



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

July 6, 2016

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

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

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-012**: A Conditional Use Permit request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), for an existing 99 Cents Only Store, located at 2522 South Grove Avenue, within the CN (Commercial Neighborhood) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT), and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1051-321-62); **submitted by Steve Rawlings.**

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 July 1, 2016, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

July 6, 2016

**DECISION NO:**

**FILE NO:** PCUP16-012

**DESCRIPTION:** A Conditional Use Permit request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), for an existing 99 Cents Only Store, located at 2522 South Grove Avenue, within the CN (Commercial Neighborhood) zoning district. APN: 1051-321-62; **submitted by Steve Rawlings.**

## ***PART I: BACKGROUND & ANALYSIS***

STEVE RAWLINGS, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP16-012, 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 3.37 acres of land located at the northwest corner of Walnut Street and Grove Avenue, within an existing shopping center and is depicted in *Exhibit A: Aerial Photograph*. 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>	99 Cents Only Store	Neighborhood/Commercial	CN (Commercial Neighborhood)	n/a
<i>North</i>	CVS Pharmacy	Neighborhood Commercial	CN (Commercial Neighborhood)	n/a
<i>South</i>	Retail Uses	Neighborhood Commercial	CN (Commercial Neighborhood)	n/a
<i>East</i>	Single Family Homes	Low Density Residential	LDR5 (Low Density Residential)	n/a
<i>West</i>	Single Family Homes	Low Density Residential	LDR5 (Low Density Residential)	n/a

There are a number of existing businesses that surround the 99 Cents Only Store. These businesses include CVS Pharmacy, Wells Fargo Bank, Subway, Weinerschnitzel, and Unocal 76 gas station. The CVS Pharmacy currently has a Type-21 (Off-sale beer, wine and distilled spirits) ABC license.

<i>Prepared:</i> DC/06-20-16	<i>Reviewed:</i> LB/06-27-16	<i>Decision:</i> [enter initial/date]
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**(2) Project Analysis:**

**(a) Background** — The 99 Cents Only Stores have been in business for over thirty years. Ontario had its first 99 Cents Only Store open in 1989 on Mountain Avenue. Currently, there are over three hundred 99 Cents Only Stores within the states of California, Arizona, Nevada, and Texas, which are all corporate owned and operated. It is one of the nation's largest buyers and retailers of name brand consumer goods. The current 99 Cents Only Store has been in operation at the Grove Avenue location since August of 2014.

Prior to the establishment of the 99 Cents Only Store at its Grove Avenue location, Albertson Supermarket operated from that location and had a Type-21 ( Off Sale beer, wine, and distilled spirit) ABC license. This location has always been used as a supermarket since the original tenant, Lucky's, which established its business back in 1982 (*See Exhibit B: Site Plan*).

**(b) Store Operation** — The existing 99 Cents Store is approximately 20,046 sq. ft. and it's comprised of 16,737 sq. ft. of a sales floor area and approximately 3,309 sq. ft. of a non-sales area. The sales area is where all the general merchandise is displayed and sold to the public. The non-sales area includes a break room, storage, closet area, cooler and freezer areas, and men's and women's restrooms (*See Exhibit C: Floor Plan*). The current store hours of operation are Monday through Sunday from 8:00 a.m. to 10 p.m. The store has 55 employees, which includes 7 full time and 48 part time employees. No change in the hours of operation are proposed as part of this CUP request.

The beer & wine merchandise will be displayed on 12 shelves within the sales floor area, located on the first and second aisle just east of the cashier check stands (*See Exhibit C: Floor Plan*). Each shelf is about 4 ft. X 2 ft. in area. The beer and wine display area will be approximately 96 sq. ft., and will account for only 1% of the total sales floor area. The applicant understands that the Ontario Police Department will not permit single can or bottle sales of beer or wine (wine smaller than 750ml). Therefore, all alcoholic beverages sold will be sold in prepackaged quantities, in packs of three, six, or twelve. Also, according to the applicant, all alcoholic beverages will not be refrigerated and will be stored at room temperature.

Based on the Ontario Development Code, the required parking for 99 Cents Only Store is 4 spaces per 1,000 sq. ft. of the store's GFA (Gross Floor Area). Therefore, a total of 80 parking spaces are required. There are a total of 129 parking spaces provided on site, therefore, no parking issues are anticipated.

**(c) ABC License Concentration** — The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity which grants, renews, and revokes all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per census tract, based on census tract population data. The 99 Cents Only Store is located within Census Tract 18.06, which is generally bounded

by the 60 Freeway (Pomona Fwy) to the north, Parco Avenue to the east, Riverside Drive to the south, and Bon View Avenue to the west. ABC has determined that Census Tract 18.06 can support a total of 3 Off-Sale licenses. According to ABC, Census Tract 18.06 currently has 2 active Off-Sale licenses (*See Exhibit E: ABC Report*) and accommodate one more. Therefore, the Census Tract currently does not have an overconcentration of licenses.

**(3) Land Use Compatibility:** The intent of a Conditional Use Permit application is to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public, health, safety, or welfare, or improvements in the vicinity. The project is located within an area that conditionally permits off-site sales of liquor. The 99 Cents Only Store is located within a shopping center that includes fast food restaurants, a bank, and a pharmacy. Staff believes that the businesses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with a retail and convenience store that sells liquor. The proposed floor plan has been adequately designed and conditions of approval have been placed to mitigate any negative impacts.

**(4) 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. According to the attached ALUCP report, the project was found to be consistent, with no additional conditions.

**(5) 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. The Police Department is in support of the application, subject to conditions of approval attached to this report that the following conditions:

- Sales of alcohol shall only occur between the hours of 8 a.m. to 10 p.m. daily.
- No sales or service to minors.
- No open alcohol beverages in the establishment.
- No single bottle sales of wine smaller than 750 ml.
- No sales of distilled spirits.

The Planning Department supports the Conditional Use Permit and requests that the Zoning Administrator impose each Department's recommended conditions of approval, which are designed to mitigate possible impacts related to alcoholic beverage sales.

**(6) 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 500 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

**(7) 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 July 6, 2016, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Planning Staff, presented the staff report on the proposed use, indicating the staff recommendation of project 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 Conditional Use Permit (File No. PCUP16-012) request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), for an existing 99 Cents Only Store, located at 2522 South Grove Avenue, within the CN (Commercial Neighborhood) zoning district. The proposed use is allowed within the CN (Commercial Neighborhood) zone, subject to an approved conditional use permit. Furthermore, the proposed use will be established consistent with the City of Ontario Development Code, and the objectives and purposes, and development standards and guidelines, of the Commercial Neighborhood zoning district.*

*(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 (TOP) 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, 3) Maintain a high level of public safety, and 4) Focus resources in Ontario's Commercial and Residential neighborhoods. The proposed Conditional Use Permit request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), within an existing 99 Cents Only Store, is an allowed use subject to Conditional Use Permit approval. 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 (TOP) The Ontario Plan, which promotes the establishment and intensification of Commercial Neighborhood land use.*

*(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 subject property and the existing 99 Cents Only Store are located within the CN (Commercial Neighborhood) zoning district. The proposed use is a permitted use subject*

*to a Conditional Use Permit. Therefore, if approved, the site will be in compliance with the underlying zone, because no variances are being requested.*

*(d) The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan (ALUCP). According to staffs review and attached ALUCP report, the project was found to be consistent with ALUCP.*

*(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 current establishment (99 Cents Only Store) has been in operation at the subject location since August 2014. According to the Police Department, they have not had any issues at this location, since the store opened. As a result, they are recommending approval subject to conditions. Furthermore, staff has placed conditions of approval that will mitigate any potential negative impacts on the immediate neighborhood.*

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

- The 99 Cents Only Store is located within Census Tract 18.06, which is generally bounded by the 60 Freeway (Pomona Fwy) to the north, Parco Avenue to the east, Riverside Drive to the south, and Bon View Avenue to the west. ABC has determined that Census Tract 18.06 can support a total of 3 Off-Sale licenses. According to ABC, Census Tract 18.06 currently has 2 active Off-Sale licenses (*See Exhibit E: ABC Report*) and accommodate one more. Therefore, the Census Tract currently does not have an overconcentration of licenses.

- The retailer occupies a minimum of 12,000 square feet of gross floor area. The total gross floor area occupied by 99 Cents Only Store is 20,046 square feet and it includes 16,737 sq. ft. of sales floor area and approximately 3,309 sq. ft. of non-sales area.

- No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The total area devoted to alcoholic beverage display and sales will be less than 1% of the store’s total gross floor area.

- 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. According to the Police Department, this store has not had any issues since it opened in 2014. The

Police Department is recommending approval of this CUP subject to the attached conditions of approval.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. According to the Ontario Building and Code Enforcement Departments, there are no pending issues at this location.

- The site is properly maintained, including building improvements, landscaping, and lighting. After several site visits, staff did not notice any signs of graffiti, dead landscaping, or substandard lighting at the subject location. The site is generally well maintained.

(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.

(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. PCUP16-012, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this 6th day of July 2016.

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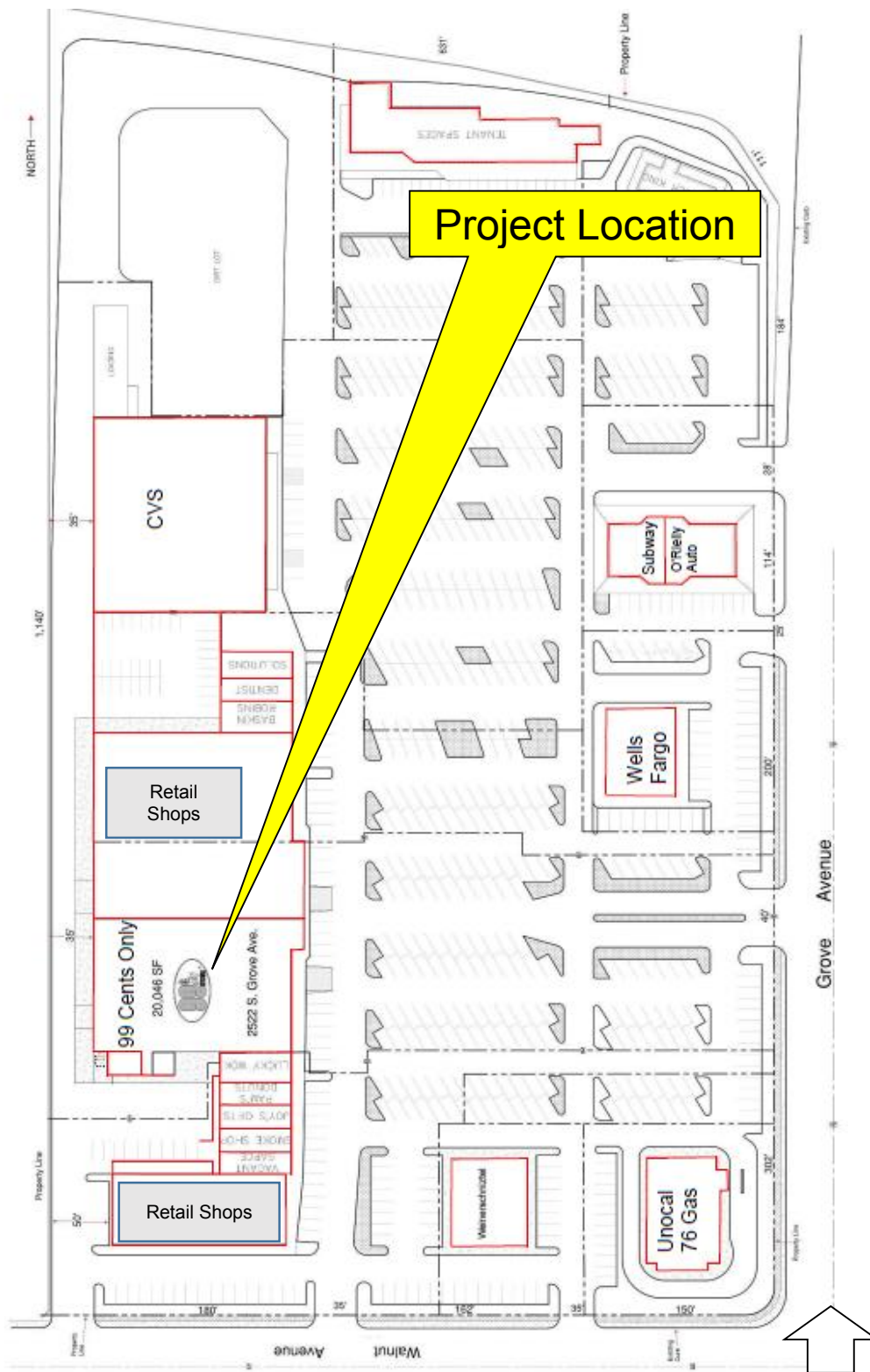
Scott Murphy  
Zoning Administrator



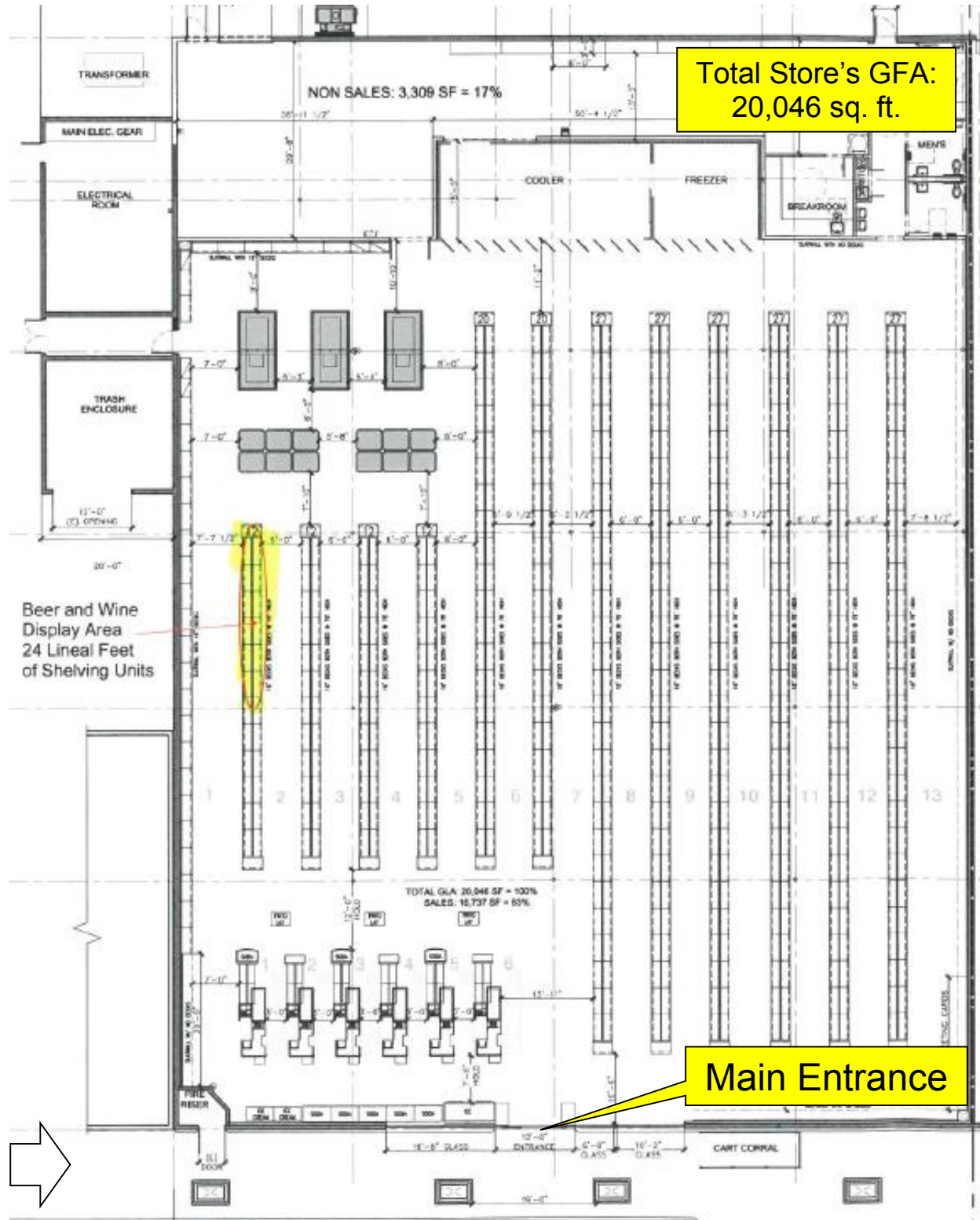
**Exhibit A: Aerial Map**



**Exhibit B: Site Plan**



**Exhibit C: Floor Plan**



***Exhibit D: Site Photos***



***99 Cents Only Store Frontage***



***Tenant to the North of Project Site – CVS Pharmacy***

***Exhibit D: Site Photos***



***Tenants to the South of Project Site***



***Existing Gas Station on the southeast corner of Shopping Center***



***Looking East of Project Site: Existing Single Family Homes***

**Exhibit E: ABC Report**

6/21/2016

California ABC - License Query System - Data Portal



**California Department of Alcoholic Beverage  
 Control  
 Off-Sale Licenses  
 For Census Tract 18.06**

2 of 2 Licenses Displayed

*To create a downloadable CSV File  
 go back  
 and check the Create CSV Download  
 Option.*

Report as of 6/20/2016

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) <a href="#">328388</a>	ACTIVE	20	04/08/1997	6/30/2016	7 ELEVEN INC 2443 S GROVE AVE ONTARIO, CA 91761	7 ELEVEN 2171 22225	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	3607
					Census Tract: 0018.06			
2) <a href="#">479654</a>	ACTIVE	21	09/10/2009	8/31/2016	GARFIELD BEACH CVS LLC 2456 S GROVE AVE ONTARIO, CA 91761-6224	CVS PHARMACY 9727	1 CVS DR. MAIL DROP 23062A WOONSOCKET, RI 02895-6148	3607
					Census Tract: 0018.06			

--- End of Report ---

For a definition of codes, view our [glossary](#).

**Exhibit E: ABC Report**

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
 NUMBER OF LICENSES AUTHORIZED  
 BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN BERNARDINO	2,104,291	1273	1,407	17.02	4,827	3	3
SAN BERNARDINO	2,104,291	1273	1,407	17.03	5,979	4	4
SAN BERNARDINO	2,104,291	1273	1,407	17.04	5,056	3	3
SAN BERNARDINO	2,104,291	1273	1,407	17.06	6,231	4	4
SAN BERNARDINO	2,104,291	1273	1,407	17.07	5,966	4	4
SAN BERNARDINO	2,104,291	1273	1,407	18.03	2,985	2	2
SAN BERNARDINO	2,104,291	1273	1,407	18.04	5,145	4	3
SAN BERNARDINO	2,104,291	1273	1,407	18.06	4,760	3	3
SAN BERNARDINO	2,104,291	1273	1,407	18.08	4,413	3	3
SAN BERNARDINO	2,104,291	1273	1,407	18.09	4,476	3	3
SAN BERNARDINO	2,104,291	1273	1,407	18.10	4,497	3	3
SAN BERNARDINO	2,104,291	1273	1,407	18.12	4,321	3	3
SAN BERNARDINO	2,104,291	1273	1,407	18.13	4,576	3	3
SAN BERNARDINO	2,104,291	1273	1,407	19.01	5,753	4	4
SAN BERNARDINO	2,104,291	1273	1,407	19.03	8,028	6	5
SAN BERNARDINO	2,104,291	1273	1,407	19.05	6,389	5	4
SAN BERNARDINO	2,104,291	1273	1,407	19.06	7,060	5	5
SAN BERNARDINO	2,104,291	1273	1,407	20.10	9,013	7	6
SAN BERNARDINO	2,104,291	1273	1,407	20.11	4,006	3	2
SAN BERNARDINO	2,104,291	1273	1,407	20.13	4,207	3	2
SAN BERNARDINO	2,104,291	1273	1,407	20.14	4,846	3	3
SAN BERNARDINO	2,104,291	1273	1,407	20.15	4,777	3	3
SAN BERNARDINO	2,104,291	1273	1,407	20.16	3,883	3	2
SAN BERNARDINO	2,104,291	1273	1,407	20.17	5,826	4	4
SAN BERNARDINO	2,104,291	1273	1,407	20.18	5,342	4	3
SAN BERNARDINO	2,104,291	1273	1,407	20.19	4,757	3	3
SAN BERNARDINO	2,104,291	1273	1,407	20.21	5,201	4	3
SAN BERNARDINO	2,104,291	1273	1,407	20.22	11,426	8	8
SAN BERNARDINO	2,104,291	1273	1,407	20.23	5,118	4	3
SAN BERNARDINO	2,104,291	1273	1,407	20.25	5,056	3	3
SAN BERNARDINO	2,104,291	1273	1,407	20.27	5,543	4	3
SAN BERNARDINO	2,104,291	1273	1,407	20.28	5,282	4	3
SAN BERNARDINO	2,104,291	1273	1,407	20.29	6,077	4	4
SAN BERNARDINO	2,104,291	1273	1,407	20.31	6,281	4	4
SAN BERNARDINO	2,104,291	1273	1,407	20.33	7,663	6	5
SAN BERNARDINO	2,104,291	1273	1,407	20.34	13,758	10	9
SAN BERNARDINO	2,104,291	1273	1,407	20.35	6,874	5	4
SAN BERNARDINO	2,104,291	1273	1,407	20.36	11,640	9	8
SAN BERNARDINO	2,104,291	1273	1,407	20.37	7,739	6	5
SAN BERNARDINO	2,104,291	1273	1,407	20.38	5,366	4	3
SAN BERNARDINO	2,104,291	1273	1,407	21.01	4,399	3	3
SAN BERNARDINO	2,104,291	1273	1,407	21.03	4,646	3	3
SAN BERNARDINO	2,104,291	1273	1,407	21.05	5,036	3	3
SAN BERNARDINO	2,104,291	1273	1,407	21.07	4,970	3	3
SAN BERNARDINO	2,104,291	1273	1,407	21.09	4,626	3	3
SAN BERNARDINO	2,104,291	1273	1,407	21.10	7,020	5	4
SAN BERNARDINO	2,104,291	1273	1,407	22.04	6,139	4	4
SAN BERNARDINO	2,104,291	1273	1,407	22.06	6,656	5	4
SAN BERNARDINO	2,104,291	1273	1,407	22.07	4,461	3	3
SAN BERNARDINO	2,104,291	1273	1,407	23.01	9,721	7	6
SAN BERNARDINO	2,104,291	1273	1,407	23.04	18,904	14	13
SAN BERNARDINO	2,104,291	1273	1,407	23.05	10,725	8	7



## ***Planning Department Conditions of Approval***

**Prepared:** July 06, 2016

**File No:** PCUP16-012

**Project Description:** A Conditional Use Permit request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), for an existing 99 Cents Only Store, located at 2522 South Grove Avenue, within the CN (Commercial Neighborhood) zoning district. (APN: 1051-321-62); **submitted by Steve Rawlings**

**Prepared by:** Denny D Chen, Associate Planner

**Phone:** (909) 395-2036; **Email:** dchen@ontarioca.org

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### **CONDITIONS OF APPROVAL**

**The above-described Project shall comply with the following conditions of approval:**

**1.0 Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 1020-021 on March 16, 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.** Project approval shall become null and void 1 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. 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 Mechanical and Rooftop Equipment.**

**(a)** HVAC (Heating Ventilation/Air Conditioning) equipment upgrades and/or change out requires Planning and Building Department review.



**2.3** Signs.

(a) Any and all future signage changes to the site, including wall, monument, and directional signs must be reviewed and approved by the Planning and Building Departments.

**2.4** Alcoholic Beverage Sales—General.

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

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

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

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

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

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

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

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

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

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

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

## **2.5** Alcoholic Beverage Sales

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

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

**(c)** All provisions of the Alcoholic Beverage Control Act (Business and Professions Code Section 23000 et seq.) pertaining to the sale of beer and wine for off-premise consumption in conjunction with gasoline service stations shall be complied with, including, but not limited to, the following:

**(i)** No beer or wine shall be displayed within 5 feet of the cash register or the front door, unless it is in a permanently affixed cooler.

**(ii)** No sale of alcoholic beverages shall be made from a drive-thru window.

**(iii)** No display or sale of beer or wine shall be made from an ice tub.

**(iv)** No illuminated advertising for beer or wine shall be located on building exteriors or in windows.

## **2.6** Environmental Review.

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

(b) The 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.

## 2.7 Additional Fees.

(a) After 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.

(b) Within 5 days following final application approval, the  Notice of Determination (NOD),  Notice of Exemption (NOE), filing fee shall be provided to the Planning Department. A check in the amount of \$50.00 shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which will 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 the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

## 2.8 Additional Requirements and Comments.

(a) A City Business License application must be reviewed and approved for the business at this location.



**CITY OF ONTARIO**  
**MEMORANDUM**  
*"Excellence Through Teamwork"*



**TO: Denny Chen, Associate Planner**

**FROM: Eric Quinones, Police Officer, COPS Unit, ABC Detail**

**DATE: JUNE 02, 2016**

**SUBJECT: FILE NO. PCUP16-012 – 99 CENT STORE 2522 S. GROVE AVE**

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The Ontario Police Department has researched the request for an off-site type 20 (beer & wine) alcohol license for the 99 Cent Store, located at 2522 S. Grove Avenue. The requested license is within census tract 18.06 which is not over concentrated. The department of Alcohol Beverage Control authorizes (3) off-sale alcohol licenses for this tract. There are currently two (2) active off-sale alcohol licenses within census tract 18.06. In addition, the location does meet the criteria for Personal Convenience and Necessity as defined by the Ontario City Council.

The Police Department is placing the following conditions:

**ABC CONDITIONS**

1. Sales of alcohol will occur between the hours of 8:00 a.m. to 10:00 p.m. daily.
2. No sales or service to minors.
3. No sales or service to intoxicated patrons.

4. No open alcohol beverages in the establishment.
5. No drug paraphernalia will be sold at any time.
6. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
7. No single can or bottle sales of malt based liquor are allowed. These must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
8. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs is permitted unless otherwise permitted by City ordinance or written policy.
9. No sales of distilled spirits.
10. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
11. Employees engaged in the sales of alcohol must be 18 years of age or older.
12. No more than 25% of advertisements are allowed on the windows of the business.
13. No warm beer displays close to the front door will be allowed.
14. 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.
15. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premise. 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 control of the business.
16. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
17. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
18. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.

19. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
20. 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 ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.
21. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.

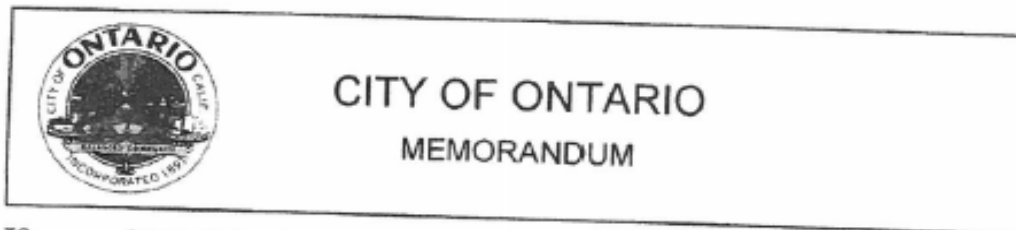
If alcohol related crimes at this location are higher than four other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the zoning administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in the 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 the prominent place in the interior of the premises.

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

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

Please call me if you have questions regarding this matter at (909) 395-2812.



TO: Otto Kroutil, Development Director  
Scott Murphy, Planning Director  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Raymond Lee, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
Sheldon Yu, Municipal Utility Company  
Doug Sorel, Police Department  
Art Andres, Deputy Fire Chief/Fire Marshal  
Tom Danna, T. E., Traffic/Transportation Manager  
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)  
Steve Wilson, Engineering/NPDES  
Bob Gluck, Code Enforcement Director

FROM: Denny Chen,

DATE: April 28, 2016

SUBJECT: FILE #: PCUP16-012 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 **Thursday, May 12, 2016**.

- 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 request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), within an existing 99 Cents Only Store, located on 3.37 acres at 2522 South Grove Avenue, within the CN (Commercial Neighborhood) zoning district.

APN: 1051-321-62

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 Title: Landscape Planner Date: 5/27/16

## AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP16-012  
 Address: 2522 S Grove Ave  
 APN: 1051-321-62  
 Existing Land Use: Commercial Retail (99 cents store)  
 Proposed Land Use: ancillary Type 20 ABC license for off-sale consumption  
 Site Acreage: 3.37 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: 6/9/16  
 CD No.: 2016-032  
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="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>200 +</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

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Traffic/Transportation Division and Municipal Utilities Agency, and Environmental Section Conditions incorporated)

**DATE:** 06/01/16

**PROJECT:** PCUP16-012, a Conditional Use Permit request to establish alcoholic sales, limited to beer and wine for off-site consumption (Type 20 ABC License), within an existing 99 Cents Only Store, located on 3.37 acres, within the CN (Commercial Neighborhood) zoning district.

**APN:** 1051-321-62

**LOCATION:** 2522 South Grove Avenue

**PROJECT ENGINEER:** Antonio Alejos

**PROJECT PLANNER:** Denny Chen

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

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The Developer/Applicant shall apply for a Waste Water Discharge Permit for their Establishment, and shall comply with all the requirements for their Wastewater Discharge Permit. Requirements of the Wastewater Discharge Permit may include, but are not limited to the installation of a wastewater pretreatment device, such as a clarifier. Please contact Virginia Lopez, Environmental Technician, at (909) 395-2671 for more information.