



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

March 15, 2021

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

SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT CITY OF ONTARIO ZONING ADMINISTRATOR MEETINGS

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Zoning Administrator for the City of Ontario is required to limit in-person attendance at the upcoming Zoning Administrator meeting. Members of the public may utilize alternative measures established by the City of Ontario to view the Zoning Administrator meeting and/or to communicate your opinions to the Zoning Administrator. To view the meeting, please go to <http://www.ontarioca.gov/agendas/zoning> and follow the link on that webpage to view the meeting.

Members of the public who wish to provide comment on an item may do so in one of the following manners:

1. **EMAIL:** You can email comments to planningdirector@ontarioca.gov no later than 12:00 PM on the day of the meeting. All comments received by the deadline will be printed for Zoning Administrator consideration before action is taken on that matter. Please identify the agenda item that you wish to address in your comments. All written comments will be included in the record.
2. **TELEPHONE BEFORE THE MEETING:** You can call (909) 395-2036 no later than 12:00 PM on the day of the meeting and let them know that you would like to make a comment on an agenda item.

Any members of the public who require special assistance or a reasonable accommodation to participate in the meeting of the Zoning Administrator may contact Gwen Berendsen at (909) 395-2036 or planningdirector@ontarioca.gov at least 24 hours prior to the meeting.

All documents are available for public review at the City of Ontario Planning Department located at City Hall, 303 East "B" Street, Ontario, California by scheduling an appointment with the Planning Department by calling (909) 395-2036.

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT FOR FILE NO. PCUP20-016:** A Conditional Use Permit to establish a retail fuel dealer, selling and storing industrial & liquefied gases, within an existing 10,883 square foot industrial building, on 0.7 acre of land located at 1631 South Marigold Place, within the IG (General Industrial) zoning district. Staff has determined that 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. This project introduces no new significant environmental impacts. 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). (APN: 1050-171-07); **submitted by Encore Gas and Supply**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-018:** A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises. The request includes rescinding File No. PCUP08-006, previously approved for a Type 47 ABC License (On Sale General), and establishing a Type 70 ABC License (On-Sale General Restrictive Service) in conjunction with an existing 82-room hotel (Comfort Inn) on 1.81 acres of land located at 3333 East Shelby Street, within the Garden Commercial land use district of the R.H. 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 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: 0210-182-71) **submitted by Fine Hospitality Investment Group Inc.**

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

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

I, Gwen Berendsen, Administrative Assistant of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **March 11, 2021**, 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

March 15, 2021

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

DECISION NO.:

FILE NO.: PCUP20-016

DESCRIPTION: A Conditional Use Permit to establish a supplier of industrial and liquefied gases within an existing 10,883 square foot industrial building on 0.7-acre of land located at 1631 South Marigold Place, within the IG (General Industrial) zoning district (APN: 1050-171-07); **submitted by Encore Gas and Supply**

PART 1: BACKGROUND & ANALYSIS

ENCORE GAS AND SUPPLY, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP20-016, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 0.7-acre of land located at 1631 South Marigold Place and is depicted in *Exhibit A: Project Location Map*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Industrial Building	Industrial	IG (General Industrial)	N/A
North:	Industrial Building	Industrial	IG (General Industrial)	N/A
South:	Industrial Building	Industrial	IG (General Industrial)	N/A
East:	Industrial Building	Business Park	SP (Grove Ave Specific Plan)	Business Park
West:	Industrial Building	Industrial	IG (General Industrial)	N/A

PROJECT ANALYSIS:

(1) Background — The Applicant is a supplier of specialty, industrial, and bulk gases, as well as related welding and safety equipment. Development Code Table 5.02-1, Land Use Matrix, stipulates that suppliers of industrial and liquified gases proposing to establish within the IG (General Industrial) zoning district, must first obtain Conditional Use Permit approval from the City. On August 26, 2020, the Applicant filed an application requesting Conditional Use Permit approval to establish the industrial and liquefied gases component of their business, within an existing 10,883 square foot industrial warehouse building (see Exhibit B, Site Plan, attached).

(2) Proposed Use — The Applicant is proposing to store Inert, non-flammable gases, such as argon, helium, and carbon dioxide, and flammable gases, such as propane and acetylene. The Inert gases will be stored inside the warehouse area and a portion of flammable

Prepared: DC/ 03-04-2021	Reviewed: CM/03.08.2021	Decision:
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gases will be stored outside the warehouse building, within a fully screened storage area. These gases are stored in high pressure and liquid form and are contained in compressed gas containers, cylinders, and tanks. Gas cylinders from the production facility in Signal Hill, will be shipped to the Ontario location by pickup and bobtail trucks. There will be no production filling at the Ontario facility. The Ontario location will be strictly used for the storage and distribution of gas products.

Encore will conduct its business operations with a total of six full-time employees. The proposed hours of operation are Monday through Friday, 7:00 a.m. to 5:00 p.m. The business will be closed on Saturday and Sunday.

The applicant is proposing to reconfigure the existing 10,883 square foot warehouse into two areas (see *Exhibit C: Floor Plan, attached*), as follows:

(a) Administrative Offices and Break Room – The existing 1,080 square foot office area will be reconfigured into a front desk reception (Lobby) area, 2 offices, a storage area, small kitchen, and 2 restrooms.

(b) Warehouse and Storage – The existing 9,803 square foot warehouse area will be configured into: a showroom (1,680 square feet), storage rack areas, a nonflammable gas storage area, and heavy duty racking and warehouse areas. The warehouse area includes one dock-high interior truck well and one at grade loading door, which are accessed from the north side of the building.

Some flammable gases will be stored outside, on the east side of the building, contained within a walled and gated area with a roof cover above the gas containers (see Exhibit D: Outdoor Gas Storage Location). The outdoor storage of flammable and non-flammable material will meet Fire Department conditions and regulations. Additionally, the County of San Bernardino Fire Marshall Office has required that the business obtain hazardous material permits from the Department if the business handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at any one time, or generates any amount of hazardous waste.

(3) Parking — According to the Ontario Development Code off-street parking standards, the proposed use is required to provide a total of 11 parking spaces. The project will provide 22 parking spaces, exceeding the minimum requirement for the use.

(4) Land Use Compatibility — The Conditional Use Permit review process is intended to ensure the compatibility of adjacent uses by identifying potential nuisance activities and by establishing measures to mitigate those nuisance activities to an acceptable level. The existing industrial building will be utilized by a supplier of industrial and liquefied gases, which is no more intense than and is consistent with the industrial land uses within the surrounding IG (General Industrial) zoning district, including but not limited to Busy Bee Tooling Company, Bottcher Printing Equipment, Packing Supply Store, and Active Transit Warehousing. The surrounding uses along the north, east, south, and west sides of the Project site are all industrial related uses and will not be exposed to any impacts beyond those that would normally be associated with a general industrial use. Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts associated with the proposed use.

AIRPORT LAND USE COMPATIBILITY PLAN: This project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). Any special

conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

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

PART 2: RECITALS

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

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

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

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

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

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

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

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301, Class 1, Existing Facilities of the CEQA Guidelines, which consists of 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 existing or former use.

(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 DAB, 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 IG (General Industrial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed retail fuel dealer, selling and storing industrial & liquefied gases, will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the IG (General Industrial) zoning district; and

(b) **The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.** The proposed supplier of industrial and liquefied gases will be located within the Industrial land use district of the Policy Plan Land Use Map, and the IG (General Industrial) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan. Among some of these goals are: 1) To invest in the Growth and Evolution of the City's economy, 2) Operate in a business-like manner, and 3) Maintain a high level of public safety; and

(c) **The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.** The proposed supplier of industrial and liquefied gases is located within the Industrial land use district, and the IG (General Industrial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and IG (General Industrial) zoning district; and

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

that: [i] the purposes of the Development Code and the IG zoning district are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

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

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

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

APPROVED AND ADOPTED this _____ day of March 2021.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

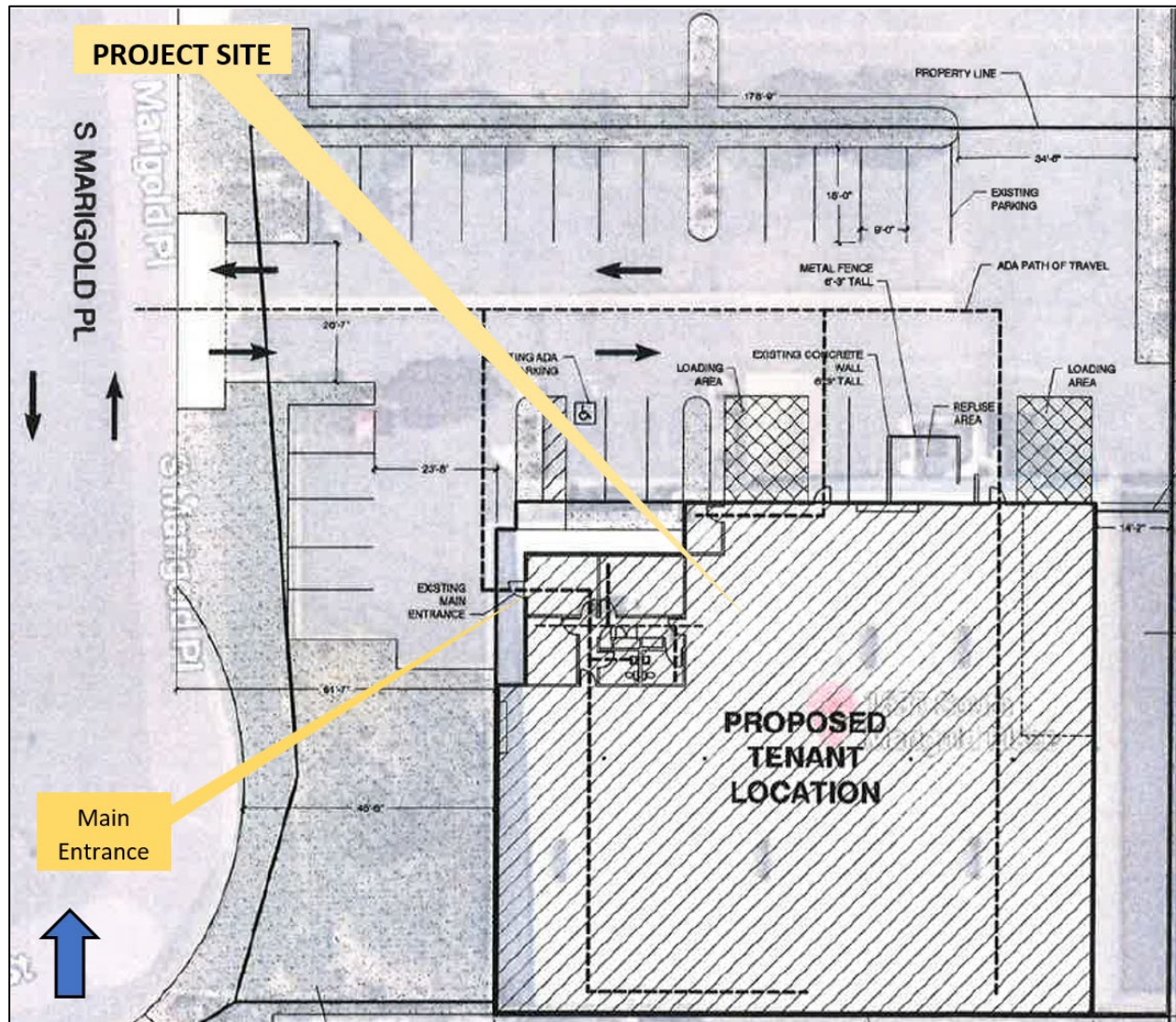


Exhibit C: FLOOR PLAN

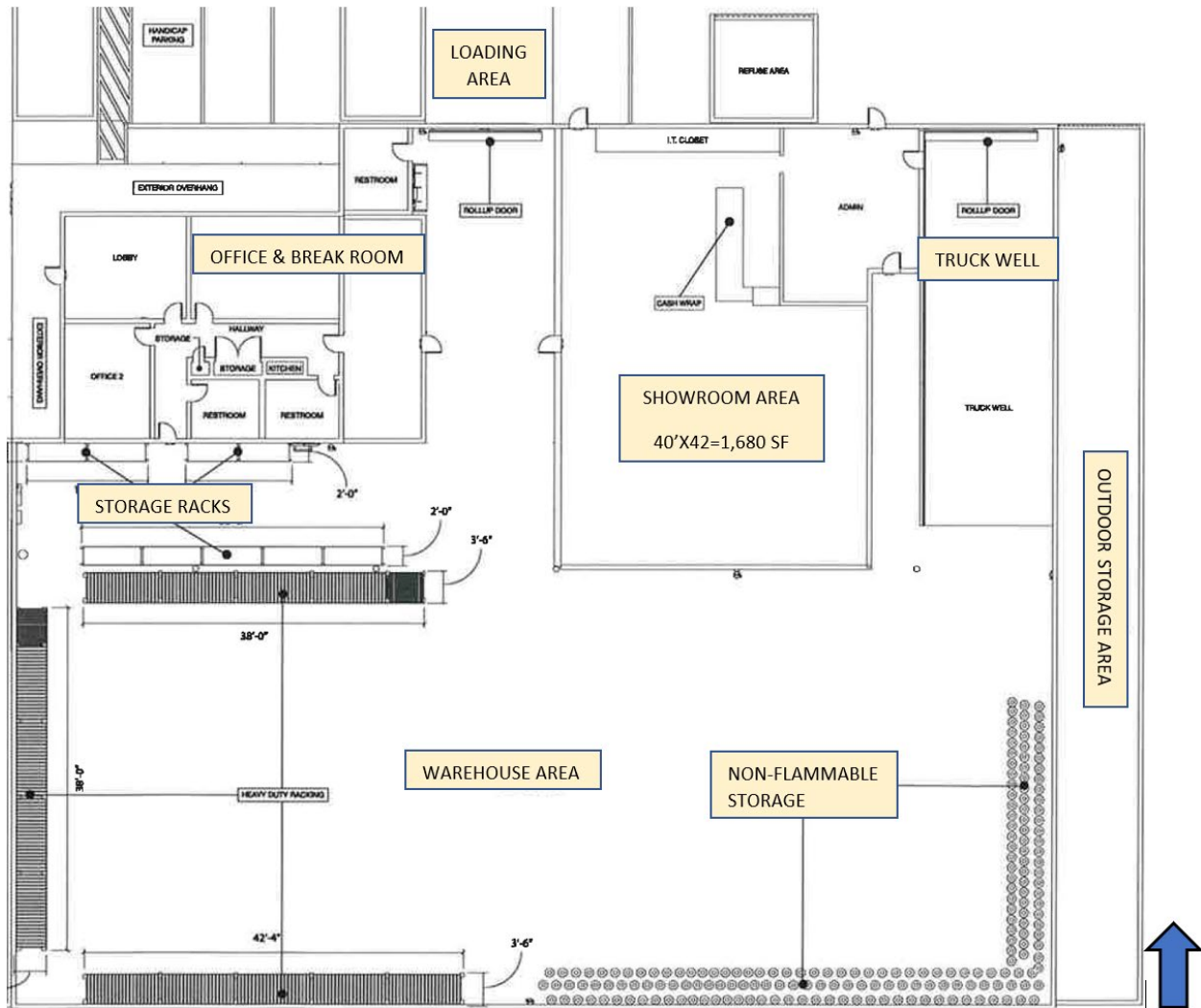


Exhibit D: OUTDOOR STORAGE LOCATION

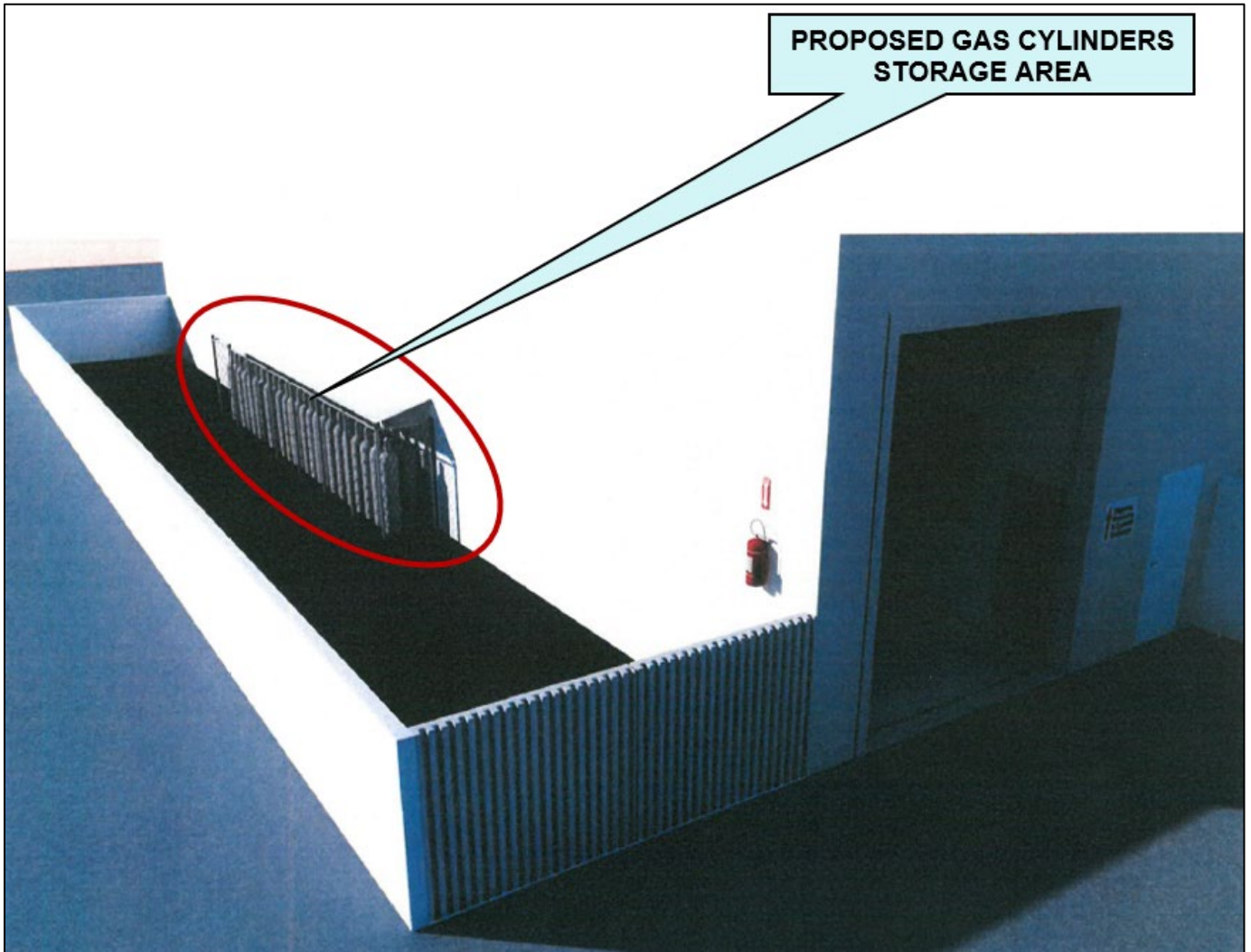


Exhibit E: SITE PHOTOS



Northwest Corner View of Building



Building Main Entrance: West Side View from Parking Lot

Exhibit E: SITE PHOTOS (continued)



Northeast Corner View of Building



Inside View of Warehouse Area

Attachment A: Department Reports (Conditions of Approval)

(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: March 15, 2021

File No: PCUP20-016

Related Files: None

Project Description: A Conditional Use Permit to establish a retail fuel dealer, selling and storing industrial & liquefied gases, within an existing 10,883 square foot industrial building, on 0.7 acre of land located at 1631 South Marigold Place, within the IG (General Industrial) zoning district (APN: 1050-171-07); **submitted by Encore Gas and Supply**

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.

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. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

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

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

2.3 Landscaping.

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

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

2.4 Parking, Circulation and Access.

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

(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).

2.5 Outdoor Loading and Storage Areas.

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

(b) 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.

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

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).

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

2.9 Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to Section 15301 (Class 1, Existing Facilities) of the 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.

2.10 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.

2.11 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) filing fee (\$50.00) 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.

2.12 Additional Requirements.

(a) A City Business License application must be reviewed and approved by the City of Ontario Planning Department and issued by the City prior to opening of business.

(b) All applicable Conditions of Approval from other City departments shall be complied with and shall be fully addressed by the applicant.

(c) Tenant improvements shall be approved and completed prior to operating the proposed use, and a final inspection from Planning is required.

(d) Hazardous materials plans shall be submitted to the Ontario Fire Department prior to any storage on-site. Any requirements/conditions will be addressed in the formal plan check submittal process.

(e) The following conditions are from the County of San Bernardino's Fire Marshal Office: Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.

(f) Prior to Occupancy an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/> [cers.calepa.ca.gov]

“Hazardous Material” means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

*Additional information can be found at <http://www.sbctfire.org/ofm/Hazmat/PoliciesProcedures.aspx> [sbctfire.org] or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401. **[Please refer to Email from Mr. Andrew Bezdek, attached]***

From: Bezdek, Andrew <ABezdek@SBCFire.org>
Sent: Wednesday, February 17, 2021 3:55 PM
To: Denny Chen
Subject: PCUP20-016 Encore Gas & Supply

Follow Up Flag: Follow up
Flag Status: Flagged

Denny,
Its been a while since I've seen a project that would require a hazardous materials permit from my department. Below are my typical standard conditions for planning projects. Would it be possible to have these added to their conditions of approval?

San Bernardino County Fire Department Hazardous Materials Division planning comments:

Permit requirements:

1. *Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.*

Reporting Requirements:

2. *Prior to Occupancy an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/> [cers.calepa.ca.gov]*

“Hazardous Material” means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> [[sbcfire.org](http://www.sbcfire.org/)] or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

Thanks,

Andrew Bezdek | Hazardous Materials Specialist
San Bernardino County Fire Department | Office of the Fire Marshal | Hazardous Materials Division
620 South E Street | San Bernardino, CA 92415-0153 |
Office (909) 386-8401 | Direct (909) 386-8440
Email: abezdek@sbcfire.org | Website: www.sbcfire.org





CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

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

DATE: January 11, 2021

SUBJECT: Updated: PCUP20-016 A Conditional Use Permit to establish a 10,883-square foot retail fuel dealer, selling flammable gasses such as propane and acetylene, which will be stored in a screened outdoor area, on 0.7 acres of land located at 1631 South Marigold Place, within the IG (General Industrial) zoning district: APN: 1050-171-07.

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

This plan is being approved with the condition that hazardous materials plans be submitted to the Ontario Fire Department prior to any storage on-site. Any requirements/conditions will be address in the formal plans submittal process.

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: Denny Chen, Associate Planner

FROM: Officer Emily Hernandez, Police Department

DATE: September 22, 2020

SUBJECT: PCUP20-016- A Conditional Use Permit to establish 10,883-square foot retail fuel dealer, selling flammable gasses such as propane and acetylene, which will be stored in a screened outdoor area, located at 1631 S. Marigold Place.

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 walkways, driveways, doorways, parking lots, hallways and other areas used by the public shall be provided. Minimum 0.5 foot-candle of light shall be maintained in all common areas including walkways, driveways, drive aisles and any areas used by the public. All parking lots shall be provided with minimum one foot-candle of light, measured on the parking surface. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.
- Rooftop addresses shall be installed on the buildings 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. Each building shall be labeled with the corresponding address and letter if applicable.
- Bollards shall be placed in front the building or in any place where flammable gasses will be stored.

The Applicant is invited to contact Emily Hernandez at (909) 408-1755 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

ZA MEETING DATE: 3/15/2021

PROJECT: PCUP20-016, a Conditional Use Permit to establish a 10,883-square foot retail fuel dealer, selling flammable gasses such as propane and acetylene, which will be stored in a screened outdoor area, on 0.7 acres of land located at 1631 South Marigold Place, with IG (General Industrial) zoning district.

APN: 1050-171-07

LOCATION: 1631 South Marigold Place

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

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

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

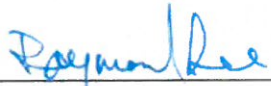
1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. Final Utilities Systems Map (USM): As part of the plan check submittal phase, provide a Final Utilities Systems Map that shows all existing and proposed Utilities (Potable Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities' points of connection to the existing systems.
3. Irrigation Service: Provide/install a separate irrigation service and backflow prevention device is required for this project. Currently, the irrigation is attached to the domestic water service.
4. Backflow Prevention: Provide/install backflow prevention device for the domestic water service.
5. Double Check Detector Assembly (DCDA): Upgrade the existing fire service to a DCDA per city standard drawing number 4208.

6. Existing Services: Any existing services that will not be used, shall be removed and abandoned back to the main.
7. Wastewater Discharge Permit: The Occupant/Applicant shall apply for a Wastewater Discharge Permit for this Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>).

For details on wastewater permit application questions, please contact:

Michael Birmelin, Environmental Programs Manager
omucenvironmental@ontarioca.gov
Phone: (909) 395-2661

8. Trash Enclosure (TE): This site is to provide organic waste separation in addition to regular refuse and recycling, and to be collected by adding a 96-gallons auto can.
9. Integrated Waste Management Report (IWMR): Prior to approval of any building permits, submit to OMUC for review and approval, an Integrated Waste Management Report (IWMR) that complies with the IWMR Requirements.
10. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of Ontario Municipal Utilities Company.
11. Apply for an Encroachment Permit for all improvements within the public right-of-way. (Backflow installation, DCDA, etc.)
*Permit fees will be collected after the permit is ready to be issued. Applicable Fees (subject to change): Encroachment Permit Fee (\$94), Traffic Control Permit Fee (\$103), Inspection Fee (based on Construction Cost Estimate), and Refundable Construction Deposit (10% to 100% of the Construction Cost Estimate).



Raymond Lee, P.E.
Assistant City Engineer



Date



Khoi Do, P.E.
City Engineer




Date

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

CONDITIONS OF APPROVAL

Sign Off


 Jamie Richardson, Sr. Landscape Planner

09/10/2020
 Date

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

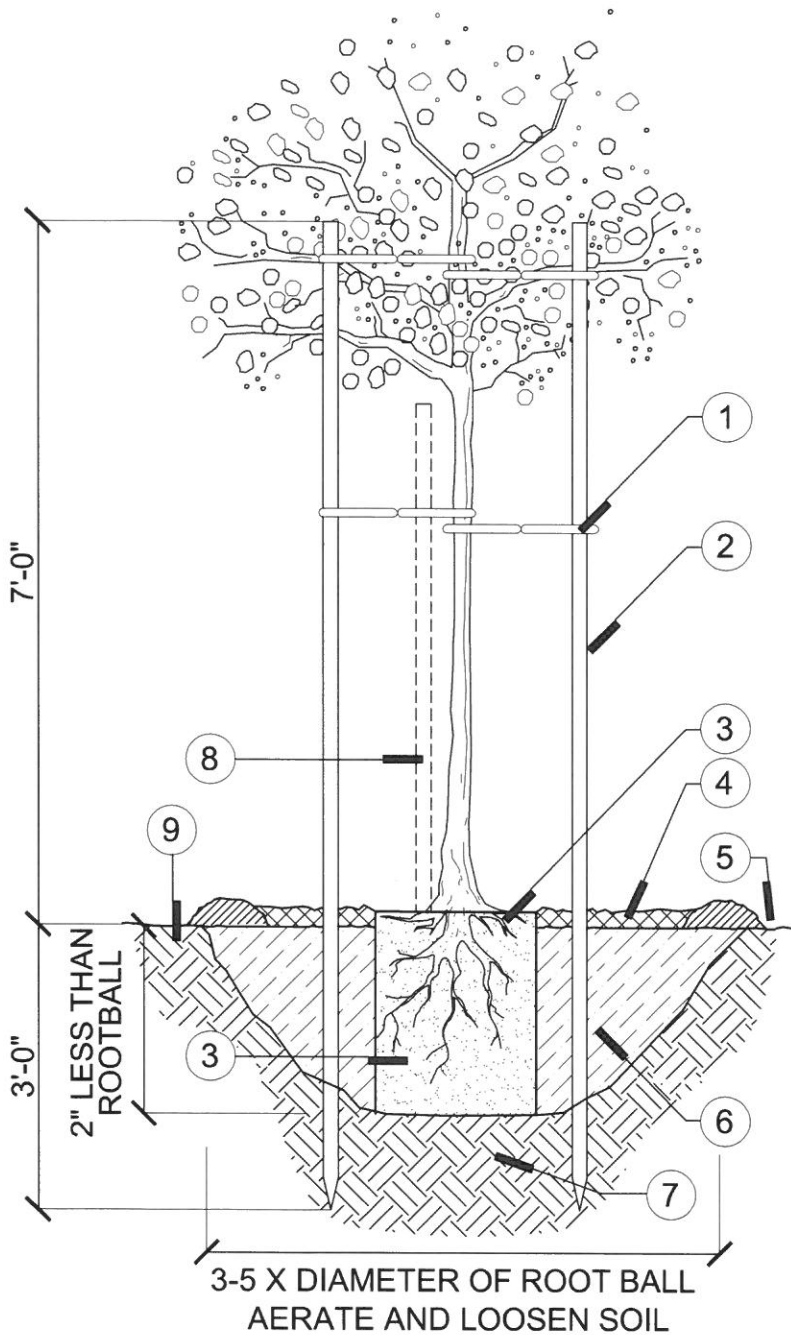
D.A.B. File No.: **PCUP20-016** Related Files: Case Planner: **Denny Chen**

Project Name and Location:
Retail Fuel Dealer
1631 S. Marigold Place

Applicant/Representative:
Encore Gas & Supply – Ben Anderson
2675 Temple Ave
Signal Hill, CA 90755

<input checked="" type="checkbox"/>	A site plan (dated 08/31/2020) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

1. Note landscapes shall be maintained by the property management association or maintenance personnel.
2. Contact property management to replace missing parking lot island trees: 1 at each parking island or row end. 24" box size trees type shall match existing or consider low water trees for this climate such as : Eucalyptus Microtheca – Coolibah Tree, Brachychiton populneus, Bottle Tree, or Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistachia chinensis or similar. Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established.
3. Street trees for this project are: Koelreuteria paniculata per the Master Street Tree Plan. Use evergreen background trees to contrast with evergreen street trees and triangularly space between them. See attached tree planting detail.
4. Landscape renovations shall include a weather based controller with weather sensor and system tune up to prevent any overspray or run off.
5. Repair or replace broken or leaking irrigation components.
6. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
7. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
8. Contact this department for inspection when construction is completed.
9. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



- ① FLEXIBLE TREE TIES (MIN. 4 REQUIRED) SECURE TO POLE W/ GALVANIZED NAIL. PLACE TOP TIE IN CANOPY PROTECT BRANCHES FROM DAMAGE.
- ② 2" DIA. X 10' MIN. TREATED LODGEPOLE PINE STAKE (3" DIA. OR 3 GALVANIZED STAKES FOR 36" BOX TREES OR GREATER)
- ③ ROOTBALL - 2" ABOVE FINISHED GRADE, TOP ROOT FLARE SHALL BE VISIBLE
- ④ 2" OF SHREDDED BARK MULCH, 4' DIA. KEEP MULCH 12" CLEAR OF TRUNK. NO LAWN OR SHRUBS IN 4' DIA. ZONE
- ⑤ TEMPORARY 3" WATERING BASIN
- ⑥ BACKFILL MIX: 100% NATIVE SOIL UNLESS THE AGRONOMICAL SOIL REPORT DIRECTS AMENDMENTS
- ⑦ UNDISTURBED NATIVE SOIL, FOOT TAMP ANY OVER EXCAVATION.
- ⑧ REMOVE NURSERY STAKE IMMEDIATELY AFTER PLANTING
- ⑨ FINISH GRADE

NOTES:

1. STAKES SHALL NOT PIERCE ROOTBALL & SHALL EXTEND INTO UNDISTURBED SOIL.
2. PLACE FLEXIBLE TREE TIES ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
3. ALL EXCESS SOIL SHALL BE REMOVED FROM THE TOP OF THE ROOT BALL EXPOSING THE ROOT FLARE
4. ROOT PRUNE 1/2" OFF ALL SIDES OF ROOT BALL WITH A SHARP KNIFE.

TREE PLANTING

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: September 2, 2020
SUBJECT: PCUP20-016

-
- 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:lr

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP20-016
 Address: 1631 South Marigold Place
 APN: 1050-171-07
 Existing Land Use: Existing Industrial Building
 Proposed Land Use: Establish a 10,833 SF retail fuel dealer within an existing building
 Site Acreage: 0.7 Proposed Structure Height: n/a
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Denny Chen
 Date: 12/23/2020
 CD No.: 2020-005
 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: 200 ft +	
<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: 

TO: Rudy Zeledon, Zoning Administrator

FROM: Charles Mercier, Principal Planner

DATE: March 15, 2021

SUBJECT: AGENDA ITEM B — ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-018: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises. The request includes rescinding File No. PCUP08-006, previously approved for a Type 47 ABC License (On Sale General), and establishing a Type 70 ABC License (On-Sale General Restrictive Service) in conjunction with an existing 82-room hotel (Comfort Inn) on 1.81 acres of land located at 3333 East Shelby Street, within the Garden Commercial land use district of the R.H. 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 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: 0210-182-71) **submitted by Fine Hospitality Investment Group Inc.**

Staff is recommending that this item be continued to the next regular meeting on April 5, 2021, to allow the Applicant additional time to address outstanding issues.