



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

November 15, 2021

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

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

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-007:** A Conditional Use Permit to establish a five-acre green waste (residential landscape trimmings) compost processing facility and temporary storage yard on 18.5 acres of land located at 8292 East Edison Avenue, within the SP (Specific Plan)/AG (Agriculture Overlay) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Project) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNS: 0216-311-08 and 0216-311-09) **submitted by Agromin.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-010:** A Conditional Use Permit to establish a banquet facility with ancillary live entertainment and authorize alcoholic beverage sales for consumption on the premises in conjunction with a Caterer's Permit (Type 58 ABC License) within an existing 6,180-square-foot retail building on 11.59 acres of land located at 735 North Milliken Avenue, Suite F, within the Urban 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 (ALUCP); (APN: 210-211-43) **submitted by Gabriela Camposeco.**
- C. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-013:** A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), within an existing 1,000-square-foot convenience store on 0.12-acre of land located at 656 East D Street within the CS (Corner Store) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be

consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1048-534-06) **submitted by Seven's Market.**

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

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

I, Gwen Berendsen, Administrative Assistant of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **November 12, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
Administrative Assistant



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

November 15, 2021

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

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

**FILE NO.:** PCUP21-007

**DESCRIPTION:** A Conditional Use Permit to establish a five-acre green waste (residential landscape trimmings) compost processing facility and temporary storage yard on 18.5 acres of land located at 8292 East Edison Avenue, within the SP (Specific Plan)/AG (Agriculture Overlay) zoning district; (APNs: 0216-311-08 and 0216-311-09) **submitted by Agromin.**

## PART 1: BACKGROUND & ANALYSIS

AGROMIN, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-007, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of a five-acre portion of two lots totaling 18.5 acres of land generally located on the north side of Edison Avenue, between Grove and Walker Avenues, at 8292 East Edison Avenue, and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the Project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Residential and Livestock	Low Density Residential (2.1-5 du/ac), Medium Density Residential (11.1-25 du/ac), and Open-Space Non-Recreation	SP (Specific Plan)/AG (Agriculture Overlay)	N/A
North:	Livestock	Low Density Residential (2.1-5 du/ac)	SP (Specific Plan)/AG (Agriculture Overlay)	N/A
South:	Residential and Livestock	Medium Density Residential (11.1-25 du/ac)	SP (Specific Plan)/AG (Agriculture Overlay)	N/A
East:	Residential and Livestock	Medium Density Residential (11.1-25 du/ac)	SP (Specific Plan)/AG (Agriculture Overlay)	N/A
West:	Residential and Livestock	Low Density Residential (2.1-5 du/ac) and General Commercial (0.4 FAR)	SP (Specific Plan)/AG (Agriculture Overlay)	N/A

Prepared: RM 11/1/2021      Reviewed: CM 11/8/2021      Decision: [enter initial/date]

**PROJECT ANALYSIS:**

(1) Background — On May 26, 2021, the Applicant submitted a Conditional Use Permit application requesting to establish a five-acre green waste (residential landscape trimmings) compost processing facility and temporary storage yard on a portion of the 18.5-acre subject site.

(2) Proposed Operations — The Applicant specializes in the composting and processing of green waste to create agricultural soil amendments that can be used for bulk land application or may be bagged for smaller applications. The green waste materials will be delivered to the Project site by transfer trucks and will then be ground through a portable grinder. The grinder will reduce the green material to a consistent size that will allow for a more efficient and complete compost process. Once the material goes through a compost cycle, it will be temporarily stored or cured on-site before being loaded on a truck for delivery.

Pursuant to the California Code of Regulations (14 CCR 17856), the proposed operation may not stockpile more than 12,500 cubic yards of green material feedstock on-site at any time. The stockpile limitation will be imposed and enforced by the Local Enforcement Agency ("LEA") of San Bernardino County. Furthermore, no biosolids or petroleum-based fertilizers will be received on-site.

The green waste materials are proposed to originate from Burrtec's transfer stations located throughout the Inland Empire, which also includes the City of Ontario's green waste. Once Burrtec collects and sorts the green waste, they will transport the green waste material to the proposed facility for further processing. Contamination that is received in the green material will be removed and sent back to the transfer station.

Screening is already in place along the front (Edison Avenue) and eastern property line to screen the composting use from view, as well as prevent material from leaving the site during a rainstorm event. Construction of berms requires a grading permit to ensure drainage courses are not blocked and a hydroseed planting mix is provided to stabilize the top, preventing erosion. Ongoing inspection and repair of the berms is the responsibility of the Applicant on an as needed basis.

Fire Department conditions of approval limit placement of compost in windrows not exceeding 15 feet in height, 25 feet in width, and 250 feet in length, for fire protection measures. The Applicant has indicated that the operation will follow the Ontario Fire Department Fire Protection Standard (#F-008) for Combustible Waste & Recycling Facilities.

The Applicant is requesting to operate six days per week, from 5:00 am to 6:00 pm, and will employ 12 full time employees.

(3) Traffic — The Project site has one point of vehicular access from Edison Avenue by way of a 25-foot-wide driveway. Additionally, a deceleration lane is required to be constructed along the Project site's frontage, which will allow the transition of trucks from Edison Avenue onto the site, allowing the free flow of other vehicles through the area. A small parking area will be constructed at the front of the Project site for employee and customer parking. The proposed internal circulation drive is 20 feet in width and is designed to provide optimal maneuverability for inbound and outbound trucks and trailers. It is anticipated that business operations will generate 10 to 15 truck trips per day.

(4) Utilities — Water service will be provided through Niagara, a private water company. Water usage for business operations will be approximately 10,000 gallons per day and will be accessed by a nearby water well for dust control and compost management.

(5) Surrounding Sensitive Uses – The Project site is located approximately one-half miles from the nearest residential tract. Between the green waste composting site and the nearest residential tract are several other operating dairy cattle ranches and plant nurseries. Due to the distance between the project site and the nearest residential tract, it is not anticipated that the green waste composting use will create any impacts above and beyond those that are typically associated with the other agricultural uses existing throughout the surrounding area.

(6) Land Use Combability — The intent of a Conditional Use Permit application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. The Project site is located within the SP (Specific Plan)/AG (Agriculture Overlay) zoning districts and is surrounded by agricultural uses. Within this district, composting is a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses within the surrounding area, as well as any nearby residents (which are located one-half mile or more away), will not be exposed to any impacts beyond those that would normally be associated with any other use similarly allowed within the SP (Specific Plan)/AG (Agriculture Overlay) zoning districts.

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

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

**PUBLIC NOTIFICATION:** The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 1000 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

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

## **PART 2: RECITALS**

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

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

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

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

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

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

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

WHEREAS, on November 15, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, and meets all of the following conditions:

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as-well-as with applicable zoning designation and regulations. The Project is located within the Low Density Residential (2.1-5 du/ac), Medium Density Residential (11.1-25 du/ac), and Open-Space Non-Recreation land use districts of the Policy Plan (General Plan) Land Use Map, and the SP (Specific Plan)/AG (Agriculture Overlay) zoning districts.

(b) The Proposed development occurs within city limits on a Project site of no more than five acres substantially surrounded by urban uses. The Project site is comprised of a five-acre portion of two lots totaling 18.5 acres of land that is developed on two sides (east and west) by agriculture land uses and on one side (north) by a Southern California Edison utility corridor. Abutting the Project site to the south is a fully improved public street (Edison Avenue).

(c) The Project site has no value as habitat for endangered, rare, or threatened species, as the site is previously disturbed and is regularly disked for weed abatement purposes.

(d) Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

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

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

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

Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the SP (Specific Plan)/AG (Agriculture Overlay) zoning districts, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed green material compost and storage yard land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines; 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 green material compost and storage yard land use will be located within the Low Density Residential (2.1-5 du/ac), Medium Density Residential (11.1-25 du/ac), and Open-Space Non-Recreation land use district of the Policy Plan Land Use Map, and the SP (Specific Plan)/AG (Agriculture Overlay) zoning districts. 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 green material compost and storage yard land use is located within the Low Density Residential (2.1-5 du/ac), Medium Density Residential (11.1-25 du/ac), and Open-Space Non-Recreation land use district, and the SP (Specific Plan)/AG (Agriculture Overlay) zoning districts, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

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

(e) Consistent with the requirements of Development Code Section 5.03.415 (Waste Treatment and Disposal—Composting and Anaerobic Digestion Facilities), the proposed green waste composting facility is located more than one-half mile, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

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

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

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

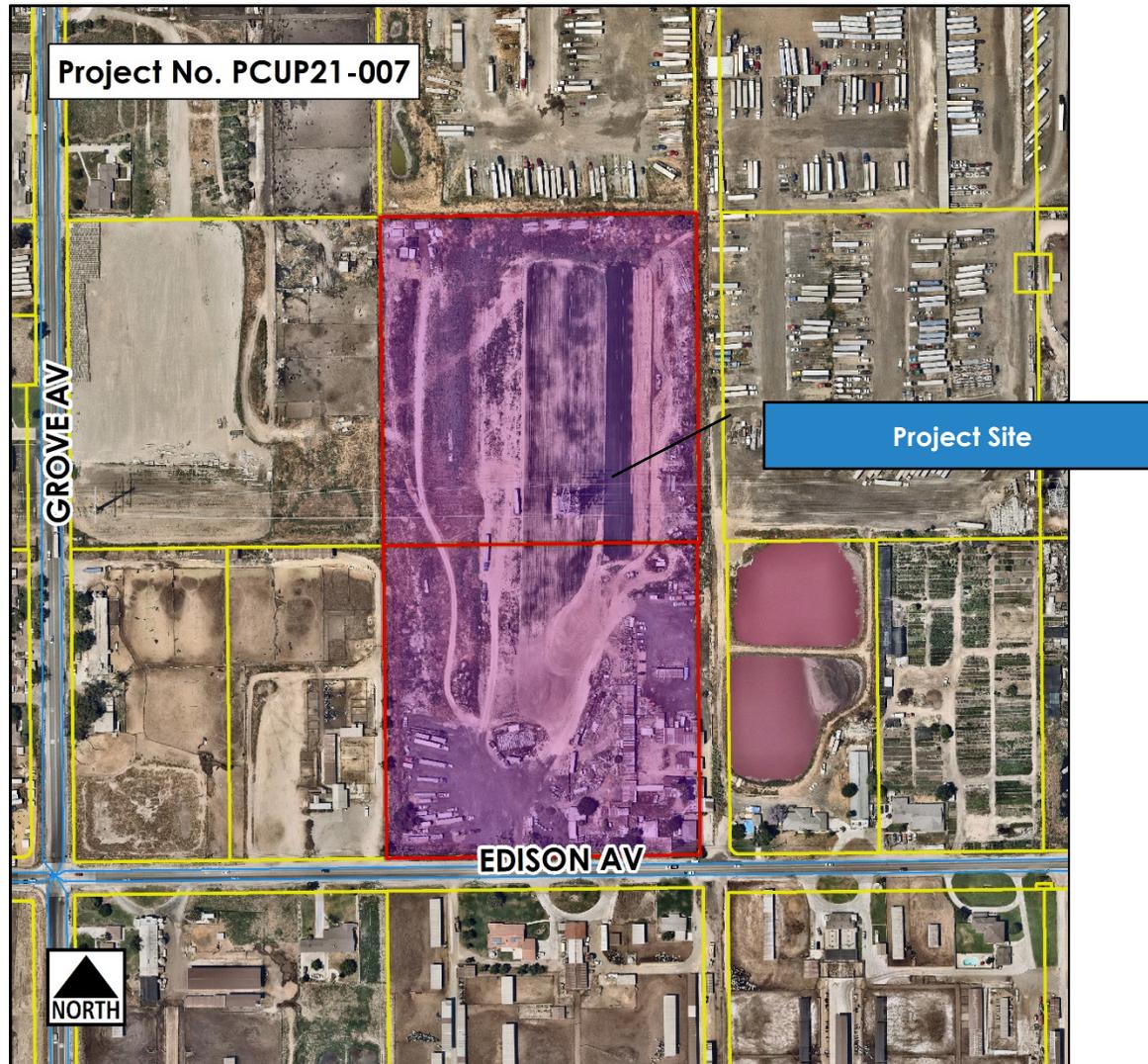
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APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

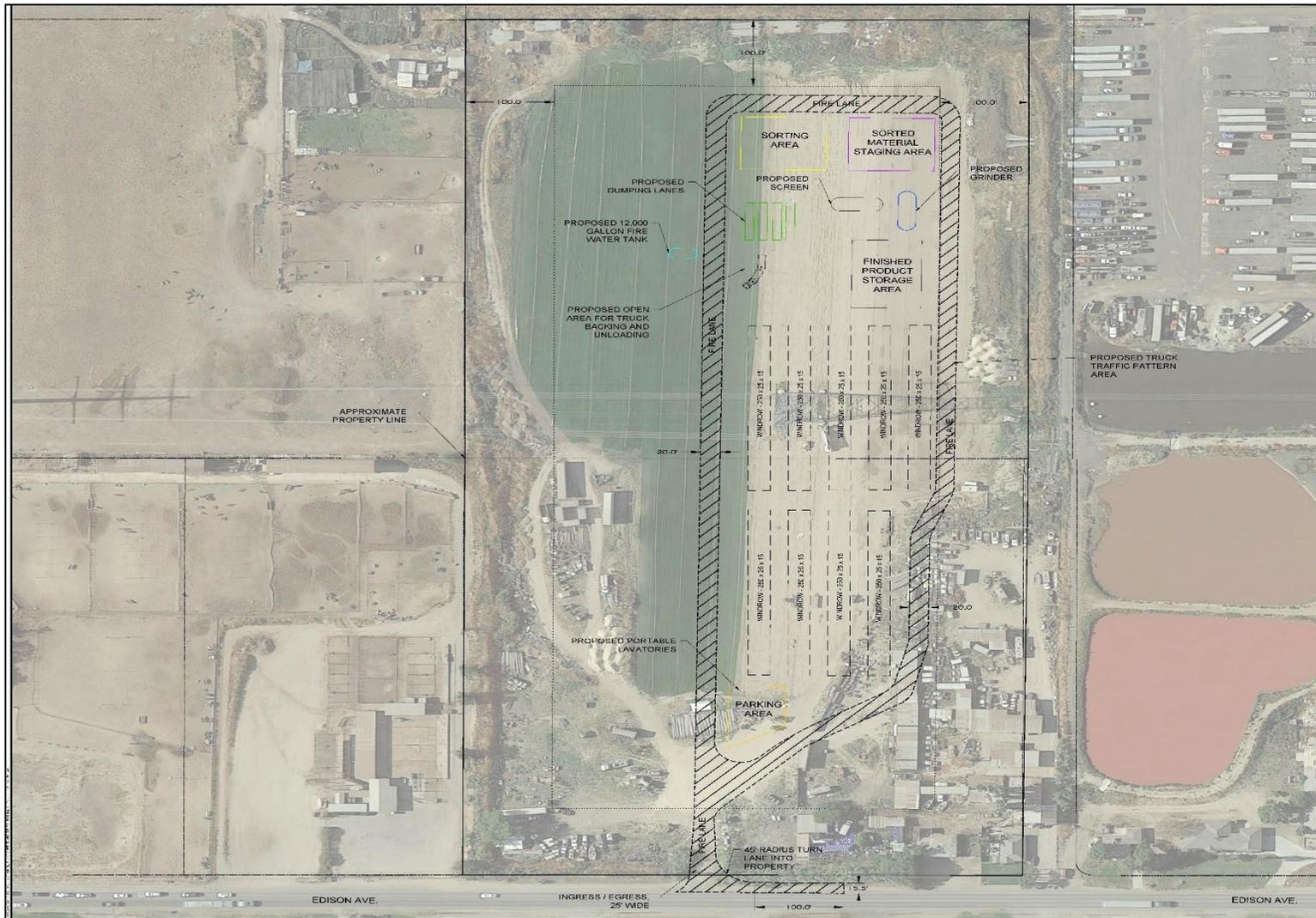
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Rudy Zeledon  
Zoning Administrator

**Exhibit A: PROJECT LOCATION MAP**



**Exhibit B: SITE PLAN**



**Exhibit E: SITE PHOTOS**



Main Entrance to the site



Northern View



Northeast View



Southern View

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

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



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

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

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**Meeting Date:** November 15, 2021

**File No:** PCUP21-007

**Project Description:** A Conditional Use Permit to establish a 5 acre green material (residential landscape trimmings) processing (compost) and temporary storage yard on 18.5 acres of land located at 8292 Edison Avenue, within the AG (Agriculture) zoning overlay district (APN(s): 216-311-08 & 216-311-09); **submitted by Agromin.**

**Prepared By:** Robert Morales, Assistant Planner  
Phone: 909.395.2432 (direct)  
Email: Rmorales@ontarioca.gov

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

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

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

**2.1** Time Limits.

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

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

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

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

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

### **2.3** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

- (i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- (ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- (iii) The project site has no value as habitat for endangered, rare, or threatened species;
- (iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (v) The Project site can be adequately served by all required utilities and public services.

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

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

**2.4** 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.

### **2.5** Additional Fees.

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

(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.

**2.6**     Additional Requirements.

**(a)**     The following shall be considered for inclusion as conditions of approval, as appropriate, for any Composting or Anaerobic Digestion Facility requiring Conditional Use Permit approval:

**(i)**     Maintain good air flow through the compost material;  
          **(ii)**    Turn compost based on temperature, not a schedule;  
          **(iii)**    Restrict material movement to times when the potential for winds are low and general population is least (i.e., when people are indoors or away from their homes, and not on weekends);

**(iv)**    Minimize disturbance of dusty areas by equipment;  
          **(v)**     Minimize dust by adding moisture to material when moving or turning, and regularly water dirt roadways, dry material and unused areas;

**(vi)**    Berms (defined as earthen mounds constructed along the perimeter of a composting site to minimize sight into the property and reduce debris from blowing off-site) shall be maximum 15 FT in height, and in no case higher than the allowed material rows;

**(vii)**   Berms shall be set back minimum 10 FT behind a street property line and minimum 5 FT from all other property lines, or one-half the height of the berm, whichever is greater;

**(viii)**   Berms shall be comprised primarily of soil, and shall have a slope not to exceed a 2:1 ratio (horizontal to vertical (h:v)). Berms can be as steep as 1.5:1, if properly evaluated, with appropriate calculations, by the City Engineer; and

**(ix)**    The surface of the outside portions of the slopes (facing a public street) should have properly installed and maintained landscaping or hydro seeding with jute matting to prevent erosion or sloughing.

**(b)**     All improvements to the site, necessary to accommodate the composting use shall be implemented and approved, prior to operations.

**(c)**     Any future expansion or use change of the composting site or change in operations shall require Conditional Use Permit modification and further environmental review, prior to initiating the expansion.

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

<b>CONDITIONS OF APPROVAL</b>	
Sign Off	
	06/16/21
Philip Marino, Associate Landscape Planner	Date

Reviewer's Name: <b>Philip Marino, Associate Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: <b>PCUP21-007</b>	Related Files:	Case Planner: <b>Robert Morales</b>
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Project Name and Location: <b>Establish a green material processing and temp storage yard 8292 Edison Ave</b>
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Applicant/Representative: <b>Bill Camarillo 201 Kinetic Dr. Oxnard, CA 93030</b>
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<input checked="" type="checkbox"/>	<b>A site plan dated 06/08/21 meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan () has not been approved. Corrections noted below are required prior to DAB approval.</b>

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-007

Address: 8292 Edison Avenue

APN: 0216-311-08 & 216-311-09

Existing Land Use: Agricultural

Proposed Land Use: CUP to establish a green material compost and storage yard

Site Acreage: 18.5 Proposed Structure Height: N/A

ONT-IAC Project Review: n/a

Airport Influence Area: ONT & Chino

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Robert Morales

Date: 8/17/2021

CD No.: 2021-032

PALU No.: n/a

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

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

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

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

Allowable Height: 95 FT

## 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.

The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Robert Morales, Assistant Planner  
Planning Department

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

**DATE:** April 29, 2021

**SUBJECT:** PCUP21-007 A Conditional Use Permit to establish a green material (residential landscape trimmings) processing (compost) and temporary storage yard on 18.5 acres of land located at 8292 Edison Avenue, within the AG (Agriculture) zoning overlay district (APN(s): 216-311-08 & 216-311-09). Zoning Administrator action required.

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

No comments

Report below.

1. Must comply with the Ontario Fire Department Standard for Combustible Waste & Recycling Facilities Standard #F-008.
2. Fire apparatus access roads to be maintained throughout the property, roads shall be a minimum of 20 feet wide.
3. Windrow/Feedstock/Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.
4. Windrow/Feedstock/Piles shall be separated from adjacent Windrow/Feedstock/Piles by 20 foot wide apparatus access roads. Current proposal states they will be 15 feet wide, they must comply to our 20 foot requirement.
5. Water supply on site for firefighting operation shall have a minimum delivery/replenish capability of 500 gallons per minute for 2 hours.

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



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**PROJECT ENGINEER:** David Zurita, Engineering Assistant (909) 395-2155

**PROJECT PLANNER:** Robert Morales, Assistant Planner (909) 395-2432

**ZA MEETING DATE:** November 15, 2021

**PROJECT NAME/DESCRIPTION:** PCUP21-007, A Conditional Use Permit to establish a green material (residential landscape trimmings) processing (compost) and temporary storage yard on 18.5 acres of land located within the AG (Agriculture) zoning overlay district.

**LOCATION:** 8292 Edison Avenue (APN: 0216-311-08 & -09)

**APPLICANT:** Agromin

**REVIEWED BY:**   
Raymond Lee, P.E.  
Assistant City Engineer  
11/2/21  
Date

**APPROVED BY:**   
Khoi Do, P.E.  
City Engineer  
11-3-21  
Date

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

1. The business owner must comply with the State Water Board requirements for Compositing Operation located at the following link:  
[https://www.waterboards.ca.gov/water\\_issues/programs/compost/](https://www.waterboards.ca.gov/water_issues/programs/compost/)
2. The Applicant/Developer shall design and construct additional paving at the proposed Edison Avenue driveway as follows as to the satisfaction of the City Engineer:
  - a. A minimum 45-foot inbound radius for the driveway approach; and
  - b. Widen the northside of Edison Avenue in advance of the driveway to create a 15.5-foot wide by 50-foot-long right turn lane plus a 50-foot reverse curve transition.
3. The Applicant/Developer shall design and construct street and signing and striping improvements associated with street modification (right-turn deceleration lane) in accordance with all applicable City standards. The Applicant/Developer shall submit a Public Street Improvement and Public Signing & Striping Improvement Plan to the City of Ontario Engineering Department for review.

Project File No. PCUP21-007

Project Engineer: David Zurita

ZA Date: November 15, 2021

4. The Applicant/Developer shall design and construct the proposed driveway at Edison Avenue generally in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway and modified with AC berms as required to accommodate existing conditions on Edison Avenue.
5. Due to the nature of the proposed project and the continued growth of the Ontario Ranch, the City may on occasion review the operations of the site. Should the traffic increase on the surrounding streets, or a significant increase in project traffic, such that there is a concern regarding public health and safety, the City may require additional improvements be installed to mitigate such hazards.
6. The Applicant/Developer shall provide rumble plates to prevent tracking mud, manure, and food waste from truck tires onto Edison Avenue.
7. The Applicant/Developer shall obtain an Encroachment Permit and Traffic Control for all work within the public right.

**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PCUP21-007**

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

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



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

November 15, 2021

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

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

**FILE NO.:** PCUP21-010

**DESCRIPTION:** A Conditional Use Permit to establish a banquet facility with ancillary live entertainment and authorize alcoholic beverage sales for consumption on the premises in conjunction with a Caterer’s Permit (Type 58 ABC License) within an existing 6,180-square-foot retail building on 11.59 acres of land located at 735 North Milliken Avenue, Suite F, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN: 0210-211-43); **submitted by Gabriela Camposeco.**

## PART 1: BACKGROUND & ANALYSIS

GABRIELA CAMPOSECO, (herein after referred to as “Applicant”) has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-010, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 11.59 acres of land located at 735 North Milliken Avenue, Suite F, and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
Site:	Commercial Shopping Center	Mixed Use	Ontario Center Specific Plan	Urban Commercial
North:	Commercial Shopping Center	Mixed use	Ontario Center Specific Plan	Garden Commercial
South:	10 Freeway – On-ramp	N/A	N/A	N/A
East:	Commercial Shopping Center (Ontario Mills)	Mixed Use	Ontario Mills (CCC North) Specific Plan	Commercial/Office
West:	Used Motor Vehicle Sales (CarMax)	Mixed Use	Ontario Center Specific Plan	Garden Commercial

## PROJECT ANALYSIS:

(1) **Background**— The Project site, is located within an existing 126,588-square-foot commercial shopping center (Home Center Ontario) that was constructed in 2002. The Home Center is comprised of 6 stand-alone buildings, which are occupied by eight restaurants, four furniture stores, a dentist office, a health club, an indoor playground, and a discount store. The

Prepared: LL 10/29/2021	Reviewed: CM 11/5/2021	Decision: [enter initial/date]
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proposed banquet facility will be located at the northwest corner of the site (see Exhibit B: Site Plan, attached).

On March 1, 2021, the Applicant submitted a Land Use Determination application, PDET21-001, to establish whether a Banquet Facility is similar to, and of no greater intensity than other allowed land uses with the Urban Commercial land use designation of the Ontario Center Specific Plan. The Zoning Administrator approved the application to allow the Banquet Facility Use within the Urban Commercial land use designation of the Ontario Center Specific Plan, subject to the approval of a Conditional Use Permit.

On June 7, 2021, the Applicant submitted a Conditional Use Permit application (File No. PCUP21-010) requesting to establish a Banquet Facility and authorizing alcoholic beverage sales for consumption on the premises in conjunction with a Caterer's Permit (Type 58 ABC License).

(2) Proposed Use/Operation — The proposed banquet facility will occupy a 6,180-square-foot rectangular shaped suite with the main entrance facing east, towards the existing parking lot. The applicant is proposing two floor plans, each with movable seating and a maximum seating capacity of 140 people. Both conceptual floor plans are shown on Exhibit C—Floor Plan, which includes the location of a removable 10-foot by 20-foot stage and a removable 20-foot by 20-foot dance floor that can be interchanged with additional seating. The floor plan also includes a 535-square-foot floor area allocated for storage, hallways, and restrooms located at the rear of the suite.

The proposed hours of operation will be from 9:00 AM to 2:00 AM, Thursday through Sunday. The banquet rooms will be closed to the public whenever an event is not taking place and the facility will be available for viewing by appointment only. The Banquet Facility will operate with two employees on-site during all events to monitor activities and to ensure that all patrons have left the building following an event.

Live entertainment in the form of a band or DJ with dancing is also proposed in conjunction with the banquet use. The Applicant is not applying for a California Department of Alcohol Beverage Control (ABC) License as they are not proposing any alcohol sales with this application. The Applicant is requesting however that caterers be allowed to serve alcohol with their respective Type 58 Caterer's Permit. The Police Department has included conditions of approval that are in effect when a Type 58 Caterer's Permit is utilized for an event. Alcohol shall not be served unless the event caterer has a valid Type 58 Caterer's Permit issued by the California Department of ABC.

(3) Parking — The Home Center was developed with the approval of a Shared Parking Agreement, and at that time, a parking demand analysis was completed based on the City of Ontario's Development Standards for Off-street Parking, and the Urban land Institute's Shared Parking Methodology. The parking demand analysis concluded that a total of 571 parking spaces were required to meet the parking demand for four land uses that included retail (1 space for 200 SF), furniture stores (1 space for 500 SF), fast food restaurants (1 space for 75 SF) and sit-down restaurants (1 space for 100 SF).

The Development Code presently requires, a stand-alone banquet facility to provide 1 parking stall per 40 square feet of gross floor area and a storage use requires 1 parking stall per 1,000 square feet of gross floor area. The proposed 6,180-square-foot banquet facility would require a total 142 parking spaces as a stand-alone use.

Presently, the majority of existing furniture stores have operating business hours that range from 10:00 AM to 7:00 PM, daily, and the majority restaurant uses are open from 10:00 AM to 10:00 PM, daily. The Project site was previously utilized as a furniture store and the proposed use is considered a more intense use. Staff analyzed the parking demand of the proposed use utilizing the methodology established by the approved parking demand analysis for the commercial center. Staff found that over the years, there has been an increase in restaurant uses established within the commercial shopping center as general retail and furniture stores have declined over the years. Staff assessed the parking demand for the entire center based upon existing tenant uses and the proposed banquet facility and found that the maximum capacity for the proposed center was weekdays, from 7:00 PM to 8:00 PM, (98 percent capacity) at which time 565 parking spaces of the 571 parking spaces would be utilized. Based upon the methodology established in the previously approved parking demand analysis, staff has determined there is a sufficient amount of parking to support the proposed use.

(4) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of the proposed use with adjacent existing and proposed uses by identifying potential nuisance activities and establishing measures for appropriate mitigation accordingly. The project site is located within a commercial center, which consists of several commercial retail, and restaurant uses. Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential negative impacts that may be associated with the proposed use. Additionally, the nearby businesses within and surrounding the commercial center will not be exposed to any impacts beyond those that would normally be associated with any other restaurant use within the center and surrounding areas. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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

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

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

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

## **PART 2: RECITALS**

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

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

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

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

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

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

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

WHEREAS, on November 15, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Larissa Lomen, 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 of the CEQA Guidelines, which consists of Class 1, Existing Facilities; and

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

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

**SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, 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 ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district. The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the 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 Banquet Facility land use will be established and operated consistent*

with the objectives and purposes, and development standards and guidelines, of the Urban Commercial land use district of the Ontario Center Specific Plan; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Banquet Facility land use will be located within the Mixed-Use land use district of the Policy Plan Land Use Map, and the Urban Commercial land use district of the Ontario Center Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed Banquet Facility land use is located with the Mixed-Use land use district, and the Urban Commercial land use district of the Ontario Center Specific Plan and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Center Specific Plan Specific Plan.

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Zoning Administrator has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the 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.

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

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

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

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

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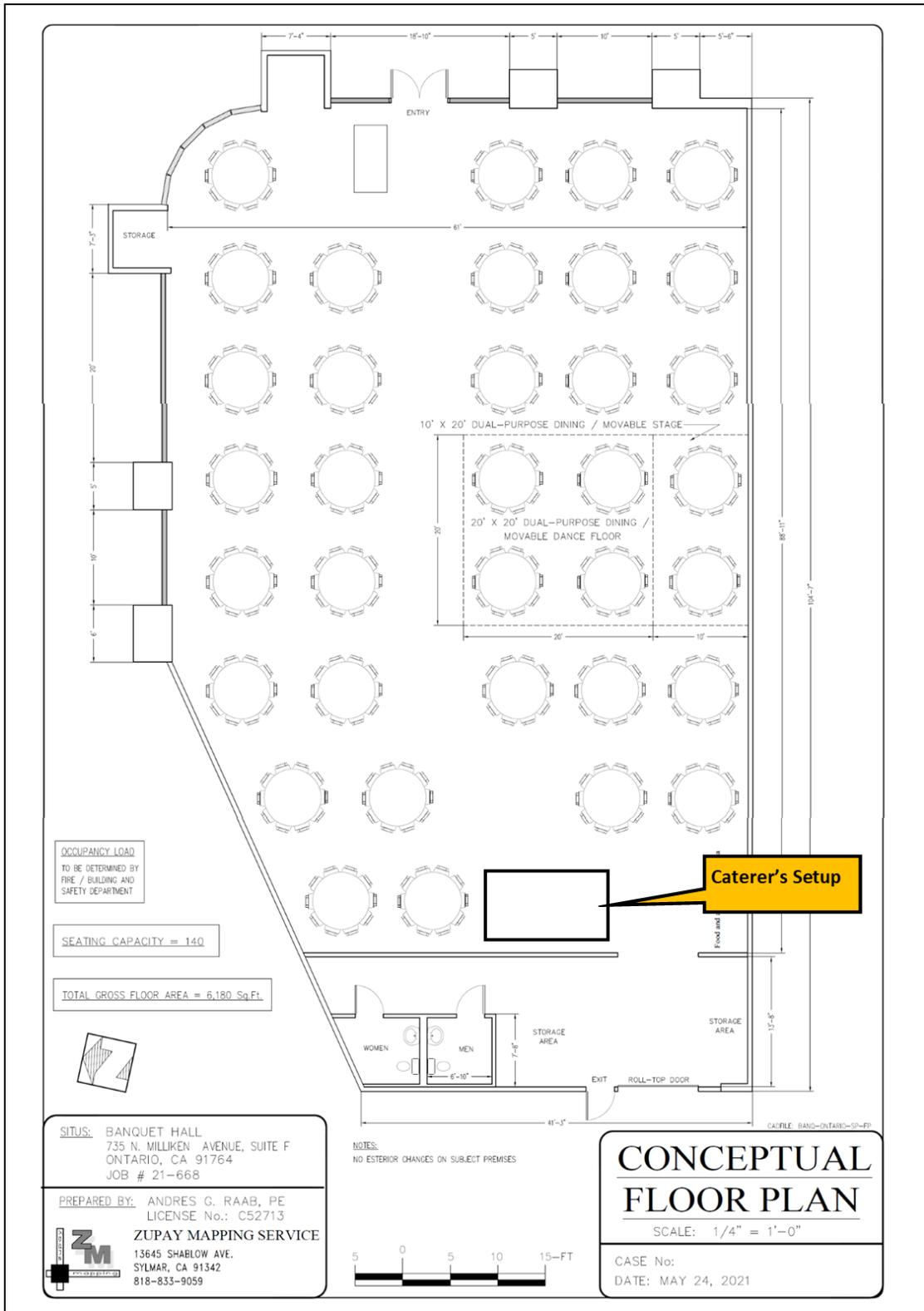
Rudy Zeledon  
Zoning Administrator

**Exhibit A: Project Location Map**





**Exhibit C: FLOOR PLAN**



**Exhibit D: SITE PHOTOS**



Looking south towards retail center driveway



Looking south towards Furniture Store main entrance

**Exhibit E: SITE PHOTOS**



View of Furniture Store interior looking west toward storage area.



View of Furniture Store interior looking east toward entrance

## **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:** 10/29/2021

**File No:** PCUP21-010

**Related Files:** PDET21-001

**Project Description:** A Conditional Use Permit to establish a banquet facility and authorize alcoholic beverage sales for consumption on the premises in conjunction with a Caterer's Permit (Type 58 ABC License) within an existing 6,180-square-foot retail building on 11.59 acres of land located at 735 North Milliken Avenue, Suite F, within the Urban Commercial land use district of the Ontario Center Specific Plan (APN: 0210-211-43); **submitted by Gabriela Camposeco.**

**Prepared By:** Larissa Lomen, Planning Intern  
Phone: 909.395.2443 (direct)  
Email: llomen@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** The project shall comply with the following special conditions of approval:

**1.1** Time Limits.

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

**(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.

### **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).

**(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).

**1.5** Outdoor Loading and Storage Areas.

**(a)** Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

**1.6** Site Lighting.

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

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

**1.7** Mechanical and Rooftop Equipment.

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

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

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

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

**1.10** 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).

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

**(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.

#### **1.12** Environmental Review.

**(a)** The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section [Click here to enter section #](#) (Class [Click here to enter class #](#), [Click here to enter title](#)) of the CEQA Guidelines.

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

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

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

**1.13** 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.

**1.14** Additional Fees.

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

(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.

**1.15** Additional Requirements.

(a) Building and use shall comply with all Building and Safety requirements prior to opening for business.

(b) The conducting of any special event which is beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, shall require approval of a Temporary Use Permit by the City prior to commencement of that special event.

(c) Hours of operation shall be from 8:00 a.m. to 2:00 a.m. Thursday through Sunday.

(d) All loading required to conduct business operations shall occur at the rear entrance.



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Larissa Lomen, Planning Intern

**FROM:** Thomas Cho, Police Officer, ABC/Tobacco Unit

**DATE:** October 07, 2021

**SUBJECT:** FILE NO. PCUP21-010– Banquet Hall  
735 Milliken Avenue

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The Police Department is placing the following conditions:

This Location has **NOT** applied for an alcohol license. The following **alcohol** conditions are only in effect when an event is present, and the representative has a Caterer’s Alcohol Permit/Event Permit/Daily License from the Department of Alcoholic Beverage Control. **Both entertainment and security conditions apply whenever the business has an event with entertainment.** Entertainment is defined as a combination of live entertainment (disc jockey or bands) and dancing.

### **Alcohol Conditions**

1. Alcohol can be sold and served between the hours of 08:00 A.M. to 02:00 A.M, Thursday through Sunday.
2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15 A.M. Alcohol sales and service will stop at 01:30 A.M.
3. The caterer must have a copy of the license issued by ABC present at the event, which allows them to serve alcohol.
4. No alcohol shall be stored at the business prior to or after an event.
5. No sales of alcoholic beverages to minors.
6. No sales to obviously intoxicated patrons.

7. The service commonly known as “Bottle Service” is not allowed.
8. No alcohol shall be removed from the establishment for consumption.
9. Patrons are not allowed to supply their own alcohol.
10. No smoking inside of the establishment is permitted, including electronic nicotine delivery devices.
11. There will be no narcotic sales or usage on the premises at any time.
12. All employees serving alcohol must be 21 years or older.
13. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years. This class is given free of charge by the Ontario Police Department.
14. Lighting within the Banquet Hall must be kept at a reasonable level for safe movement of patrons.
15. Back door must be alarmed and closed at all times.
16. Address to the establishment must be illuminated for easy identification of safety personnel.
17. Roof top numbers must be maintained every 3 years.
18. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
19. No pool tables will be allowed in the premises without prior approval of the Ontario Police Department.
20. No arcade type video game machines will be allowed in the premises without prior approval of the Ontario Police Department.
21. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
22. No loitering shall be permitted on any property adjacent to the licensed/labeled premise, which is under control of the applicant, signs must be posted reference the same.

## **Security Conditions**

1. The establishment will provide a minimum of one employee, or representative of the Banquet Hall, not part of the alcohol serving operation staff, to control and proactively monitor patrons inside the establishment during hours of entertainment (ex. Lounge Host, Bounce, etc.).
2. 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.
3. A Code of Conduct will be required to be used and posted at all public entrances of the establishment. The Code of Conduct will include a dress code and shall be utilized on days/nights of entertainment and special events.
4. Ontario Police Officers have the right to limit or reduce occupancy inside the establishment if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. 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 guards used will be registered with the City.
6. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Patio area, a minimum of one camera will record the parking lot, and a minimum of one camera will record the interior. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.
7. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

## **Entertainment Conditions**

1. The entertainment area must be designated on a plan check and that area will only be allowed for entertainment purposes. (Dance area, live entertainment, DJ)
2. The business shall not utilize promoters or allow “Flyer Parties.” The venue may not be utilized for events open to the public, including ticket sales or general membership for reoccurring events. The intent of this establishment is to be used as a Banquet Hall for private events and not a club atmosphere or other type of business.
3. Karaoke will be permitted the same hours of the business, 4 days a week.
4. The DJ will only be allowed to set up on the area designated on the plan check as the Entertainment Area.
5. Tables shall not be removed or rearranged to increase occupancy.
6. Entertainment sounds must be confined within the restaurant/banquet hall and cannot expand outside to the parking lot. All entertainment noise will be in accordance with the Ontario Municipal Code Sections 5-29.03 through sections 5-29.05.
7. All entertainment will stop fifteen (15) minutes prior to closing.

## **Conclusion**

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

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

**The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the restaurant will be allowed to sell alcoholic beverages with the conditional use permit.**

Any special event outside the scope of the AUP/CUP will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel.) 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

Police Department within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary Use Permit.

The Police Department will conduct a review in six months to determine whether additional conditions will be needed.

If you have any questions please call Officer Cho at (909) 408-1671.

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

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
	06/23/21
Philip Marino, Associate Landscape Planner	Date

Reviewer's Name: <b>Philip Marino, Associate Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: PCUP21-010	Related Files:	Case Planner: Larissa Lomen
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Project Name and Location: <b>Banquet Facility</b> 735 N Milliken Ave
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Applicant/Representative: <b>Gabriela Camposeco</b> 14741 Jenny St Hesperia, Ca 92345
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<input checked="" type="checkbox"/>	<b>A site plan dated 06/11/21 meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan () has not been approved. Corrections noted below are required prior to DAB approval.</b>

- Note landscapes shall be maintained by the property management association or maintenance personnel.
- Replace any missing or damaged trees, shrubs and groundcovers. Contact property management to replace missing parking lot shrubs and island trees: 24" box size trees type shall match existing or consider low water trees for this climate such as: Eucalyptus microtheca 'Coolibah Tree', Brachychiton populneus 'Bottle Tree', Quercus ilex, 'Holly Oak', Ulmus parvifolia 'True Green' Elm, Pistachia chinensis 'Chinese Pistache' or similar. Provide, repair, or replace tree irrigation bubblers to wet the entire root system until established.
- Repair or replace broken or leaking irrigation components.
- Landscape renovations shall include a weather-based controller with weather sensor and system tune up to prevent any overspray or run off.
- Planter areas shall be planted with living landscape material; no artificial turf.
- Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement.
- Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
- Contact this department for inspection when construction is completed.
- Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**PROJECT ENGINEER:** David Zurita, Engineering Assistant  (909) 395-2155

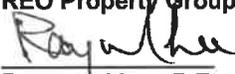
**PROJECT PLANNER:** Larissa Lomen, Administrative Intern (909) 395-2721

**ZA MEETING DATE:** September 8, 2021

**PROJECT NAME/DESCRIPTION:** PCUP21-010, a Conditional Use Permit to establish a 6,180-square foot banquet facility on 11.59 acres of land within the Urban Commercial land use district of the Ontario Center Specific Plan.  
Related File: PDET21-001.

**LOCATION:** 735 North Milliken Avenue (APN: 0210-211-43)

**APPLICANT:** REO Property Group LLC

**REVIEWED BY:**   
Raymond Lee, P.E.  
Assistant City Engineer

**APPROVED BY:**   
Khoi Do, P.E.  
City Engineer

9/2/21  
Date

9-2-21  
Date

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

- 
1. Construct a three 4-cy bin trash enclosure with a solid roof.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-010

Address: 735 North Milliken Avenue, Suite F

APN: 210-211-43

Existing Land Use: Commercial Shopping Center

Proposed Land Use: A CUP to establish a 6,180 SF banquet facility

Site Acreage: 11.59 Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Larissa Lomen

Date: 8/17/2021

CD No.: 2021-035

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>90 FT</u>	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

November 15, 2021

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

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

**FILE NO.:** PCUP21-013

**DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), within an existing 1,000-square-foot convenience store on 0.12-acre of land located at 656 East D Street, within the CS (Corner Store) zoning district; (APN: 1048-534-06) **submitted by Seven's Market.**

## PART 1: BACKGROUND & ANALYSIS

SEVEN'S MARKET, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-013, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **PROJECT SETTING:** The Project site is comprised of 0.12-acre of land located at 656 East D Street and is depicted in Exhibit A: Project Location Map, attached. The Project site is located within a well-established residential neighborhood predominantly developed during the 1920s. The neighborhood features single-story houses, landscaped parkways, street trees, and scored sidewalks. The Project site is developed with a two-story, mixed-use building, with one residential unit on the second floor and commercial space on the ground floor. Built in 1925 in the Pueblo Revival architectural style, the building is eligible for listing on the Ontario Register of Historic Places. The remainder of the site is paved with concrete and is void of proper parking space striping. The parkway to the north has been fully paved in favor of a drive approach that allows vehicle access to the site and the parkway to the east is void of street trees. Existing land uses and General Plan and zoning designations on and surrounding the Project site are as follows:

	<i>Existing Land Use</i>	<i>Policy Plan (General Plan) Land Use Designation</i>	<i>Zoning Designation</i>
Site:	Mixed Use (convenience store and residential)	Neighborhood Commercial	CS (Corner Store)
North:	Single-Family Residential	Low Density Residential (2.1 – 5.0 du/ac)	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)
South:	Single-Family Residential	Neighborhood Commercial	CS (Corner Store)
East:	Multiple-Family Residential	Low Density Residential (2.1 – 5.0 du/ac)	LDR-5 (Low Density Residential—2.1 to 5.0 DU/Acre)

Prepared: LL - 10/4/2021      Reviewed: CM - 11/5/2021      Decision: [enter initial/date]

	<i>Existing Land Use</i>	<i>Policy Plan (General Plan) Land Use Designation</i>	<i>Zoning Designation</i>
West:	Single-Family Residential	Neighborhood Commercial	CS (Corner Store)

**PROJECT ANALYSIS:**

(2) Background— A convenience store has been operated on the subject site by a variety of owners from 1925 until present day. The first store to operate on the subject site with alcoholic beverage sales was Bill’s Beer Barn, from 1982 until 1998. The operation, including the convenience store and California Department of Alcoholic Beverage Control (“ABC”) license, was transferred to Ryan’s Market in 1998. During that same time period, the alcoholic beverage sales activity acquired a legal nonconforming status, as the City Council had amended the Development Code to require Conditional Use Permit approval to conduct the retail sales of alcoholic beverages.

Ryan’s Market ceased operation in March 2020; at which time the alcoholic beverage sales license was surrendered to ABC. Because the business has not been in operation for more than 180 days, the legal nonconforming status of the alcoholic beverage sales was lost.

In April 2021, Seven’s Market applied and was subsequently approved for a Businesses License to operate a convenience store on the subject site.

(3) Proposed Use— At this time, the Applicant is requesting approval of a Conditional Use Permit to establish alcoholic beverage sales in conjunction with the existing convenience store, Seven’s Market. The Applicant has applied for a Type 20 (Off-sale Beer and Wine) ABC license, which would authorize the retail sale of beer and wine for consumption off the premises for the patrons of the convenience store.

(4) Operation— The Applicant currently leases and operates the convenience store on the first floor of the existing two-story, mixed-use building, as depicted in Exhibit B: Site Plan, attached. The second floor contains a dwelling unit that has a separate access through an exterior staircase and entry located at the rear of the building. The convenience store is comprised of 1,000 square feet of floor area and 120 square-feet of storage space and restroom located at the rear of the building. The store entrance is located on the primary elevation facing D Street.

The convenience store utilizes a typical floor plan layout with 2 central aisles of pre-packed goods, toys, and household items, flanked by coolers and freezers running along the perimeter of the floor area, as depicted in Exhibit C: Floor Plan, attached. The alcoholic beverage display is limited to one 5-door cooler that totals 182.9 cubic feet of display area located to the south-east of the retail floor area. The total display volume amounts to 1,789 cubic feet. The register is located to the north-west of the floor area, near the primary entrance. Entrance to the storage room is through a door located to the south-west of the floor area. The door will remain locked during business hours and the restroom is not permitted for public use.

The proposed hours of operation are 7:00AM and 10:00PM, daily, and are consistent with Development Code standards of operation for Convenience Stores within the Corner Store zoning district. The store is operated by two employees, daily.

(5) Parking/Circulation — The Project site contains two vehicular drive approaches. Vehicles enter the property on D Street and circulate through the site via a one-way drive aisle, exiting onto Campus Avenue. On-site vehicle parking spaces run parallel to the drive aisle and abut the interior side and rear property lines, with three parking spaces along the side (west) and one parking space along the rear (south) property lines. An additional two vehicle parking spaces are provided in front of the convenience store building. The Development Code requires the establishment to have a minimum of six off-street parking spaces, which have been provided.

(6) Alcoholic Beverage Sales — ABC is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how the number of off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The Project site is located within Census Tract 15.01, which is over-concentrated with off-sale alcoholic beverage licenses. ABC allows for two off-sale alcoholic beverage sales licenses, and there are currently 51 active off-sale alcoholic beverage licenses within Census Tract 15.01; however, Development Code Section 5.03.025.F.4 grants the Zoning Administrator the authority to make a determination of Public Convenience or Necessity ("PCN"), thereby allowing the issuance of additional ABC licenses within overconcentrated census tracts.

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime area is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences which more than 20 percent of the total number of alcohol-related incidences reported Citywide. The City of Ontario had a total of 398 calls for service related to alcohol-related reports Citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and disorderly conduct within the last 12 months. Within a one-half mile radius of the Project site, there were a total of 17 alcohol-related incidences in the past year, which amounts to 4.3 percent of alcohol-related incidences, not exceeding the maximum 20 percent allowed by the Development Code for alcohol-related incidences. Therefore, in this case, the Zoning Administrator may make a PCN determination and grant the requested CUP.

(7) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of the proposed use with adjacent existing and proposed uses by identifying potential nuisance activities and establishing measures for appropriate mitigation accordingly. The project site is located within a residential neighborhood and has served the neighborhood as a small corner store since the 1920's. Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential negative impacts that may be associated with the proposed use. Additionally, the Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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

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

**PUBLIC NOTIFICATION:** The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin

newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

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

## **PART 2: RECITALS**

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

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

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

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

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

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

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

WHEREAS, on November 15, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Larissa Lomen, Planning 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 of the CEQA Guidelines, which consists of Class 1, Existing Facilities; and

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

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

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, 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 ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Corner Store zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located; 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 Convenience Store land use will be located within the Neighborhood Commercial land use district of the Policy Plan Land Use Map, and the CS (Corner Store) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed Convenience Store land use is located with the Neighborhood Commercial land use district of the Policy Plan Land Use Map (Exhibit LU-01 of the Land Use Element), and the CS (Corner Store) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. Prior to commencement of alcoholic beverages sales, the following conditions shall be met:

- The required number of off-street parking spaces shall be provided. Striping of parking spaces, aisles, and driveways conforming to the provisions of Development Code Division 6.03 (Off-Street Parking and Loading), and directional signs conforming to the provisions of Development Code Division 8.01 (Sign Regulations), shall be provided.
- The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping) and comply with the conditions of approval of the Planning Department; Landscape Planning Division.
- Any non-conforming signs shall be removed, and all Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations); and

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the Project will not endanger

the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; and [iv] the Project will be in harmony with the surrounding area in which it is proposed to be located; and

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

- *The retailer occupies a minimum of 12,000 square feet of gross floor area. The retailers occupy 1,000 square feet of gross retail floor area.*
- *No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The current floorplan allows for the display of alcoholic beverages within a cooler with no more than five doors. A maximum of 182 cubic feet of volume is allowed for alcoholic beverage display which amounts to 10 percent of the total display volume.*
- *At least 10 percent of the retail business' GFA shall be devoted to food display and sales. The current floorplan depicts approximately 1,352 cubic feet of display space devoted to food display, which amounts to approximately 75 percent of the total display volume.*
- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The City of Ontario had a total of 398 calls for service related to alcohol-related reports Citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and disorderly conduct within the last 12 months. Within a one-half mile radius of the Project site, there were a total of 17 alcohol-related incidences in the past year, which amounts to 4.3 percent of alcohol-related incidences, which does not exceed the maximum 20 percent allowed by the Development Code for alcohol-related incidences near the CUP location.*
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. Since the Project site was developed, there have been no recorded Building or Health Code Violations.*
- *The site is properly maintained, including building improvements, landscaping, and lighting. The site is properly maintained, including the building, landscaping, and lighting. Additionally, department conditions of approval require the Project site to be maintained and free of debris, litter, and graffiti.*

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

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

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

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

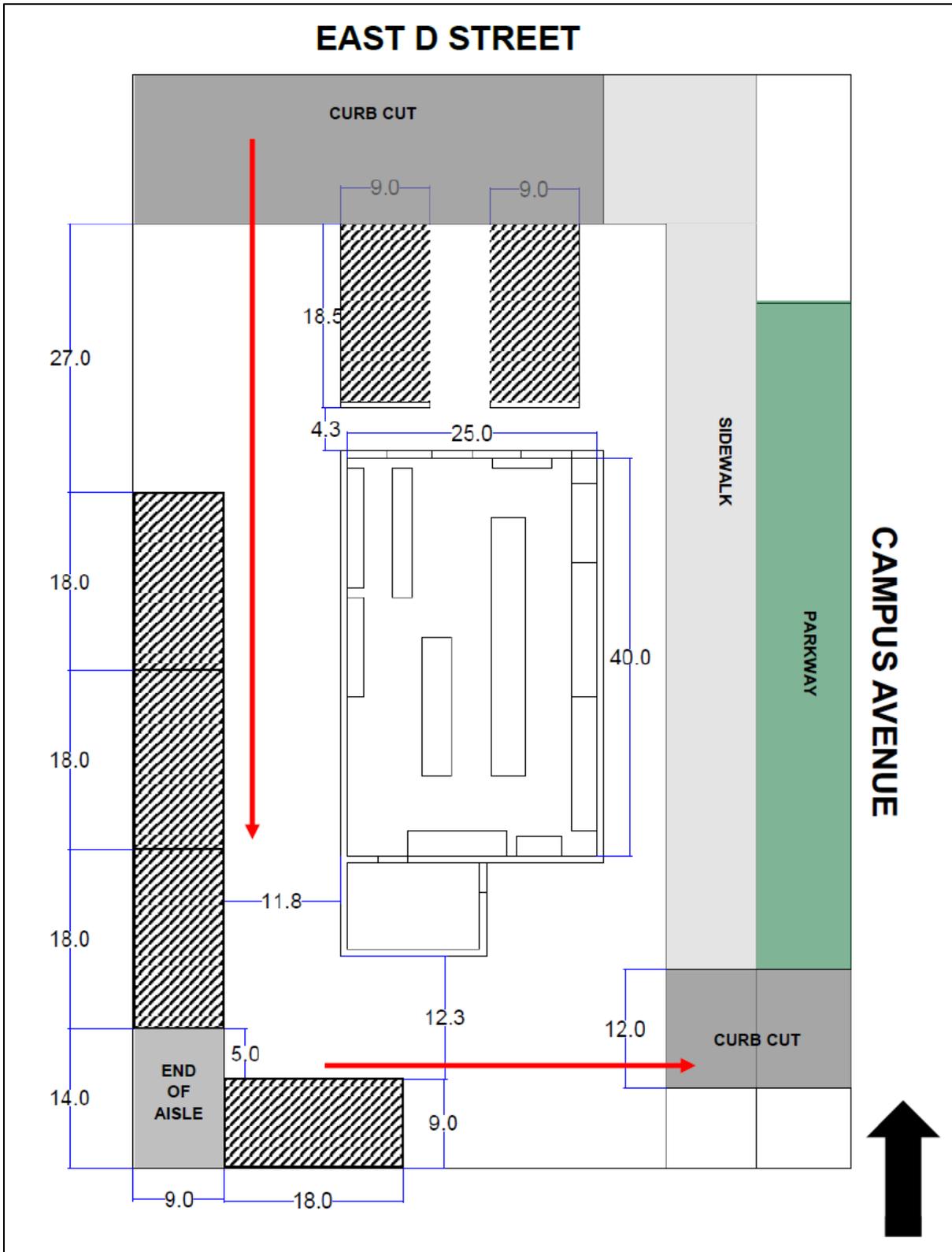
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Rudy Zeledon  
Zoning Administrator

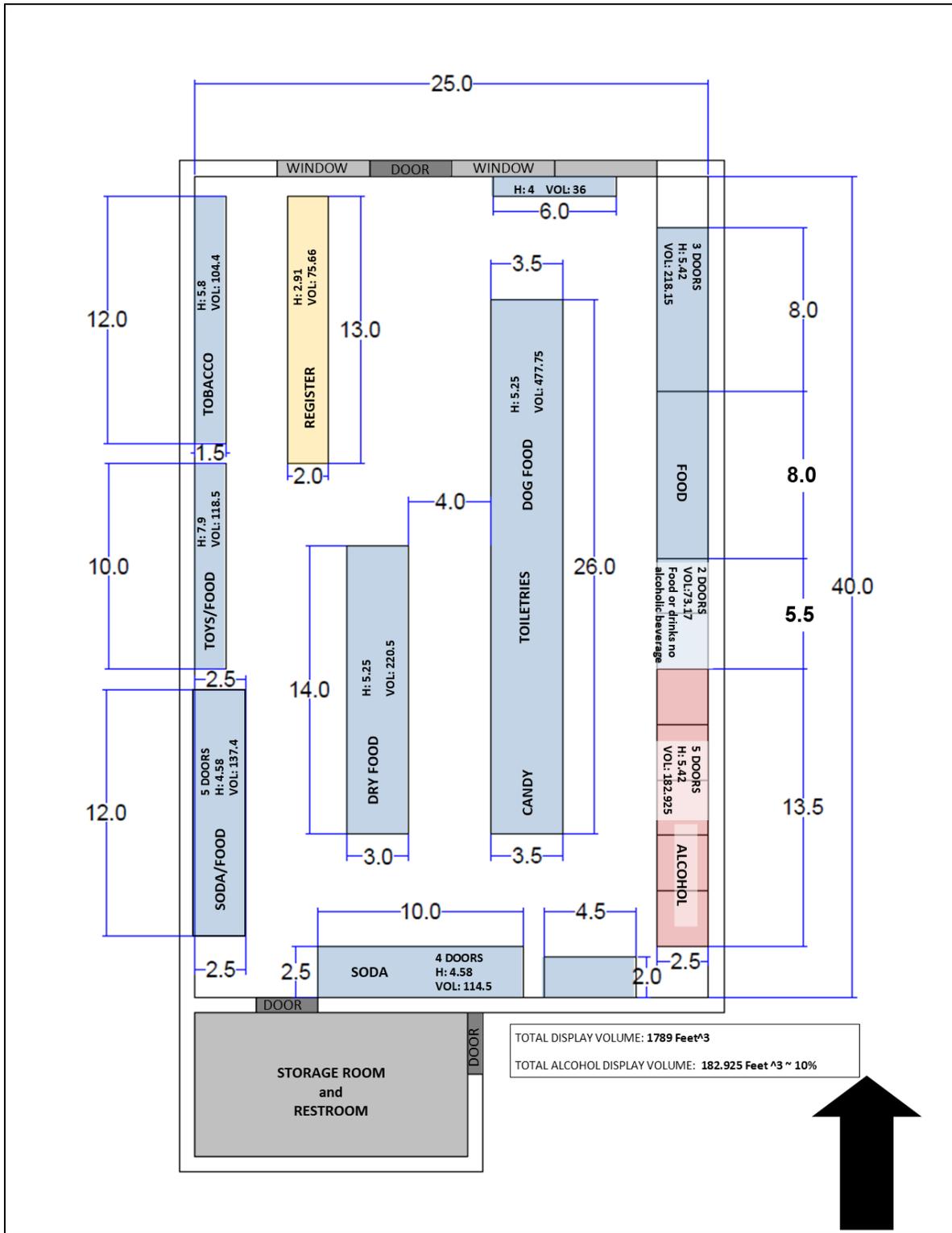
**Exhibit A: PROJECT LOCATION MAP**



**Exhibit B: SITE PLAN**



**Exhibit C: FLOOR PLAN**



**Exhibit E: SITE PHOTOS**



Looking south towards convenience store main entrance

**Exhibit E: SITE PHOTOS CONTINUED**



View of convenience store interior from entrance looking south.



View of convenience store interior from rear looking north towards primary entrance.

**Exhibit E: SITE PHOTOS CONTINUED**



View of register from primary entrance.



View of drive aisle from D Street looking south.

**Exhibit E: SITE PHOTOS CONTINUED**



View of drive aisle looking south.



View of drive aisle looking east.

**Exhibit E: SITE PHOTOS CONTINUED**



View of rear property and residential entrance looking north.



View of parkway from D street looking south.

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

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

**Date Prepared:** 11/15/2021

**File No:** PCUP21-013

**Project Description:** A Conditional Use Permit to establish alcoholic beverage sales (Type 20 ABC License), including beer and wine for off-premise consumption within an existing 1,000-square foot convenience store on 0.12 acres of land located at 656 East D Street, within the CS (Corner Store) zoning district. (APN: 1048-534-06); **submitted by Seven's Market.**

**Prepared By:** Larissa Lomen, Planning Intern  
Phone: 909.395.2443 (direct)  
Email: llomen@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 Special Conditions of Approval.** The project shall comply with the following special conditions of approval:

**1.1** Time Limits.

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

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

**1.4** Parking, Circulation and Access. Prior to commencement of alcoholic beverages sales, the following conditions shall be met.

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

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

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

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

**(e)** Wheel stops shall be provided where necessary, to protect structures and parked vehicles.

**(f)** Wheel Stops and Curbs. All parking spaces located adjacent to buildings or walls shall have concrete wheel stops located from a minimum of 2.0 FT, to a maximum of 2.5 FT, from the building or wall.

**(g)** Striping of parking spaces, aisles, and driveways conforming to the provisions of Development Code Division 6.03 (Off-Street Parking and Loading), and directional signs conforming to the provisions of Development Code Division 8.01 (Sign Regulations), shall be provided.

**(h)** All parking spaces shall be clearly outlined with double lines on the parking surface.

**1.5** Site Lighting.

**(a)** All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.09 (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)** No operation, activity, or lighting fixture shall create illumination on any adjacent property.

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

**(a)** Remove all non-permitted signs. Obtain proper permits and approval for signs from the Planning Department and, if required, the Building Department.

**1.8** Alcoholic Beverage Sales—General.

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

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

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

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

**(e)** 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.

**(f)** 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.

**(g)** 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.

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

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

(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.

**1.9** Alcoholic Beverage Sales—Convenience Markets and Liquor Stores.

(a) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

(b) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

**1.10** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines.

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

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

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

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

**1.12** Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination ("NOD") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable

environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

**(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.

**1.13** Additional Requirements.

**(a)** Pursuant to the criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses, the following must apply to proposed project:

**(i)** The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one third of anticipated gross retail sales; and

**(ii)** No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale; and

**(iii)** At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation).

**(b)** Prohibited Products. To discourage nuisance activities, an Off-Sale Alcohol Outlet may be prohibited from selling one or more of the following products or may be required to sell products in the manner prescribed below:

**(i)** Malt beverage products with alcohol content greater than 5-1/2 percent by volume;

**(ii)** Wine with an alcoholic content greater than 18 percent by volume. No sales of low-end fortified wine are permitted;

**(iii)** Containers of beer or malt liquor larger than 39 ounces;

**(iv)** Cooler products, either wine- or malt-beverage-based, in less than manufacturer pre-packaged multi-unit quantities;

**(v)** No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than manufacturer pre-packaged multi-unit quantities;

**(vi)** Wine in less than 750 milliliter volume containers, specialty wine products in less than 375 milliliter volume containers, or in less than manufacturer prepackaged multi-unit quantities; and/or

**(vii)** Wine coolers or beer coolers shall be sold in manufacturer pre-packaged multi-unit quantities. No sales of single containers of wine coolers, beer coolers, or pre-mixed spirit cocktails are permitted.

**(viii)** The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

**(c)** The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.

**(d)** Pursuant to Development Code Division 5.03.125: Convenience Markets and Specialty Food Stores, within the CS zoning district, convenience store hours of operation shall be limited to between 7:00AM and 10:00PM, daily.

**(e)** Necessary permits are required for all current and future wall signs pursuant to Development Code, Division 8.01, Sign Regulations. Signage must meet requirements of this division.

**(f)** 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.

**(g)** The operation shall not deviate from the floor plan, rearrange alcoholic beverage coolers, increase the number of coolers which contain alcoholic beverages, or increase the percentage of retail alcoholic beverage sales without first gaining the approval of a modification to the existing CUP.



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Larissa Lomen, Administrative Intern  
Diana Ayala, Senior Planner

**FROM:** Hadel Awad, Police Officer

**DATE:** October 29, 2021

**SUBJECT:** PCUP21-013 Seven’s Market Plus – 656 East D Street

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The Ontario Police Department has researched the request for an off-site type 20 beer and wine license for Seven’s Market Plus, located at 656 East D Street in the city of Ontario. The requested license is within census tract 15.01 which is over concentrated with off-sale alcohol licenses. The Department of Alcohol Beverage Control authorizes two (2) off-sale alcohol licenses for this tract. There are currently five (5) active off-sale alcohol licenses within census tract 15.01. The Ontario Police Department does not approve or deny Conditional Use Permits or ABC licenses. The approval PCUP21-013 is at the discretion of the City of Ontario Planning Department. However, due to the over-concentration factor, the Ontario Police Department recommends the applicant obtain a license approval from the State Department of ABC prior to moving forward.

If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control and Ontario Police Department rules and conditions. If approved, the following conditions of approval shall be imposed by the Ontario Police Department:

### **ABC CONDITIONS**

1. Hours of operation will be: Monday- Sunday from 07:00 AM to 10:00 PM.
2. Sales of alcohol will occur between the hours listed above.
3. No sales or service to minors.
4. No sales or service to intoxicated patrons.
5. No open alcohol beverages in the establishment.
6. No alcohol sales through any pass-through type windows.

7. No drug paraphernalia will be sold at any time.
8. No smoking is permitted inside the establishment, including any type of electronic delivery device.
9. Single sale of beer, cans or bottles, will not be allowed.
10. Wine shall not be sold in container less than 750ml.
11. Wine coolers must be sold in four packs.
12. Sales of distilled spirits and liquor are not permitted.
13. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
14. No more than five (5) cooler doors shall be designated for alcohol sales. Additionally, no more than 10 % of the sales floor/cooler shall be designated for alcohol sales.
15. No harmful matter permitted. "Harmful matter" means matter, taken as whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.
16. Employees engaged in the sales of alcohol must be 18 years of age or older.
17. No more than 25% of window space at the business is allowed for advertisements. The business must maintain clear visibility through the window into the exterior of the business. Further, the interior must also be clearly visible from the exterior of the business.
18. Clear visibility must be maintained through the windows between two feet and six feet height. (Advertisements, décor, tinting, etc. must be no higher than two feet at the bottom of the window and no lower than six feet at the top of the window.)
19. No loitering shall be permitted on any property adjacent to the license premise, which is under the control of the applicant, and signs must be posted.
20. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing establishment, 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.

21. The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
22. Trash enclosures shall remain locked at all times to prevent abnormal use of the area. The enclosure may be left unlocked on trash pickup days only; but, must be locked as soon as practical after the trash has been removed.
23. Any and all landscaping shall be maintained on a routine maintenance schedule. Shrubbery and foliage shall follow similar guidelines as the windows in reference to visibility. Shrubs shall be maintained no higher than two feet and foliage shall be maintained above six feet in height to allow clear visibility for all patrons and staff at the establishment.
24. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level. All lighting shall be converted to LED as soon as practical, but no later than one year from the issuance of this conditional use permit.
25. LED lighting will be required for all light fixtures. Optimal lighting for visibility and video color rendering is approximately 3400 degrees Kelvin. The lighting should be as close to 3400 degrees Kelvin as possible.
26. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
27. The applicant and all employees must attend Alcohol Beverage Control (ABC) LEAD's training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.
28. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the main entrance, to monitor patrons entering and exiting. A minimum of one camera will record the register. A minimum of one camera will record the parking lot. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the police department upon request.

## **TOBACCO CONDITIONS**

1. No tobacco sales to anyone under 21 years of age.

2. Retailers must post required Stop Tobacco Access to Kids Enforcement (STAKE) act age of sale warning signs at each point of sale/register.
3. No self service displays of tobacco products are allowed.
4. Tobacco products must be stored behind the counter.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
7. The distribution of free or low-cost tobacco products or tobacco coupons are prohibited.
8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.
9. Tobacco products should not be within two (2) feet of candy or snacks.
10. No harmful matter permitted. "Harmful matter" means matter, taken as whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.

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

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

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

The Police Department will conduct a review six months after the commencement of business, to determine whether additional conditions will be needed. These conditions are in addition to any conditions imposed by the Ontario Police Department, under the CUP or related file.

**Please contact Officer H. Awad at (909) 408-1318 with any questions regarding the listed conditions.**

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

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
	07/20/21
Philip Marino, Associate Landscape Planner	Date

Reviewer's Name: <b>Philip Marino, Associate Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: PCUP21-013	Related Files:	Case Planner: Larissa Lomen
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Project Name and Location:  
 Conditional use permit to establish alcoholic beverage sales (Type 20 ABC License)  
 656 East D. St.

Applicant/Representative:  
 Sevens Market Plus Aymen Jweinat [JWeinat1st@gmail.com](mailto:JWeinat1st@gmail.com)  
 656 East D. St.  
 Ontario, CA 91764

<input checked="" type="checkbox"/>	<b>A site plan 07/13/21 meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan () has not been approved. Corrections noted below are required prior to DAB approval.</b>

1. Note landscapes shall be continuously maintained by the property maintenance personnel.
2. Owner to replace 2 missing 24" box Acacia salicina street trees on Campus Ave. Space trees 20' O.C and a minimum 10' from street light. Provide, repair, or replace tree irrigation tree bubblers to wet the entire root system until established.
3. Landscape renovations shall include a weather based controller with weather sensor and system tune up to prevent any overspray or run off.
4. Repair or replace broken or leaking irrigation components.
5. Contact this department for inspection when construction is completed.
6. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>