



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

April 3, 2023

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 and on the City website at [www.ontarioca.gov/agendas/zoning](http://www.ontarioca.gov/agendas/zoning)

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-025:** A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises (Type 21 (Off Sale General) ABC license), including beer, wine, and distilled spirits, in conjunction with an existing 70,000-square-foot tenant space (a proposed Target store) on 2.76 acres of land located at 1670 East Fourth Street, within the CC (Community Commercial) 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; (APN: 0110-181-15) **submitted by Target Corporation.**

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, Mayra A. Angulo, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **March 30, 2023**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Office Specialist



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

April 3, 2023

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

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

**FILE NO.:** PCUP22-025

**DESCRIPTION:** A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises (Type 21 (Off Sale General) ABC license), including beer, wine, and distilled spirits, in conjunction with an existing 70,000-square-foot tenant space (a proposed Target store) on 2.76 acres of land located at 1670 East Fourth Street, within the CC (Community Commercial) zoning district; (APN: 0110-181-15) **submitted by Target Corporation.**

## PART 1: BACKGROUND & ANALYSIS

TARGET CORPORATION, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP22-025, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 2.76 acres of land located at 1670 East Fourth Street 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:	Existing Commercial Shopping Center with Proposed Target Tenant	General Commercial (0.4 FAR)	CC (Community Commercial)	N/A
North:	Existing Commercial Shopping Center	General Commercial (0.4 FAR)	CC (Community Commercial)	N/A
South:	Existing Commercial Shopping Center, Vacant Pad for Future Commercial Building	General Commercial (0.4 FAR)	CC (Community Commercial)	N/A
East:	Single-Family Residential	Low-Density Residential (2.1-5 du/ac)	LDR-5 (Low-Density Residential)	N/A
West:	Existing Commercial Shopping Center	General Commercial (0.4 FAR)	CC (Community Commercial)	N/A

Prepared: AV 03/09/2023

Reviewed: EVH 03/20/2023

Reviewed: CM 03/21/2023

## PROJECT ANALYSIS:

(1) Background — The Project site is comprised of an existing shopping center that includes drive-thru buildings, in-line tenant buildings, vacant pads, and the subject 70,000 square-foot retail tenant space, which the Applicant proposes to occupy (see *Exhibit B: Site Plan*, attached). The shopping center was primarily constructed between the early 1990s and early 2000s, and the subject tenant space was previously occupied by K-Mart, which closed in 2018. The shopping center has remained under-utilized over the past few decades, but the property owner has been pursuing updates to the center, such as the addition of a Habit Burger drive-thru restaurant, to catalyze revitalization of the center. The Applicant has submitted applications for tenant improvements, site grading, and parking lot restriping in conjunction with the Conditional Use Permit.

(2) Proposed Use — On December 20, 2022, the Applicant applied for a Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for off-premises consumption (Type 21 ABC License) in conjunction with a Target store that offers groceries and general merchandise. The store will utilize a floor plan similar to other Target stores, including aisles of pre-packaged goods; coolers for produce, dairy, and perishable or frozen groceries; non-alcoholic beverages; and areas for general merchandising such as home goods, clothing and accessories, toys and hobby goods, personal and baby care, pet supplies, garden and camping supplies, automotive care supplies, and stationery and craft goods (see *Exhibit C: Floor Plan*, attached). The Applicant proposes an approximate 300-square-foot alcoholic beverage display toward the rear (east side) of the store, which comprises 0.4 percent of the sales floor area of the store. The store's main entrance is located on the west side of the building, facing the parking lot, and is separated from the alcoholic beverage display by checkout stands and aisles of non-alcoholic merchandising. The display's distance from the front door satisfies Development Code and Police Department requirements that prohibit alcoholic beverage displays within close proximity to the front door. Target stores in California typically sell a full range of alcoholic beverage products as part of their grocery offerings, and similar store policies governing the operations, advertisement, and product types available will be applied at this location (see *Exhibit D: Business Plan/Statement of Operations*, attached).

The proposed daily business hours of operation, while not yet definitively set, are likely to be 8:00 AM to 10:00 PM, daily. While the average number of employees per shift has yet to be established, the business will employ 100-140 employees total, depending on the season.

The Police Department has conditioned the sale of alcohol to occur between 8:00 AM and 12:00 AM, daily. No on-site consumption of alcoholic beverages will be permitted.

(3) Parking — The five-building shopping center contains approximately 137,000 square feet of retail, restaurant, and service-oriented commercial space, with a sixth building to add 2,800 square feet for a new drive-thru restaurant (Habit Burger) at 1610 East Fourth Street. Combined, the existing and forthcoming land uses require 711 parking spaces. The center has 726 existing and 14 future parking spaces, for a total of 740 parking spaces to serve the center and Habit Burger. Based on the existing and proposed land uses on-site, a surplus of 29 parking spaces will be available. The Covenants, Conditions, and Restrictions ("CC&Rs") for the shopping center include provisions for shared parking and access throughout the center and will be updated to include the incoming Habit Burger parcel.

Staff finds that the proposed Project will not affect the overall parking demand within the existing shopping center and sufficient parking will be provided to support both the proposed Target,

existing tenants, and forthcoming Habit Burger, in that a) the center currently exists and will continue to operate with a surplus of parking spaces; b) the proposed land use within the Project tenant space is remaining the same (big-box retail, from K-Mart to Target); c) the addition of alcoholic beverage sales, which will occupy no more than 0.4 percent of the store's sales floor area, will provide an additional convenience to customers of the store; d) no expansion to the existing building's footprint is proposed; and, e) no elimination of existing parking stalls is proposed.

(4) **ABC Concentration** – The California Department of Alcoholic Beverage Control (“ABC”) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per census tract, based on its population. The Project site is located within Census Tract 13.08, which allows for a total of three off-sale ABC licenses, and a total of four licenses are currently active. As such, the Census Tract is over-concentrated, and Public Convenience and Necessity (“PCN”) findings have been incorporated into this report under *Part 3: The Decision*. The Police Department does not object to allowing the proposed Type 21 ABC License provided all City and State Department of Alcoholic Beverage Control rules, regulations, and Conditions of Approval are met and followed.

(5) **Land Use Compatibility** - Conditional Use Permit review is required to ensure the compatibility of adjacent land uses by identifying potential nuisance activities and establishing appropriate measures for mitigation accordingly. The Project site is located within an existing shopping center that includes a fitness gym, an assortment of in-line retail and personal service businesses, and restaurant land uses intended to provide a convenience to the residential neighborhoods surrounding the Project site. As the proposed Conditional Use Permit for alcoholic beverage sales will be to provide an added convenience for the forthcoming Target grocery and general goods store, and as the total floor area dedicated to alcoholic beverage sales will be no more than 0.4 percent of the store's sales floor area, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within the shopping center will not be exposed to any impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other grocery store or “big-box commercial” use within the surrounding area.

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

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

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

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

## **PART 2: RECITALS**

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

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

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

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

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

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

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

WHEREAS, on April 3, 2023, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

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

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

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

(1) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion. The Project involves permitting for the sales of alcoholic beverages in conjunction with grocery and general goods sales, to occur within an existing structure. No expansion is proposed to the structure. The Project is consistent with the following conditions:

(a) 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. The Project site is fully improved with a retail shopping center; and

(b) The area in which the Project is located is not environmentally sensitive, as the Project site is fully improved with a retail shopping center.

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

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

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

ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace Protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the ZA, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP.

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

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the CC (Community Commercial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, with the Project's Conditions of Approval, the proposed grocery and general goods store with off-sale alcoholic beverage license land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the CC (Community Commercial) zoning district. The Project site was originally developed for a "big box retailer", and was previously occupied by K-Mart. Target, a similar type of retail store, is pursuing leasing the tenant space and has proposed to provide an added convenience to shoppers by adding alcoholic beverage sales to its general goods and grocery offerings; 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 grocery and general goods store with off-sale alcoholic beverage license land use will be located within the General Commercial (0.4 FAR) land use district of the Policy Plan Land Use Map, and the CC (Community Commercial) 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, which promotes intensification of retail and service commercial land uses in the area of the Project site; 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 grocery and general goods store with off-sale alcoholic beverage license land use is located with the General Commercial (0.4 FAR) land use district, and the CC (Community Commercial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. The proposed use will provide an additional convenience for patrons of the Target store, which is located within a land use district and zoning district intended for commercial retail, restaurant, and service uses; 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 imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; and [iv] the Project will be in harmony with the surrounding area in which it is proposed to be located.

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

- *The retailer occupies a minimum of 12,000 square feet of gross floor area. The Target store will be 70,000 square feet in size.*
- *No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The Target store will use 0.4 percent of the gross floor area for alcoholic beverage display and stock.*
- *No less than 10 percent of the floor area is devoted to food sales. Approximately 20-25 percent of the floor area is devoted to food sales.*
- *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 Police Department has not flagged the Project site as a high crime area and is supporting the request to sell alcoholic beverages, provided Conditions of Approval are met.*
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The Project site is currently under plan check review for tenant improvements for Target and has been conditioned to bring the landscape areas up to code as part of this entitlement and other entitlements within the shopping center.*
- *The site is properly maintained, including building improvements, landscaping, and lighting. While the property fell into minor disrepair as a result of K-Mart's vacation of the anchor tenant building, the property owner has been investing in site improvements. The Project, as well as other entitlements within the shopping center, have been conditioned to bring the property into code compliance.*

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 \_\_\_\_\_, 2023.

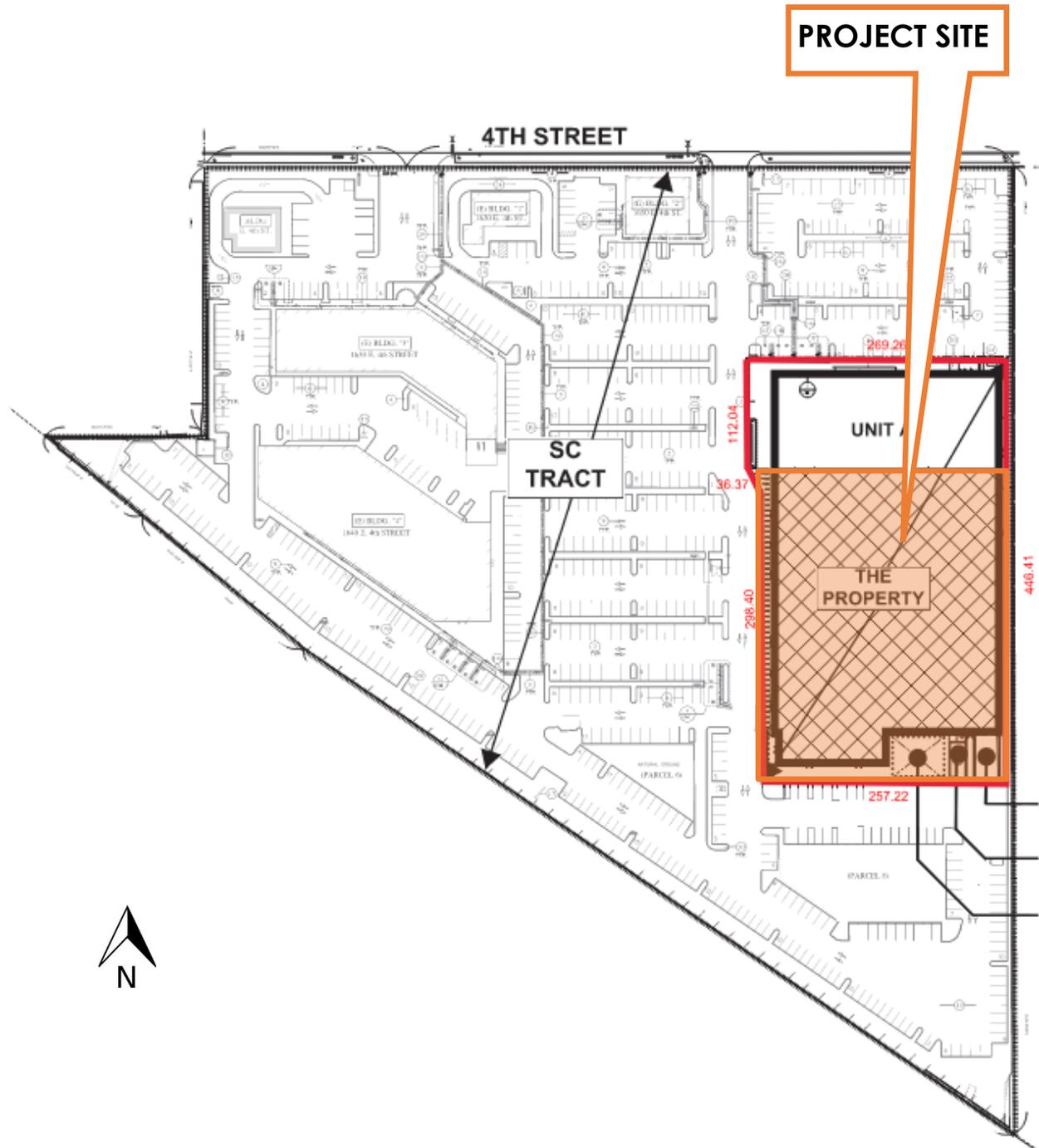
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Rudy Zeledon  
Zoning Administrator

**Exhibit A: PROJECT LOCATION MAP**



**Exhibit B: SITE PLAN**





## ***Exhibit D: BUSINESS PLAN/STATEMENT OF OPERATIONS***

### **Attachment - Project Description**

#### **Target, 1670 E. 4<sup>th</sup> St., Ontario, CA 91764**

Target Corporation ("Target") has applied to the Department of Alcoholic Beverage Control for a Type 21 Off-Sale General license to allow the sale of alcoholic beverages at its new store in Ontario.

The new 70,000 square foot store is scheduled to open next summer in the recently renovated Vineyard Freeway Shopping Center. Target will occupy the space previously occupied by K-Mart. The store hours, while not yet definitively set, are likely to be 8 a.m. to 10 p.m. daily.

Target will provide neighborhood residents with a broad selection of goods and every day essentials, including groceries, in one convenient location. In conjunction with its grocery assortment, Target would like to be able to offer customers the ability to purchase alcoholic beverages. The addition of alcoholic beverages will offer Target customers a more complete shopping experience and provide a convenience by eliminating the need for an additional shopping trip.

Most other Target stores in California, including the Target store at 4200 E. 4<sup>th</sup> Street in Ontario, sell a full range of alcoholic beverage products as part of their grocery offerings. Target would like to be able to offer customers of its new Ontario store the same full selection of alcoholic beverage products available at other Target stores.

Target understands and takes seriously the responsibility that comes with selling alcoholic beverages. All Target employees are required to complete Target's Alcohol Sales Training Program before they are permitted to sell alcoholic beverages. The training focuses on cashier responsibilities in preventing underage sales, methods for verifying identification, handling intoxicated guests and cashier liability. Target also has age verification technology built into its point of sale system to further assist employees in preventing underage sales.

Target also has state-of-the-art security cameras located throughout the store to monitor customer activity and deter theft. In addition, there are both Target-uniformed and plain-clothed asset protection personnel who monitor the store.

The addition of alcoholic beverage sales will not change the character of the Target's retail use. Alcoholic beverage sales will be a very small component of Target's overall retail operations, but will provide customers with the conveniences they expect from a full-service grocery. And, as noted above, Target has policies and protocols to ensure that alcohol sales are handled in a responsible manner and to deter crime, loitering or other undesirable activity. The incidental sale of alcoholic beverages, therefore, will not have any adverse effect on the general welfare of the surrounding neighborhood.

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

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

**Date Prepared:** 3/8/2023

**File No:** PCUP22-025

**Related Files:** N/A

**Project Description:** A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises (Type 21 (Off Sale General) ABC license), including beer, wine, and distilled spirits, in conjunction with an existing 70,000-square-foot tenant space (a proposed Target store) on 2.76 acres of land located at 1670 East Fourth Street, within the CC (Community Commercial) zoning district; (APN: 0110-181-15); **submitted by Target Corporation.**

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

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

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

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

**2.1 Time Limit.** 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.

**(d)** Any deferred submittals/improvements from the previous projects undertaken at the Project site's shopping center, including those deferred from any previous entitlements, business licenses, or Building permits, shall be timely commenced and completed as a result of this entitlement. Deferred submittals largely include required upgrades to the Project site and the overall shopping center, such as parking lot grading and striping, landscaping repairs and improvements, and minor updates to existing vacant building pads and site circulation.

### **2.3** Landscaping.

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

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

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

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

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

### **2.5** Parking, Circulation and Access.

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

**(b)** 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).

## **2.6** Site Lighting.

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

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

## **2.7** Mechanical and Rooftop Equipment.

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

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

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

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

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

## **2.11** Alcoholic Beverage Sales—General.

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

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

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

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

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

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

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

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

**(i)** Live entertainment shall be prohibited. Karaoke, DJs, live musical acts, and other similar forms of entertainment are hereby deemed to be live entertainment.

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

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

## **2.12** Environmental Requirements.

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

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

**2.13** 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.

**2.14** Additional Fees.

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

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

**2.15** Additional Requirements.

**(a)** The site shall be maintained in a clean and orderly fashion, including upkeep of all landscaping. Parking lots shall be routinely patrolled to ensure all trash is properly disposed of; all carts are returned to their corrals; and that no nuisance activities are occurring, including vandalism, vagrancy, and loitering.

**(b)** Consumption of alcoholic beverages on-site shall be prohibited.



**CITY OF ONTARIO**  
**MEMORANDUM**  
*“Excellence Through Teamwork”*



**TO:** Alexis Vaughn, Associate Planner

**FROM:** Thomas Cho, ABC Officer

**DATE:** February 16, 2023

**SUBJECT:** FILE NO. PCUP22-025 - TARGET  
1670 E. FOURTH STREET

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The Target Corporation has applied for an off-site type 21 (off-sale general) alcohol license with the Department of Alcoholic Beverage Control. Pending ABC’s approval, the Ontario Police Department is placing the following conditions:

**ABC CONDITIONS**

1. Sales of alcohol will occur between the hours of 8:00 a.m. to 12:00 a.m. daily.
2. If store hours go beyond or before the hours of alcohol sales indicated above, devices must be installed to lock up/secure alcohol product accessibility to customers.
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 single can or bottle sales of beer and/ or malt-based liquor allowed must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
7. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs is permitted unless otherwise permitted by City ordinance or written policy.
8. No single bottle sales of distilled spirits smaller than 375 ml in size.

9. Distilled spirits shall be displayed in locked cases and shall be removed by an employee and handed to the customer or, alternatively, bottle cap locking devices shall be used on all distilled spirits which will be removed by the cashier at the point of sale.”
10. The business is required to have and use driver license and/or ID card reading devices or checkouts will stop transaction until a member of staff has looked at a customer’s bona fide ID and confirmed they are 21yrs or older.
11. No sales of alcohol beverages at self-service checkouts.
12. Employees engaged in the sales of alcohol must be 18 years of age or older.
13. No drug paraphernalia to be sold at any time.
14. No smoking inside of establishment is permitted.
15. There will be no narcotic sales or usage on the premises at any time.
16. No more than 25% of advertisements allowed on the windows of the business.
17. No warm beer displays by the front door.
18. The applicant shall be responsible for maintaining premises free of graffiti and area adjacent to the premises over which the applicant has control. The applicant is responsible for the removal of the graffiti within 72 hours of its appearance or upon notice of its appearance.
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
20. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
21. 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.
22. 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.
23. The applicant shall modify or equip the public telephones inside or adjacent to the establishment to prevent incoming calls if applicable.
24. All employees involved with the sales of alcohol must attend an Alcohol Beverage Control (ABC) L.E.A.D.’s training class or a certified responsible beverage service class, which has

been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years.

25. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.
26. Security personnel used by the establishment will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (OMC - security regulations).

### **TOBACCO CONDITIONS**

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post age of sale warning signs at each register.
3. Customers may not help themselves to cigarettes.
4. Tobacco products must be stored behind the counter under lock and key.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in packaging containing less than 0.60 ounces are prohibited.
7. The distribution of free or nominal-cost tobacco products or coupons is prohibited.
8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.
9. No more than one-third of the square footage of windows and glass doors of an alcohol retailer may have signs of any sort, including tobacco.
10. Employees must attend a STAKE ACT class provided by the San Bernardino County Health Department. Proof of re-certification is required every 3 years.

If alcohol or tobacco related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in violation of this CUP or has violated the laws of the State or City are 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 location will be allowed to sell distilled spirits with the conditional 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 Thomas Cho at (909) 408-1671.



# CITY OF ONTARIO

## MEMORANDUM

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

**FROM:** Paul Ehrman, Sr. Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** January 3, 2023

**SUBJECT:** PCUP22-025 - A Conditional Use Permit to establish Type 21 alcoholic beverage sales, for Off-premise consumption in conjunction with a proposed 70,000 square-foot Target Store on 2.763 acres of land located at 1670 East Fourth Street, within the CC (Community Commercial) zoning district (APN(s): 0110-181-15-0000). Related File(s): PPA22-0023.

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The plan **does** adequately address Fire Department requirements at this time.

No comments.

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# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Associate Planner

DATE: January 03, 2023

SUBJECT: FILE #: PCUP22-025

Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish Type 21 alcoholic beverage sales, for Off-premise consumption in conjunction with a proposed 70,000 square-foot Target Store on 2.763 acres of land located at 1670 East Fourth Street, within the CC (Community Commercial) zoning district (APN(s): 0110-181-15-0000). Related File(s): PPA22-0023.

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

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

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
	01/25/2023
Jamie Richardson, Sr. Landscape Architect	Date

Reviewer's Name: <b>Jamie Richardson, Sr. Landscape Architect</b>	Phone: <b>(909) 395-2615</b>
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D.A.B. File No.: PCUP22-025	Related Files:	Case Planner: Alexis Vaughn
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Project Name and Location: Target ABC 1670 E 4 <sup>th</sup> Street
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Applicant/Representative: Target Corporation – Beth Aboulafia <a href="mailto:aboulafia@bevergelaw.com">aboulafia@bevergelaw.com</a> 260 California Street, Suite 700 San Francisco, CA 94111
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<input checked="" type="checkbox"/>	<b>A site plan (dated 1/3/2023) meets the Standard Conditions for New Development and has been approved, considering that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan (dated) has not been approved. Corrections noted below are required before DAB approval.</b>

1. Note: Landscapes shall be maintained by the property management association or maintenance personnel.
2. Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established. Contact property management to replace missing parking lot island trees: 1 at each parking island or row end. 24" box size trees type shall match existing or considered low water trees for this climate, such as Quercus ilex, Holly Oak, Ulmus' True Green' Elm, Pistacia chinensis, or similar.
3. Landscape renovations shall include a weather-based controller with a weather sensor and system tune-up to prevent overspray or runoff.
4. Repair or replace broken or leaking irrigation components.
5. Existing trees shall be protected in place. A tree inventory shall be submitted to this department for review and approval if tree removal is requested.
6. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging, or storage occurs that would require landscape or irrigation replacement.
7. Call out if trees are to remain or if they are to be removed if impacted by construction. (No grading shall occur within the tree protection zone (1' per 1" of trunk diameter).
8. Show replacement trees on-site to equal trunk diameter removed if trees are removed. (1-24" box tree for each 1.5" of trunk diameter, 1-36" box tree for each 2.5" trunk diameter, etc.).
9. Contact this department for inspection when construction is completed.
10. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO

## MEMORANDUM

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Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Associate Planner

DATE: January 03, 2023

SUBJECT: FILE #: PCUP22-025 Finance Acct#:

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

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

The plan does not adequately address the departmental concerns.

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

Engineering Department

*Ryan Lee*

Engineering Assistant

1/5/2023

Department

Signature

Title

Date  
Item A - 26 of 30



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
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Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Associate Planner

DATE: January 03, 2023

SUBJECT: FILE #: PCUP22-025 Finance Acct#:

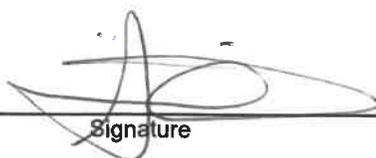
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  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling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

Engineering /  
Transportation Section  
Department

  
Signature

Engineering Assistant  
Title

1/4/2023  
Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
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Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Associate Planner

DATE: January 03, 2023

SUBJECT: FILE #: PCUP22-025 Finance Acct#:

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- Standard Conditions of Approval apply

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Engineering Department

*Nathan Pino*

Engineering Assistant

1/5/2023

Department

Signature

Title

Date  
Item A - 28 of 30



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
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Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Alexis Vaughn, Associate Planner

DATE: January 03, 2023

SUBJECT: FILE #: PCUP22-025

Finance Acct#:

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- Standard Conditions of Approval apply

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Community Improvement Dept  
Department

  
Signature

Comm Imp Supervisor 1/17/23  
Title

Date  
Item A - 29 of 30

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP22-025

Address: 1670 East Fourth Street

APN: 0110-181-15

Existing Land Use: Commercial Retail (Target Store)

Proposed Land Use: CUP to establish an ancillary Type 21 ABC license in conjunction with a 70,000 SF Target Store

Site Acreage: 2.7 Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Alexis Vaughn

Date: 3/27/2023

CD No.: 2022-067

PALU No.: n/a

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

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

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

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

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

## CONSISTENCY DETERMINATION

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

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

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