two (2) containers of alcoholic beverages shall be sold to a patron during any transaction.
18. No more than 25% of window space may be used for advertisements. If advertisements are placed on the windows, they must be below two feet on the window and/or above 6 feet on the window to allow clear visibility into and out from the business.
19. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
20. Employees engaged in alcohol preparation and service shall be at least 21 years of age.
21. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service (RBS) class, which has been approved by the Ontario Police Department. This is required within six months of this

dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.

22. 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).
23. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
24. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
25. 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.
26. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to the Ontario Police Department CET unit prior to approval. As required by City of Ontario's Planning Department.
27. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
28. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
29. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee as depicted on the most recently certified ABC-257 and ABC-253.
30. The applicant will be responsible for keeping the grounds of the business clean from debris.
31. No entertainment of any kind will be allowed without the submission and approval of a Temporary Use Permit (TUP).

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.

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

PATIO DINING CONDITIONS

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

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 and bar areas. A minimum of one camera will record the parking lot (if applicable). Each point-of-sale register should be monitored by a surveillance camera. 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 set for each camera should be able 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 Cho or Officer Burnette if you have any questions regarding this matter at (909) 408-1671 or (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: Jocelyn Torres, Associate Planner

DATE: February 01, 2023

SUBJECT: FILE #: PCUP23-002 Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including a Type 41 On-Sale Beer and Wine and a Type 47 On-Sale General Eating Place License for on-premise consumption in conjunction with a proposed restaurant and bar to be located within an existing 648,608 square foot retail furniture store on 16.34 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN(s): 210-205-12).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply

- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

ENG. Land Development *Trevor Rivero* Administrative Intern - Engineering 02/24/2023
Department Signature Title Date



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jocelyn Torres, Associate Planner

DATE: February 01, 2023

SUBJECT: FILE #: PCUP23-002

Finance Acct#:

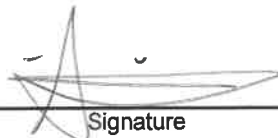
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ENG/TRAF
Department


Signature

ENG ASST.
Title

2/17/2023
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)
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Lorena Mejia, Airport Planning
Olivia ~~Jeff Fang~~, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jocelyn Torres, Associate Planner

DATE: February 01, 2023

SUBJECT: FILE #: PCUP23-002

Finance Acct#:

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env.eng
Department

Olivia Carl
Signature

eng asst
Title

2-24-23
Date

From: [Carolina Rodriguez](#)
To: [Jocelyn Torres](#); [Trevor A. Rivero](#)
Cc: [Raymond Lee](#); [Peter Tuan M. Tran](#)
Subject: PCUP23-002 - DPR1 – Mathis Home 4105 E Inland Empire Blvd - (#9031)
Date: Monday, February 27, 2023 9:29:37 AM

Jocelyn & Trevor,

Regarding: PCUP23-002 - DPR1 – Mathis Home 4105 E Inland Empire Blvd - (#9031)

We have no comments at this moment.

NOTE: This submittal is READY to be recommended for approval by the Ontario Municipal Utilities Company (OMUC) – Utilities Engineering.

Please let me know if you have any questions. Thank you,

Carolina Rodriguez

Engineering Intern

Ontario Municipal Utilities Company

1425 S Bon View Ave

Ontario, CA 91761

(909) 395-2603 | carolinarodriguez@ontarioca.gov





CITY OF ONTARIO

MEMORANDUM

TO: Jocelyn Torres, Associate Planner
Planning Department

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

DATE: February 15, 2023

SUBJECT: PCUP23-002 A Conditional Use Permit to establish alcoholic beverage sales, including a Type 41 On-Sale Beer and Wine and Type 47 On-Sale General Eating Place License for on-premise consumption in conjunction with a proposed restaurant and bar to be located within an existing 648,608 square foot retail furniture store on 16.34 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN(s): 210-205-12).

-
- 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: Jocelyn Torres, Associate Planner

DATE: February 01, 2023

SUBJECT: FILE #: PCUP23-002 Finance Acct#:

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

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

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

The plan does not adequately address the departmental concerns.

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

Landscape Planning Division
Department


Signature

Associate Landscape Planner
Title

02/28/2023
Date

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

CONDITIONS OF CORRECTIONS

Sign Off

	02/28/2023
Ricardo Diaz Gutierrez, Associate Landscape Planner	Date

Reviewer's Name: Ricardo Diaz, Associate Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PCUP23-002	Related Files:	Case Planner: Jocelyn Torres
--------------------------------	----------------	---------------------------------

Project Name and Location:
 ABC License for Mathis Brothers
 4105 E Inland Empire

Applicant/Representative:
 Mathis Properties Calif. LLC, Sissy Holloway, sholloway@mathisbrothers.com, (405) 943-1331
 3434 W. Reno
 Oklahoma City, OK 73107

<input checked="" type="checkbox"/>	A site plan (02/01/23) 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.

1. Note landscapes shall be maintained by the property management association or maintenance personnel.
2. Repair or replace broken or leaking irrigation components.
3. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
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Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jocelyn Torres, Associate Planner

DATE: February 01, 2023

SUBJECT: FILE #: PCUP23-002 Finance Acct#:

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 - Standard Conditions of Approval apply

- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Community Improvement
Department


Signature

Comm Imp Supervisor
Title

2/23/23
Date



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

November 20, 2023

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-010

DESCRIPTION: A public hearing to establish a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a 2,377 square-foot restaurant (Cheba Hut) and 814 square-foot outdoor patio, on 10.31 acres of land, located at 1900 East Inland Empire Boulevard, within the PA-2 (Urban Commercial) land use district of the Meredith International Centre Specific Plan; (APN: 0110-311-64); **submitted by Tyrone Myles.**

PART 1: BACKGROUND & ANALYSIS

TYRONE MYLES, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-010, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 10.31 acres of land located at 1900 Inland Empire Boulevard, Unit A, 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:	Vineyards at Ontario	MU – Meredith (Mixed-Use Meredith)	Meredith International Centre Specific Plan	PA2 - Urban Commercial
North:	Warehouse	IND (Industrial)	Meredith International Centre Specific Plan	PA1 - Industrial
South:	Interstate 10 Freeway	Interstate 10 Freeway	Interstate 10 Freeway	N/A
East:	Multiple-Family Residential (Vineyards at Ontario)	MU – Meredith (Mixed-Use Meredith)	Meredith International Centre Specific Plan	PA2 - Urban Commercial

Prepared: DP/JA 10/31/23

Reviewed: KR 11/15/2023

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
West:	Single-Family and Multiple Family Residential	LDR (Low Density Residential – 2.1 - 5 DU/AC) and MDR (Medium Density Residential – 11.1 – 25 DU/AC)	LDR-5 (Low Density Residential – 2.1- 5.0 DUs/acre) and MDR-18 (Medium Density Residential – 11.1 – 18 DU/AC)	N/A

PROJECT ANALYSIS:

(1) Background— On November 26, 2019, the Planning Commission approved a Development Plan, File No. PDEV19-025 (Resolution No. PC19-095) to construct a mixed-use development project consisting of 925 multiple-family dwellings and 5,000 square-foot of commercial space (The Vineyards at Ontario) which is currently under construction.

On July 28, 2023, the Applicant submitted a Conditional Use Permit application requesting a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a 2,377 square-foot restaurant (Cheba Hut) and 814 square-foot outdoor patio. Cheba Hut began operations in 1998 and has over 54 locations across 15 states. The fast-food casual chain restaurant specializes in providing over 30 signature sub sandwiches, a variety of salads, and complementary side dishes and desserts.

(2) Proposed Use/Operation — Cheba Hut will be located within “The Vineyards at Ontario,” a mixed-use development consisting of two multiple-family podium-style apartment buildings (Building A and B) totaling 925 units with 5,000 square feet of commercial space. The site is accessed from Inland Empire Boulevard via a 50 foot wide driveway that leads to the main drive aisle centrally located between Building A (occupies the eastern half of the site) and Building B (occupies the western half of the site). Building B will provide two commercial tenant spaces on the 1st floor totaling 5,000 square feet located along the eastern elevation of the building. The site also includes a parking lot located adjacent to and east of Building B for patrons of the commercial uses.

Cheba Hut will occupy 2,377 square feet of commercial space located on the northeast corner of Building B. The main entrance to the restaurant is located on the northeast corner of the building, facing Inland Empire Boulevard. The 814 square-foot outdoor patio will be located on the north elevation, west of the main building entrance. 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 seven general areas that include: indoor dining area, outdoor dining area, bar area, order counter, kitchen, walk-in cooler, and restrooms. The indoor seating capacity can accommodate 50 patrons and the outdoor dining patio area can accommodate 24 patrons (see Exhibit C: Floor Plan, attached).

The proposed business hours are 9:00 AM to 11:00 PM, Sunday through Thursday, and 9:00 AM to 1:00 AM, Friday and Saturday. These hours are inclusive of serving alcohol. The restaurant will operate with approximately 7 to 10 employees per shift, for a total of 30 employees.

(3) Parking— The Vineyards at Ontario mixed-use development was required to provide a total of 1,894 parking spaces, and a total of 1,909 parking spaces were provided, exceeding the minimum off-street parking requirements for the overall development. The parking lot located adjacent to the commercial uses contains 29 parking spaces providing sufficient parking for the patrons of the commercial uses. The Applicant does not propose the expansion of the existing building facility, nor include the elimination of any parking stalls, consistent with the approved Development Plan (File No. PDEV19-025). 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. The proposed alcoholic beverage sales will be ancillary to the restaurant use and will provide the public an additional convenience by offering another dining option for the adjacent residential and commercial land uses.

(4) ABC Concentration— The California Department of Alcoholic Beverage Control ("ABC") is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per census tract, based on its population. The Project site is located within Census Tract No. 13.12, which is not over-concentrated. Four 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 47 ABC License, provided all City and State Department of Alcoholic Beverage Control rules, regulations, and conditions of approval are met and followed.

(5) 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 an approved mixed-use development consisting of multiple-family residential apartments and a retail component designed to be conveniently accessible by foot for the residents and adjacent commercial land uses. The proposed Conditional Use Permit for the serving of alcoholic beverages in conjunction with a restaurant is compatible with future neighboring uses and will provide an added convenience for the restaurant's customers.

Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the future businesses within the approved mixed-use development 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 November 20, 2023, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Diana Prado, Administrative Intern, 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 is 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 Meredith International Centre 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 47 ABC license will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the PA-2 (Urban Commercial) land use district of the Meredith International Centre 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 47 ABC license land use will be located within the Mixed-Use Meredith land use district of the Policy Plan Land Use Map, and PA-2 (Urban Commercial) land use district of the Meredith International Centre 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 47 ABC license land use is located with the Mixed-Use Meredith land use district, and the PA-2 (Urban Commercial) land use district of the Meredith International Centre 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 Meredith International Centre 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 Meredith International Centre 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 20th day of November, 2023.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

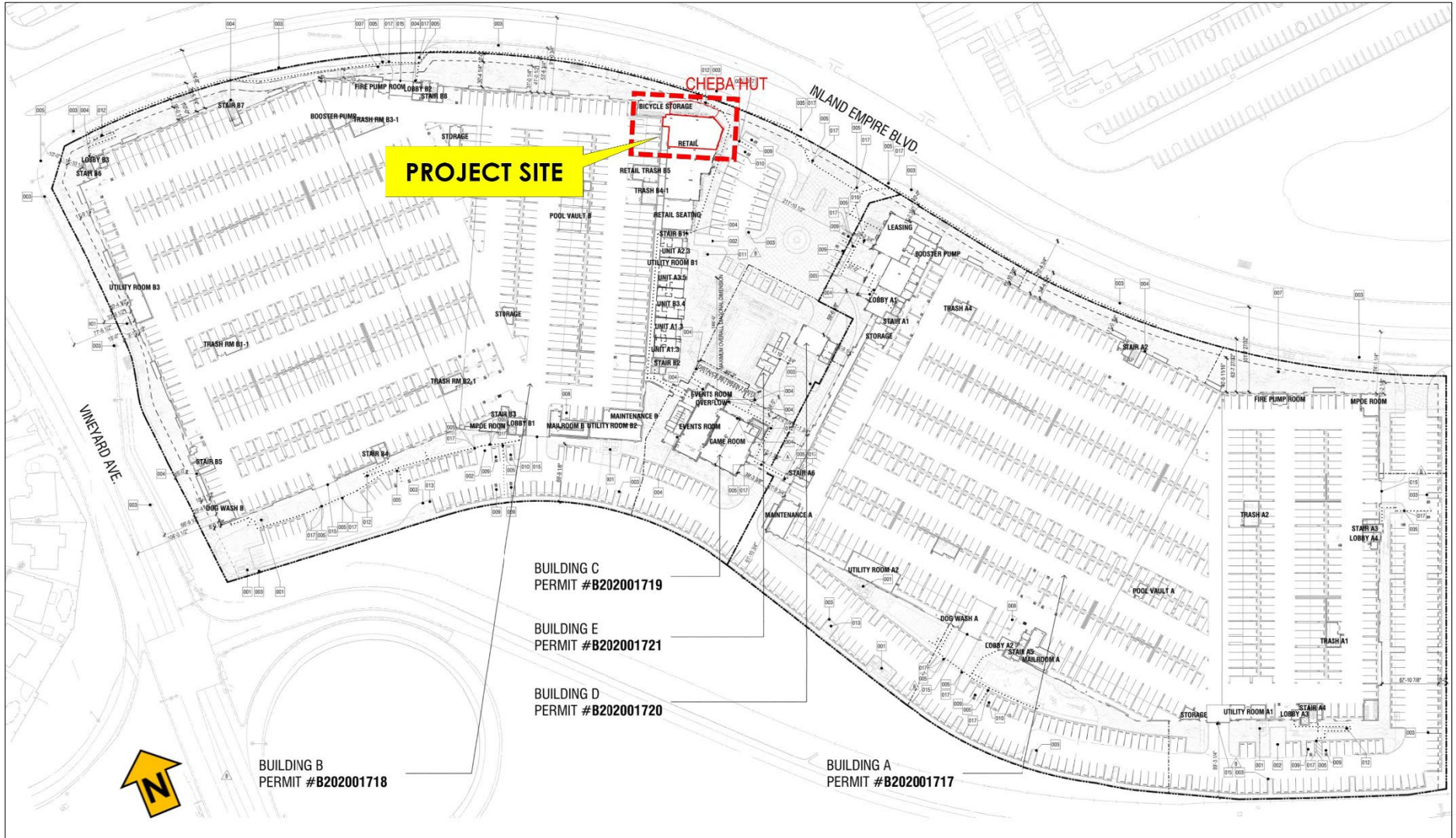


Exhibit C: FLOOR PLAN

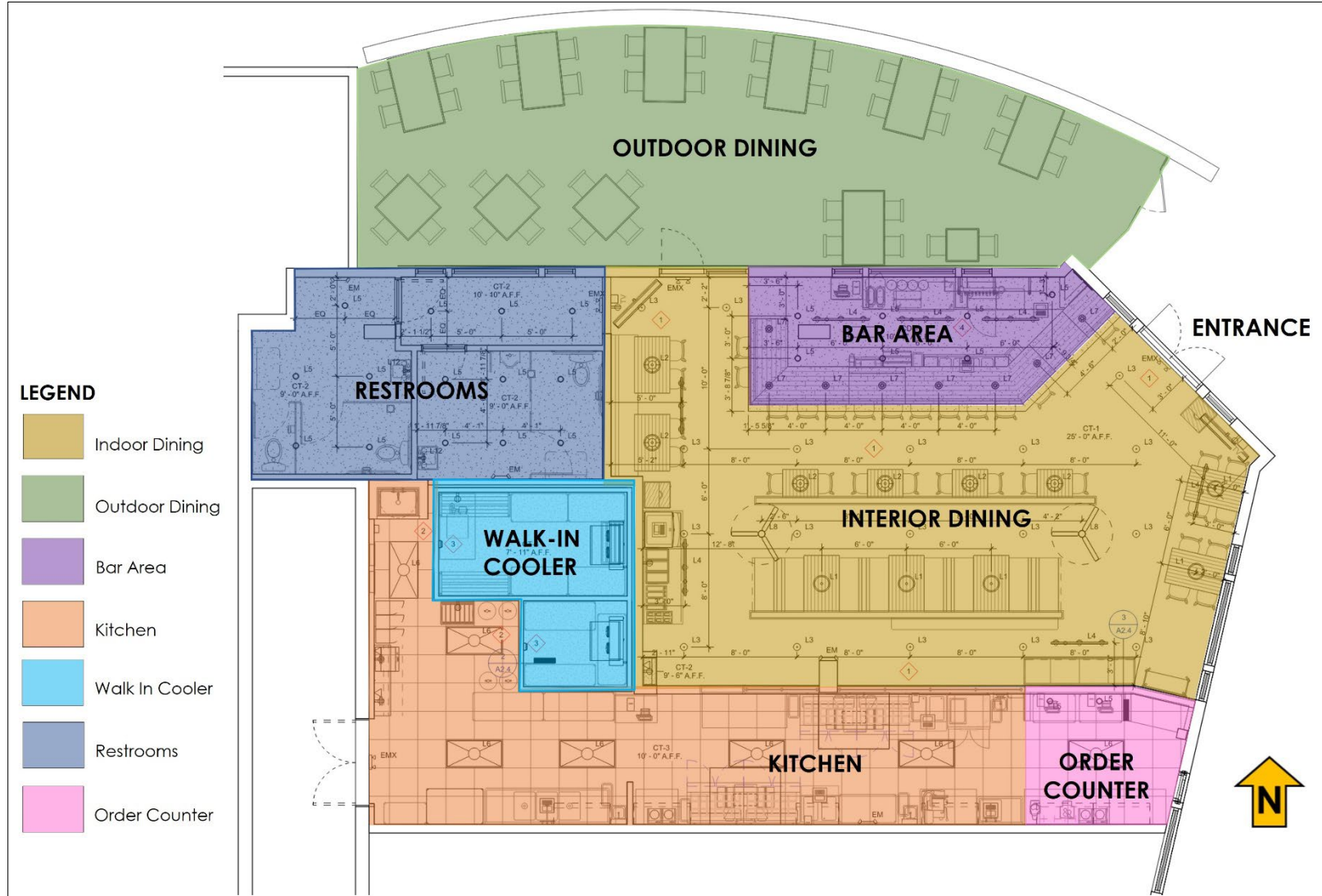


Exhibit D: ILLUSTRATIVE RENDERING



Conceptual rendering of the northeast corner of Building B facing Inland Empire Boulevard.

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: 11/13/2023

File No: PCUP23-010

Related File: PDEV19-025

Project Description: A Conditional Use Permit to establish a Type 47 ABC license (On-Sale General) for the on-premises consumption of alcoholic beverages, including beer, wine, and distilled spirits, within a 2,377 square-foot restaurant (Cheba Hut) and 814 square-foot outdoor patio, on 10.31 acres of land, located at 1900 East Inland Empire Boulevard, within the PA-2 (Urban Commercial) land use district of the Meredith International Center Specific Plan; (APN: 0110-311-64); **submitted by Tyrone Myles.**

Prepared By: Jeanie Irene Aguilo, Associate Planner / Diana Prado, Administrative Intern
Phone: 909.395.2418 (direct) / 909.395.2143 (direct)
Email: jaguilo@ontarioca.gov / dprado@ontarioca.gov

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

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

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

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

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

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape

and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

2.3 Landscaping.

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

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

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

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

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

2.5 Parking, Circulation and Access.

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

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

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

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

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

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

2.6 Site Lighting.

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

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

2.7 Mechanical and Rooftop Equipment.

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

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

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

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

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

2.11 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.

2.12 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The

establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurant's 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.

2.13 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.

2.14 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.

2.15 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.

2.16 Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance

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

2.17 Additional Requirements.

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

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



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Jeanie Aguilo, Associate Planner

FROM: Jonathan Burnette, Police Officer / CET Unit

DATE: October 20, 2023

**SUBJECT: FILE NO. PCUP23-010 – CHEBA HUT
1900 E. INLAND EMPIRE BLVD. UNIT A, ONTARIO, CA 91764**

This location has applied for an ABC Type 47 On-Sale General eating place license. The business is located within Census Tract No. 13.12. According to the Department of Alcohol Beverage Control (ABC), four (4) on-sale licenses are allowed within this tract, there are currently two (2). The Police Department does not object to allowing the license, but 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 9:00 A.M. to 11:00 P.M., Sunday through Thursday. Last call for alcohol shall be made by 10:15 P.M. and alcohol sales must cease by 10:30 P.M. All alcohol shall be removed from the tables/patrons at 11:00 P.M.
2. Alcohol sales will be from 9:00 A.M. to 1:00 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 1:00 A.M.
3. At least 51% of sales at the establishment shall be food.
4. No sales of alcoholic beverages to minors.
5. No sales to obviously intoxicated patrons.

6. There will be no narcotic sales or usage on the premises at any time.
7. The business is required to have in place a driver's license and/or ID card reading device.
8. No drug paraphernalia to be sold at any time.
9. The practice known as Bottle Service will not be allowed.
10. No self-serve alcohol displays or machines allowed.
11. Interior and exterior dining tables and chairs shall not be removed or rearranged to increase occupancy.
12. Signs must be posted at all exits (including patio exits) stating no alcohol beyond this point.
13. No alcoholic beverages are to be sold or removed from the establishment for off-site consumption.
14. 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.
15. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
16. All restaurant employees servng alcohol must be **18** years or older.
17. Employees engaged in servng alcohol inside the bar area must be **21** years of age or older.
18. 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.
19. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
20. Food sales and service must be always available for sale.
21. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
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 or Juke Boxes 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.
36. A no trespass letter will be on file with the Police Department.
37. 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.

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. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure alcoholic beverages 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

No entertainment plans were submitted as part of this application; therefore, no live entertainment will be allowed.

1. No live entertainment/DJ/Karaoke will be allowed as part of this conditional use permit, as indicated on the application.
2. 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 and/or ABC daily license) 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.
3. No dance floor or stage will be allowed.

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. A copy of the listed conditions of approval must be always posted with your ABC license in a prominent place in the interior of the premises.
4. The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the opening of the restaurant with the conditional use permit.

5. The Police Department will conduct a review in six months to determine whether additional conditions will be needed
6. 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.
7. 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.
8. 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 J. 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: August 09, 2023

SUBJECT: FILE #: PCUP23-010

Finance Acct#:

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 2,475 square-foot fast-casual restaurant located within a mixed-use development on 14 acres of land at 1900 East Inland Empire Boulevard, within the PA-2 (Urban Commercial) land use district of the Meredith International Center Specific Plan (APN(s): 110-311-64). Related File(s): PDEV19-025.

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

No comments

See previous report for Conditions

Report attached (1 copy and email 1 copy)

Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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

Land
Department

Chau Chau
Signature

eng. asst.
Title

8.31.23
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: August 09, 2023

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

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

The plan does not adequately address the departmental concerns.

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

enviro
Department

Signature

Engineering Assistant
Title

9/5/23
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 - DIEGO TABIA
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: August 09, 2023

SUBJECT: FILE #: PCUP23-010

Finance Acct#:

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

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

No comments

See previous report for Conditions

Report attached (1 copy and email 1 copy)

Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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

ENG/ TRAF
Department

Signature

ENG ASST
Title

8/28/2023
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
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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: August 09, 2023

SUBJECT: FILE #: PCUP23-010 **Submittal #1** Finance Acct#:

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 2,475 square-foot fast-casual restaurant located within a mixed-use development on 14 acres of land at 1900 East Inland Empire Boulevard, within the PA-2 (Urban Commercial) land use district of the Meredith International Center Specific Plan (APN(s): 110-311-64). Related File(s): PDEV19-025.

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

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

The plan does not adequately address the departmental concerns.

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



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: August 21, 2023

SUBJECT: PCUP23-010 A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits for on-premise consumption in conjunction with a proposed 2,475 square-foot fast-casual restaurant located within mixed-use development on 14 acres of land at 1900 East Inland Empire Blvd., within the PA-2 (Urban Commercial) land use district of the Meredith International Center Specific Plan (APN(s): 110-311-64). Related File(s): PDEV19-025.3

-
- 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
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Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: August 09, 2023

SUBJECT: FILE #: PCUP23-010

Finance Acct#:

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

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

The plan does not adequately address the departmental concerns.

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

Jamie L.
Richardson

Digitally signed by Jamie L.
Richardson
DN: cn=Jamie L. Richardson,
o=City of Ontario, ou=Planning
Department, Landscape
Planning Division,
email=jrichardson@ontario.ca,
c=US
Date: 2023.09.15 10:48:23 -0700

Landscape Planning Division

Sr. Landscape Architect 09/15/2023

Department

Signature

Title

Date
Item B - 32 of 33

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV19-025 & PCUP23-010

Address: SEC of Vineyard Ave & Inland Empire Blvd

APN: 0110-311-52 thru 55

Existing Land Use: Vacant

Proposed Land Use: A Development Plan to construct 925 apartment units & CUP to establish a Type 47 ABC license for a 2,377 SF restaurant (Cheba Hut)

Site Acreage: 22.39 Proposed Structure Height: 62 FT

ONT-IAC Project Review: Yes

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 11/13/2023

CD No.: 2019-067 REV 1

PALU No.: _____

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="checkbox"/> 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="checkbox"/> Zone 4		Allowable Height: <u>80 - 100 FT</u>	
<input type="checkbox"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Real Estate Transaction Disclosure is required.

Airport Planner Signature: _____