



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

August 20, 2018

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

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

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-012:** A Conditional Use Permit request to establish on-premise alcohol beverage sales (Type 41-Beer and Wine ABC License), in conjunction with an existing 2,800 square foot (Mantra Indian Cuisine) restaurant located at 990 North Ontario Mills Drive, Unit "H", within the Commercial/Office land use district of the Ontario Mills Specific Plan (formerly California Commerce Center North, Ontario Gateway Plaza & Wagner Properties 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 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-014-03); **submitted by Mr. Sumit Sharma.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-016:** A Conditional Use Permit request to establish a children's indoor fitness playground within a proposed 14,397 square foot tenant space of an existing 28,805 square foot commercial building located at 130 West G Street, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. 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: 1048-271-19) **submitted by Kids Empire Ontario LLC, Haim Elbaz.**
- C. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-019:** A Conditional Use Permit request to establish a fitness facility within a proposed 14,500 square foot tenant space of an existing 28,805 square foot commercial building located at 130 West G Street,

within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. 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: 1048-271-19) **submitted by Blink Fitness.**

- D. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-022:** A Conditional Use Permit to establish an 18,000-square foot satellite campus for San Joaquin Valley College on 0.17 acres of land, located at 4688 East Ontario Mills Parkway, Suite #A, within the Commercial Office land use district of the Ontario Mills (California Commerce Center North) 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: 0238-271-28) **submitted by San Joaquin Valley College.**
- E. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-025:** A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land, located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-191-15) **submitted by DeVry University.**
- F. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-029:** A modification to a previously approved Conditional Use Permit (File No. PCUP08-014), establishing alcoholic beverage sales, including beer, wine and distilled spirits, for consumption on the premises in conjunction with Citizen Business Bank Arena (CBBA), located at 4000 East Ontario Center Parkway, within the Urban Commercial land use district of the Ontario Center Specific Plan. The proposed Conditional Use Permit modification would establish the serving of alcoholic beverages within a new outdoor patio located on the north side of the arena, and provide for the use of additional portable bars to accommodate various CBBA events (APN: 0210-205-01). 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); (APNs: 0210-205-01) submitted by SMG Food and Beverage, LLC.

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

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

I, Maureen Duran, 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 **August 16, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.





ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

August 20, 2018

DECISION NO.: [insert #]

FILE NO.: PCUP18-012

DESCRIPTION: A Conditional Use Permit request to establish on-premise alcohol beverage sales (Type 41-Beer and Wine ABC License), in conjunction with an existing 2,800 square foot (Mantra Indian Cuisine) restaurant located at 990 North Ontario Mills Drive, Unit "H", within the Commercial/Office land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties Specific Plan. (APN: 0238-014-03); **submitted by Mr. Sumit Sharma**

PART I: BACKGROUND & ANALYSIS

MR. SUMIT SHARMA, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-012, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) Project Setting: The project site is located at 990 North Ontario Mills Drive, Unit H, within a 22,300 square-foot retail building on approximately 1.8 acres of land and is depicted in **Exhibit A: Aerial Photograph**, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Restaurant	Mixed Use (MU)	California Commerce Center North (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Commercial/Office
<i>North</i>	Multi-Tenant In-Line Commercial/Retail	Mixed Use (MU)	California Commerce Center North (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Commercial/Office
<i>South</i>	Multi-Tenant In-Line Commercial/Retail	Mixed Use (MU)	California Commerce Center North (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Commercial/Office
<i>East</i>	I-15 Freeway	Freeway	Ontario Freeway (I-15)	N/A
<i>West</i>	Multi-Tenant Commercial/Retail	Mixed Use (MU)	California Commerce Center North (CCCN), Ontario Gateway Plaza & Wagner Properties Specific Plan	Commercial/Office

<i>Prepared:</i> AV 8/6/18	<i>Reviewed:</i> RZ 8/8/18	<i>Decision:</i> [enter initial/date]
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(2) Project Analysis:

(a) Background — The project site is located within an existing retail 22,300 square foot multi-tenant retail building that was constructed in 1997 within the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties Specific Plan, otherwise referred to herein as the “Ontario Mills Specific Plan”. In 2016, Mantra Indian Cuisine moved in to Unit H and established the 2,800 square-foot restaurant. Unit H is located at the southern end of the retail building (**see Exhibit B: Site Plan**).

Mantra Indian Cuisine restaurant specializes in providing high quality, traditional Indian food. Menu items include chicken tandoori, chicken tikka masala, goat curry, basmati rice, garlic naan bread, and a variety of soups and salads. According to the applicant, the restaurant features all-you-can-eat lunch buffets during the week (Monday through Friday), and a regular menu on the weekends (Saturday and Sunday). Mantra Indian Cuisine currently has three restaurant locations in Southern California, including the Cities of Corona, Temecula, and Ontario.

(b) Proposed Use — On March 29, 2018, the applicant filed for a Conditional Use Permit application to allow their beverage menu to include the on-premise sale of beer and wine (Type 41 ABC license) at the subject location. The restaurant space is divided into five general areas (**see Exhibit C: Floor Plan**) that include:

- Dining Area
- Kitchen
- Walk in Pantry, Refrigerator & Freezer
- Outdoor 660 square-foot Patio Area (15’X44’)
- Restrooms

The restaurant’s main entrance is located on the west side of the building, facing the parking lot. The proposed business hours of operation are Monday through Sunday, 11:00 A.M. to 10:00 P.M. The restaurant operates with a total of 7 employees (5-full time employees and 2-part time employees).

The Police Department is requiring that the business maintain the ability to provide a full menu until last call. Although the restaurant currently closes before 1:30 a.m., the Police Department has allowed the flexibility for the restaurant to stay open until 1:30 a.m. In the future, if the restaurant chooses to close at 1:30 a.m., the last call for alcohol will be 45 minutes prior to closing, and no later than 1:15 a.m. Alcohol sales and service will stop at 1:30 a.m., or 30 minutes prior to closing. In addition, alcohol will only be served indoors, the practice of “Bottle Service” will not be allowed, and no live entertainment or dancing is allowed.

(c) Parking – According to the Ontario Development Code, the project is required to provide 29 parking spaces, at a ratio of 10 spaces per 1,000 SF of GFA (Gross Floor Area). The Ontario Mills Mall was developed with 8,800 parking spaces and with an approved shared parking and access agreement. The application does not include the elimination of any parking spaces. Additionally, the restaurant is existing, and the proposed Conditional Use Permit request is to provide an additional convenience to restaurant patrons; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing regional shopping center.

(d) 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 upon their population. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and according to ABC, is over concentrated (**see Exhibit G: Census Tract Map**). ABC currently allows 3 On-Sale licenses; however, there are currently 40 active On-Sale licenses within this census tract. Census Tract 21.09 encompasses the City's core Entertainment District which includes the Ontario Mills Mall, Citizen's Business Bank Arena, several restaurants and movie theaters in the area and several general commercial retailers. The proposed location operates as a "Bona Fide Public Eating Place;" therefore, the Police Department does not object to allowing the proposed Type 41 ABC License provided that all City and State Department of Alcohol Beverage Control rules, regulation and conditions of approval are met and followed. In addition, the project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

(e) Land Use Compatibility – A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within the Ontario Mills Mall, which consists of one stand-alone shopping complex and several surrounding multi-tenant commercial buildings. Several entertainment and restaurant tenants in the area currently hold a Type 47 ABC (On-Sale General) license, including: Rainforest Café, Market Broiler, AMC Theatres, Improv Comedy Club, Dave and Busters, and Blaze Pizza.

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 and surrounding the Ontario Mills Mall will not be exposed to any impacts resulting from alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant uses within the center and surrounding area.

(2) **Airport Land Use Compatibility Plan:** The 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(3) 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.

(4) 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.

(5) 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 II: RECITALS

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

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, on August 20, 2018, 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 subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) Applicant or applicant's representative explained the business operation and spoke in favor of the application.

(3) Additional speaker name

(4) 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 III: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(1) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and Specific Plan within which the site is located. The proposed Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with an existing 2,800 square-foot restaurant (Mantra Indian Cuisine) will be located at 990 North Ontario Mills Drive, Unit H, which is designated as the Commercial/Office land use designation of the Ontario Mills Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code and the Ontario Mills Specific Plan, and their objectives, purposes, development standards and guidelines.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with an existing 2,800 square-foot restaurant (Mantra Indian Cuisine) will be located at 990 North Ontario Mills Drive, Unit H, which the Policy Plan Land Use Plan designates as Mixed Use. The proposed land use is consistent with the

goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which identifies the Ontario Mills Area as a “Growth Area”. The Growth Area is envisioned to be developed in a manner that has an intensification of uses, such as entertainment and restaurants to provide our residents and visitors with the opportunity to live, work and play within our City. The proposed project will provide an additional convenience for patrons of the existing restaurant, and will overall help to implement this Growth Vision.

(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.* With conditions of approval, the proposed use will be consistent with the uses allowed within the Commercial/Office land use designation of the Ontario Mills Specific Plan, which allows for commercial, retail, restaurant, and entertainment uses. The proposed use will provide an additional convenience for patrons of the existing restaurant.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is located within Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the proposed use is consistent with the policies and criteria of the plan.

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

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

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The Police Department has reviewed the application and is recommending approval subject to the attached conditions of approval. The proposed use is consistent with the Ontario Mills Specific Plan and other similar restaurant uses in the area. The use will be providing a convenience for restaurant patrons that would like to purchase alcoholic beverages with their meal(s).

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. Mantra Indian Cuisine is in good operating condition and has no outstanding enforcement violations.

- The project site is properly maintained, including building improvements, landscaping, and lighting. The Daybreak Plaza shopping center, including Mantra Restaurant, is properly maintained and serviced on a regular basis.

(g) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1 - Existing Facilities) of the State CEQA Guidelines. Existing facilities consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions or operational changes and therefore is categorically exempt.

(h) The Zoning Administrator hereby finds and determines that 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.

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-012, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 20TH day of August 2018.

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit C: Mantra's Floor Plan

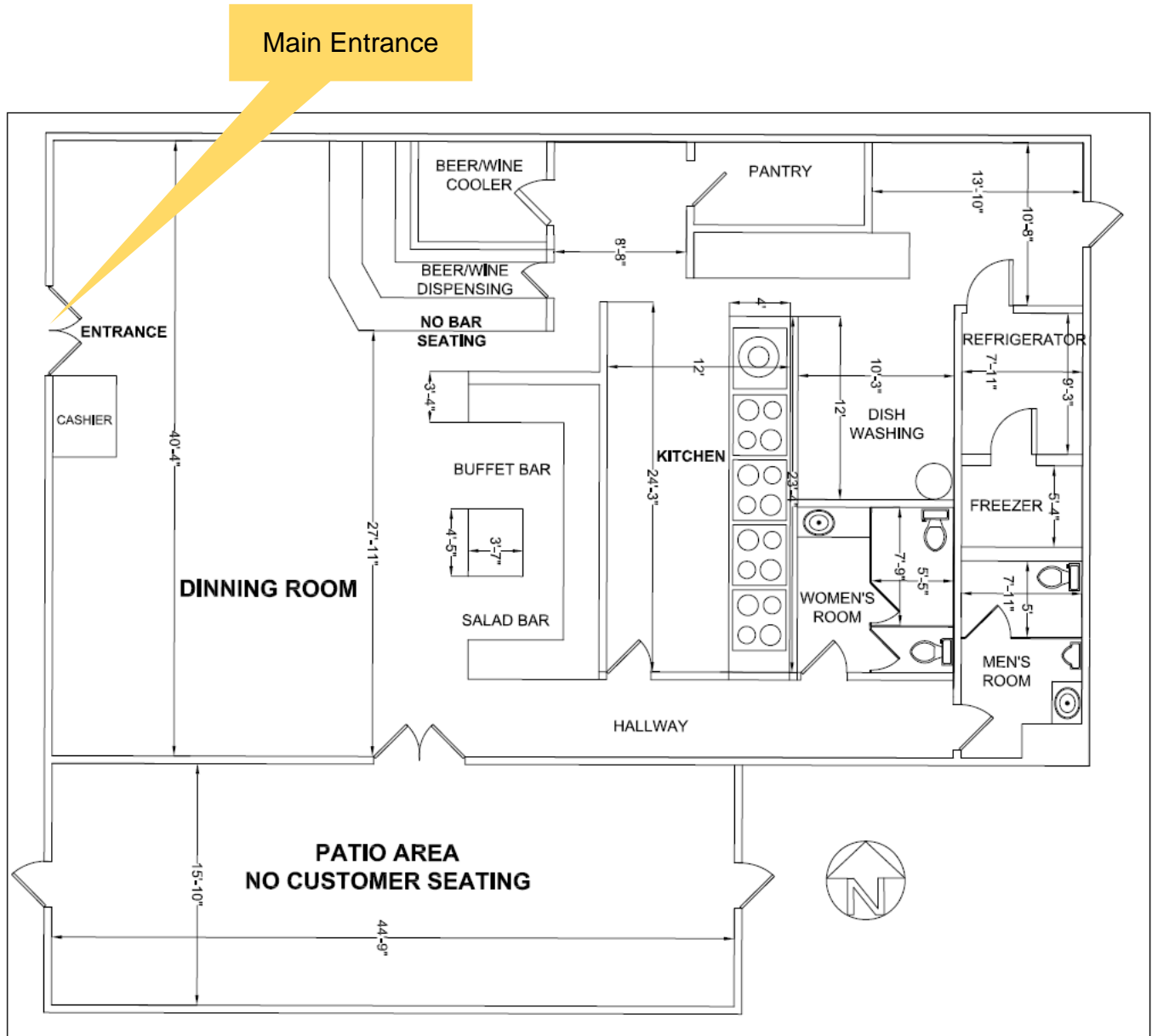


Exhibit D: Site Photographs

Main Entrance



Main Entrance to Mantra Restaurant

Exhibit E: Site Photographs



View of Buffet & Dining Area



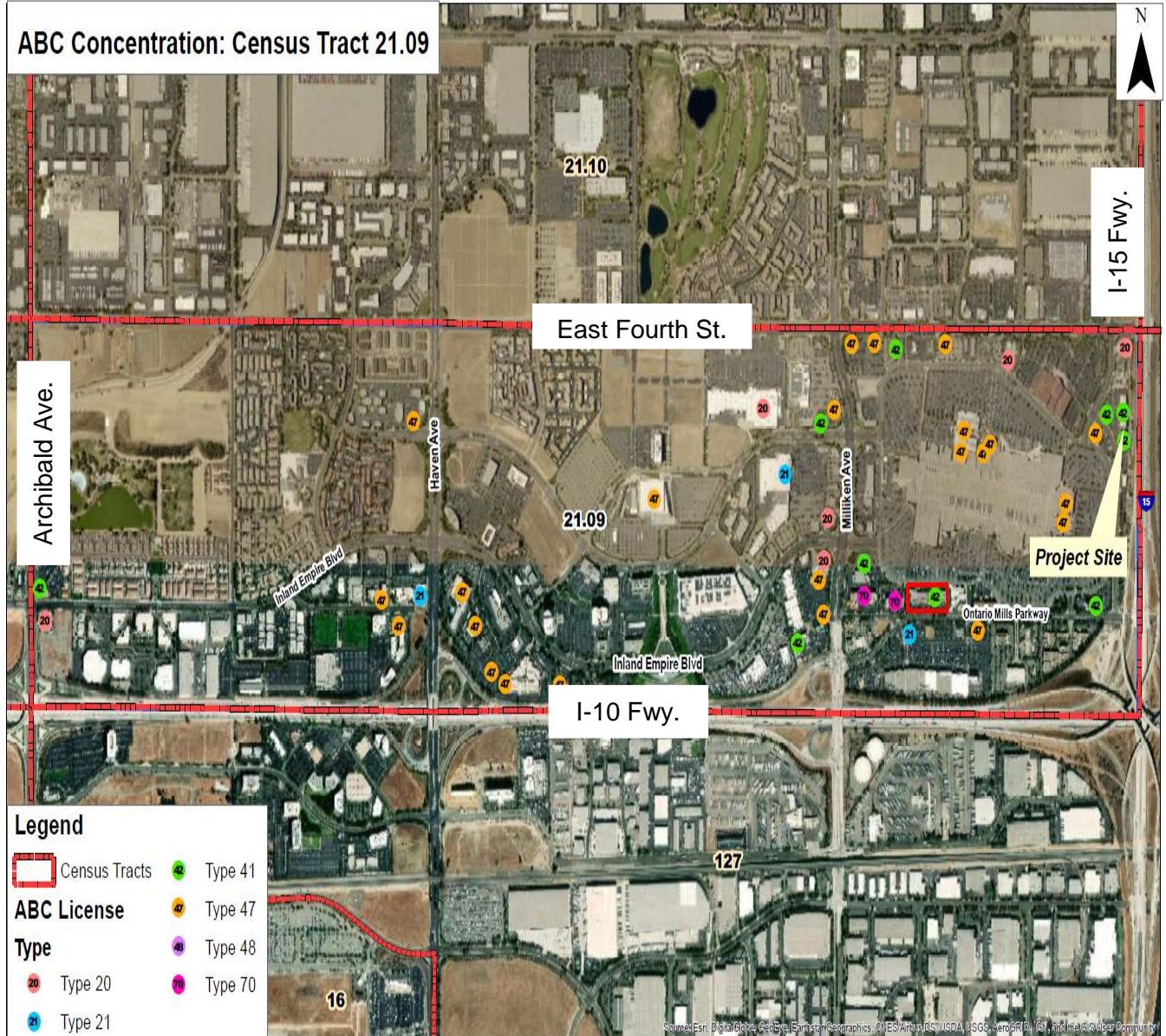
View of Outdoor Patio Area

Exhibit F: Site Photographs



View of the Beverage Dispensing Area

Exhibit G: Census Tract Map





City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
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*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: August 20, 2018

File No: PCUP18-012

Related Files: None

Project Description: A Conditional Use Permit request to establish on-premise alcohol beverage sales (Type 41-Beer and Wine ABC License), in conjunction with an existing 2,800 square foot (Mantra Indian Cuisine) restaurant located at 990 North Ontario Mills Drive, Unit "H", within the Commercial/Office land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties Specific Plan. (APN: 0238-014-03); **submitted by Mr. Sumit Sharma**

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

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

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

1.1 Time Limits.

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

1.2 Parking, Circulation and Access.

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

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

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

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

(e) Use shall provide a minimum of 29 parking spaces. The tenant space is part of the Ontario Mills Mall and utilizes shared parking and access accordingly.

1.3 Mechanical and Rooftop Equipment.

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

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

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

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

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

2.0 Additional Fees.

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

3.0 Additional Requirements.

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

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



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Denny Chen, Associate Planner

FROM: Eric Quinones, Police Corporal/ C.O.P.S. Unit

DATE: May 29, 2018

SUBJECT: FILE NO. PCUP18-012– MANTRA INDIAN CUISINE
990 ONTARIO MILLS DR, ONTARIO, CA 91761

This location has applied for a type 41 On-Sale Beer and Wine located within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), three on-sale licenses are allowed within this tract, there are currently 41. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing this conditional use permit. The location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

RESTAURANT CONDITIONS

1. Alcohol sales will be from 11:00 A.M. to 10:00 P.M. daily. Last call for alcohol shall be made 45 minutes prior to closing and no later than 09:15 P.M.
2. No sales to minors.
3. The restaurant will have no bar seating.
4. No sales to obviously intoxicated patrons.
5. No self serve alcohol displays allowed.
6. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
7. Signs must be posted at all exits stating no alcohol beyond this point.
8. No smoking inside of the establishment is permitted, including any type of electronic nicotine delivery device.

9. There will be no narcotic sales or usage on the premises at any time.
10. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties. Bartenders and cocktail servers must be 21.
11. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
12. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
13. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
14. The parking lots under control of the applicant shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
15. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
16. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
17. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6).

SECURITY CONDITIONS

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

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

2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the bar/restaurant area. A minimum of one camera will record the parking lot. 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.

Any special event outside the scope of the Conditional Use Permit 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, but a community service organization breakfast meeting would not be considered a special event and therefore would not require security.) If security personnel are needed they will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at 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 will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

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

Please contact Corporal Eric Quinones if you have any questions regarding this matter at (909) 395-2922.



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

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

DATE: April 5, 2018

SUBJECT: PCUP18-012 A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premise consumption in conjunction with an existing 2,800-square foot restaurant on 1.8 acres of land located at 990 N Ontario Mills Drive, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-03).

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

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 5, 2018
SUBJECT: PCUP18-012

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

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP18-012

Address: 990 North Ontario Mills Drive

APN: 0238-014-03

Existing Land Use: Commercial Shopping Center - 2,800 SF Restuarant

Proposed Land Use: A CUP for an ancillary Type 41 ABC license

Site Acreage: 1.8 Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Denny Chent

Date: 6/11/18

CD No.: 2018-028

PALU No.:

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 190 FT	
<input type="radio"/> Zone 5			

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

Zone A
 Zone B1
 Zone C
 Zone D
 Zone E

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: *Lorena Mejia*



CITY OF ONTARIO MEMORANDUM

DEVELOPMENT PLAN REVIEW COMMENTS Engineering Department/Land Development Section

DATE: May 16th, 2018 (1st Review)

PROJECT: PCUP18-012, a Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (On-Sale Beer and Wine for Bona Fide Public Eating Place), in conjunction with an existing 2,800-square foot restaurant on 1.8 acres of land.

APN: 0238-014-03

LOCATION: 990 North Ontario Mills Drive, Unit H

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant (909) 395-2384

PROJECT PLANNER: Denny Chen, Associate Planner (909) 395-2424

ENGINEERING DEPARTMENT'S CONDITIONS OF APPROVAL TO BE PROVIDED UPON THE FOLLOWING COMMENTS BEING SATISFACTORILY ADDRESSED PRIOR TO THE DEVELOPMENT ADVISORY BOARD AND/OR ZONING ADMINISTRATOR HEARING.

- A. The following items will be incorporated in the Conditions of Approval Report prior to the Development Advisory Board and/or Zoning Administrator Hearing:**
1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017.



CITY OF ONTARIO

MEMORANDUM

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

FROM: Denny Chen, Associate Planner

DATE: April 02, 2018

SUBJECT: FILE #: PCUP18-012 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, April 16, 2018**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premise consumption in conjunction with an existing 2,800-square foot restaurant on 1.8 acres of land located at 990 N. Ontario Mills Drive, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-03).

- 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/
TRAFFIC
Department

Perry Chang
Signature

ENG.
ASSISTANT
Title

4.10.18
Date



CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director
 Scott Murphy, Assistant Development Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer *(Antonio)*
 Carolyn Bell, Landscape Planning Division
 Ahmed Aly, Municipal Utility Company
 Doug Sorel, Police Department
 Paul Ehrman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, T. E., Traffic/Transportation Manager
 Lorena Mejia, Senior Planner
 Steve Wilson, Engineering/NPDES
 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department
 David Simpson, IT Department (Copy of memo only)

FROM: Denny Chen, Associate Planner

DATE: April 02, 2018

SUBJECT: FILE #: PCUP18-012

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, April 16, 2018**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premise consumption in conjunction with an existing 2,800-square foot restaurant on 1.8 acres of land located at 990 N. Ontario Mills Drive, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-03).

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 (Env.) *Stephen Wilson* *Env. Eng.* *4/10/18*
 Department Signature Title Date

Alexis Vaughn

From: Peter Tuan M. Tran
Sent: Monday, April 23, 2018 12:35 PM
To: Antonio Alejos
Cc: Ahmed Aly; Brent Eloie
Subject: PCUP18-012 DAB#1(#5330)

PCUP18-012 – A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (On-Sale Beer and Wine for Bona Fide Public Eating Place), in conjunction with an existing 2,800-square foot restaurant on 1.8 acres of land located at 990 North Ontario Mills Drive, Unit H, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-03).

Antonio,

OMUC has no subject comment. Thank you.

Sincerely,

Peter Tran
Associate Engineer/Project Manager
Ontario Municipal Utilities Company
Utilities Engineering and Operation Department



1425 South Bon View Avenue
Ontario, CA 91761
Ph: 909-395-2677
Fx: 909-395-2608





CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
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Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Denny Chen, Associate Planner

DATE: April 02, 2018

SUBJECT: FILE #: PCUP18-012 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, April 16, 2018**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premise consumption in conjunction with an existing 2,800-square foot restaurant on 1.8 acres of land located at 990 N. Ontario Mills Drive, within the Commercial/Office land use district of the Ontario Mills Specific Plan (APN: 0238-014-03).

- 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.

Department: Landscape Planning Signature: Carolyn Bell Sr. Title: Landscape Architect Date: 5/7/18



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

August 20, 2018

DECISION NO.: [insert #]

FILE NO.: PCUP18-016

DESCRIPTION: A Conditional Use Permit request to establish a children’s indoor fitness playground within a proposed 14,397 square foot tenant space of an existing 28,805 square foot commercial building located at 130 West G Street, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. APN: 1048-271-19; **submitted by Kids Empire Ontario LLC.**

PART I: BACKGROUND & ANALYSIS

KIDS EMPIRE ONTARIO LLC, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP18-016, 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 1.74 acres of land located at 130 West G Street, and is depicted in *Exhibit A: Aerial Photograph*, attached. The site is located at the northwest corner of Euclid Avenue and G Street. The property is located in an urbanized area with commercial, medical, office and residential uses. Existing land uses, General Plan and zoning designations, on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Retail	Mixed Use	MU-1 (Downtown Mixed Use) EA (Euclid Avenue Overlay)
<i>North</i>	Banking/Service	Mixed Use	MU-1 (Downtown Mixed Use) EA (Euclid Avenue Overlay)
<i>South</i>	Office/Multifamily/ Retail	Mixed Use	MU-1 (Downtown Mixed Use) EA (Euclid Avenue Overlay)
<i>East</i>	Medical Offices	Office Commercial	OL (Low Intensity Office)
<i>West</i>	Multifamily Residential	High Density Residential	HDR-45 (High Density Residential)

<i>Prepared:</i> EA 08/09/2018	<i>Reviewed:</i> RZ 08/09/2018	<i>Decision:</i> [enter initial/date]
--------------------------------	--------------------------------	---------------------------------------

(2) Project Analysis:

(a) Background — The site is within an existing 4.09-acre commercial center, at the northwest corner of Euclid Avenue and G Street. The commercial center is comprised of four parcels with three property owners. The property was designated by the City Council on June 4, 2013 as a Non-Contributor to the Euclid Avenue Historic District. The use will occupy 14,397 square feet of an existing 28,805 square foot commercial building previously occupied by a grocery store. Plans have been submitted for tenant improvements to construct a demising wall subdividing the 28,805 square foot tenant space into 2, approximately 14,000 square feet spaces. A Conditional Use Permit application (File No. PCUP18-019) has been submitted for a Fitness Facility (Blink Fitness) to occupy the second tenant space.

(b) Proposed Use — The children's indoor fitness playground is a Fitness Center for children ages 2 to 12 years of age. The facility includes floor to ceiling climbing bars, slides, a running course, imagination areas, smaller play rooms for toddlers, a children's disco room and a seating area to accommodate up to 300 seats. The concept is to allow children to interact and be social while enjoying physical activity. The facility will have a pantry that will provide drinks and prepacked snacks, food will not be prepared on site. The site is available for birthday parties and special events. Kids Empire also offers party packages for birthdays and other celebrations. Typical party size is 8 to 10 children in attendance per party. There will be 3 to 12 employees per shift, depending on day and time. Operating hours are from 10:00 am to 8:00 pm Monday through Thursday and 10:00 am to 10:00 pm Friday through Sunday. Weekday participation is approximately 20 percent capacity. Peak hours are weekends between the hours of 2:00 pm and 6:00 pm.

Kid's Empire has an electronic registration system that is used upon entry and exit of the facility. Parents and children are logged into the electronic registration system using personal identification prior to entering the facility. All exits are staffed to prevent any child from exiting the business unsupervised and to prevent any unauthorized adult from removing a child or children from the premises who had not been previously identified as being responsible for.

(c) Parking — The Ontario Development Code does not identify a parking requirement for a children's indoor fitness playground. After review of the parking requirements for a variety of land uses, it was determined that the proposed land use is most similar to a fitness center which requires 5 spaces per 1,000 square feet. The use proposes occupying a net area of 10,897 square feet resulting in a required 54 parking spaces. The total on-site parking requirement for all existing and proposed land uses in the commercial center using the Ontario Development Code parking requirements (Table 6.03-1: Off-Street Parking Requirements) is 286 parking spaces. The subject property has 192 on-site and 15 on-street parking spaces (207 spaces). Below is a breakdown of the parking requirements for the existing and proposed land uses.

Tenant	SF	Land Use	Parking Code	Spaces Required
Rite Aid	20,106	Retail	4/1,000 SF	80
Variety Dollar Store	6,530	Retail	4/1,000 SF	26
Kids Empire (Proposed)	10,897	Gym	5/1,000 SF	54
Mission Cleaners	1,117	Retail	4/1,000 SF	4
Smoke Shop	1,289	Retail	4/1,000 SF	5
China Star	1,203	Restaurant	10/1,000 SF	12
Tasty Donut Shop	1,203	Convenience Restaurant	13.3/1,000 SF	16
Vacant	1,000	Retail	4/1,000 SF	4
Income Tax	1,000	Office	4/1,000 SF	4
Pizza Hut	1,272	Catering	2/1,000 SF	3
Water Store	1,070	Retail	4/1,000 SF	4
Nail Salon	1,030	Personal Care Services	4/1,000 SF	4
Check Into Cash	1,131	Retail	4/1,000 SF	5
Blink Fitness (Proposed)	12,858	Gym	5/1,000 SF	64
Total	61,706	Total Parking Spaces Required Per Ontario Development Code		285
		Available On-Site Parking		192
		Available On-Street Parking		15

The number of required parking spaces may be reduced based on a parking demand analysis for any project site where the hours of operation allow the shared use of off-street parking spaces to occur without conflict (*Ontario Development Code Section 6.03.020: Reduction in the Required Number of Parking Spaces*). The applicant has submitted a parking demand analysis that includes a forecast of the weekday and weekend peak parking demand for the proposed use to assist with the parking analysis. The proposed fitness facility (Blink Fitness, File No. PCUP18-019) has also submitted a parking demand analysis for their proposed use. In addition to the submitted parking demand analyses, the Ontario Development Code allows parking to be analyzed using the Downtown Ontario Parking Model for developed sites where on-site parking is non-attainable. The Parking Model specifically evaluates each block within the downtown at maximum build out, and provides an estimate of parking availability by hour (public and private lots and street parking combined) with shared parking as the premise.

The project site is located on Block 5 of the Parking Model. Block 5 consists of the commercial center at the northwest corner of G Street and Euclid Avenue along with adjacent street parking. Available shared parking on Block 5 and the boundaries of the block are depicted in *Exhibit D: Parking Block 5*. Based on the proposed floor plans, the existing land uses on the site, the Parking Model and the submitted parking studies, a parking analysis was performed. The analysis found adequate parking availability to fulfill the requirement of 54 spaces, based on expected capacities and peak demand periods.

The reported peak demand periods (80%-100% occupancy) for the children’s indoor fitness playground are during lunch, and after school hours on weekdays, and from 11:00 am to 7:00 pm on weekends (*Exhibit E: Parking Demand Analysis*). The parking analysis indicates that although the children’s indoor fitness playground may achieve 100% occupancy during these periods, other uses on the block will have lower parking demands at those times, resulting in an overall parking surplus of no less than 30 spaces on the project site. The following table illustrates available parking for the entire project site (Block 5) based on the Parking Model and prepared parking demand analyses with the existing and proposed uses on a Weekday, Friday and Saturday.

Available Public Parking with Proposed Use: Day Hours (7:00 a.m.–2:00 p.m.)

Block 5	7 a.m.	8 a.m.	9 a.m.	10 a.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.
Mon-Thu	155	148	153	129	105	87	83	80
Friday	143	123	138	115	96	79	73	76
Saturday	116	126	125	82	72	78	71	72

Available Public Parking with Proposed Use: Evening Hours (3:00 p.m.–10:00 p.m.)

Block 5	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.
Mon-Thu	95	82	52	30	40	61	106	166
Friday	78	80	51	40	33	54	115	169
Saturday	74	79	60	81	90	108	128	165

The parking analysis indicates that peak parking demand periods for the entire site will likely be between 5:00 pm and 8:00 pm on weekdays (Monday-Friday). During these peak periods, there will be an estimated surplus of no less than 30 parking spaces as indicated in the table above. Therefore, there is sufficient parking on site to accommodate the existing and proposed uses.

(d) Land Use Compatibility – A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The subject site is located in the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts, within Ontario’s downtown area. The children’s indoor fitness playground use is a conditionally permitted land use. The Ontario Plan (TOP) identifies Downtown as a Focused Growth Area. The downtown is envisioned as an intensive mixed-use area of retail, office and residential uses, to help guide economic and development activity in the downtown. Children’s indoor fitness playground uses within the downtown provide much needed entertainment opportunities to area residents and visitors. The proposed children’s indoor fitness playground use is located on Euclid Avenue, which is developed with various retail, office, banks and residential (mixed-use) uses. It is staff’s belief that

the proposed children's indoor fitness playground is compatible with surrounding land uses and will help to attract people to support uses in Ontario's downtown area.

(3) Airport Land Use Compatibility Plan: This 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(4) 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.

(5) 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.

(6) 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 II: RECITALS

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part I, above; 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 consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, 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; and

WHEREAS, on August 20, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART III: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(1) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed children's indoor fitness playground will be located at 130 West G Street, which is designated for the MU1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the MU1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. The downtown is envisioned as an intensive mixed-use area of retail, office and residential to help guide economic and development activity in the downtown.

(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 children's indoor fitness playground will be located at 130 West G Street, which the Policy Plan Master Land Use Plan designates for Mixed Use land uses. The proposed land use is clearly consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of Mixed Use land uses in the area of the project site. The downtown is envisioned as an intensive mixed-use area of retail, office and residential to help guide economic and development activity in the downtown. New recreation facilities within the downtown provide much needed entertainment opportunities to downtown residents and visitors.

(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 project, with conditions of approval, meets the objectives and purposes of the Ontario Development Code, as required in the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts. Projects within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts are intended to create economic and development activity in the downtown

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is not located within any identified ONT noise impact or safety zones and is consistent with the provisions of the Airport Land Use Compatibility Plan.

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The fitness facility use is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 of the State CEQA Guidelines. Existing Facilities 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 or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions and is therefore categorically exempt.

(4) The Zoning Administrator hereby finds and determines that 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.

(5) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-016, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 20th day of August, 2018.

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

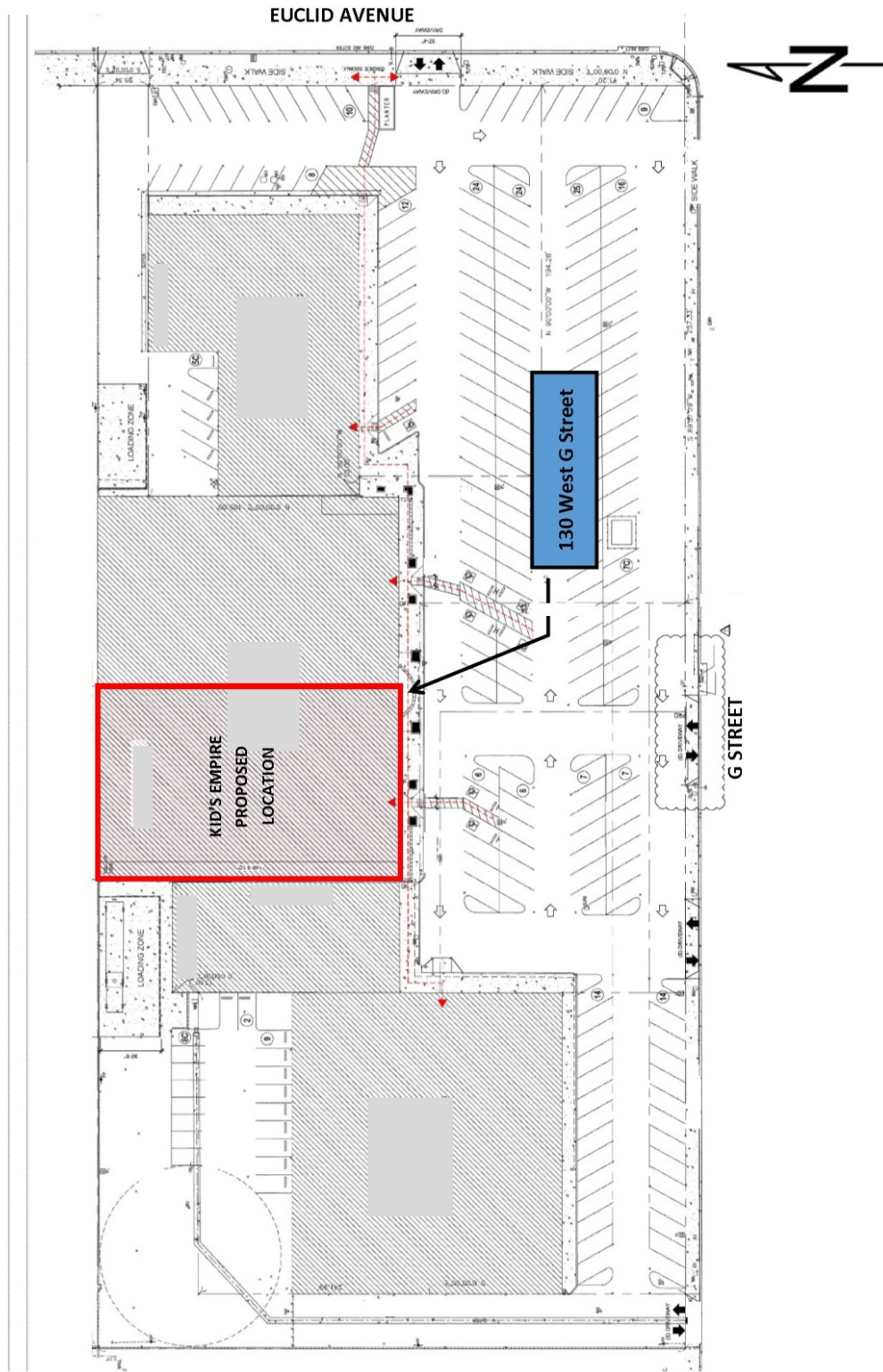


Exhibit C: Floor Plan

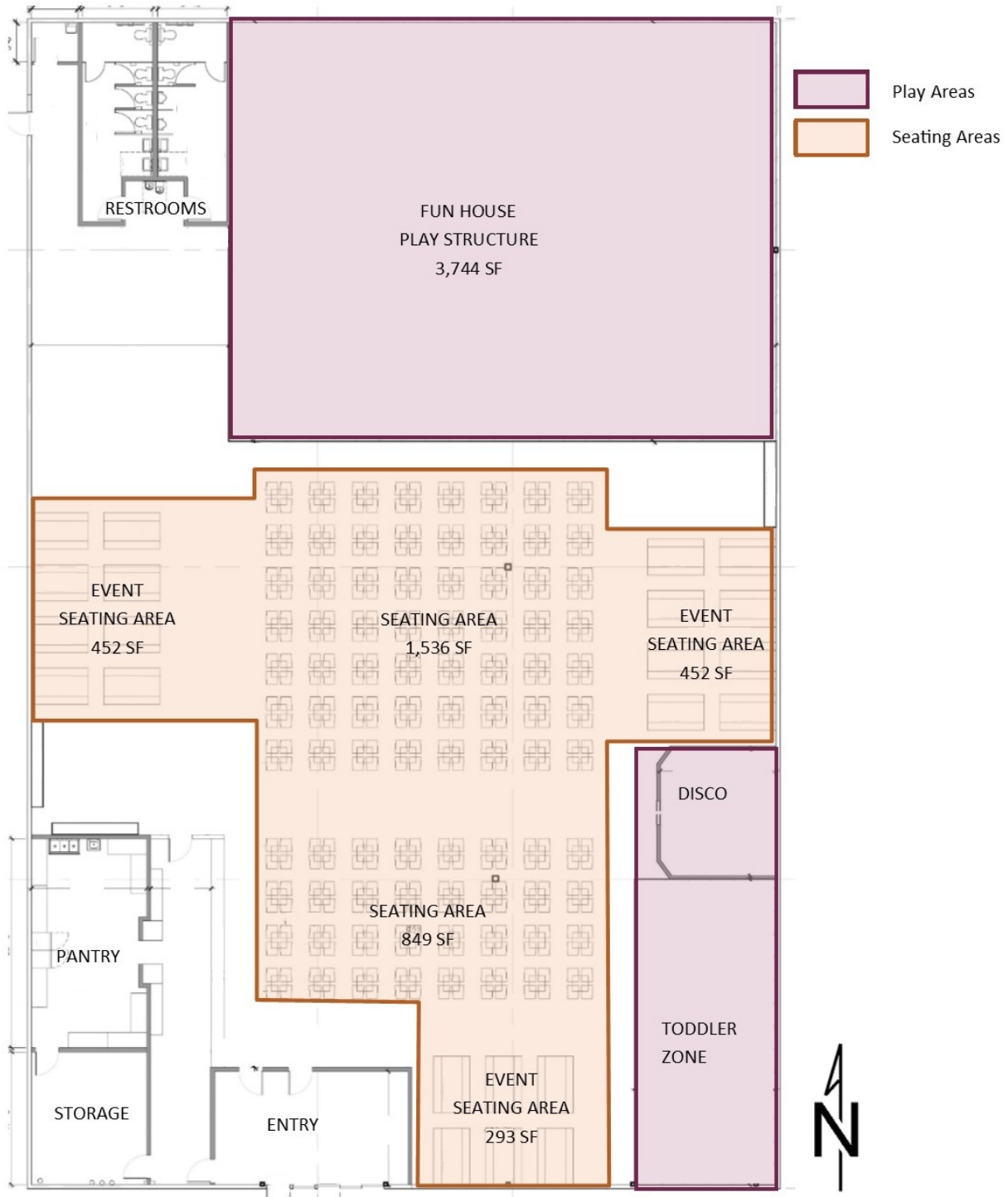





Exhibit D: Parking Block 5



-  Public Parking Lot (192 Spaces)
-  Street Parking (15 Spaces)
-  Block 5 Boundaries

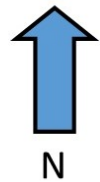


Exhibit E: Parking Demand Analysis

				Weekday (Monday-Thursday) Conditions				
	Available On-Site Parking	Available On-Street Parking	Total Available Parking	Parking Model Demand	Kids Empire Demand	Blink Fitness Demand	Total Weekday Demand	Surplus / (Deficit)
7:00 AM	192	15	207	27		26	52	155
8:00 AM	192	15	207	29		30	59	148
9:00 AM	192	15	207	32		22	54	153
10:00 AM	192	15	207	32	27	19	78	129
11:00 AM	192	15	207	38	41	24	102	105
12:00 PM	192	15	207	45	54	21	120	87
1:00 PM	192	15	207	54	54	16	124	83
2:00 PM	192	15	207	54	46	27	127	80
3:00 PM	192	15	207	48	41	24	112	95
4:00 PM	192	15	207	47	46	32	125	82
5:00 PM	192	15	207	55	54	47	155	52
6:00 PM	192	15	207	59	54	64	177	30
7:00 PM	192	15	207	61	49	58	167	40
8:00 PM	192	15	207	56	38	52	146	61
9:00 PM	192	15	207	39	32	30	101	106
10:00 PM	192	15	207	20	16	5	41	166
				Weekday (Friday) Conditions				
	Available On-Site Parking	Available On-Street Parking	Total Available Parking	Parking Model Demand	Kids Empire Demand	Blink Fitness Demand	Total Weekday Demand	Surplus / (Deficit)
7:00 AM	192	15	207	27		37	64	143
8:00 AM	192	15	207	29		55	84	123
9:00 AM	192	15	207	32		37	69	138
10:00 AM	192	15	207	32	27	33	92	115
11:00 AM	192	15	207	38	41	33	111	96
12:00 PM	192	15	207	45	54	29	128	79
1:00 PM	192	15	207	54	54	27	134	73
2:00 PM	192	15	207	54	46	31	131	76
3:00 PM	192	15	207	48	41	40	129	78
4:00 PM	192	15	207	47	46	34	127	80
5:00 PM	192	15	207	55	54	47	156	51
6:00 PM	192	15	207	59	54	54	167	40
7:00 PM	192	15	207	61	49	64	174	33
8:00 PM	192	15	207	56	38	59	153	54
9:00 PM	192	15	207	39	32	20	92	115
10:00 PM	192	15	207	20	16	1	38	169

Exhibit E: Parking Demand Analysis Continued

	Available On-Site Parking	Available On-Street Parking	Total Available Parking	Weekday (Saturday) Conditions			Total Weekday Demand	Surplus / (Deficit)
				Parking Model Demand	Kids Empire Demand	Blink Fitness Demand		
7:00 AM	192	15	207	27		64	91	116
8:00 AM	192	15	207	29		51	81	126
9:00 AM	192	15	207	32		49	82	125
10:00 AM	192	15	207	32	41	52	125	82
11:00 AM	192	15	207	38	54	44	135	72
12:00 PM	192	15	207	45	54	31	129	78
1:00 PM	192	15	207	54	54	29	136	71
2:00 PM	192	15	207	54	54	27	135	72
3:00 PM	192	15	207	48	54	31	133	74
4:00 PM	192	15	207	47	54	27	128	79
5:00 PM	192	15	207	55	54	38	147	60
6:00 PM	192	15	207	59	54	13	126	81
7:00 PM	192	15	207	61	49	7	117	90
8:00 PM	192	15	207	56	43		99	108
9:00 PM	192	15	207	39	41		79	128
10:00 PM	192	15	207	20	22		42	165

Kids Empire Peak Parking Demand Periods (80%-100%)

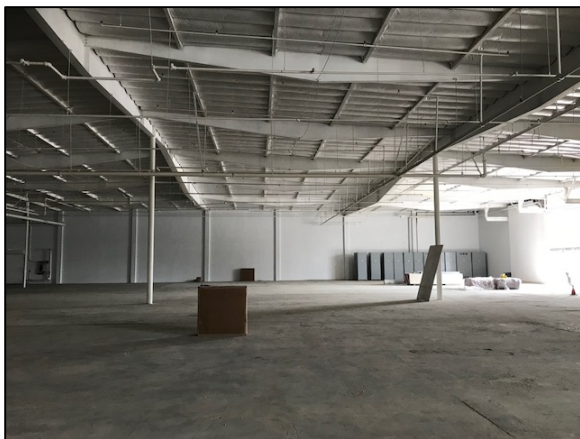
Exhibit F: Site Photos



Front Entrance – View looking northeast from G Street



Adjacent Commercial – View looking northwest from G Street



Interior



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

Planning Department Conditions of Approval

Meeting Date: August 20, 2018

File No: PCUP18-016

Project Description: A Conditional Use Permit request to establish a children's indoor fitness playground within a proposed 14,397 square foot tenant space of an existing 28,805 square foot commercial building located at 130 West G Street, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. (APN: 1048-271-19); **submitted by Kids Empires Ontario LLC.**

Prepared By: Elly Antuna, Assistant Planner
Phone: 909.395.2414 (direct)
Email: eantuna@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

(a) 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.

(b) 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 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) 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).

2.4 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.

2.5 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.

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

2.7 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and the Downtown Ontario Design Guidelines.

2.8 Environmental Review.

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

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

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

2.9 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of

Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.10 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.

2.11 Additional Requirements.

(a) All exterior alterations to existing building and site improvements requires a Certificate of Appropriateness, or a Waiver, if applicable, prior to issuance of building permits and/or final occupancy.

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

(c) Architecturally appropriate outdoor furniture (decorative planters, bike racks, benches, trash bins, etc.) shall be provided prior to occupancy. Outdoor furniture shall be reviewed in conjunction with construction drawings submitted for occupancy change.

(d) Operating hours shall be limited to 10:00 am to 8:00 pm Monday through Thursday and 10:00 am to 10:00 pm Friday through Sunday

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



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

ZA MEETING DATE: August 20th, 2018

PROJECT: PCUP18-016, a Conditional Use Permit to establish a 14,253-SF children's indoor fitness playground on 0.32 acres of land.

APN: 1048-271-19

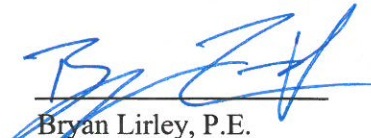
LOCATION: 130 W G Street

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant *J.A.* (909) 395-2384

PROJECT PLANNER: Elly Antuna, Assistant Planner (909) 395-2414

The following items are the Conditions of Approval for the subject project:


1. The applicant/developer shall install a backflow preventer onto the existing domestic water service per the latest City standards.
2. The applicant/developer shall upgrade the existing single check detector assembly to a double check detector assembly per City Standard Drawing Number 4208.
3. The applicant/developer shall provide one master meter with a sub meter for each of the two tenants (Kids Empire and Blink Fitness Gym) per the latest City standards.



Bryan Lirley, P.E.
Principal Engineer

8/9/18

Date



Khoi Do, P.E.
Assistant City Engineer

8/9/18

Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Elly Atuna
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: May 14, 2018
SUBJECT: PCUP18-016

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

Conditions of Approval

1. Plans and permits are required for the project.
2. No occupancy will be allowed until all improvements are approved and permits have been finalized.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Elly Antuna, Assistant Planner
Planning Department

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

DATE: May 22, 2018

SUBJECT: PCUP18-016 A Conditional Use Permit to establish a 14,253 square-foot children's indoor fitness playground on 0.32 acres of land, located at 130 W. G Street, within the MU-1 zoning district (APN: 1048-271-19).

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

1. Must comply with all requirements of an A-type occupancy.

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



CITY OF ONTARIO

MEMORANDUM

TO: Elly Antuna, Planning Department

FROM: Douglas Sorel, Police Department

DATE: May 29, 2018

SUBJECT: PCUP18-016: A CONDITIONAL USE PERMIT TO ESTABLISH AN INDOOR CHILDREN'S FITNESS PLAYGROUND AT 130 WEST G STREET

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

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.

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

- The Applicant shall develop and implement a system for matching parents and children upon entry and exit to the premises. The patron exit shall be staffed at all times in order to prevent any child from exiting the business unsupervised and to prevent any unauthorized adult from removing a child/children from the premises whom had not been previously identified as being responsible for.
- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry and exit doors. Cameras shall be positioned so as to maximize the coverage of patrons entering and exiting the premises. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.

- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- 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.
- Outdoor services and activities are prohibited in the absence of a Temporary Use Permit.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 regarding any questions or concerns.



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

August 20, 2018

DECISION NO.: [insert #]

FILE NO.: PCUP18-019

DESCRIPTION: A Conditional Use Permit request to establish a fitness facility within a proposed 14,500 square foot tenant space of an existing 28,805 square foot commercial building located at 130 West G Street, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. APN: 1048-271-19; **submitted by Blink Fitness.**

PART I: BACKGROUND & ANALYSIS

BLINK FITNESS, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-019, 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 1.74 acres of land located at 130 West G Street, and is depicted in *Exhibit A: Aerial Photograph*, attached. The site is located at the northwest corner of Euclid Avenue and G Street. The property is located in an urbanized area with commercial, medical, office and residential uses. Existing land uses, General Plan and zoning designations, on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Retail	Mixed Use	MU-1 (Downtown Mixed Use) EA (Euclid Avenue Overlay)
<i>North</i>	Banking/Service	Mixed Use	MU-1 (Downtown Mixed Use) EA (Euclid Avenue Overlay)
<i>South</i>	Office/Multifamily/ Retail	Mixed Use	MU-1 (Downtown Mixed Use) EA (Euclid Avenue Overlay)
<i>East</i>	Medical Offices	Office Commercial	OL (Low Intensity Office)
<i>West</i>	Multifamily Residential	High Density Residential	HDR-45 (High Density Residential)

<i>Prepared:</i> EA 8/9/18	<i>Reviewed:</i> RZ 8/9/18	<i>Decision:</i> [enter initial/date]
----------------------------	----------------------------	---------------------------------------

(2) Project Analysis:

(a) Background — The site is within an existing 4.09-acre commercial center, at the northwest corner of Euclid Avenue and G Street. The commercial center is comprised of four parcels with three property owners. The property was designated by the City Council on June 4, 2013 as a Non-Contributor to the Euclid Avenue Historic District. The proposed fitness center will occupy 14,500 square feet of an existing 28,805 square foot commercial building previously occupied by a grocery store. Conditional Use Permit review and approval is required for Fitness Centers exceeding 10,000 square feet in gross floor area in the MU-1 zoning district. Plans have been submitted for tenant improvements to construct a demising wall that will subdivide the 28,805 square foot tenant space into 2, approximately 14,000 square feet spaces. A Conditional Use Permit application (File No. PCUP18-016) has been submitted for a children’s indoor fitness playground (Kid’s Empire) to occupy the second tenant space.

(b) Proposed Use — Blink Fitness is a fitness facility with over 70 locations nationwide most of which are on the east coast with a few locations in the Los Angeles area. The proposed facility is divided into 3 main areas including an 8,867 square foot gym floor area with cardio and strength training machines, an 821 square foot stretch area, and a 680 square foot group training room. Blink Fitness facilities are designed with brightly-lit open spaces incorporating colors that are scientifically proven to enhance workouts and have an uplifting effect on mood. The proposed hours of operations for the fitness facility are from 5:00 am to 11:00 pm Monday through Thursday, 5:00 am to 10:00 pm Friday, and 7:00 am to 7:00 pm Saturday and Sunday. Additional business operations include personal training and group fitness classes.

(c) Parking — The Ontario Development Code parking requirement for a fitness center is 5 spaces per 1,000 square feet. The use proposes occupying a net area of 12,858 square feet resulting in a required 64 required parking spaces. The total on-site parking requirement for all existing and proposed land uses in the commercial center using the Ontario Development Code parking requirements (Table 6.03-1: Off-Street Parking Requirements) is 286 parking spaces. The subject property has 192 on-site and 15 on-street parking spaces (207 spaces). Below is a breakdown of the parking requirements for the existing and proposed land uses.

Tenant	SF	Land Use	Parking Code	Spaces Required
Rite Aid	20,106	Retail	4/1,000 SF	80
Variety Dollar Store	6,530	Retail	4/1,000 SF	26
Kids Empire (Proposed)	10,897	Gym	5/1,000 SF	54
Mission Cleaners	1,117	Retail	4/1,000 SF	4
Smoke Shop	1,289	Retail	4/1,000 SF	5
China Star	1,203	Restaurant	10/1,000 SF	12
Tasty Donut Shop	1,203	Convenience Restaurant	13.3/1,000 SF	16
Vacant	1,000	Retail	4/1,000 SF	4

Income Tax	1,000	Office	4/1,000 SF	4
Pizza Hut	1,272	Catering	2/1,000 SF	3
Water Store	1,070	Retail	4/1,000 SF	4
Nail Salon	1,030	Personal Care Services	4/1,000 SF	4
Check Into Cash	1,131	Retail	4/1,000 SF	5
Blink Fitness (Proposed)	12,858	Gym	5/1,000 SF	64
Total	61,706	Total Parking Spaces Required Per Ontario Development Code		285
		Available On-Site Parking		192
		Available On-Street Parking		15

The number of required parking spaces may be reduced based on a parking demand analysis for any project site where the hours of operation allow the shared use of off-street parking spaces to occur without conflict (*Ontario Development Code Section 6.03.020: Reduction in the Required Number of Parking Spaces*). The applicant has submitted a parking study that uses visitor check-in data from an existing and operational Blink Fitness Gym to forecast of the weekday and weekend peak parking demand. The proposed children's indoor fitness playground (Kid's Empire, File No. PCUP18-016) has also submitted a parking study including parking demand information for their proposed use. In addition to the submitted parking demand analyses, the Ontario Development Code allows parking to be analyzed using the Downtown Ontario Parking Model for developed sites where on-site parking is non-attainable. The Parking Model specifically evaluates each block within the downtown at maximum build out, and provides an estimate of parking availability by hour (public and private lots and street parking combined) with shared parking as the premise.

The project site is located on Block 5 of the Parking Model. Block 5 consists of the commercial center at the northwest corner of G Street and Euclid Avenue along with adjacent street parking. Available shared parking on Block 5 and the boundaries of the block are depicted in *Exhibit D: Parking Block 5*. Based on the proposed floor plans, the existing land uses on the site, the Parking Model and the submitted parking studies, a parking analysis was performed. The analysis found adequate parking availability to fulfill the requirement of 64 spaces, based on expected capacities and peak demand periods.

The reported peak demand periods (80%-100% occupancy) for the fitness facility are during early morning and after work hours on weekdays, and from 7:00 am to 10:00 am on weekends (*Exhibit E: Parking Demand Analysis*). The parking analysis indicates that although the fitness facility may achieve 100% occupancy during these periods, other uses on the block will have lower parking demands at those times, resulting in an overall parking surplus of no less than 30 spaces on the project site. The following table illustrates available parking for the entire project site (Block 5) based on the Parking Model and prepared parking demand analyses with the existing and proposed uses on a Weekday, Friday and Saturday.

Available Public Parking with Proposed Use: Day Hours (7:00 a.m.–2:00 p.m.)

Block 5	7 a.m.	8 a.m.	9 a.m.	10 a.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.
Thursday	155	148	153	129	105	87	83	80
Friday	143	123	138	115	96	79	73	76
Saturday	116	126	125	82	72	78	71	72

Available Public Parking with Proposed Use: Evening Hours (3:00 p.m.–10:00 p.m.)

Block 5	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.
Thursday	95	82	52	30	40	61	106	166
Friday	78	80	51	40	33	54	115	169
Saturday	74	79	60	81	90	108	128	165

The parking analysis indicates that peak parking demand periods will likely be between 5:00 pm and 8:00 pm on weekdays (Monday-Friday). During these peak periods, there will be an estimated surplus of no less than 30 parking spaces as indicated in the table above. Therefore, there is sufficient parking on site to accommodate the existing and proposed uses.

(d) Land Use Compatibility – A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The subject site is located in the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts, within Ontario’s downtown area. The fitness facility use is a conditionally permitted land use. The Ontario Plan (TOP) identifies Downtown as a Focused Growth Area. The downtown is envisioned as an intensive mixed-use area of retail, office and residential uses, to help guide economic and development activity in the downtown. Fitness facility uses within the downtown provide a much needed amenity to area residents and visitors. The proposed fitness facility use is located on Euclid Avenue, which is developed with various retail, office, banks and residential (mixed-use) uses. It is staff’s belief that the proposed fitness facility is compatible with surrounding land uses and will help to attract people to support uses in Ontario’s downtown area.

(3) Airport Land Use Compatibility Plan: This 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(4) 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.

(5) 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.

(6) 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 II: RECITALS

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part I, above; 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 consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, 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; and

WHEREAS, on August 20, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART III: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(1) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed fitness facility will be located at 130 West G Street, which is designated for the MU1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the MU1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. The downtown is envisioned as an intensive mixed-use area of retail, office and residential to help guide economic and development activity in the downtown.

(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 fitness facility will be located at 130 West G Street, which the Policy Plan Master Land Use Plan designates for Mixed Use land uses. The proposed land use is clearly consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of Mixed Use land uses in the area of the project site. The downtown is envisioned as an intensive mixed-use area of retail,

office and residential to help guide economic and development activity in the downtown. New recreation facilities within the downtown provide much needed entertainment opportunities to downtown residents and visitors.

(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 project, with conditions of approval, meets the objectives and purposes of the Ontario Development Code, as required in the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts. Projects within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts are intended to create economic and development activity in the downtown

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is not located within any identified ONT noise impact or safety zones and is consistent with the provisions of the Airport Land Use Compatibility Plan.

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The fitness facility use is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 of the State CEQA Guidelines. Existing Facilities 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 or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions and is therefore categorically exempt.

(4) The Zoning Administrator hereby finds and determines that 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.

(5) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-019, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 20th day of August, 2018.

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

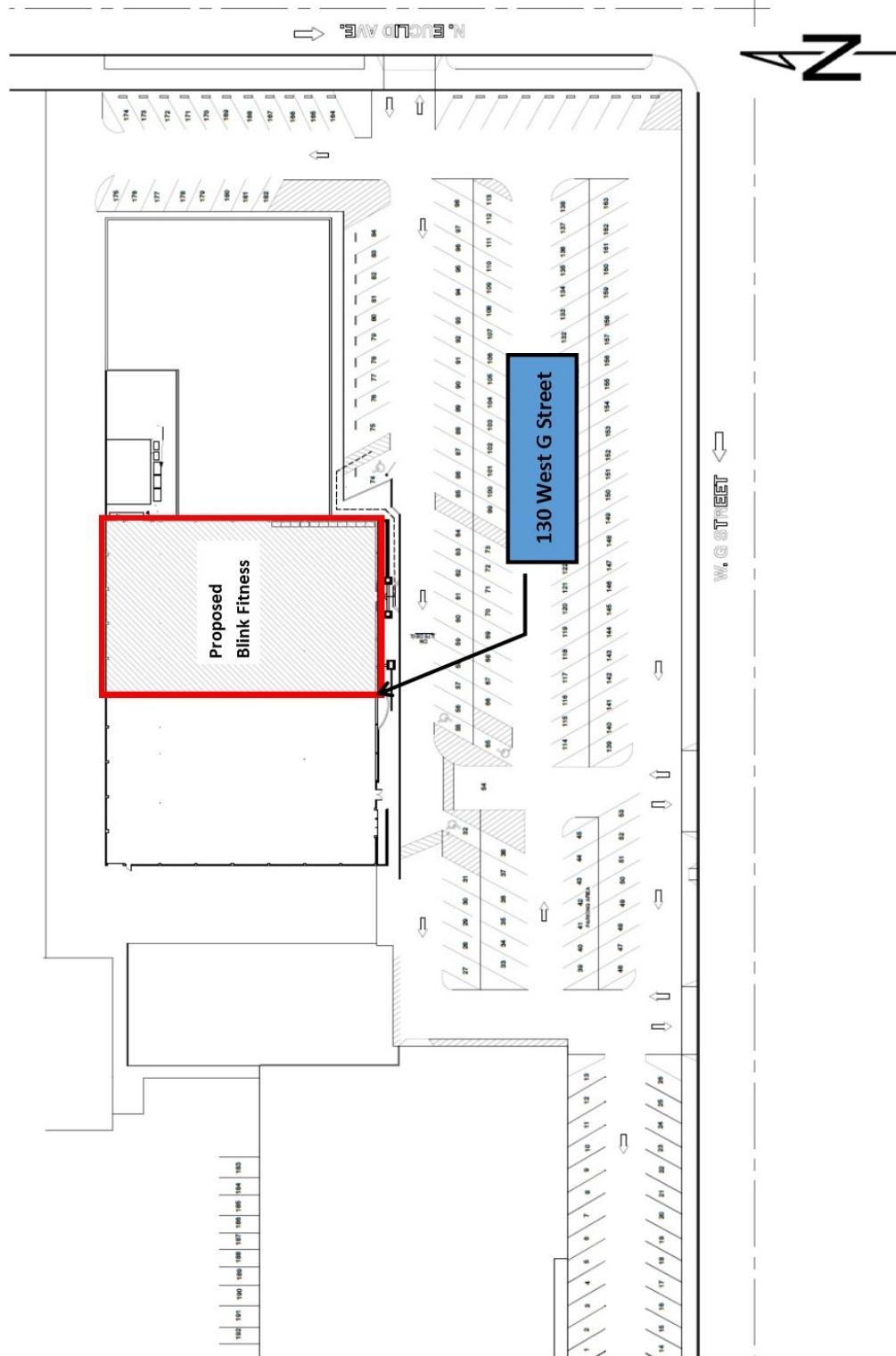


Exhibit C: Floor Plan

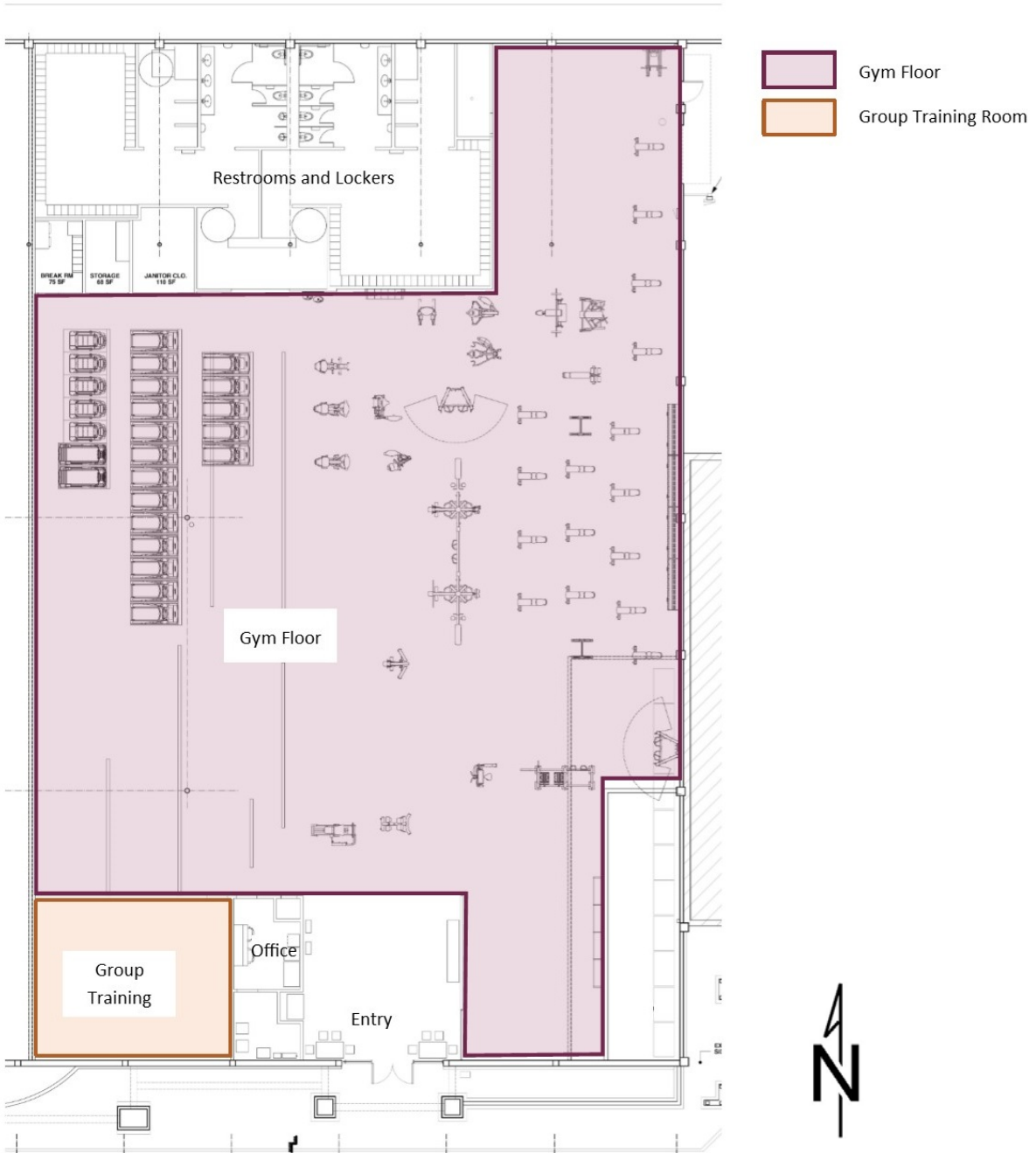





Exhibit D: Parking Block 5



-  Public Parking Lot (192 Spaces)
-  Street Parking (15 Spaces)
-  Block 5 Boundaries

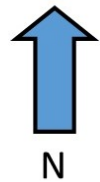


Exhibit E: Parking Demand Analysis

				Weekday (Monday-Thursday) Conditions				
	Available On-Site Parking	Available On-Street Parking	Total Available Parking	Parking Model Demand	Kids Empire Demand	Blink Fitness Demand	Total Weekday Demand	Surplus / (Deficit)
7:00 AM	192	15	207	27		26	52	155
8:00 AM	192	15	207	29		30	59	148
9:00 AM	192	15	207	32		22	54	153
10:00 AM	192	15	207	32	27	19	78	129
11:00 AM	192	15	207	38	41	24	102	105
12:00 PM	192	15	207	45	54	21	120	87
1:00 PM	192	15	207	54	54	16	124	83
2:00 PM	192	15	207	54	46	27	127	80
3:00 PM	192	15	207	48	41	24	112	95
4:00 PM	192	15	207	47	46	32	125	82
5:00 PM	192	15	207	55	54	47	155	52
6:00 PM	192	15	207	59	54	64	177	30
7:00 PM	192	15	207	61	49	58	167	40
8:00 PM	192	15	207	56	38	52	146	61
9:00 PM	192	15	207	39	32	30	101	106
10:00 PM	192	15	207	20	16	5	41	166
				Weekday (Friday) Conditions				
	Available On-Site Parking	Available On-Street Parking	Total Available Parking	Parking Model Demand	Kids Empire Demand	Blink Fitness Demand	Total Weekday Demand	Surplus / (Deficit)
7:00 AM	192	15	207	27		37	64	143
8:00 AM	192	15	207	29		55	84	123
9:00 AM	192	15	207	32		37	69	138
10:00 AM	192	15	207	32	27	33	92	115
11:00 AM	192	15	207	38	41	33	111	96
12:00 PM	192	15	207	45	54	29	128	79
1:00 PM	192	15	207	54	54	27	134	73
2:00 PM	192	15	207	54	46	31	131	76
3:00 PM	192	15	207	48	41	40	129	78
4:00 PM	192	15	207	47	46	34	127	80
5:00 PM	192	15	207	55	54	47	156	51
6:00 PM	192	15	207	59	54	54	167	40
7:00 PM	192	15	207	61	49	64	174	33
8:00 PM	192	15	207	56	38	59	153	54
9:00 PM	192	15	207	39	32	20	92	115
10:00 PM	192	15	207	20	16	1	38	169

Exhibit E: Parking Demand Analysis Continued

	Available On-Site Parking	Available On-Street Parking	Total Available Parking	Weekday (Saturday) Conditions			Total Weekday Demand	Surplus / (Deficit)
				Parking Model Demand	Kids Empire Demand	Blink Fitness Demand		
7:00 AM	192	15	207	27		64	91	116
8:00 AM	192	15	207	29		51	81	126
9:00 AM	192	15	207	32		49	82	125
10:00 AM	192	15	207	32	41	52	125	82
11:00 AM	192	15	207	38	54	44	135	72
12:00 PM	192	15	207	45	54	31	129	78
1:00 PM	192	15	207	54	54	29	136	71
2:00 PM	192	15	207	54	54	27	135	72
3:00 PM	192	15	207	48	54	31	133	74
4:00 PM	192	15	207	47	54	27	128	79
5:00 PM	192	15	207	55	54	38	147	60
6:00 PM	192	15	207	59	54	13	126	81
7:00 PM	192	15	207	61	49	7	117	90
8:00 PM	192	15	207	56	43		99	108
9:00 PM	192	15	207	39	41		79	128
10:00 PM	192	15	207	20	22		42	165

Blink Fitness Peak Parking Demand Periods (80%-100%)

Exhibit F: Site Photos



Front Entrance – View looking northeast from G Street



Adjacent Commercial – View looking northwest from G Street



Interior



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

Planning Department Conditions of Approval

Meeting Date: August 20, 2018

File No: PCUP18-019

Project Description: A Conditional Use Permit request to a fitness facility within a proposed 14,500 square foot tenant space of an existing 28,805 square foot commercial building located at 130 West G Street, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. (APN: 1048-271-19); **submitted by Blink Fitness.**

Prepared By: Elly Antuna, Assistant Planner
Phone: 909.395.2414 (direct)
Email: eantuna@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

(a) 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.

(b) 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 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) 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).

2.4 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.

2.5 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.

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

2.7 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and the Downtown Ontario Design Guidelines.

2.8 Environmental Review.

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

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

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

2.9 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of

Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.10 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.

2.11 Additional Requirements.

(a) All exterior alterations to existing building and site improvements requires a Certificate of Appropriateness, or a Waiver, if applicable, prior to issuance of building permits and/or final occupancy.

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

(c) Architecturally appropriate outdoor furniture (decorative planters, bike racks, benches, trash bins, etc.) shall be provided prior to occupancy. Outdoor furniture shall be reviewed in conjunction with construction drawings submitted for occupancy change.

(d) Operating hours shall be limited to 5:00 am to 11:00 pm Monday through Thursday, 5:00 am to 10:00 pm Friday, and 7:00 am to 7:00 pm Saturday and Sunday

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



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

ZA MEETING DATE: August 20th, 2018

PROJECT: PCUP18-019, a Conditional Use Permit to establish a 14,500-square foot gym on 1.784 acres of land.

APN: 1048-271-19

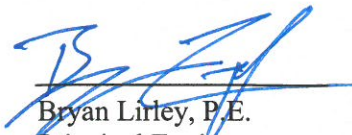
LOCATION: 130 West G Street

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

PROJECT PLANNER: Elly Antuna, Assistant Planner (909) 395-2414

The following items are the Conditions of Approval for the subject project:


1. The applicant/developer shall install a backflow preventer onto existing water services per the latest City standards.
2. The applicant/developer shall upgrade the existing single check detector assembly to a double check detector assembly per City Standard Drawing Number 4208.
3. The applicant/developer shall provide one master meter with a sub meter for each of the two tenants (Kids Empire and Blink Fitness Gym) per the latest City standards.



Bryan Lirley, P.E.
Principal Engineer

8/9/18

Date



Khoi Do, P.E.
Assistant City Engineer

8/9/18

Date



CITY OF ONTARIO

MEMORANDUM

TO: Elly Antuna, Assistant Planner
Planning Department

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

DATE: June 19, 2018

SUBJECT: PCUP18-019 A Conditional Use Permit to establish a 14,500 square foot gym on 1.784 acres of land located at 130 West G Street, within MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. (APN: 1048-271-19).

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

No comments

Report below.

- Any changes and/or modifications to the fire suppression and fire detection system will require a plans submittal to the fire department. Systems shall be current on all testing and maintenance.
- Occupant load to be determined and posted, based on the square footage.
- Occupant loads 50 or more must comply with all requirements of an A type occupancy. (Ex. Panic Hardware, Exiting, Emergency Lighting, etc.)

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

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

CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i>	7/10/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP18-019	Related Files:	Case Planner: Elly Antuna
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Project Name and Location: Blink Fitness 130 W G street

Applicant/Representative: Blink Fitness/ Elizabeth Valerio 386 park Ave South 11th floor NY, NY 10016

<input checked="" type="checkbox"/>	A site plan (dated 6/11/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

1. Provide a site plan showing revised parking layout with a min 5' wide landscape planter along 'G' street and Euclid Ave for 36" high landscape screening for parked cars. Reduce the one way drive aisle width to the minimum aisle width per the Development code 6.03 Off Street Parking 4. Parking Bays and Drive Aisles.
2. Note for parking lot landscape planters with shade trees and automatic irrigation to be provided per the requirements of the Landscape Development Standards and the Development Code. <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

TO: Elly Antuna, Planning Department

FROM: Douglas Sorel, Police Department

DATE: July 10, 2018

SUBJECT: PCUP18-019: A CONDITIONAL USE PERMIT TO ESTABLISH A GYM
AT 130 WEST G STREET

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

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.

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

- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry and exit doors and all cash registers. Cameras shall be positioned so as to maximize the coverage of patrons entering and exiting the premises. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- 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.

- Outdoor services and activities are prohibited in the absence of a Temporary Use Permit.

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



CITY OF ONTARIO

MEMORANDUM

TO: Zoning Administrator

FROM: Jeanie Irene Aguilo, Assistant Planner *ja*

DATE: August 20, 2018

SUBJECT: Agenda Item D – File No. PCUP18-022

The applicant, San Joaquin Valley College, will not continue to pursue this Conditional Use Permit and has withdrawn their application.



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

August 20, 2018

DECISION NO.: [insert #]

FILE NO.: PCUP18-025

DESCRIPTION: A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land, located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan. 0210-191-15; **submitted by DeVry University.**

PART I: BACKGROUND & ANALYSIS

DEVRY UNIVERSITY, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-025, 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 14.5 acres of land located at 2970 East Inland Empire Boulevard, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Office Commercial	Transpark Specific Plan	Garden Commercial
<i>North</i>	Multifamily	Mixed-Use	Ontario Festival Specific Plan	Garden Commercial II
<i>South</i>	I-10 Freeway	I-10 Freeway	I-10 Freeway	N/A
<i>East</i>	Retail/Furniture	Office Commercial	Transpark Specific Plan	Garden Industrial
<i>West</i>	Office/Commercial	Office Commercial	Transpark Specific Plan	Garden Commercial

(2) Project Analysis:

(a) Background — In 2012, a Determination of Use, File No. PDET12-002, established that educational uses are an allowed use in the Transpark Specific Plan, subject to the approval of a Conditional Use Permit. Consistent with this determination, the Applicant has filed a Conditional Use Permit application requesting to establish a

Prepared: JA 08/06/2018	Reviewed: CM 8/7/2018	Decision: [enter initial/date]
-------------------------	-----------------------	--------------------------------

12,906-square foot private college (DeVry University) within an existing business park that is currently occupied by administrative consulting and professional uses, warehousing, and the project site itself is a former automotive and technical training facility. Approval of this request will allow the Applicant to relocate their existing campus, which includes Keller Graduate School of Management – part of the University’s College of Business and Management, from their current location in Pomona, to the proposed location at 2970 Inland Empire Boulevard.

Project Site/Proposed Use— The applicant is requesting to utilize a first floor suite of an existing 60,031-square foot, two-story building, as a private school to provide higher education courses dedicated to technology, science, business, and liberal arts. The proposed facility will provide undergraduate and graduate programs for career-oriented individuals, focused on applied concepts, skills training, and personal development.

The facility will have a staff of 28 employees (full and part time faculty and staff) and a maximum enrollment of 88 students per 8-week session. The staff will include 22 full-time staff and 6 on-site faculty (present only during class time). Regular full-time staff hours, including office and student support services, will be from 8:00 a.m. to 6:00 p.m., Monday through Friday. Regular classroom hours for part-time faculty and students will vary from 9:00 a.m. to 10:00 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m., Saturday only. The proposed hours are intended to accommodate working students to meet their requirements while still continuing to work full-time.

The peak number of students in class at one time will be:

- Weekdays between 8:00 a.m. to 5:00 p.m.
 - Maximum – 88 students
 - Average – 10-20 students
- Weeknights between 5:00 p.m. to 10:00 p.m.
 - Maximum – 210 students
 - Average – 35-60 students
- Saturdays between 9:00 a.m. to 4:30 p.m.
 - Maximum – 228 students
 - Average – 40-100 students

The proposed floor plan will consist of a six classrooms, one laboratory, reception/lobby area, multiple offices and storage rooms, and two restrooms (**see Exhibit C: Floor Plan**).

(b) Parking— According to the Ontario Development Code, the required parking for colleges and universities is 0.5 spaces per student, based upon maximum enrollment; plus one space per employee or staff during the largest shift. The proposed tenant space is approximately 12,906-square feet, and therefore is required to provide 72 parking spaces. The total area for all six office buildings within the business park is

200,936 square feet, resulting in an overall parking requirement of 754 spaces. The existing business park has a total of 756 shared parking spaces, therefore, no parking issues are anticipated. Shown below, is a breakdown of parking requirements for the business park, including the proposed use:

Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
General Business Offices	159,418 SF	4 spaces per 1,000 SF (0.004/SF) of GFA	638	
Business/Technical, Trade School	3,534 SF	6 spaces per 1,000 SF (0.006/SF) of GFA	21	
Warehouse/Storage	25,078 SF	One space per 1,000 SF (0.001/SF) for portion of GFA < 20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF; plus one tractor-trailer parking space per 4 dock-high loading doors; plus required parking for "general business offices" and other associated uses, when those uses exceed 10 percent of the building GFA.	23	
College/University	12,906 SF	0.5 spaces per student, based upon maximum enrollment; plus one space per employee or staff during the largest shift	72	
TOTAL	200,936 SF		754	756

(3) Airport Land Use Compatibility Plan: This 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(4) 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.

(5) 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.

(6) 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 II: RECITALS

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

WHEREAS, on August 20, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART III: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(1) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed private university will be located at 2970 East Inland Empire Boulevard, which is designated for the Garden Commercial land use district of the Transpark Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Garden Commercial land use district of the Transpark Specific Plan.

(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 private school will be located at 2970 East Inland Empire Boulevard, which the Policy Plan Master Land Use Plan designates for Office Commercial land use. The proposed land use is clearly consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of private university land uses in the area of the project site.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The proposed private university is located within the Garden Commercial land use district of the Transpark 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

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* 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 ONT Airport Land Use Compatibility Plan (ALUCP); and

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The City departmental review of the proposed project 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.

(f) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 of the State CEQA Guidelines.

(g) The Zoning Administrator hereby finds and determines that 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.

(h) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-025, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 20th day of August 2018.

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph

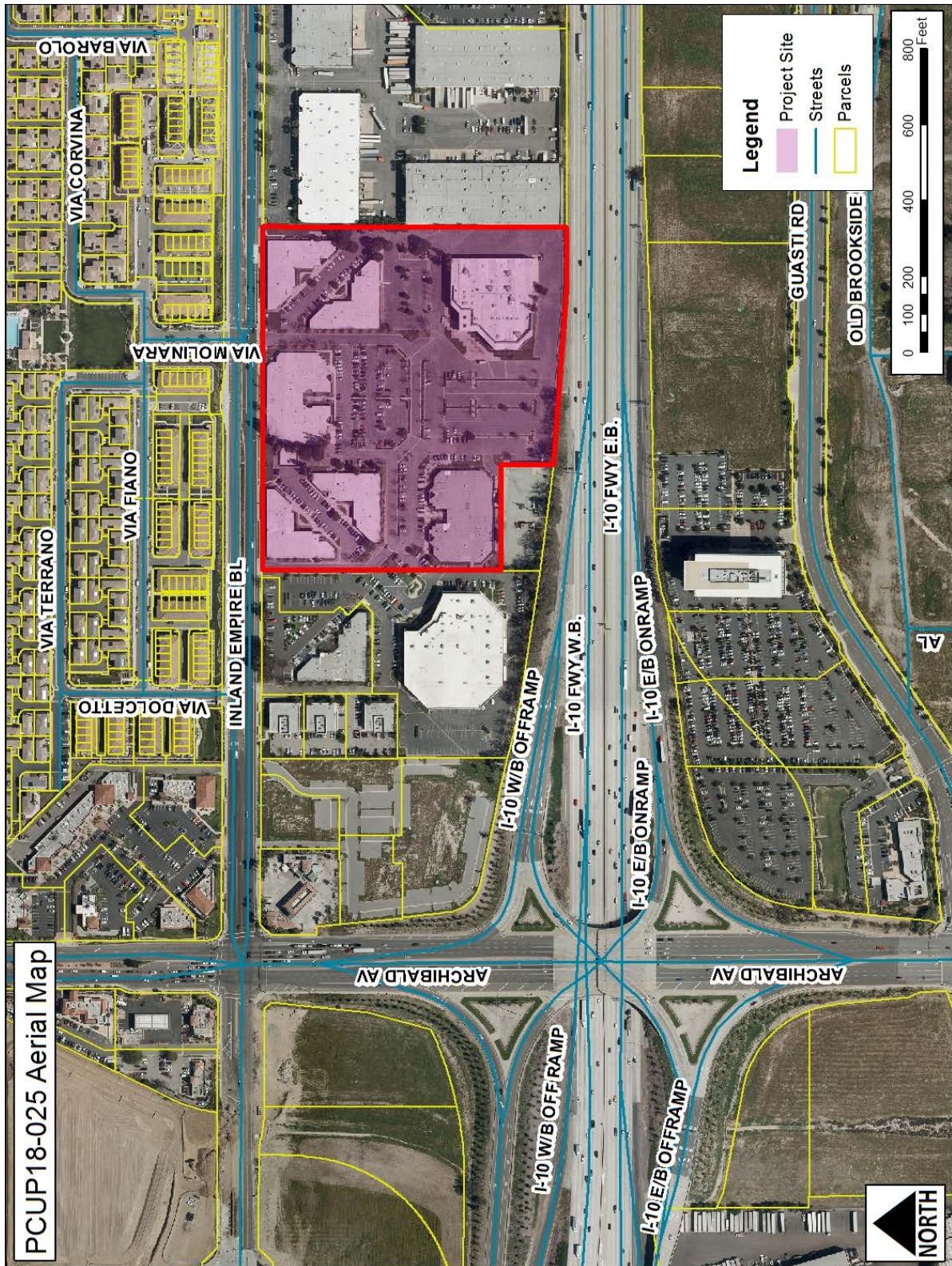


Exhibit B: Site Plan

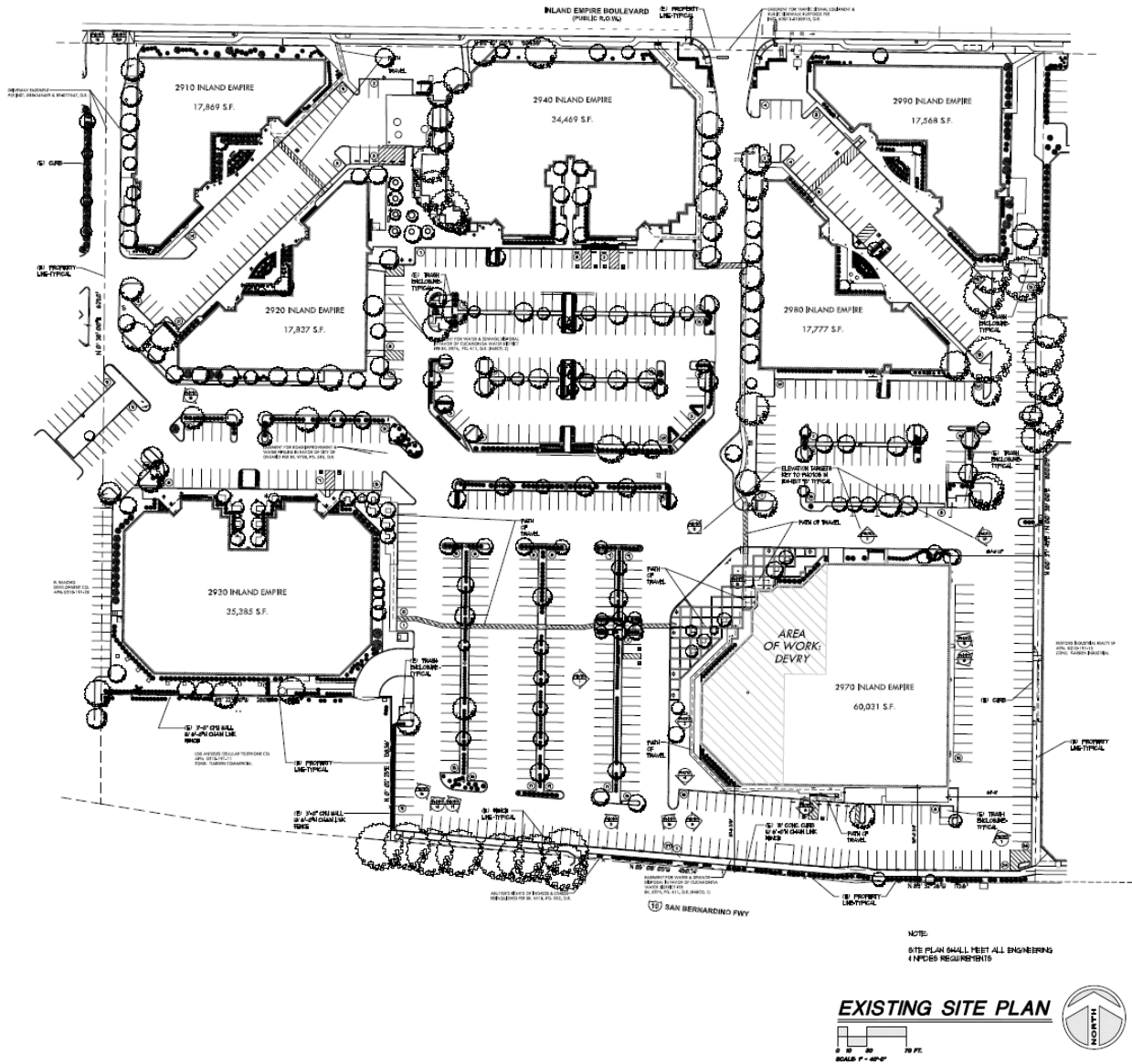


Exhibit C: Floor Plan – First Floor

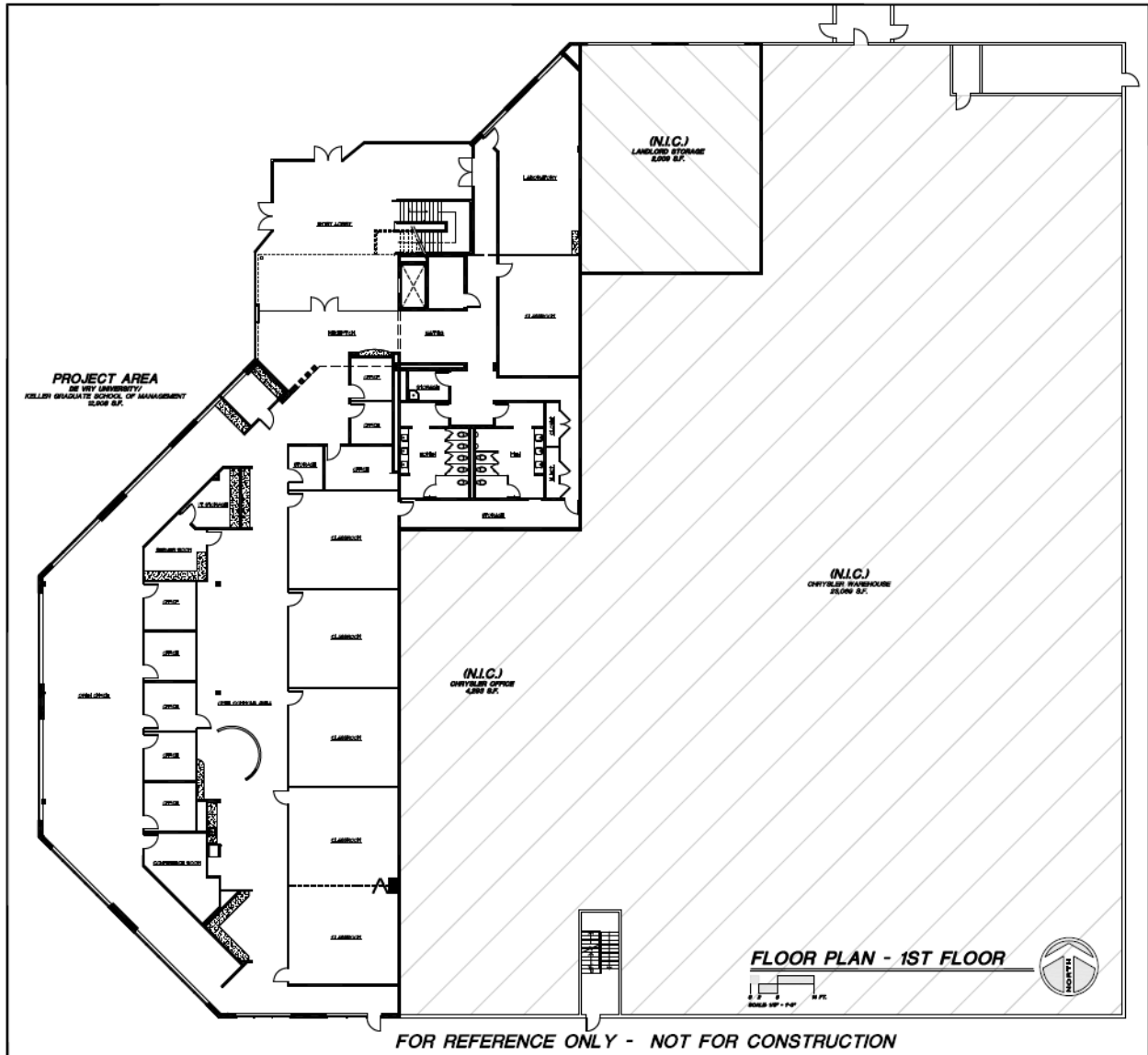


Exhibit C: Floor Plan –Second Floor

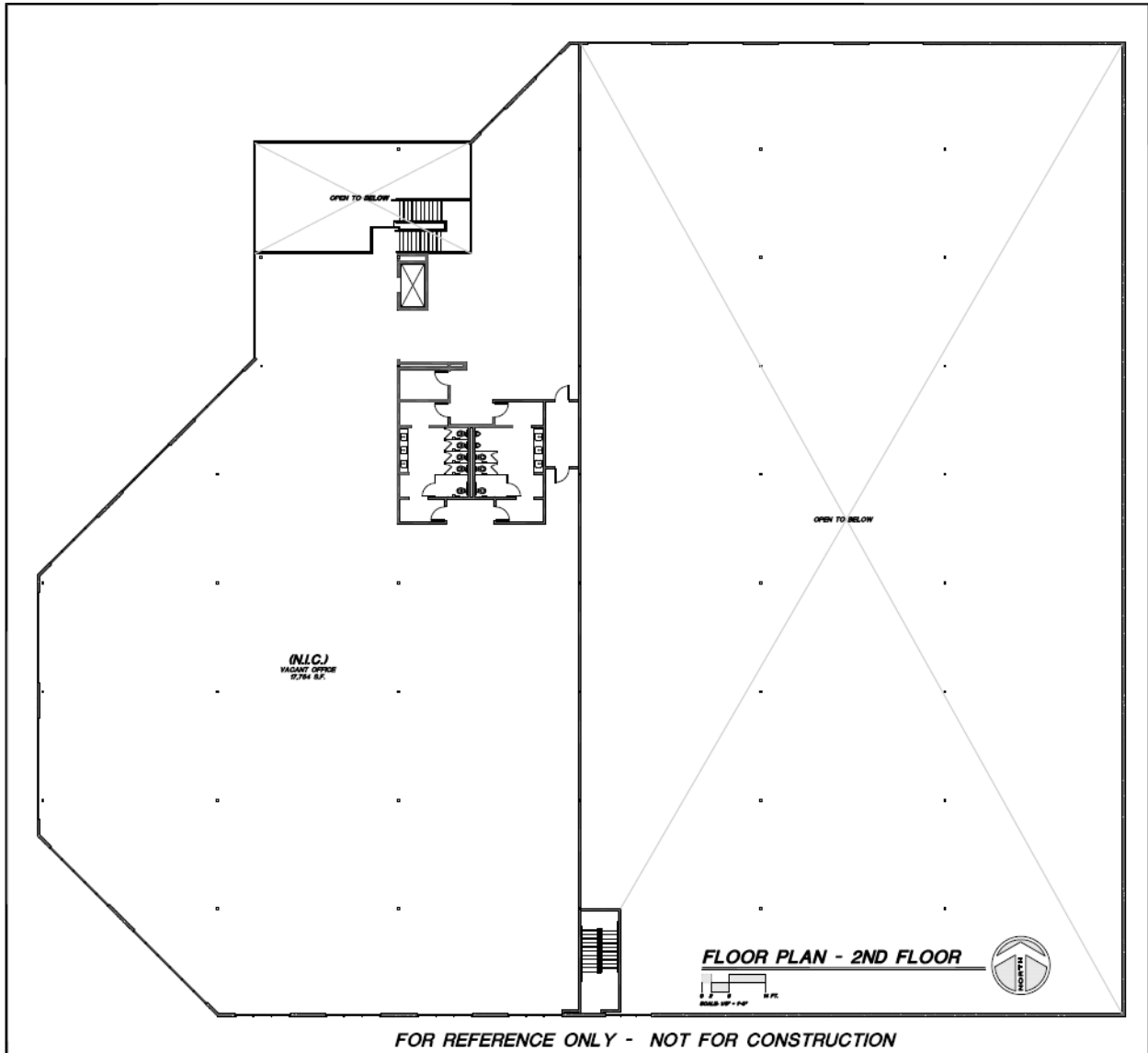


Exhibit E: Site Photos



North Elevation



Facing North (Inland Empire Boulevard)



South Elevation



Facing South (I-10 Freeway)



East Elevation



Facing East

Exhibit E: Site Photos



West Elevation



Facing West



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

Planning Department Land Development Division Conditions of Approval

Meeting Date: August 20, 2018

File No: PCUP18-025

Related Files: N/A

Project Description: A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land, located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan. 0210-191-15; **submitted by DeVry University.**

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

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

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

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

2.1 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.

2.2 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.

2.3 Parking, Circulation and Access.

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

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

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

2.6 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).

2.7 Environmental Review.

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

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

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

(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.

2.8 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of

Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.9 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.



CITY OF ONTARIO

MEMORANDUM

DEVELOPMENT PLAN REVIEW COMMENTS Engineering Department/Land Development Section

DATE: July 25th, 2018 (1st Review)

PROJECT: PCUP18-025, a Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land.

APN: 0210-191-15

LOCATION: 2970 East Inland Empire Boulevard

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant (909) 395-2384

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

ENGINEERING DEPARTMENT'S CONDITIONS OF APPROVAL TO BE PROVIDED UPON THE FOLLOWING COMMENTS BEING SATISFACTORILY ADDRESSED PRIOR TO THE DEVELOPMENT ADVISORY BOARD AND/OR ZONING ADMINISTRATOR HEARING.

A. General Comments:

1. No Comments.

B. The following items will be incorporated in the Conditions of Approval Report prior to the Development Advisory Board and/or Zoning Administrator Hearing:

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017.



CITY OF ONTARIO

MEMORANDUM

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

(Antonio)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-025

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, July 20, 2018**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan (APN: 0210-191-15).

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

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

The plan does not adequately address the departmental concerns.

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

Eng Env *Steve Wilson* Eng Asst. 7/19/18
Department Signature Title Date



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 06, 2018

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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
Traffic

Jay

Senior Associate
Civil Engineer

7/23/18

Department

Signature

Title

Date

Jeanie Irene T. Aguilo

From: Jeffrey F. Krizek
Sent: Friday, July 27, 2018 4:22 PM
To: Antonio Alejos
Cc: Stephen H. Wilson; Eric Woosley; Peter Tuan M. Tran; Ahmed Aly; Brent Elo; Christopher T. Quach
Subject: DPR1 PCUP18-025 Private School 2970 E Inland Empire Blvd

Antonio,

OMUC has no comments on this submittal.

Note, that the Trash Enclosure the serves this building does not have a roof on it. But per Dennis Mejia, since trash enclosures having a roof (or not) does not affect Solid Waste Operations ability to provide service the facility, we should not comment on it, it would be Engineering Environmental Services purview to comment on it. As such, I CC Steve and Eric.

Let me know if you have any questions.

Thank You,

- Jeff (On Behalf of Peter Tran)

Jeffrey F. Krizek
Associate Engineer



City of Ontario
Ontario Municipal Utilities Company
Utilities Engineering Department
1425 S. Bon view
Ontario, CA 91761
Tel: 909.395.2697
Fax: 909.395.2608
<mailto:jkrizek@ontarioca.gov>

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP18-025
 Address: 2970 East Inland Empire Blvd
 APN: 0210-191-15
 Existing Land Use: office business park
 Proposed Land Use: CUP to establish a private school (Devry University)
 Site Acreage: 14.5 ac 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: Jeanie Aguilo
 Date: 7/31/18
 CD No.: 2018-037
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>105 FT</u>	
<input type="radio"/> Zone 5			

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

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 10, 2018
SUBJECT: PCUP18-025

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-025

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, July 20, 2018**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan (APN: 0210-191-15).

- 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.

7/20/18
Landscape Planning Carolyn Bell Sr Landscape Architect
Department Signature Title Date



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner
Planning Department

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

DATE: July 17, 2018

SUBJECT: PCUP18-025 A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan (APN: 0210-191-15).

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

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



CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director
 Cathy Wahlstrom, Planning Director
 Diane Ayala, Advanced Planning Division
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
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 Lorena Mejia, Airport Planning
 Steve Wilson, Engineering/NPDES
 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-025

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.

Police
Department

Douglas Sorel
Signature

*MANAGEMENT
ANALYST*
Title

7/23/18
Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
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Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Steve Wilson, Engineering/NPDES
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-025 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, July 20, 2018**.

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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.

Carle S... Department
Joe De Sousa Signature
Supervisor Title
7/16/18 Date



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

August 20, 2018

DECISION NO.: [insert #]

FILE NO.: PCUP18-029

DESCRIPTION: A modification to a previously approved Conditional Use Permit (File No. PCUP08-014), establishing alcoholic beverage sales, including beer, wine and distilled spirits, for consumption on the premises in conjunction with Citizen Business Bank Arena (CBBA), located at 4000 East Ontario Center Parkway, within the Urban Commercial land use district of the Ontario Center Specific Plan. The proposed modification would establish the serving of alcoholic beverages within a new outdoor patio located on the north side of the arena, and provide for the use of additional portable bars to accommodate various CBBA events (APN: 0210-205-01); **submitted by SMG Food and Beverage, LLC.**

Part I—BACKGROUND & ANALYSIS

SMG FOOD AND BEVERAGE, LLC, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP18-029, 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 24.93 acres of land located at 4000 Ontario Center Parkway, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Citizens Business Bank Arena	Ontario Center Mixed Use District	SP (Specific Plan)	Urban Commercial (Ontario Center Specific Plan)
<i>North:</i>	Office & Vacant	Ontario Center Mixed Use District	SP (Specific Plan)	Piemonte Overlay - Ontario Center Specific Plan
<i>South:</i>	Office & Retail Commercial	Ontario Center Mixed Use District	SP (Specific Plan)	Garden Commercial & Open Space (Ontario Center Specific Plan)
<i>East:</i>	Offices	Ontario Center Mixed Use District	SP (Specific Plan)	Garden Commercial (Ontario Center Specific Plan)
<i>West:</i>	Parking, Residential & Vacant	Ontario Center Mixed Use District	SP (Specific Plan)	Urban Commercial (Ontario Center Specific Plan)

(2) Project Analysis:

(a) Background — The project site is developed with Citizens Business Bank Arena, an approximate 214,420 square foot multi-purpose indoor stadium and events center on 24.93 acres, with

fixed seating for approximately 9,000 persons, non-fixed seating for an additional 2,000 persons (floor seating), associated pedestrian plazas, landscaping, off-street parking facilities for approximately 2,100 automobiles, and a screened truck loading/unloading area with related truck parking and outdoor storage areas (see Exhibit B: Site Plan, attached). The project site also includes an adjacent 11.86-acre property across Ontario Center Parkway to the northwest, which is developed with a public parking lot having approximately 1,550 parking spaces. This additional parking facility was constructed to provide shared off-street parking for retail and office buildings within the surrounding Ontario Center Specific Plan area and the Citizens Business Bank Arena.

The Arena building consists of three main levels, including: (1) the Event Level, which houses the back-of-house operations, service court and event floor for concerts, sporting events, and other suitable venues; (2) the Concourse Level, providing access to the main entry, lower-level seating, restrooms, concessions and suites; and (3) the Skybox Level, providing access to upper level seating, suites and support spaces.

The Arena hosts upwards of 350 events per year and employs approximately 600 persons, including full-time and part-time employees. Hours of operation will vary between morning and evening hours, depending upon the type and length of event scheduled, such as concerts, sporting events, stage shows, ice shows, ticketed and nonticketed events, graduations, etc.

On September 16, 2008, the Zoning Administrator approved File No. PCUP08-014, a Conditional Use Permit (CUP) establishing alcoholic beverage sales, including beer, wine and distilled spirits, for on premise consumption in conjunction with Citizens Business Bank Arena operations. The Applicant currently holds State of California Alcoholic Beverage Control (ABC) License No. 572495, which granted Type 47, 58, 68, and 77 licenses allowing the sale of beer, wine and distilled spirits within the footprint of the Arena building and its secured outdoor patio areas. Alcoholic beverages are available for purchase from stationary concession stands, VIP club bars and patios, stationary bars, suites, and from portable bars, which may be set-up at up at specific locations within the facility, depending upon the type of event and anticipated audience.

If special events are conducted outside of the confines of the building or secured outdoor patio areas, such as within the parking lot areas, the Arena operator is required to first obtain a Temporary Use Permit from the City. Additionally, if any of these temporary events include alcoholic beverage sales and consumption, a temporary daily or special event license must be obtained from ABC.

Furthermore, “tailgating” and “tail gate parties” are prohibited within any public area on the Citizens Business Bank Arena site, as-well-as on the adjacent City-owned public parking lot, and on any public area within proximity of the Arena site. Moreover, alcohol consumption in the parking lots is not permitted, unless such consumption is in conjunction with an arena event for which a Temporary Use Permit has been obtain from the City and the appropriate temporary license has been obtain from ABC.

(b) Proposed CUP Modification — The Applicant is now requesting approval of a modification to its current CUP to allow additional portable bars at the Arena’s Event Level and within the new outdoor patio (currently under construction) on the north side of the arena, thereby allowing a maximum total of 41 portable bars stationed throughout the venue at any one time. Portable bars will be stationed depending upon the type of event and the anticipated audience. All allowed serving locations are identified on Exhibits C-1 through C-4, attached.

(c) Land Use Compatibility — The Conditional Use Permit review is performed in order to weigh a proposed use’s compatibility with adjacent uses, and identify and establish measures to mitigate any potential nuisance activities. The subject site is located in the Urban Commercial land use district of the Ontario Center Specific Plan. The serving of beer, wine and distilled spirits for consumption on the premises is a conditionally permitted land use. Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed activity and the businesses within the immediate area will not be exposed to any impacts resulting from the alcoholic beverage sales and

consumption beyond those that would normally be associated with any other use similar use. Furthermore, The Police Department is in support of the proposed modification and has recommended conditions of approval to mitigate their concerns.

(3) 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.

(4) 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.

(5) 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 II—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 August 20, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

Part III—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 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:

(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; and

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

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

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

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

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

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

(a) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code, 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 activity 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 sale of alcoholic beverages is in conjunction with the operation of the Citizens Business Bank Arena, which is located within the Ontario Center 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 sale of alcoholic beverages is in conjunction with the operation of the Citizens Business Bank Arena, which is located within the Ontario Center 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, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Center Specific Plan; and

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

(e) **The Zoning Administrator hereby makes the following Public Convenience and Necessity (“PCN”) findings:**

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences;
- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity; and

and lighting.

- The site is properly maintained, including building improvements, landscaping,

SECTION 5: *Zoning Administrator Action.* Based on the findings and conclusions set forth in Sections 1 through 4, 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 6: *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 7: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

APPROVED AND ADOPTED this _____ day of _____, 2018.

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

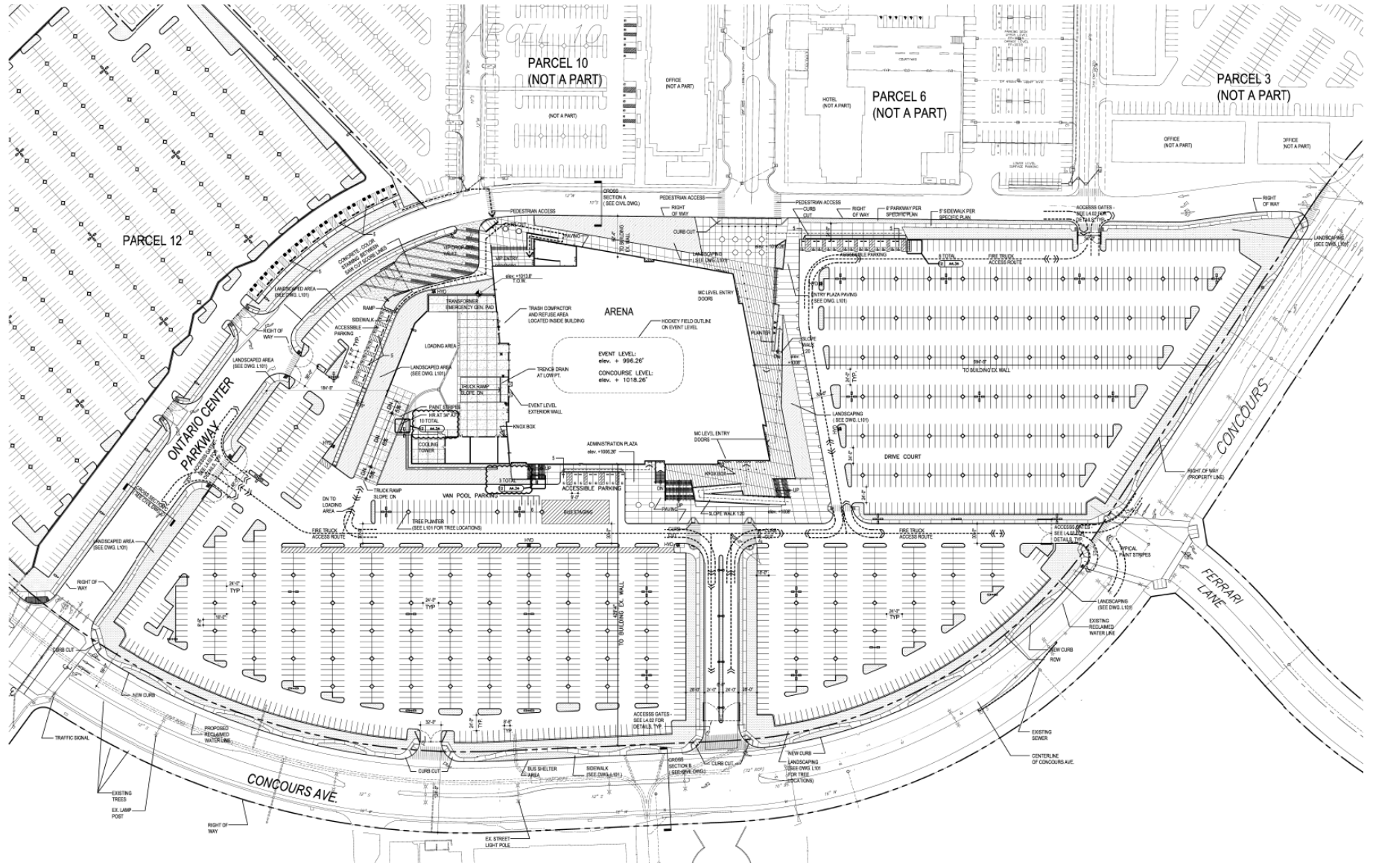


Exhibit C-1: Floor Plan—Event Level

SMG / PREMIER Food Services POS - Event Level Concert Legend

- YELLOW = Founders Club – The Vault (Beer, Wine, Spirits)
- MAGENTA = Portable Cart (Beer, Wine, Spirits)
- RED = Premier Kitchen, Commissary, Storage

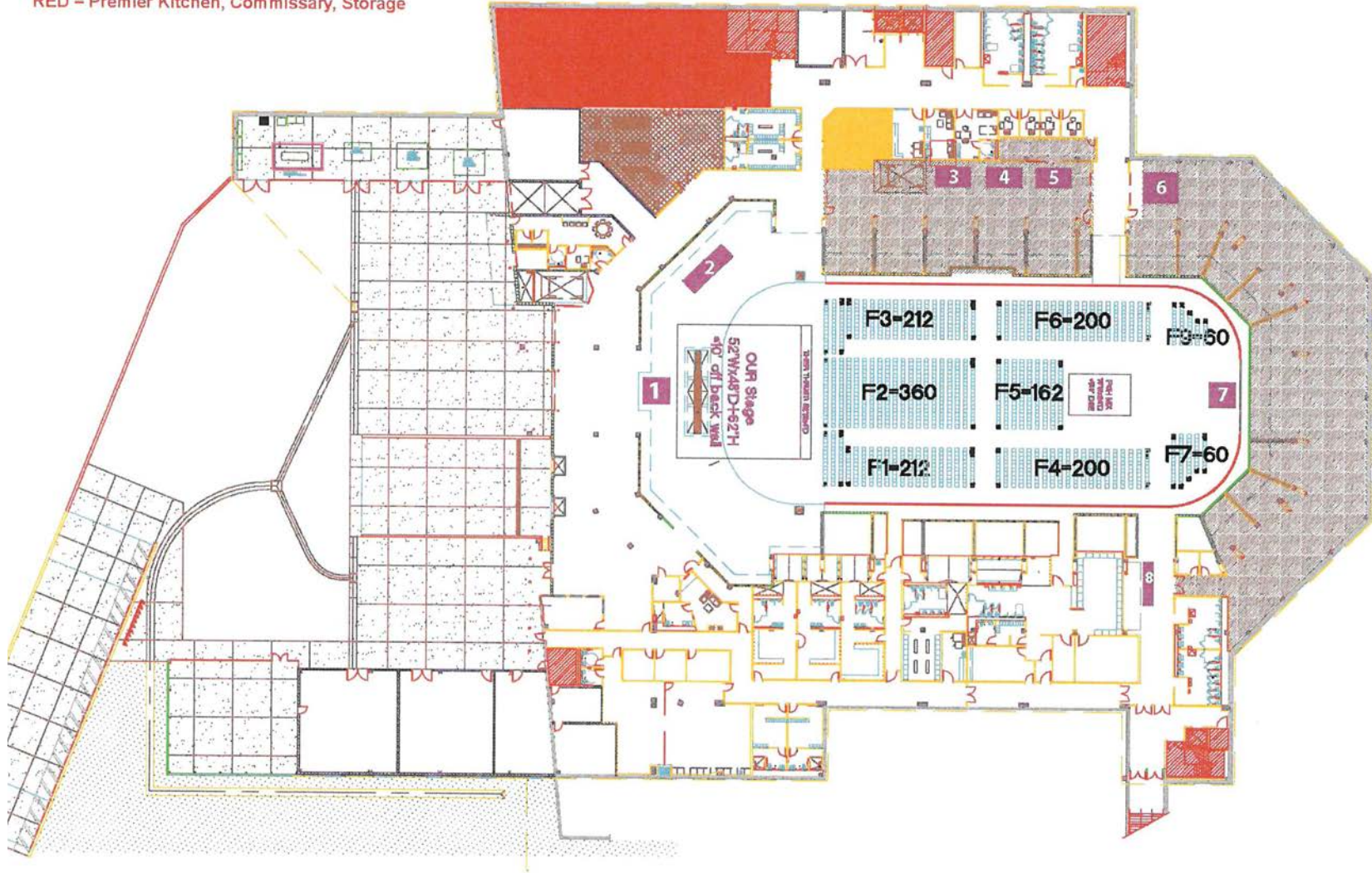
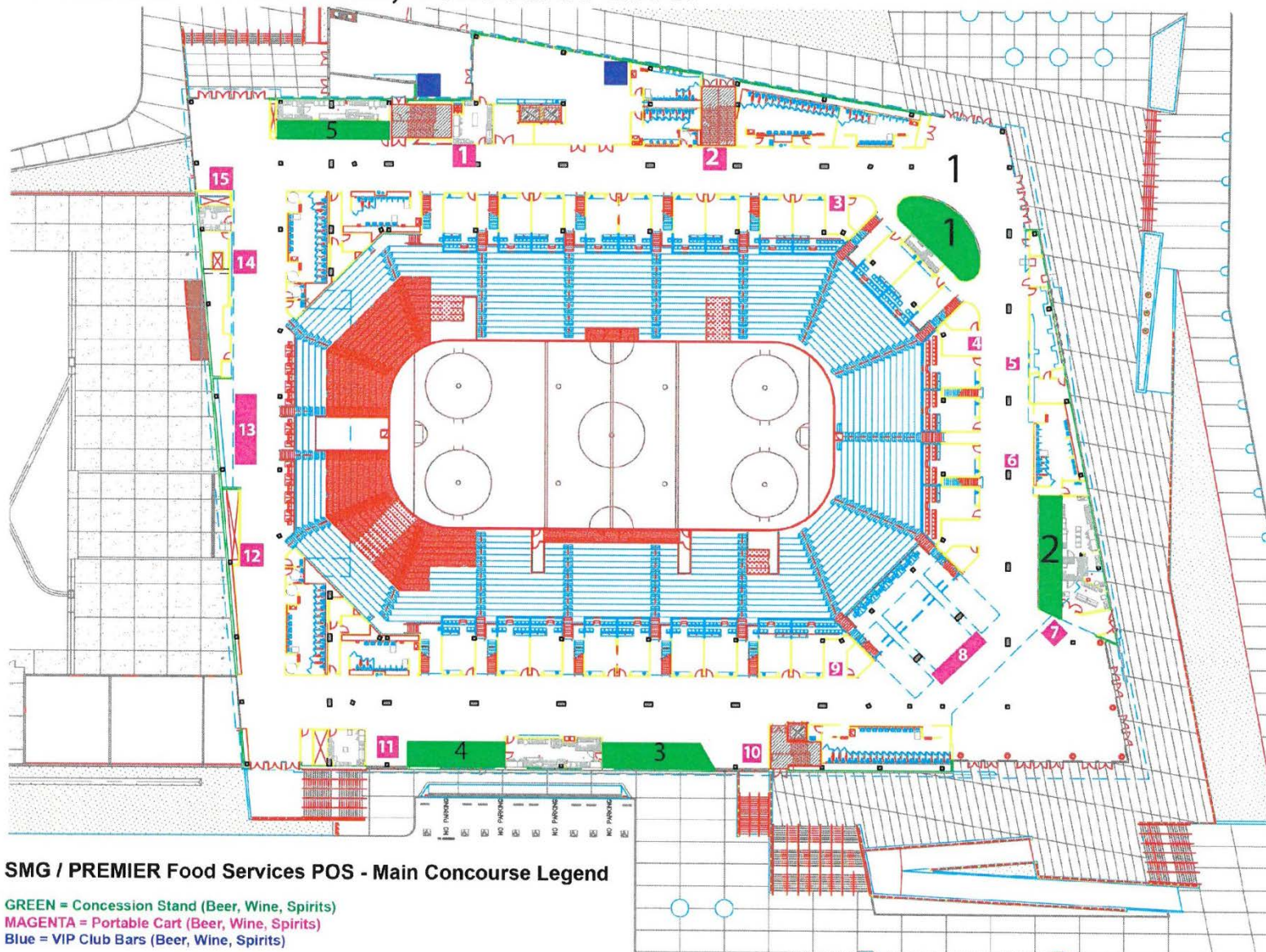


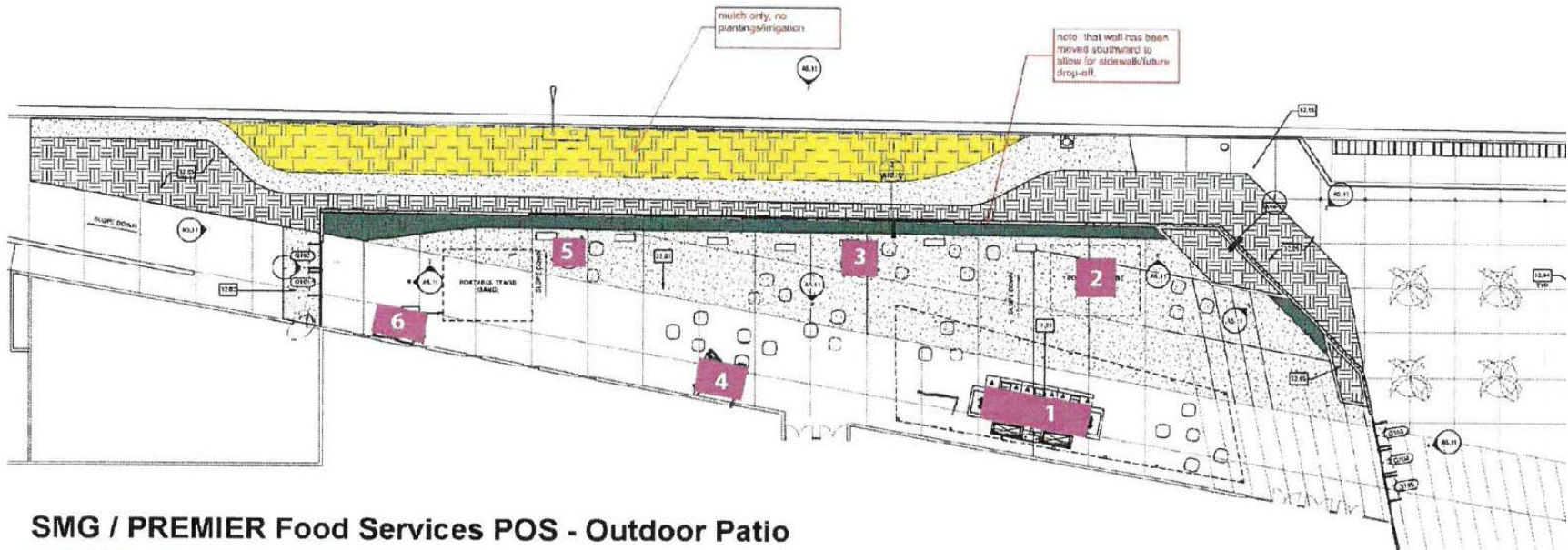
Exhibit C-2: Floor Plan—Concourse Level



SMG / PREMIER Food Services POS - Main Concourse Legend

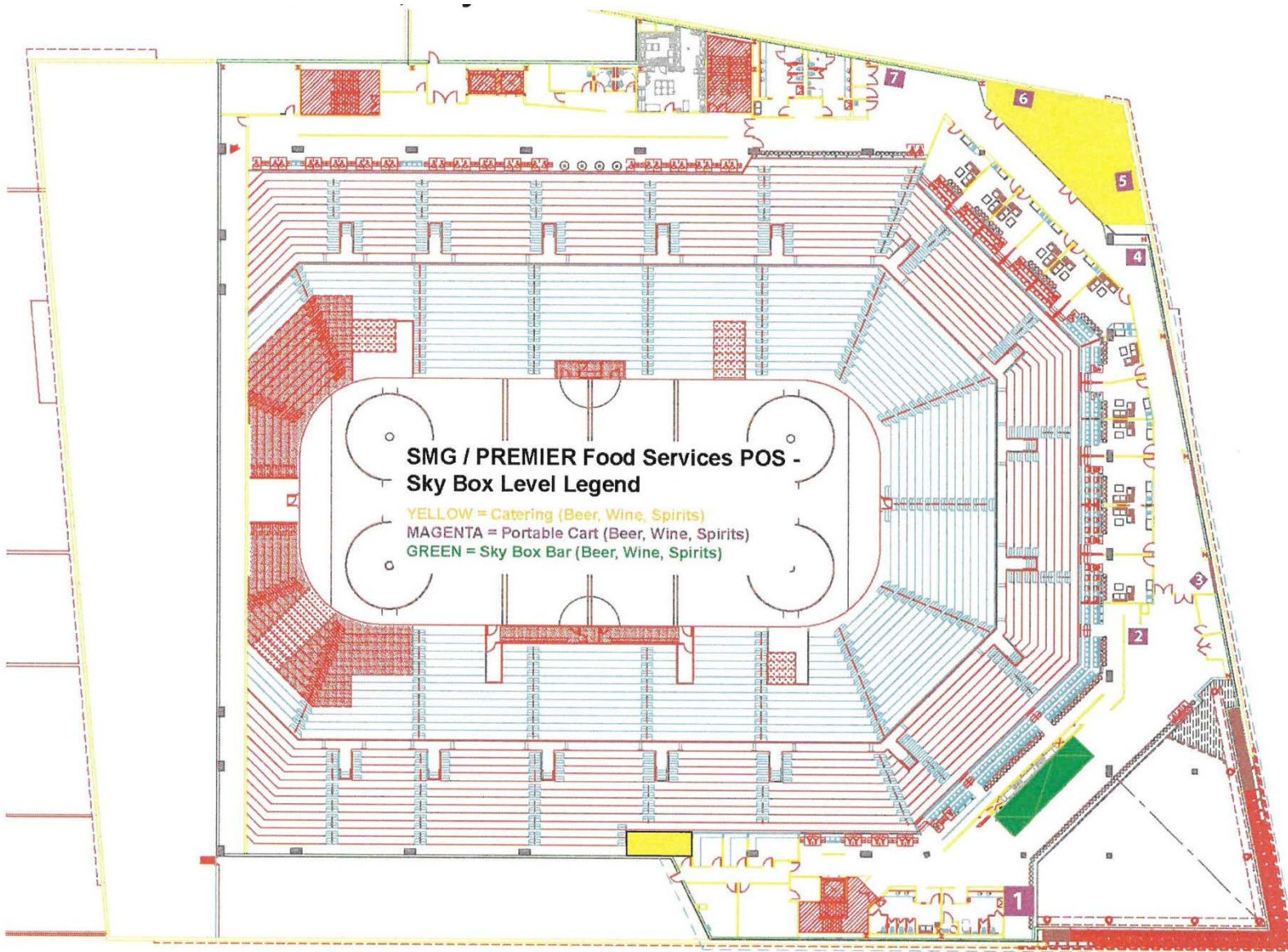
- GREEN = Concession Stand (Beer, Wine, Spirits)
- MAGENTA = Portable Cart (Beer, Wine, Spirits)
- Blue = VIP Club Bars (Beer, Wine, Spirits)

Exhibit C-3: Floor Plan—New North Patio at Concourse Level (northeast corner)



SMG / PREMIER Food Services POS - Outdoor Patio
MAGENTA = Portable Cart (Beer, Wine, Spirits)

Exhibit C-4: Floor Plan—Skybox Level



Attachment A—Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)



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

Planning Department Land Development Division Conditions of Approval

Meeting Date: August 20, 2018

File No: PCUP18-029

Related Files: PCUP08-014

Project Description: A modification to a previously approved Conditional Use Permit (File No. PCUP08-014), establishing alcoholic beverage sales, including beer, wine and distilled spirits, for consumption on the premises in conjunction with Citizen Business Bank Arena (CBBA), located at 4000 East Ontario Center Parkway, within the Urban Commercial land use district of the Ontario Center Specific Plan. The proposed modification would establish the serving of alcoholic beverages within a new outdoor patio located on the north side of the arena, and provide for the use of additional portable bars to accommodate various CBBA events (APN: 0210-205-01); **submitted by SMG Food and Beverage, LLC.**

Prepared By: Charles Mercier, Principal Planner
Phone: 909.395.2425 (direct)
Email: cmercier@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 the approved activity is commenced, or a time extension has been approved by the Planning Director. 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.

(a) Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.

(b) The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.

(c) The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.

(d) A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.

(e) The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.3 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur without first obtaining City approval.

(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) 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.

(d) 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.

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

(f) No alcoholic beverage shall be consumed outside of the enclosed building, except within City-approved secured outdoor patio areas designed so as to be adequately separated from direct public access.

(g) Sound emitted from the premises, such as amplified music or announcements at sporting and entertainment events, shall not be audible beyond the property lines of the business establishment.

2.4 Special Conditions.

(a) "Tailgating" and "tail gate parties" is deemed to be "camping" and is prohibited within any public parking lot or public area pursuant to Ontario Municipal Code Section 5-23.03 (Unlawful Camping).

(b) If special events are conducted outside of the confines of the building or secured outdoor patio areas, such as within the parking lot areas, the Arena operator is required to first obtain a Temporary Use Permit from the City. Additionally, if any of these temporary events include alcoholic beverage sales and consumption, a temporary daily or special event license must be obtained from the State of California Department of Alcoholic Beverage Control.

2.5 Environmental Review. 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:

(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; and

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

2.6 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.



CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM



TO: Chuck Mercier, Senior Planner

FROM: Officer Erich Kemp, C.O.P.S.

DATE: August, 10th, 2018

SUBJECT: FILE NO. PCUP18-029 – Citizen Business Bank Community Arena
4000 E. Ontario Center Parkway

The Police Department is placing the following conditions:

ALCOHOL SERVING/ GENERAL CONDITIONS

1. No alcohol sales to minors.
2. No sales to intoxicated patrons.
3. No alcohol outside of establishment.
4. No smoking inside of establishment is permitted.
5. No narcotic sales or usage on the premises at any time.
6. All employees/staff engaged in serving alcohol beverages must be 21 years of age or older.
7. All sales of alcoholic beverages in the general spectator seating areas shall be made only from concession stands, portable stands, and bar-room enclosures as needed.
8. In seat ordering and delivery service provided by TIPS/LEAD/READ certified staff can be made available for premium seat holders only. Premium seats shall be designated on a site plan.
9. All alcohol beverages will be served in containers which shall be distinctive in design and color and easily distinguished from any other containers used for non-alcoholic beverages.

10. Alcoholic beverages shall be dispensed, sold and served in containers being no larger than 25 ounces.
11. No more than two (2) alcoholic beverages may be sold to a customer at a time.
12. Glass bottle beer is only allowed to be consumed and sold in the Founders Club, located in room 1427 of the Event Level. If the patron would like to take the beverage outside of the Founders Club (The Vault), the beverage must be provided in non-original packaging, poured into a cup.
13. The Ontario Police Department does not object to the use of any original packaged beer, with the exception of glass, and no larger than 25 ounce aluminum can or bottle, to be sold at any serving location upon the change of the Alcoholic Beverage Control's state conditions.
14. The above condition is subject to be discontinued if the police department determines such containers have caused a safety hazard to patrons and/or officers.
15. The privileges of this license will not be exercised during any high school sponsored event or those events catering primarily to minors, excluding family oriented events.
16. All sales and service of alcoholic beverages shall cease at the 12 minute mark of the 3rd period during hockey events and 8 minute mark of the 4th quarter during basketball events. All other events shall cease 30 minutes prior to the end of the event.
17. The above condition does not apply to the sale or service of alcoholic beverages in the private suites, VIP club, VIP Patio, or the Founders Club (The Vault).
18. The applicant shall be responsible for maintaining premises free of graffiti to the premises over which the applicant has control, and shall be responsible for its removal within 72 hours of its appearance or upon notice of its appearance to the applicant.
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. All employees involved in the sales or service of alcohol, must attend a State of California Department of Alcoholic Beverage Control (ABC) L.E.A.D. training class, or alternate training course approved by ABC and the City of Ontario Police Department, within six months of employment. Proof of re-certification is required every 3 years.
21. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.

22. Restrooms must be kept free of graffiti.
23. A secure holding room will be assigned to the Ontario Police Department. The room will allow the police department to detain subjects in custody and/or interview victims of crimes.

EVENT LEVEL ALCOHOL CONDITIONS

1. During a concert event one (4) portable cart will be allowed to serve beer, wine, and (or) distilled spirits on the Event Level. The location of the portable cart will only be allowed in specific designated areas of the floor plan on Exhibit 1-A submitted by the applicant. Alcoholic beverages must be served by a staff member.
2. During a private /corporate event no more than eight (8) portable carts will be allowed to serve beer, wine, and (or) distilled spirits on the Event Level. The location of the portable carts will only be allowed in the designated event area of the floor plan submitted by the applicant. Alcoholic beverages must be served by a staff member.
3. No self-serve alcohol displays are allowed on the Event Level.
4. **Founders Club (The Vault)** which is located in room 1427, will be allowed to serve beer, wine, and (or) distilled spirits. The alcohol must be served by a staff member from the fixed bar. Bottle beer is allowed in this room and may not leave the interior of club. The Founders Club (The Vault) is not open to the public and is used for concert promoters and talent during concerts and for special events only. Tables and chairs in the club may not be changed or moved to increase occupancy. There will be an usher at the door of The Founders Club pouring bottled beer into plastic cups if the guest wants to leave The Founders Room with their beer.

MAIN CONCOURSE LEVEL ALCOHOL CONDITIONS

1. The twenty-four (24) Luxury Suites will be allowed to serve beer, wine, and (or) distilled spirits on this level. Alcohol will be stored in a locked cabinet and will only be accessible during events. Alcohol in the cabinets may only be consumed and handled by guests 21 and older with a bona fide ID. Suite Attendants will alert management if they witness any irresponsible alcohol usage.

2. The V.I.P. Club and V.I.P. Club Patio located on the main concourse level will be allowed to serve beer, wine, and (or) distilled spirits. Patrons utilizing the VIP Club or VIP Club Patio will be granted access as premium seating guests or luxury suite owners or guests of a private event and these two areas are not open or available to the general public, but suite owners and premium seating guests. Alcoholic beverages must be served by a staff member. Service of alcoholic beverages by a server to patrons is only allowed in the V.I.P. Club and V.I.P. Patio.
3. The V.I.P. Club Patio exits must be gated and closed at all times. Emergency sounding device and panic hardware must be installed on the gates or a staff member must be present to monitor patio exits, during sales and consumption of alcohol beverages. The monitoring staff member will be different than the staff member serving the alcoholic beverages. The use of one portable cart will be allowed in the V.I.P. Club Patio.
4. The new North Outdoor Patio located on the north side of the building on the Main Concourse Level will be allowed to serve beer, wine, and (or) distilled spirits. This patio will be activated only during arena events and alcoholic beverages will be served from six (6) portable bars. The location of the portable bars will only be allowed in specific designated areas of the floor plan submitted by the applicant. Alcoholic beverages must be served by a staff member. All patio exits must be gated and closed at all times. Staff members must be present to monitor patio exits, during sales and consumption of alcohol beverages. Re-entry through patio exit doors from the street will not be allowed. The monitoring staff members will be different than the staff members serving alcoholic beverages from the portable bar(s).
5. The five (5) concession stands located on the main concourse level will be allowed to serve beer, wine, and (or) distilled spirits, only when food items are being sold at these locations. Alcoholic beverages must be served by a staff member.
6. Up to three (3) alcove locations will be designated to serve beer, wine, and (or distilled) items depending on the attendance. The location of the alcoves will only be allowed

in specific designated areas of the floor plan submitted by the applicant. Alcoholic beverages must be served by a staff member.

7. During maximum attendance events, fifteen (15) designated pouring locations have been identified based on layout and type of event, but no more than Eleven (11) portable carts will be allowed to serve beer, wine, and (or) distilled spirits on the inside Main Concourse Level when at capacity. The three (3) alcove locations mentioned in the above condition count in the maximum Eleven (11) portable carts allowed. The location of the portable carts will only be allowed in specific designated areas of the floor plan submitted by the applicant. Alcoholic beverages must be served by a staff member.

SKYBOX LEVEL ALCOHOL CONDITIONS

1. The twelve (12) Luxury Suites will be allowed to serve beer, wine, and (or) distilled spirits on this level. Alcohol will be stored in a locked cabinet and will only be accessible during events. Alcohol in the cabinets may only be consumed and handled by guests 21 and older with a bona fide ID. Suite Attendants will alert management if they witness any irresponsible alcohol usage.
2. One fixed bar will be allowed to serve beer, wine, and (or) distilled spirits on this level. The alcohol must be served by a staff member. No stools are allowed at the bar fixture.
3. Seven (7) designated pouring locations have been identified, but no more than four (4) portable carts will be allowed to serve beer, wine, and (or) distilled spirits on the Skybox Level. The location of the portable carts will only be allowed in specific designated areas of the floor plan submitted by the applicant and locations will be adjusted based on the event. Alcoholic beverages must be served by a staff member.
4. Skybox Level Exterior Terrace Patio will be allowed to serve beer, wine, and (or) distilled spirits only during catered events, but total will be included in the maximum

of Four (4) pouring locations on the Skybox Level. Alcoholic beverages must be served by a staff member or caterer.

5. **Press Box/ Catering Room** will be allowed to serve beer, wine, and (or) distilled spirits only during catered events. Alcoholic beverages must be served by a staff member or caterer.

PARKING LOT ALCOHOL CONDITIONS

1. Alcohol beverages are not allowed in the parking lot areas, unless a TUP (Temporary Use Permit) has been processed by the Planning Department and conditioned by the Ontario Police Department.
2. **Tailgate Parties** are not allowed in the parking lot areas of the Sports Arena. Signs will be posted advising “No Tailgating Allowed” and “No Loitering”. Tailgating often involves the consuming alcoholic beverages and grilling food. Tailgate parties usually occur in the parking lots at stadiums and arenas before, and occasionally after or during, sporting events and rock concerts. Signs must have Penal and Municipal Codes on them, and police department contact information. Signs must be posted at each parking lot entrance. Signs must be posted on parking lot light poles no more than approximately 200 feet apart or on every other pole.
3. The applicant is responsible for providing security/staff to enforce rules and regulations in the parking lots. The parking lots must be staff appropriately during events. Parking lots will be patrolled by Arena security before, during, and after all events.
4. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences. Lighting within the arena must be kept at a reasonable level for the safe movement of patrons.

- 5. Trash pickup or mechanical clean-up of the premises parking lot will be made no earlier than 8:00 a.m. nor later than 10:00 p.m.**
- 6. The above conditions will also apply to the parking lot located at 3737 East Concourse Street (Parcel 12) also know as Sports Arena parking lot F.**

Prior to the opening of the arena an inspection of the premises for the alcohol conditions imposed will be conducted by the Ontario Police Department and the Ontario Planning Department. Alcoholic beverages must be at the location for the inspection to occur. The sales of alcoholic beverages will not be allowed until the inspection has been completed and all alcohol related conditions have been met.

Applicant will provide the Ontario Police Department with four (4) tickets, passes or other means of entry to the arena for each event, that do not identify the bearer as being an employee of the Ontario Police Department and one parking pass on an annual basis.

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

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. Each alcohol serving location must have a copy posted along with all signage required by the Department of Alcoholic and Beverage Control.

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at 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.

If you have any questions please call Officer Erich Kemp at (909) 408-1922.