



CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

February 22, 2017

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

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

PUBLIC HEARINGS

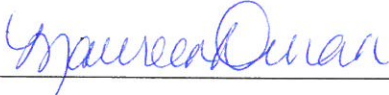
- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-020:** A request for a modification to a previously approved Conditional Use Permit (File No. PCUP11-016) to: [1] increase the sanctuary area from 1,200 square feet to 2,355 square feet, and; [2] expand the parking lot area, within an existing 6,200 square foot building for a religious assembly on 0.47 acres of land, located at 1101 East Holt Boulevard, within the MU-2 (East Holt Mixed-Use) zoning district. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities). The 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 set forth within the Ontario International Airport Land Use Compatibility Plan; (APNs 1048-471-22 and 1048-471-23); **submitted by Joyful Nations Ministries.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-024:** A Conditional Use Permit request to establish a 1,848 square foot educational training center for individuals seeking to obtain state life, health, and liability licenses, within an existing multi-tenant office building on 6.37 acres of land, located at 3286 East Guasti Road, Suite 120, within the Office/Research & Development land use designation of the Centrelake Specific Plan. 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. 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: 0210-551-30); **submitted by Mr. Carlos Basurto.**
- C. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-025:** A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47 ABC License On-Sale General Eating Place), in

conjunction with an existing 2,592 square-foot restaurant (5 Star Pizza) on 2.03 acres of land, located at 951 North Haven Avenue, within the Garden Commercial land use designation of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (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: 0210-182-69); **submitted by Five Star Pizza Bar, 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, 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 **February 17, 2017**, 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

February 22, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP16-020

DESCRIPTION: A request for a modification to a previously approved Conditional Use Permit (File No. PCUP11-016) to: [1] increase the sanctuary area from 1,200 square feet to 2,355 square feet, and; [2] expand the parking lot area, within an existing 6,200 square foot building for a religious assembly on 0.47 acres of land, located at 1101 East Holt Boulevard, within the MU-2 (East Holt Mixed-Use) zoning district. APN(s): 1048-471-22 and 1048-471-23; **submitted by Joyful Nations Ministries.**

PART I: BACKGROUND & ANALYSIS

JOYFUL NATIONS MINISTRIES, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit modification approval for File No. PCUP16-020, 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 2 parcels for a total of 1.27 acres of land located at 1087 and 1101 East Holt Boulevard, and is depicted in *Exhibit A: Aerial Photograph*, attached. The site is developed with a 6,200 square foot commercial-warehouse building and is partially paved with asphalt. The remainder of the property is undeveloped. Existing land uses, and General Plan and zoning designations on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Vacant	Mixed Use	MU-2 (East Holt Mixed-Use Area)
<i>North</i>	Undeveloped	Mixed Use	MU-2 (East Holt Mixed-Use Area)
<i>South</i>	Office	Business Park	IP (Industrial Park)
<i>East</i>	Auto Repair Service	Mixed Use	MU-2 (East Holt Mixed-Use Area)
<i>West</i>	Multiple-family	Mixed Use	MU-2 (East Holt Mixed-Use Area)

(2) Project Analysis:

(a) Background— The Applicant has been in operation since 2001 at various locations throughout Southern California. In 2005, Joyful Nations Ministries purchased

Prepared: DA/2/9/17	Reviewed: [enter initial/date]	Decision: [enter initial/date]
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the property at 1101 East Holt Boulevard. In 2008, Ontario Code Enforcement cited several violations at the site including, but not limited to, operation of a religious assembly without proper approvals and building permits. On February 2, 2015, a Conditional Use Permit (File No. PCUP11-016) was approved establishing operation of a religious assembly use, offering daily worship services and a food distribution program. The condition of approval requiring a building occupancy change from warehouse to assembly has not been met and therefore, the operation has not commenced and the building remains vacant. Recently, the Applicant acquired the partial asphalt paved property to the west with the intent to expand the off-street parking facility. In August 2016, the Applicant submitted a request to modify the interior floor plan by expanding the religious assembly area and increase the number of parking spaces on site that was approved under File No. PCUP11-016.

(b) Proposed Use — The Applicant is proposing to increase the sanctuary area from 1,200 square feet to 2,332 square feet, reducing the number of youth/children's rooms from 5 to 3, as depicted in *Exhibit B: Floor Plans*. No other changes in use, hours of operation, or number of volunteers or employees are proposed at this time.

(c) Parking — Pursuant to Ontario Development Code, Division 6.03-Off Street Parking and Loading, a Religious Assembly use is parked at 0.33 parking spaces per fixed seat or 25 parking spaces per 1,000 square-feet of assembly area (when fixed seats are not provided). The assembly area will utilize movable chairs, rather than fixed seats. As a result, based upon the 2,332 square-foot primary assembly area, 59 parking spaces are required to support the use.

In conjunction with construction for occupancy change, the Applicant is proposing to reconfigure and expand the parking lot to the adjacent parcel that will provide for 59 parking spaces, and is depicted in *Exhibit C: Site Plans*. The site will be accessed from an existing 34-foot wide drive approach along East Holt Boulevard. A 26-foot drive aisle will circulate through the parking lot. The rear portion of the site, approximately 20,000 square feet will remain un-improved and covered with mulch. Once the parking lot has been constructed there will be an adequate amount of available parking spaces to support the use.

(d) Architecture — The existing building, also known as the Cucamonga Valley Wine Company Distillery, was identified as a historic resource eligible for local landmark designation pursuant to the criteria contained in the Ontario Development Code. The building was constructed in 1929 (est.) for Paul Walter, a poultry rancher, by Campbell Construction to store and warehouse items related to his poultry business. By 1940, the property was owned by the Cucamonga Valley Wine Company who used the building as a distillery. Subsequent uses were typical warehouse operations including automotive services.

In August 2016, the Applicant submitted a request for a Certificate of Appropriateness (File No. PHP16-019) to construct a tower element on the west elevation above a new main entrance and to remove a roll up style doors and one window on the existing

building. Due to budget constraints, the Applicant has withdrawn the request to construct the tower element. The door and window alterations, as depicted in *Exhibit D: Elevations*, are considered minor in nature and do not significantly alter the building and support the new use. As such, a Certificate of Appropriateness is no longer required. As a condition of approval, the door and window alterations will be reviewed during construction plan check for the building occupancy change from warehouse to an assembly of use.

(e) Land Use Compatibility — A Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity.

Pursuant to the Development Code, Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

The religious assembly use is located within the MU-2 (East Holt Mixed-Use) land use designation of the Development Code. Within this designation, religious assembly uses are a conditionally permitted use. The proposed modification, expansion of sanctuary area and parking lot, with the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses and residents within the surrounding area will not be exposed to any impacts resulting from the proposed use beyond those that would normally be associated with any other use similarly allowed within the same land use designation.

(3) Airport Land Use Compatibility Plan: This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

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

PART II: RECITALS

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

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

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

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

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

WHEREAS, on February 22, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 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 modification of use, including reconfiguration and expansion of the sanctuary area and parking lot, will be located at 1101 East Holt Boulevard, which is designated for the MU-2 (East Holt Mixed-Use) zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the MU-2 (East Holt Mixed-Use) 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 The Ontario Plan.* The proposed modification, including reconfiguration and expansion of the sanctuary area and parking lot, will be located at 1101 East Holt Boulevard, which the Policy Plan Master Land Use Plan designates for Mixed Use. The proposed land use is clearly consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of a mixture of use land uses, when concentrated, create identity and place along the corridor in the area of the project site.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The project, with conditions of approval, meets the objectives and purposes of the Ontario Development Code, as required in the MU-2 (East Holt Mixed-Use) zoning district. Projects within the MU-2 (East Holt Mixed-Use) zoning district are intended to create identity and place along the corridor connecting the community together.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is partially located within the ONT 65-70 dBA noise contour. The proposed religious assembly use requires attainment of CNEL 45 dBA interior noise. In October 29, 2014, MD Acoustic

prepared an analysis for the project to demonstrate how the 45 dBA CNEL interior noise level will be met. The analysis concluded that the interior noise level could be achieved due to the 8" thick masonry walls of the building. A conditional of approval requiring detailed construction plans, approved and signed by an acoustical engineer, certifying that noise abatement measures have been met and is attached to this report.

(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.* Religious assembly use is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community

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

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

(h) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP16-020, subject to the conditions of approval attached hereto and incorporated herein by this reference.

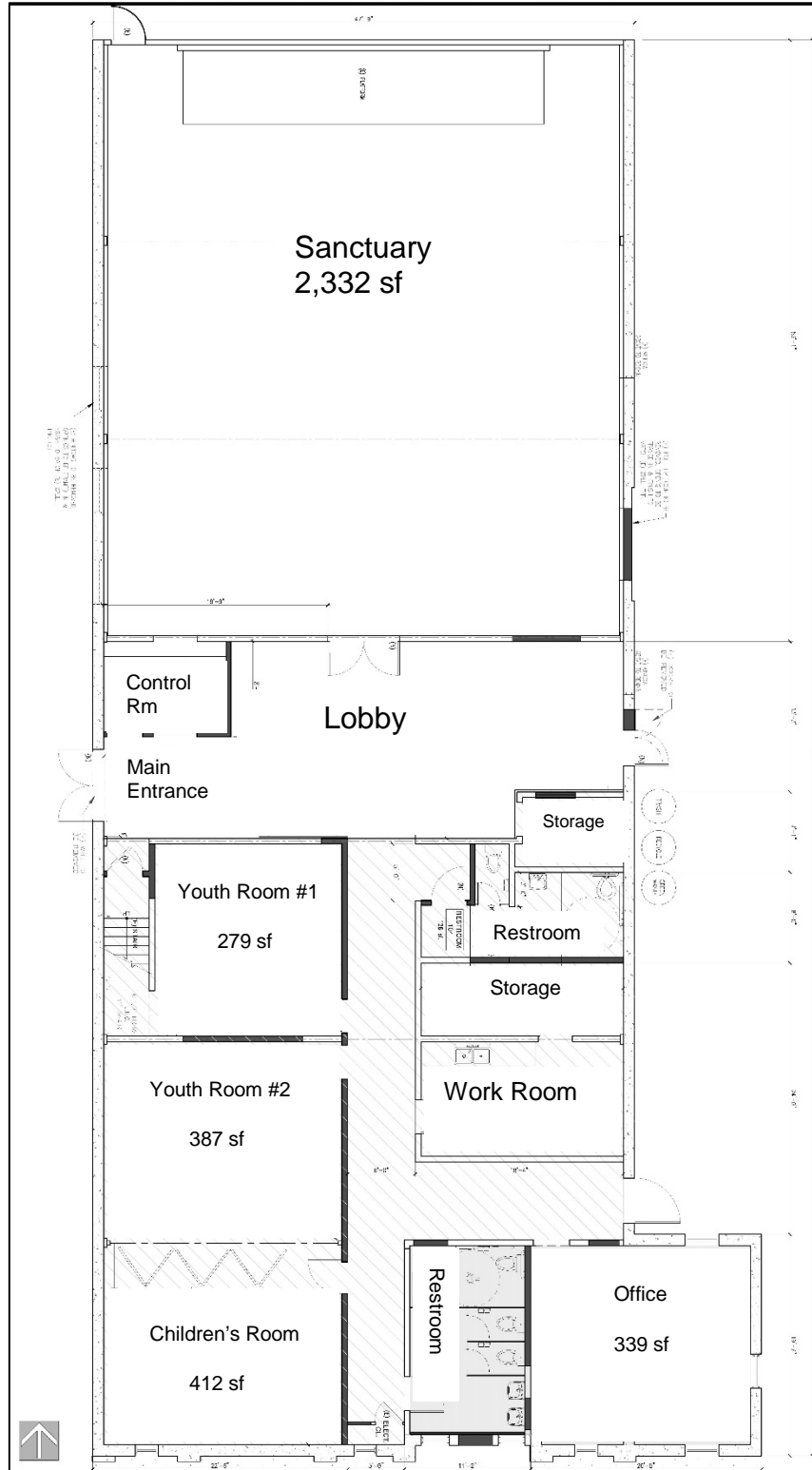
APPROVED AND ADOPTED this [insert day] day of [insert month & year].

Scott Murphy
Zoning Administrator

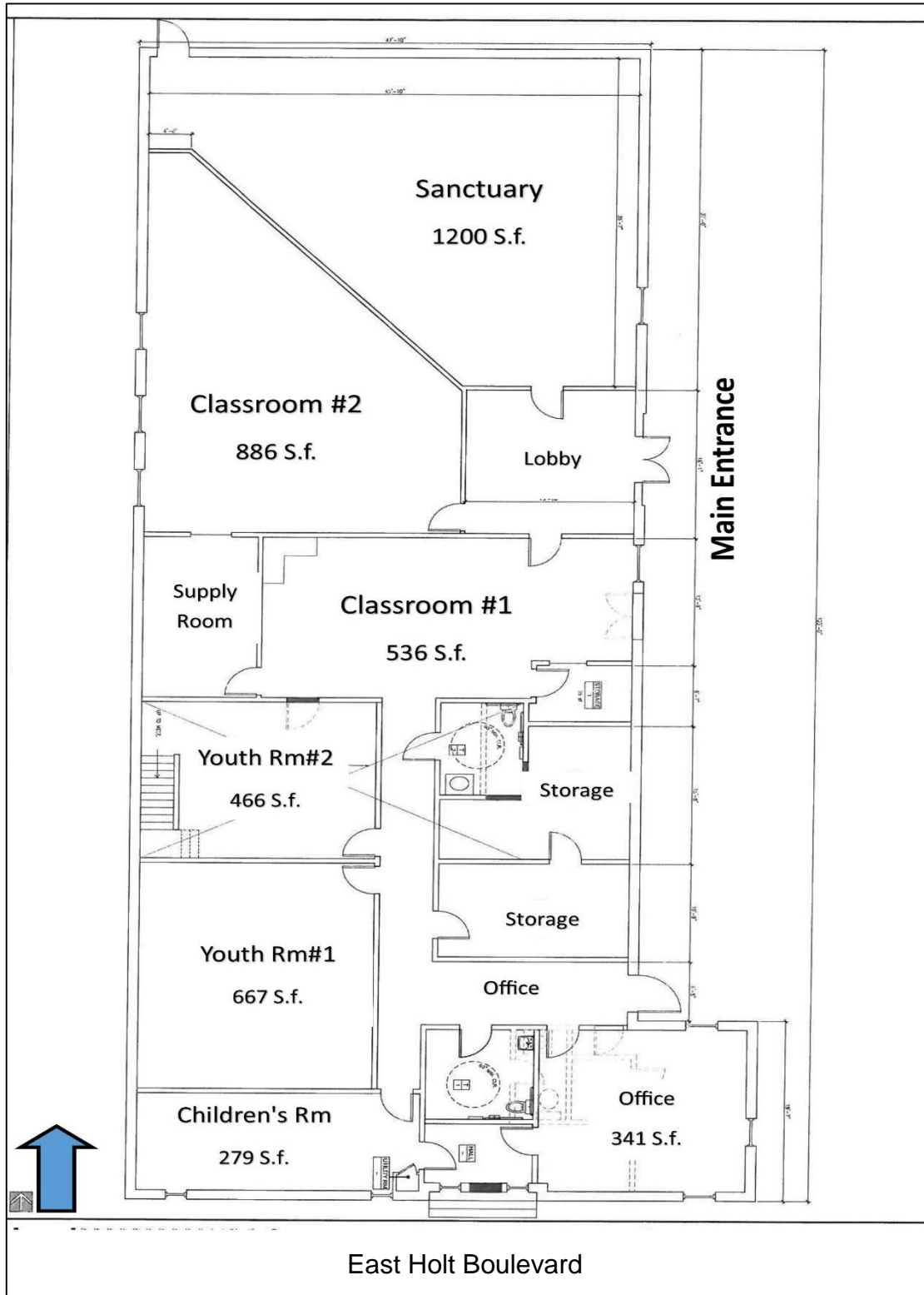
Exhibit A: Aerial Photograph



Exhibit B: Floor Plans

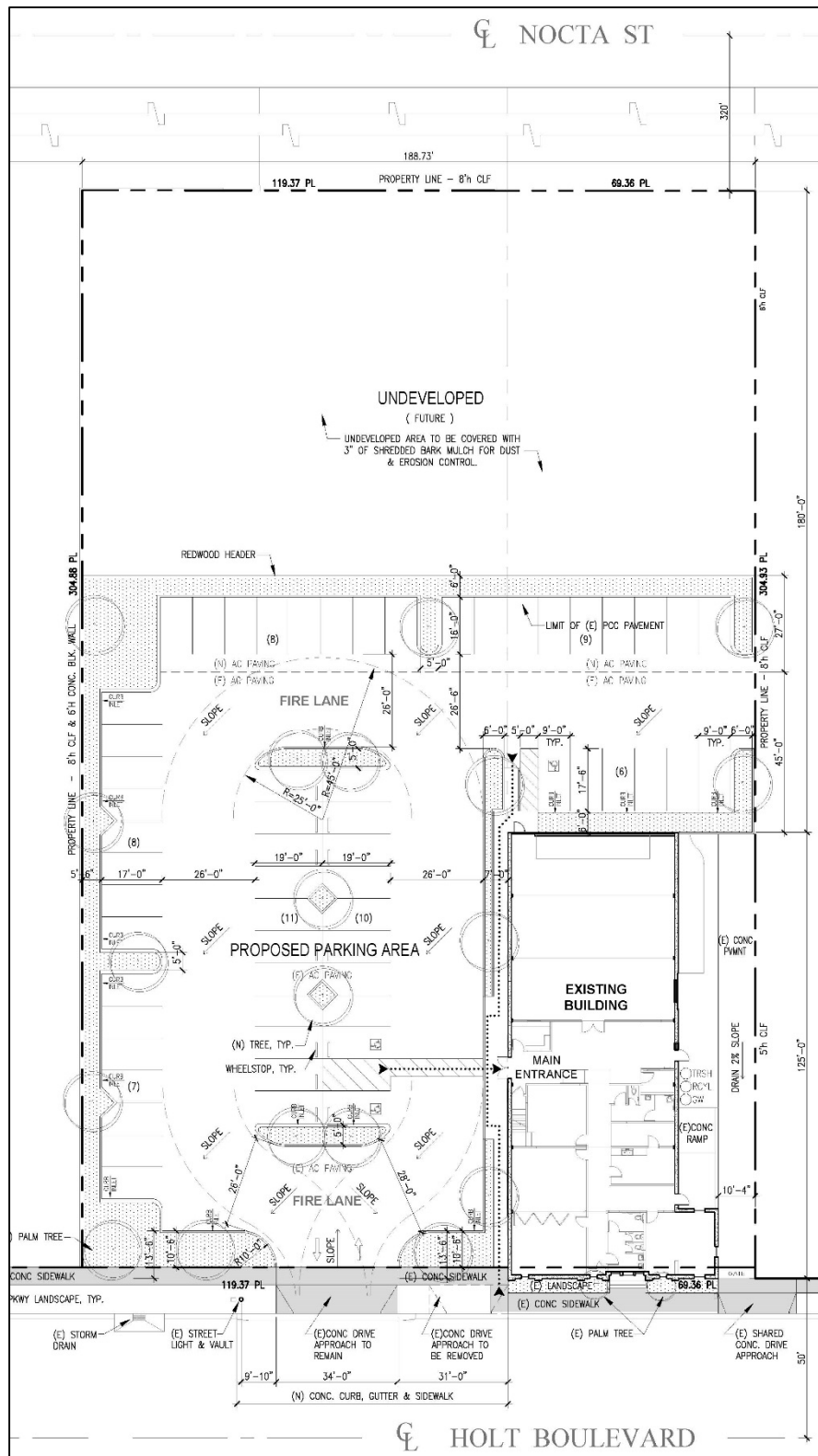


Proposed

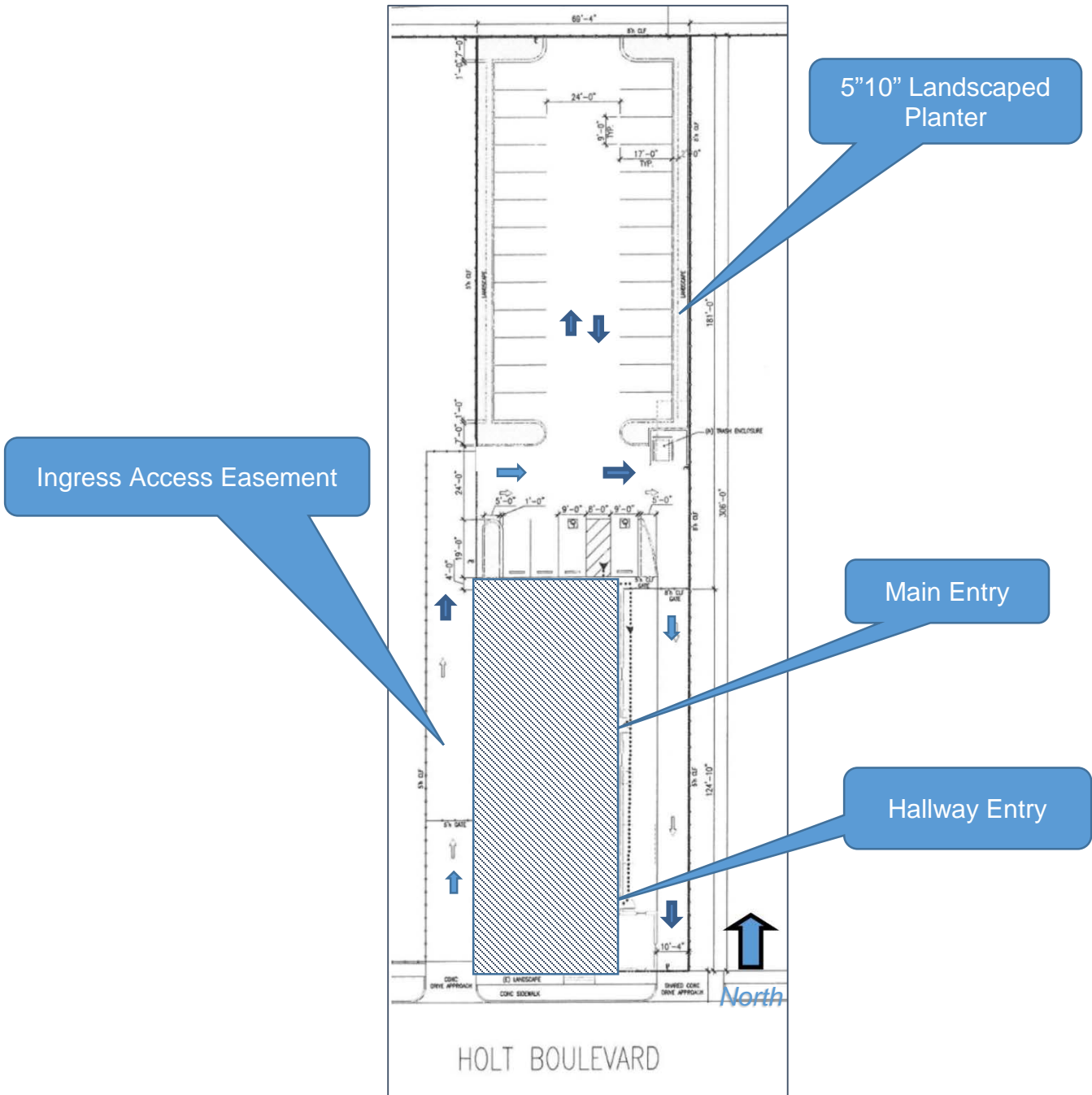


Previously Approved (File No. PCUP11-016)

Exhibit C: Site Plans



Proposed (59 parking spaces)



**Previously Approved (File NO. PCUP11-016)
30 Parking Spaces**

Exhibit D: Elevations

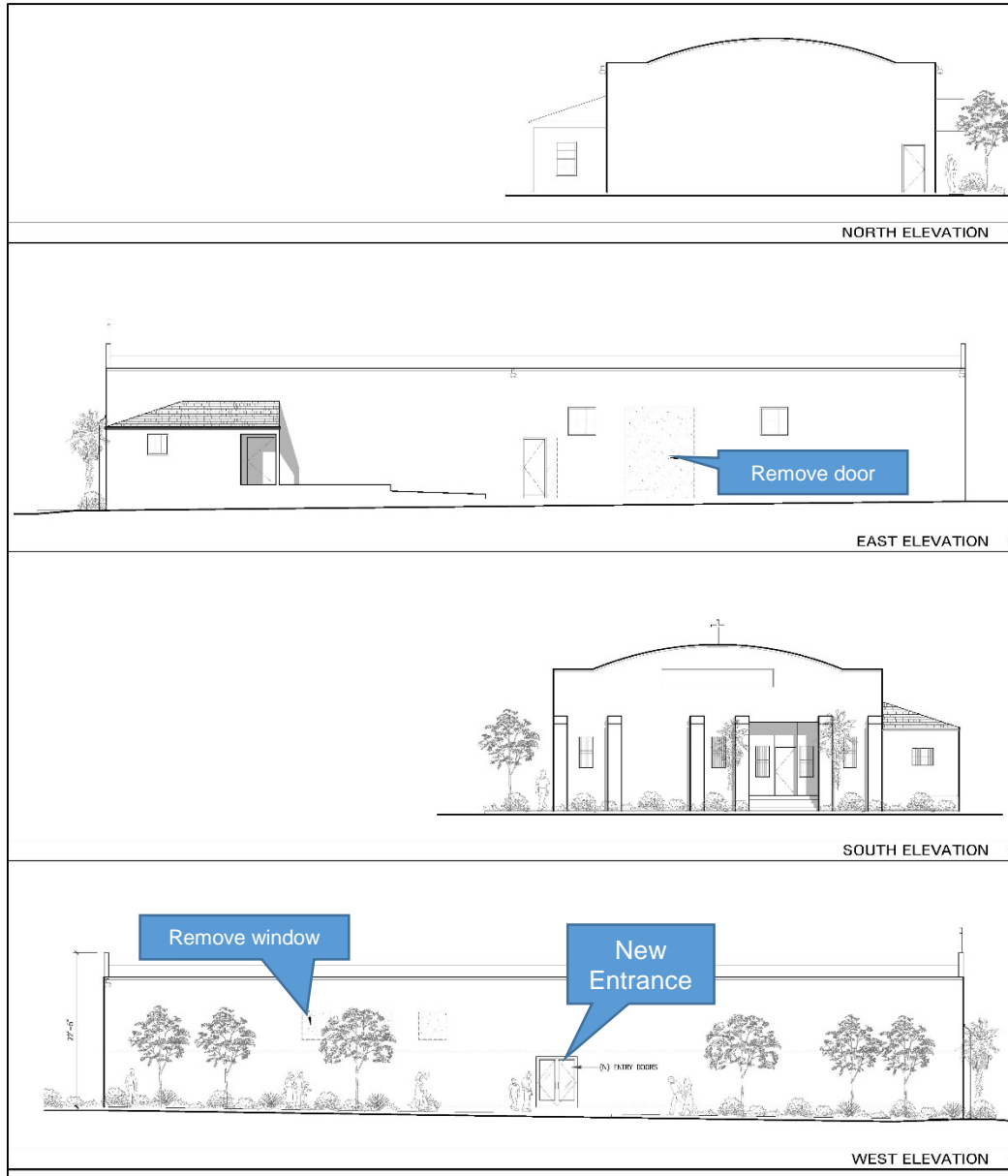


Exhibit E: Site Photos



South Elevation (front)



South Elevation (parking lot)



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: February 22, 2017

File No: PCUP16-020

Related Files: PCUP11-016

Project Description: A request for a modification to a previously approved Conditional Use Permit (File No. PCUP11-016) to: [1] increase the sanctuary area from 1,200 square feet to 2,355 square feet, and; [2] expand the parking lot area, within an existing 6,200 square foot building for a religious assembly on 0.47 acres of land, located at 1101 East Holt Boulevard, within the MU-2 (East Holt Mixed-Use) zoning district. (APN(s): 1048-471-22 and 1048-471-23); **submitted by Joyful Nations Ministries**

Prepared By: Diane Ayala
Phone: 909.395.2428 (direct)
Email: dayala@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. 2010-021 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 Previously Approved Conditions of Approval. The project shall comply with the Conditions of Approval for Conditional Use Permit (File No. PCUP11-016) as approved on February 5, 2016 and are included in Attachment A.

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

3.1 Time Limits.

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

3.2 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.

(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.

3.3 Landscaping.

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

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

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

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

3.4 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) The required number of off-street parking spaces (58 parking spaces are required based on 2,332 square feet of assembly area) shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

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

3.5 Site Lighting.

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

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

3.6 Mechanical and Rooftop Equipment.

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

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

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

3.8 Environmental Review.

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

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

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

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

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

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

3.10 Additional Fees.

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

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

3.11 Additional Requirements.

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

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

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell

Carolyn Bell, Sr. Landscape Planner

1/13/17

Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP16-020 Rev 1	Related Files:	Case Planner: Diane Ayala
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Project Name and Location:
 Joyful Nations Parking Lot expansion and façade improvement
 1101 E Holt Blvd.

Applicant/Representative:
 Matlock Associates, Andy Milosch
 1614 E Holt Blvd. ste 106
 Ontario, CA 91761

<input checked="" type="checkbox"/>	A site plan (dated 1/4/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. New landscape and irrigation plans shall meet all the requirements of the Landscape Development Standards including water efficient irrigation and landscaping.
2. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs and 12" wide curbs, or 6" curbs plus 12" wide pavers or DG paving with aluminum edging where parking spaces are adjacent to planters.
3. Combine walkway and ADA path at north side of building to a single accessible path.
4. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—5 or more acres	\$2,326.00
Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections)	\$278.00
Inspection—Field - additional.....	\$83.00

Plan check sets may be emailed to: landscapeplancheck@ontarioca.gov after a permit number has been assigned and fees paid.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL


(Traffic/Transportation Division, Ontario Municipal Utilities Company, Environmental Section and Fiber Team Conditions incorporated)

DATE: 02/01/17

PROJECT: PCUP16-020, Joyful Nations (related to PCUP11-016)

APN: 1048-471-22 & -23

LOCATION: 1087 & 1101 East Holt Boulevard

PROJECT ENGINEER: Antonio Alejos 

PROJECT PLANNER: Diane Ayala

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 applicant/developer shall repair the broken wing of the westerly driveway per City Standard Drawing Number 1203.
3. The applicant/developer shall repair the broken section of curb immediately west of the westerly driveway per City Standard Drawing Number 1201.
4. The applicant/developer shall remove and in-fill the existing driveway no longer to be used with curb, sidewalk and parkway landscaping in accordance with the latest City Standard Drawings.
5. The applicant/developer shall install parkway landscaping along the properties frontage.
6. The applicant/developer shall equip a backflow device to the existing domestic water service per City Standard Drawing Number 4206.

7. The applicant/developer shall construct a separate water service connection with a backflow device for the irrigation purposes only per City Standard Drawing Number 4201 and 4206.
8. The applicant/developer shall process an Irrevocable Offer of Dedication for a future 60-ft half width right-of-way (ROW) dedication at Holt Boulevard.
9. The applicant/developer shall process a Lot Line Adjustment to merge parcel 1 (APN 1048-471-22) and parcel 2 (APN 1048-471-23) of Parcel Map 8097.
10. The applicant/developer shall provide two (2) refuse containers, one (1) green waste container and one (1) recycling waste container for the facility and comply with all relevant guidelines listed in the Refuse & Recycling Planning Manual.
11. No parking shall be permitted along Holt Boulevard.
12. The applicant/developer shall repair the broken wing of the westerly driveway.
13. In the future Holt Boulevard will become a divided arterial with a raised median per the City of Ontario's Master Plan of Streets & Highways, and the driveways shall be limited to right-in/right-out access only.



Khoi Do, P.E.
Assistant City Engineer

2-6-17

Date

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Diane Ayala
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 9, 2017
SUBJECT: PCUP16-020

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

Conditions of Approval

1. A lot merger is required prior to plan approval and issuance of a permit.

KS:lm



CITY OF ONTARIO MEMORANDUM

TO: Diana Ayala, Planning Department

FROM: Douglas Sorel, Police Department

DATE: June 6, 2016

SUBJECT: PCUP16-020: A REQUEST TO MODIFY A CONDITIONAL USE PERMIT TO EXPAND PARKING LOT AND PROPOSE FAÇADE IMPROVEMENTS AT 1101 EAST HOLT BLVD.

The “Standard Conditions of Approval” contained in Resolution No. 2010-021 apply. The applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below.

- Required lighting for walkways, driveways, doorways and other areas used by the public shall be provided and shall operate on photosensor. Photometrics shall be provided and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting fixtures.

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

Attachment “A”
Conditions of Approval
File No. PCUP11-016



**PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

File No. PCUP11-016

Date: February 2, 2015

Project Description: A Conditional Use Permit to establish a religious assembly within an existing 6,400 square foot building on 0.47 acres of land, located at 1101 East Holt Boulevard, a historic eligible site, within the C3 (Commercial Service District) zoning district. (APN: 1048-471-23); **submitted by Joyful Nations Ministries**

Reviewed by: Diane Ayala, Senior Planner
Phone: (909) 395-2036; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

The above-described Development Plan application 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 the City Clerk.

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 2 years 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 Parking, Circulation and Access.

(a) During hours of operation, all gates must remain open and driveways must remain clear to ensure vehicular ingress and egress to and from rear parking lot.

(b) Prior to commencement of use and in conjunction with the building occupancy change from warehouse to an assembly use, a parking lot shall be constructed and improved pursuant to the requirements contained in the Ontario Development Code.

(c) 30 on-site parking stalls are required based on 1,200 square feet of primary assembly area. As such, the assembly area is limited to 1,200 square feet.

2.3 Loading and Outdoor Storage Areas.

(a) Outdoor storage of donated items, materials and equipment is not permitted.

(b) Unloading and collection of donated pre-packaged, dry food goods shall occur one hour prior to scheduled pre-packaged, dry good food distribution.

2.4 Architectural Treatment.

(a) All exterior alterations to existing building and site improvements require a Certificate of Appropriateness to ensure maximum architectural compatibility.

2.5 Signs.

(a) Obtain approvals and/or permits for all exterior signs.

2.6 Sound Attenuation.

(a) Project is required to meet the 45 dBA CNEL interior noise level. Detailed construction plans shall be approved and signed by an acoustical engineer to certify that noise abatement measures to meet City standards have been incorporated.

2.7 Environmental Review.

(a) The proposed project is categorically exempt from environmental review in accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines. All activities will be limited to the interior of the existing building.

(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.

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

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

2.8 Additional Fees.

(a) 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. The fee shall be paid by check, made payable to the "Clerk of the Board", 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.

2.9 Additional Requirements.

(a) Hours of operation are; Office (8 am- 5 pm, Monday-Friday); Worship services (8:00 a.m.-3:00 p.m., Sunday); Youth and children's bible study (9:00 a.m.-12:30 p.m., Sunday); Bible study (7:00 a.m.-10:00 a.m., Thursday); Prayer vigil (10:00 p.m.-1:00 a.m., Friday); and Food distribution (10:00 a.m.-11:00 a.m., Monday, Tuesday, Thursday- Saturday). Any changes to hours of operation requires Planning Department review and approval. In addition, any changes to the approved floor plan will require Planning Department review and approval.

(b) All activity shall occur within building interior. No outdoor activity or assembly of persons is allowed.

(c) Food distribution shall be pre-packaged, dry good foods only. Collection and distribution shall occur on the same day. Storage of goods intended for distribution shall be stored on-site for no more than 12 hours.

(d) Food distribution program hours are daily from 10:00 a.m. to 11:00 a.m. except for Sunday and Wednesday. No food distribution will occur on Sunday or Wednesday. Distribution of food shall not occur during other scheduled activities.



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

DATE: 01.12.2015

PROJECT PLANNER: Diane Ayala, Planning Department

PROJECT: PCUP11-016, a Conditional Use Permit to operate a religious assembly use within an existing approximate 6,800 square foot historically eligible building on 0.47 acres, within the C3 (Commercial Service District) zone, located at 1101 E. Holt Blvd.

RELATED FILE: PCUP07-034

APN: 1048-471-23

LOCATION: 1101 E. Holt Blvd

PROJECT ENGINEER: Arij Baddour, Engineering Department

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

1. Holt Boulevard shall be signed "No Parking Anytime" along the project frontage.
2. The applicant/developer shall be responsible to post a pedestrian crossing warning sign on-site for outbound traffic due to the proximity of the building to the sidewalk, in accordance with applicable standards and to the satisfaction of the City Engineer.

Khoi Do, P.E.
Principal Engineer

Date

Raymond Lee, P.E.
Assistant City Engineer

Date

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

DAB CONDITIONS OF APPROVAL

Sign Off	
	09/16/2014
Jamie Richardson, Associate Landscape Planner	Date

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

D.A.B. File No.: PCUP11-016	Related Files:	Case Planner: Diane Ayala
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Project Name and Location:
Joyful Nations Ministries
1101 E. Holt Blvd.

Applicant/Representative:
Matlock Associates
1614 E. Holt Blvd.
Ontario, CA 91761

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A site plan (dated 9/2/2014) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met. |
| <input type="checkbox"/> | A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval. |

CONDITIONS OF APPROVAL

1. Replace any dead shrubs and groundcovers with like size and type; provide drought tolerant landscape in the existing planter areas.
2. Verify that irrigation is in proper working order; replace and repair where broken.
3. Shredded mulch is required in all planter areas at a depth of 3" for shrubs and 1" for groundcover. Soil shall not be visible. Keep mulch 3" clear of plant stems and 6" away from tree trunks.



CITY OF ONTARIO

MEMORANDUM

TO: Diane Ayala

FROM: Jim Heenan, Fire Safety Specialist
Bureau of Fire Prevention

DATE: September 15, 2014

SUBJECT: PCUP11-016 A Conditional Use Permit to establish a religious assembly use within an existing approximate 6800 square foot on 0.47 acres, located at 1101 E Holt Blvd, within C3 (commercial Service District) zoning district.

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

No comments

Report below.

1. Based upon proposed floor plan the occupancy would be considered a place of assembly (greater than 50 people) a fire department operational permit is required. In accordance with 2013 CFC. Section 105.6.34.
2. Exit signs shall be required as outlined in 2013 CFC Section 1011.
3. Fire Extinguishers shall be provided in accordance with 2013 CFC 906.1.
4. Decorative materials and furnishings shall be in accordance with those outlined section 801 of the 2013 CFC.

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Diane Ayala
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 8, 2015
SUBJECT: PCUP11-016

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

Conditions of Approval

1. Permits and plans are required for change of use to A-3 occupancy.
2. Building to be upgraded to meet current code.
3. Building can not be occupied until required permits have been finalized.

KS:kb



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Diane Ayala, Planning Department

FROM: Scott Melendrez, Police Department

DATE: January 27, 2015

SUBJECT: FILE NUMBER PCUP11-016 A Conditional Use Permit to establish a religious assembly, located at 1101 E. Holt Blvd.

THE POLICE DEPARTMENT IS REQUIRING THE FOLLOWING REVISED CONDITIONS FOR APPROVAL ON THIS PROJECT:

- 1) All exterior/parking lot lighting shall be constructed/repared and maintained in proper working order and shall provide a minimum of one foot-candle in all areas.
- 2) Building alarm, if installed and operational, shall be registered with the Police Department and shall have a blue rooftop light pursuant to the Standard Conditions of Approval.
- 3) Rooftop shall have address numbers as described in the Standard Conditions of Approval.
- 4) Applicant shall demonstrate that parking is sufficient for the expected number of staff, volunteers and participants.
- 5) Planned food distributions shall be limited to pre-packaged, non-perishable food items (e.g., canned goods). Such distribution shall be limited to the interior of the facility.
- 6) No outdoor services or activities without a separate Temporary Use Permit (TUP).
- 7) No storage of personal belongings on the property.
- 8) Trash receptacles must be out of public view.

The Applicant is invited to call Scott Melendrez at (909) 395-2292 regarding any questions or concerns regarding these conditions.

Site Address: 1101 East Holt Blvd.

ALUCP File No.: 2011-001

APN: 1048-471-23

Existing Land Use: Existing 6,800 sq. ft. building

Project File No.: PCUP11-016

Site Acreage: 0.47 acres

Proposed Land Use: Religious assembly/Place of Worship

AIRPORT INFLUENCE AREA (AIA)

Ontario International Airport AIA Yes No
 Chino Airport AIA Yes No

ONT-IAC Project Notification Required

Yes No

ONT ALUCP COMPATIBILITY FACTORS

- | | | | |
|-----------------------------|---|--|---|
| 1. Safety Zones: | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |
| 2. Noise Impact Zones: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | |
| 3. Airspace Protection: | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Overflight Notification: | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

NOISE IMPACTS



65 – 70 dB CNEL Noise Contour: Religious Assembly

60 – 65 dB CNEL Noise Contour: Parking Lot

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) CONSISTENCY DETERMINATION

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 provided that noise attenuation requirements are met. The proposed project is for a new use (religious assembly/place of worship) that will be located within an existing building. The project site is located outside of the safety zones but is located within the 65-70 dB CNEL and 60-65 dB CNEL noise contour. The building is located 65-70 dB CNEL noise contour and religious assembly/places of worship are allowed within the 65-70 dB CNEL noise contour provided that noise attenuation requirements are met. The sanctuary must be capable of meeting CNEL 45 dB interior noise levels and provide an acoustical report demonstrating how interior noise levels will be met. Airspace Protection and Overflight Notification policies do not apply to this project since the proposed project does not include any new construction that would affect Airspace Protection or require Overflight Notification. The proposed project is consistent with the ALUCP for ONT as long as interior noise level requirements for the Sanctuary are met.

INCLUDE THE FOLLOWING LANGUAGE WITHIN THE RECITALS OR PROJECT RESOLUTION

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 provided that noise attenuation requirements of CNEL 45 dB interior noise levels are met.



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

February 22, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP16-024

DESCRIPTION: A Conditional Use Permit request to establish a 1,848 square foot educational training center for individuals seeking to obtain state life, health, and liability licenses, within an existing multi-tenant office building on 6.37 acres of land, located at 3286 East Guasti Road, Suite 120, within the Office/Research & Development land use designation of the Centrelake Specific Plan. APN: 0210-551-30; **submitted by Mr. Carlos Basurto.**

PART I: BACKGROUND & ANALYSIS

MR. CARLOS BASURTO, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP16-024, 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 6.37 acres of land located at 3286 East Guasti Road, Unit 120. The subject building is located within a five building office business park. The 8,130 square foot building was constructed in 2006 and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Office Building	Office Commercial	Centrelake Specific Plan	Office/Research & Development
<i>North</i>	Offices Buildings	Office Commercial	Centrelake Specific Plan	Office/Research & Development
<i>South</i>	Railroad	Rail	Railroad	n/a
<i>East</i>	Office Buildings	Office Commercial	Centrelake Specific Plan	Office
<i>West</i>	Golden Gate Baptist Theological Seminary Graduate School	Office Commercial	Centrelake Specific Plan	Office/Research & Development

Prepared: DC-02/02/2017	Reviewed: LB 2/7/17	Decision: [enter initial/date]
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(2) Project Analysis:

(a) Background — In 2003, a Determination of Use was approved (File No. PDET03-005) which found that an educational use is similar and complies with the goals and intent of the Centrelake Specific Plan. The proposed insurance educational training center is similar to that of an educational use in that it will provide education and training to individuals seeking to further their knowledge in the insurance industry.

(b) Proposed Use — The applicant is requesting to utilize Unit 120 (1,848 square feet) as an educational training center to provide training to adults who are starting a new career in the insurance industry. The training center's focus will be geared toward adults, 18 years or older, who are seeking to obtain life, health, and liability State licenses. The proposed facility will provide the necessary training, education, and testing required by the State of California to pass the state exam.

The facility will operate with one instructor and one receptionist. The educational center will have an enrollment of 10 to 15 students per week, with classes running from 9 a.m. to 5 p.m. Monday thru Friday. Each session will last one week. The proposed floor plan will consist of a reception area, five study rooms/office space, a 798 square foot (21' X 38') training area, a kitchen, and two restrooms (**see Exhibit C: Floor Plan**).

(c) Parking — According to the Ontario Development Code, the required parking for education services (i.e. business, trade, and technical schools) is 6 spaces per 1,000 square feet of Gross Floor Area (GFA). The proposed tenant space is approximately 1,848 square feet, and therefore is required to provide 11 parking spaces. Parking requirements for office related uses is 4 spaces per 1,000 square feet of Gross Floor Area (GFA). The total square footage for all five office buildings, within the office business park, is 97,000 square feet resulting in a total parking space requirement of 388 parking spaces for the office business park. The existing office business park has a total of 411 shared parking spaces, therefore, no parking issues are anticipated.

(d) Land Use Compatibility - A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and by establishing measures for mitigation. The existing tenant space will be utilized as an education facility, which will not intensify the surrounding uses. The surrounding uses are predominantly office related uses. Tenants surrounding the proposed facility include, Voit Real Estate Services, Infinity Insurance, and Accounting & Tax Preparation Services. The proposed facility will be utilized similar to the surrounding businesses, therefore, no new impacts are anticipated (**see Exhibit D: Site Photos**).

Nearby uses are predominantly office related uses and will not be exposed to any impacts beyond those that would normally be associated with an office use. Staff believes that the recommended Conditions of Approval will also sufficiently mitigate any potential impacts associated with the use.

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

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

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

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

PART II: RECITALS

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

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

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

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

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

WHEREAS, on February 22, 2017, 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 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 training and educational facility will be located at 3286 East Guasti Road, Suite 120, which is designated as Office/Research and Development land use within the Centrelake Specific Plan. The proposed educational facility is a conditionally permitted use and is consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes of the Centrelake Specific Plan.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed training and Educational facility will be located at 3286 East

Guasti Road, Suite 120, with a Land Use Plan designation of Office/Research and Development. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of office/research and development land uses in the area. The project will meet the Community Economics Element and also the Social Resources Element of the Ontario Plan. The City will work with businesses and educational institutions to create opportunities for workforce training. It will also create a range of educational and training opportunities for residents and workers that improves their life choices and provides a skilled workforce for our businesses.

(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 the Centrelake Specific Plan.* The proposed educational training facility will comply with all the development standards of the Centrelake Specific Plan and will create educational and training opportunities for residents and workers seeking to increase their knowledge regarding the insurance industry.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan (ALUCP).* The proposed project is not located within the safety or noise impact zones and was evaluated and found to be consistent with the policies and criteria of the ALUCP for ONT.

(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 proposed training and educational facility will be surrounded by similar, office, and educational related uses. Surrounding the project site are other educational related facilities, including the University of Phoenix and Golden Gate Baptist Theological Seminary Graduate School. The proposed training facility will operate in a manner similar to the existing uses in the area, and will not be detrimental or injurious to property within the vicinity.

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

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

(h) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP16-024, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 22nd day of February 2017.

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

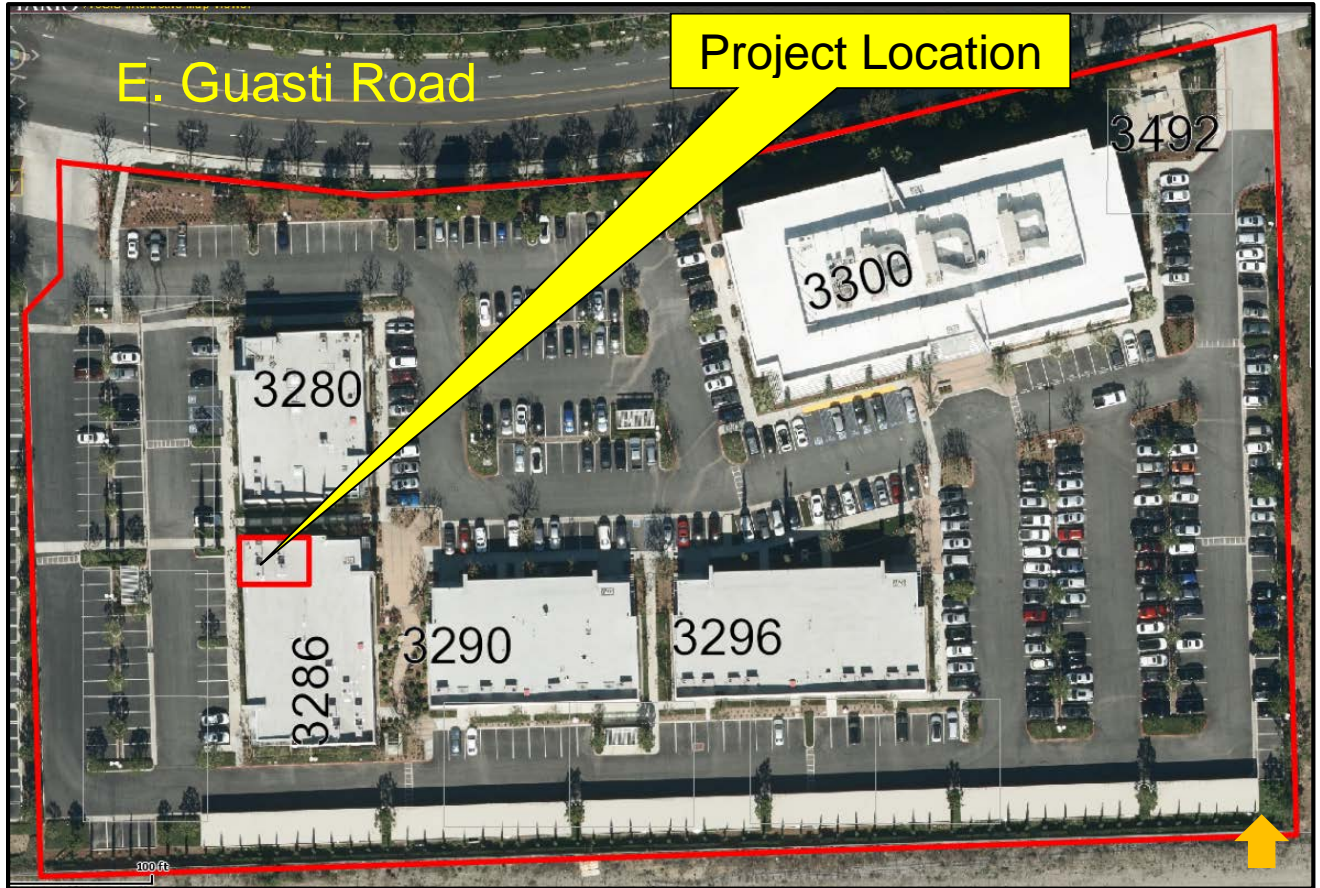
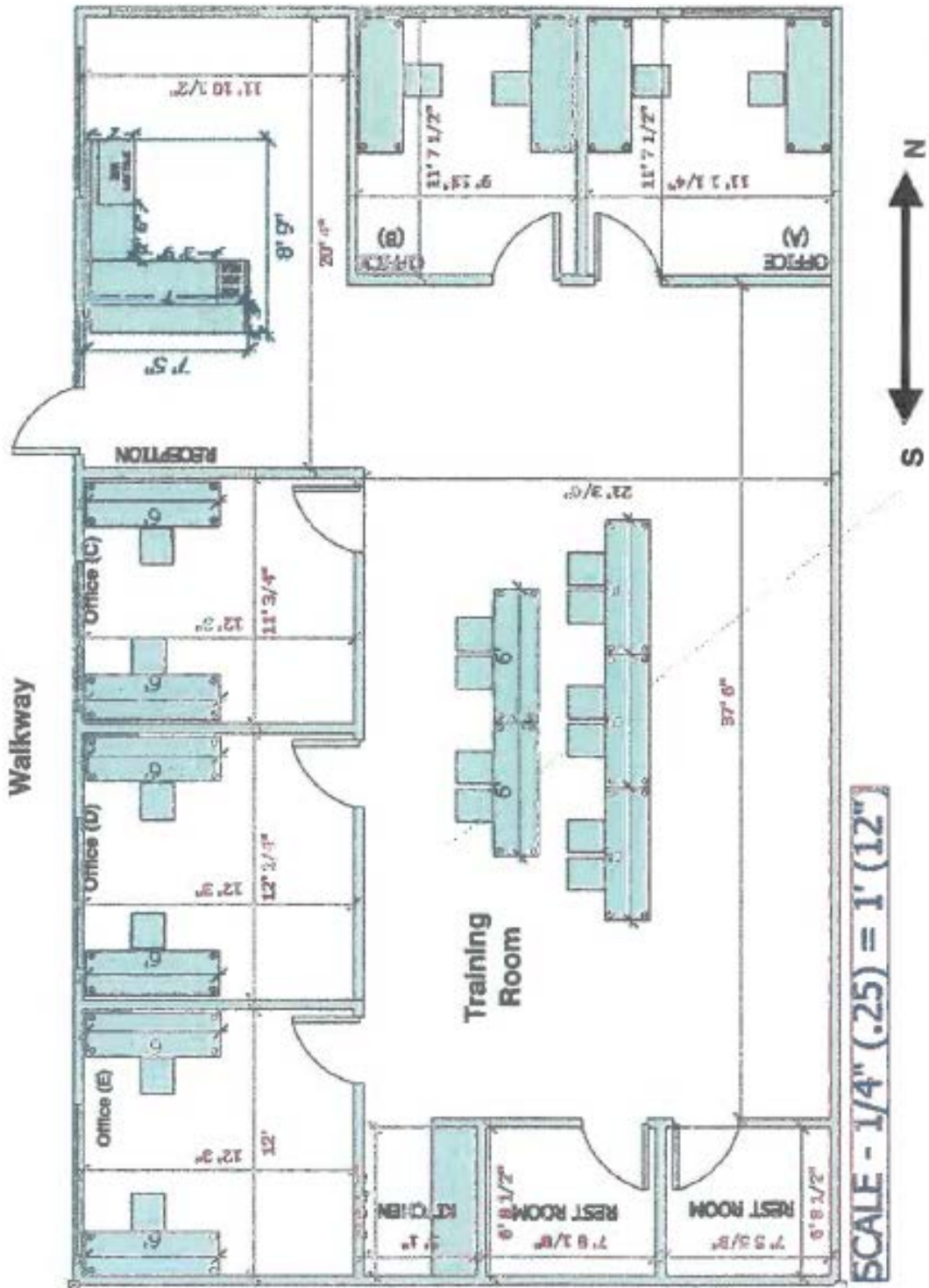


Exhibit C: Floor Plan



3286 Guasti Rd Ontario, CA 91761 Suite 120
I.C. Training Centers
12/05/2016

Exhibit D: Site Photos



SUITE 120 – VIEW OF FRONT ENTRANCE



VIEW LOOKING NORTH FROM SUITE 120

Exhibit D: Site Photos



VIEW LOOKING EAST FROM PROJECT SITE



VIEW LOOKING WEST FROM GUASTI ROAD

Exhibit D: Site Photos



VIEW OF FRONT ENTRY DOOR



VIEW OF STUDY ROOM/OFFICE

Exhibit D: Site Photos



VIEW OF EXISTING RESTROOMS



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: 2/22/2017
File No: PCUP16-024
Related Files: None

Project Description: A Conditional Use Permit request to establish a 1,848 square foot educational training center for individuals seeking to obtain life, health, and liability State licenses, within an existing multi-tenant office building on 6.37 acres of land, located at 3286 East Guasti Road, Suite 120, within the Office/Research & Development land use designation of the Centrelake Specific Plan. (APN: 0210-551-30); **submitted by Mr. Carlos Basurto**

Prepared By: Denny D. Chen, Associate Planner
Phone: (909) 395-2424
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. 2010-021 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.

1.1 Time Limits.

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

herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

1.2 Parking, Circulation and Access.

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

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

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

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

(e) Use shall provide a minimum of 11 parking spaces.

1.3 Mechanical and Rooftop Equipment.

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

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

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

1.6 Any new exterior signs on the building shall be reviewed and approved by the City, prior to installation.

1.8 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.

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

2.0 Additional Fees.

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

2.1 Additional Requirements.

(a) Any dead or missing landscaping around the subject building shall be replaced by applicant or building owner(s).

(b) Any damage to sprinkler system around the subject building shall be repaired per industry standards.

(c) A City Business License must be reviewed and approved by the Ontario Planning Department prior to building occupancy and operation of business.

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

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: December 20, 2016
SUBJECT: PCUP16-024

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

Conditions of Approval

1. Plans and permits are required for improving the space.

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP16-024
 Address: 3286 East Guasti Road
 APN: 210-551-29
 Existing Land Use: Office Building
 Proposed Land Use: Office Uses - Training Facility for insurance agents
 Site Acreage: .09 ac Proposed Structure Height: n/a - Existing Building
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Denny Chen
 Date: 2/2/2016
 CD No.: 2016-079
 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 checked="" type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 120 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: *Lorena Mejia*



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

February 22, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP16-025

DESCRIPTION: A Conditional Use Permit application to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47 ABC License for On-Sale General Eating Place) in conjunction with an existing restaurant (5 Star Pizza) on 2.03 acres of land, located at 951 North Haven Avenue, within the Garden Commercial land use designation of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. APN: 0210-182-69); **submitted by Five Star Pizza Bar, Inc.**

PART I: BACKGROUND & ANALYSIS

FIVE STAR PIZZA, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP16-025, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) Project Setting: The project site is comprised of 2.03 acres of land and is developed with two existing multi-tenant buildings totaling 6,230 square feet each, located at 951 North Haven Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Restaurant	Office Commercial (OC)	Garden Commercial	Ontario Center
<i>North</i>	Financial Institution	Office Commercial (OC)	Garden Commercial	Ontario Center
<i>South</i>	Undeveloped Land	Office Commercial (OC)	Garden Commercial	Ontario Center
<i>East</i>	Undeveloped Land	Mixed Use (MU)	Urban Commercial	Ontario Center
<i>West</i>	Administrative Offices	Office Commercial (OC)	Garden Commercial	Ontario Center

<i>Prepared:</i> 02/09/2017	<i>Reviewed:</i> [enter initial/date]	<i>Decision:</i> [enter initial/date]
-----------------------------	---------------------------------------	---------------------------------------

(2) Project Analysis:

(a) Background — The project site is developed with two existing 6,230 square foot multi-tenant commercial buildings, which were constructed in 2003. Other businesses within these two buildings include an insurance office, a coffee shop, a salon, and another sit-down restaurant with a Type 47 ABC license. The applicant currently has a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) ABC license, originally granted through PCUP04-022, which was approved in June, 2004 for a previous tenant, Pizza Factory.

(b) Proposed Use: — In conjunction with an existing 2,592 square-foot restaurant (5 Star Pizza), the applicant is requesting approval of a Conditional Use Permit to modify the existing Type 41 ABC license (On-Sale Beer and Wine for Bona Fide Public Eating Place) to a Type 47 ABC license (On-Sale General for Bona Fide Public Eating Place). In addition, the applicant is proposing a 500 square foot bar area at the rear of the restaurant dining area that includes 9 bar stools (see **Exhibit C: Floor Plan**). The bar will allow patrons the opportunity to enjoy a drink and food at the bar and take in a sports event on the TV screens within the bar area.

5 Star Pizza currently operates 7 days a week, from 10:00 a.m. to 10:00 p.m. on Sunday through Thursday, and from 10:00 a.m. to 11:00 p.m. on Friday and Saturday. However, the applicant is requesting to amend the operating hours to Sunday through Thursday from 10:00 a.m. to 12:00 a.m., and Friday and Saturday, from 10:00 a.m. to 2:00 a.m. The Police Department is in support of the proposed change in business hours, with the condition that the last call for alcohol be no later than 45 minutes prior to closing. The Police Department has also conditioned that all new alcoholic beverage serving facilities be required to have their employees attend L.E.A.D. training classes, which are offered by the Police Department, at no cost.

(c) Concentration of Alcoholic Business Licenses: — 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 upon their populations. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario. This Tract is bounded by Fourth Street to the north, the I-10 Interstate Freeway to the south, Archibald Avenue on the west, and by the I-15 Interstate Freeway to the east. ABC currently allows for 3 On-Sale licenses within Census Tract 21.09, but as of January, 2017, currently has 37 active On-Sale licenses (see **Exhibit D: ABC License Concentration**).

Since the applicant already has a Type 41 ABC license, the request will not add any additional licenses to the census tract. The request will simply replace one Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) ABC license for a Type 47 (On-Sale General for Bona Fide Public Eating Place) ABC license; however, Tract 21.09 will still be over concentrated.

When considering the establishment of additional ABC licenses within over-concentrated Census Tracts, the Department of Alcoholic Beverage Control (ABC) generally defers the decision making process to local jurisdictions, although they can override any local approval and ultimately deny issuing the license. Since the establishment has an existing On-Sale license and is considered a “Bona Fide Public Eating Place,” the project should warrant a public convenience and necessity finding.

(d) 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 site is located within the Garden Commercial land use designation of the Ontario Center Specific Plan, which permits alcoholic beverage sales as a conditionally permitted use. The introduction of alcohol sales at the existing restaurant will not intensify the land use, as it is replacing a similar use, as a convenience to the customers. Additionally, the Police Department has reviewed this application and has not found the surrounding area to be within a high call area for alcohol related issues.

(e) Recommendation: Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Furthermore, staff believes that the nearby businesses within and surrounding the commercial center will not be exposed to any significant impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other use within the center and surrounding area.

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

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

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

(6) Correspondence: As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners

of properties surrounding the project site or from the public in general, regarding the subject application.

PART II: RECITALS

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

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

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

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

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

WHEREAS, on February 22, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Randy Baez, Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 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 modification of the existing Type 41 ABC license to a Type 47 ABC license will be located within an existing restaurant, at 951 North Haven Avenue, Suites C and D, within the Garden Commercial zoning designation of the Ontario Center Specific Plan. The proposed use will be established consistent with the permitted uses of the Ontario Center Specific Plan, and the objectives and purposes, and development standards and guidelines, of the Garden Commercial land use district of the Ontario Center Specific Plan.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47 ABC License On-Sale General Eating Place), in conjunction with an existing 2,592 square-foot restaurant (5 Star Pizza) on 2.03 acres of land, located at 951 North Haven Avenue, within the Garden Commercial land use designation of the Ontario Center Specific Plan. The proposed use will be established consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of Retail/Commercial and Office land uses in the area of the project site.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and the Ontario Center Specific Plan.* The proposed modification from a Type 41 license (under File No. PCUP04-022) to a Type 47 ABC license, in conjunction with an existing restaurant, is located within the Garden Commercial land use designation of the Ontario Center Specific Plan. The proposed use is a permitted use subject to a Conditional Use Permit, which will be consistent with both the Development Code and the Ontario Center Specific Plan.

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

(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 has been operating with a Type 41 ABC license since 2014, and since 2004 for the previous establishment, and has not had any significant issues with the Police Department. The project has also been conditioned so that the facility and use continue to operate in a manner that will not be detrimental to the health and safety of the surrounding community.

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

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. According to the Police Department, they have not had any issues with the restaurant since it was established in 2014. Therefore, they are recommending approval of this project subject to the Police Department's conditions of approval.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. 5 Star Pizza is in good operating condition and has no outstanding enforcement violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. The building and property associated with 5 Star Pizza is properly maintained and serviced on a regular basis.

(g) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the State CEQA Guidelines. The proposed use is located within an existing building and does not include any building additions or significant operational changes and is therefore categorically exempt.

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

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP16-025, subject to the conditions of approval attached hereto and incorporated herein by this reference.

- - - - -

APPROVED AND ADOPTED this [insert day] day of [insert month & year].

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph

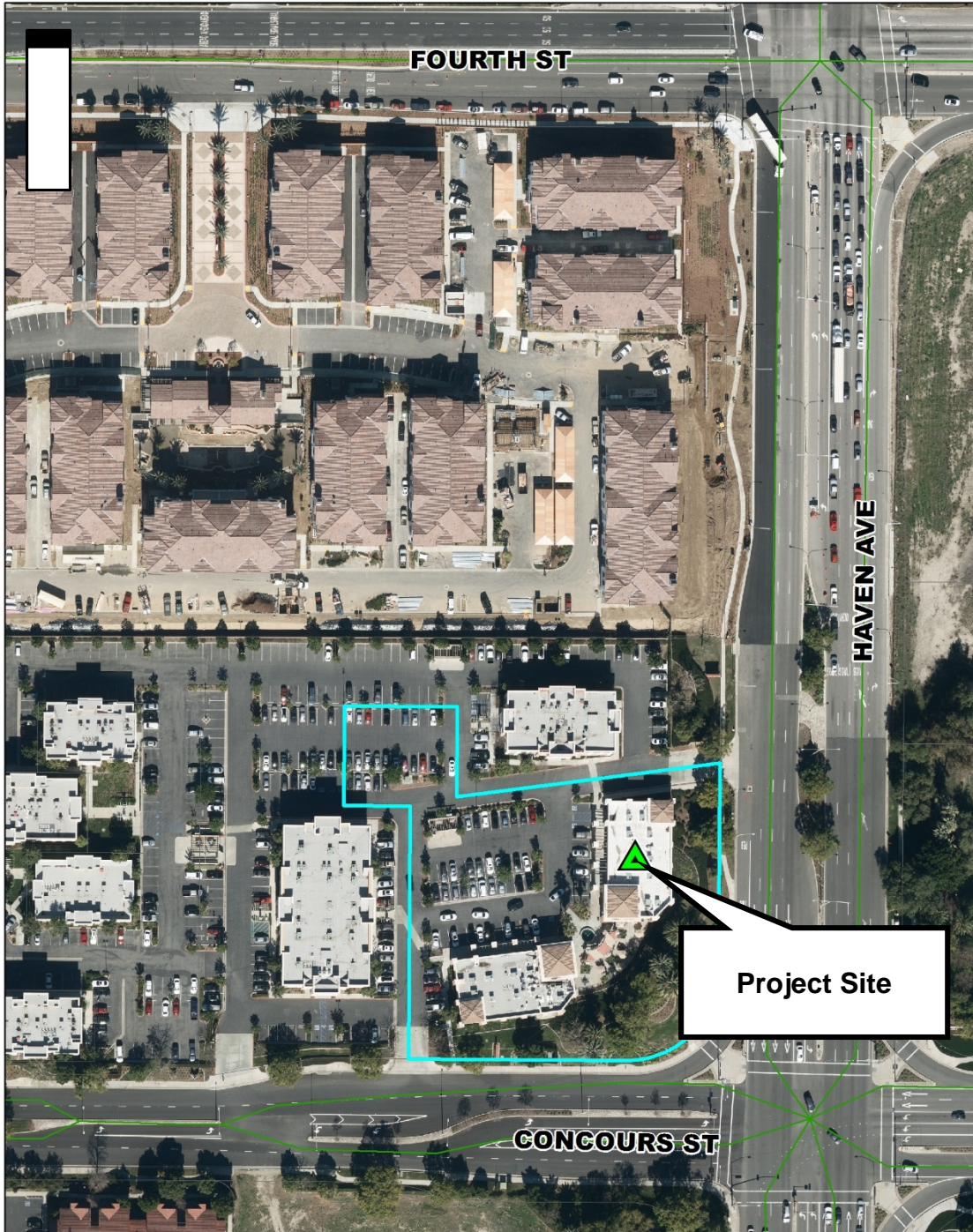


Exhibit B: Site Plan

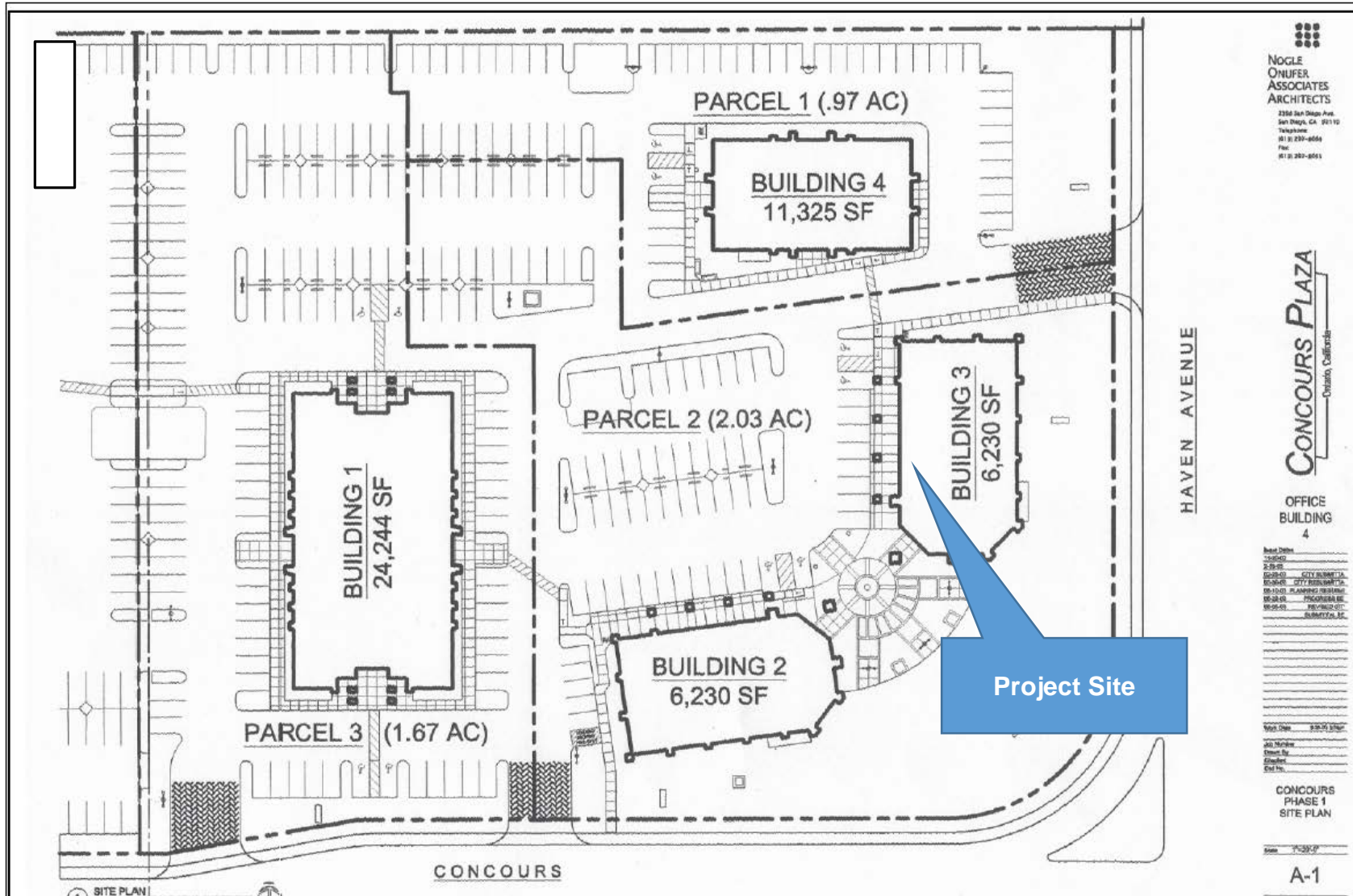


Exhibit C: Floor Plan

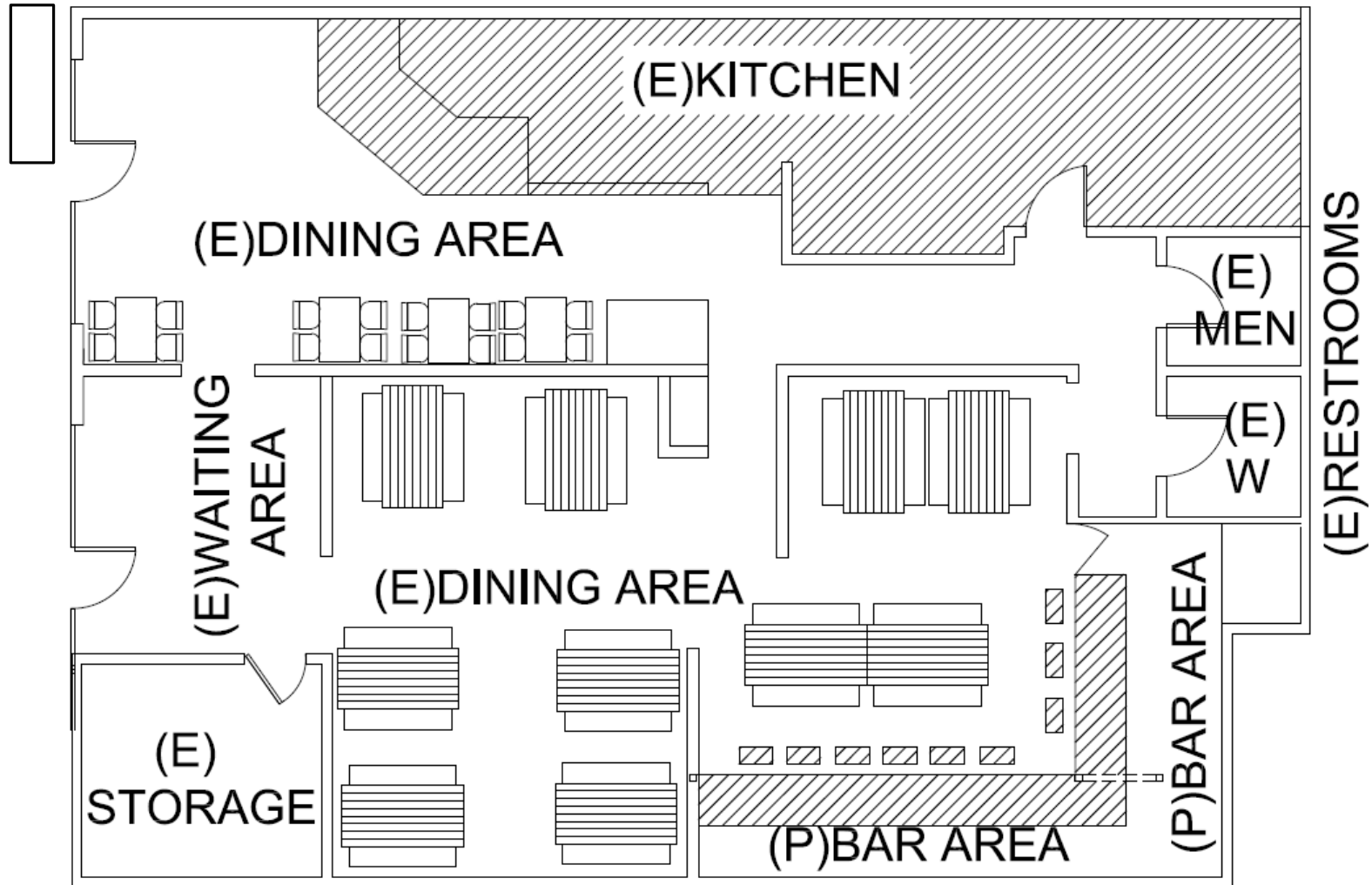


Exhibit D: Tract 21.09 ABC License Concentration

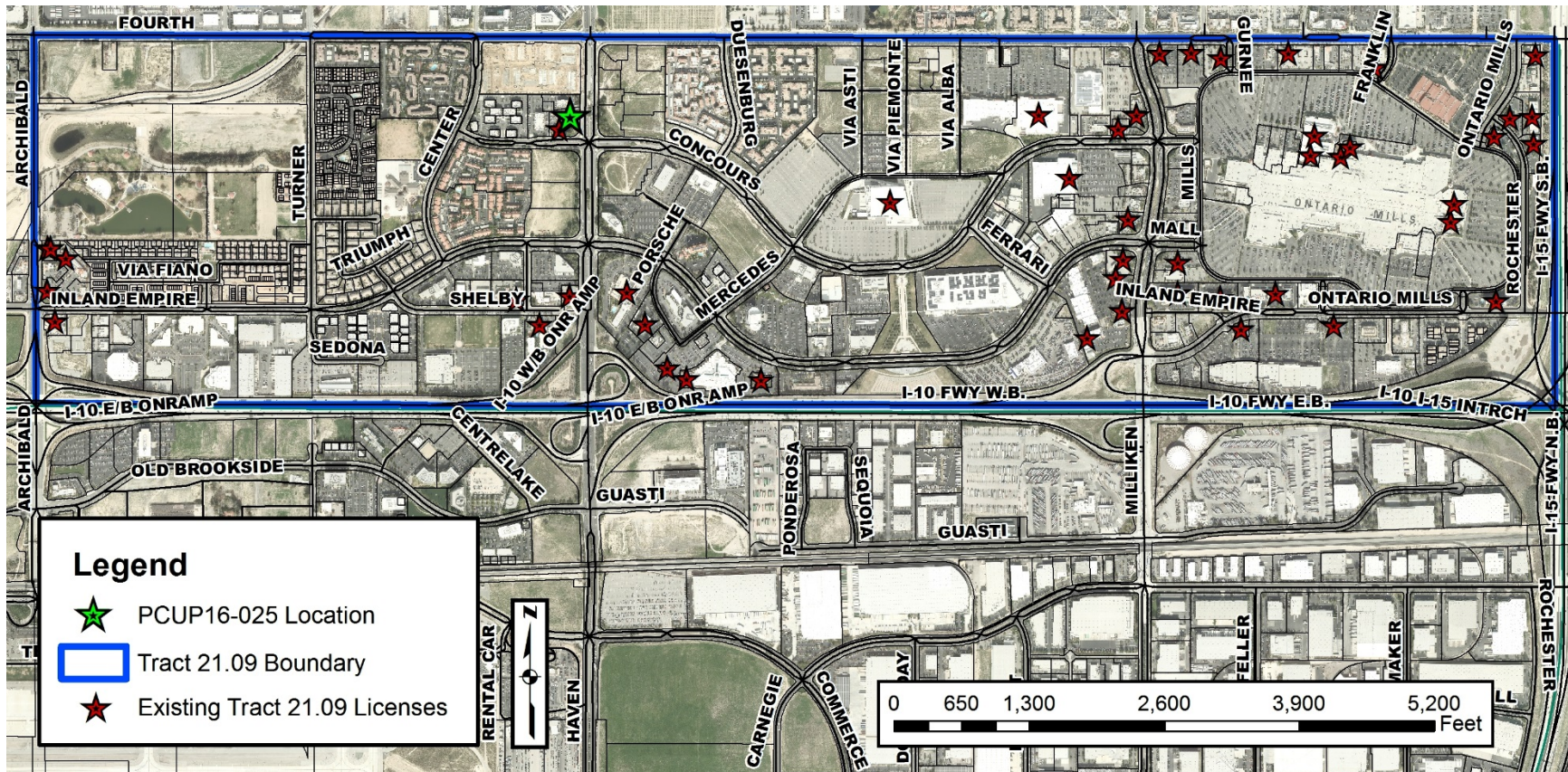


Exhibit E: Site Photos



View looking east at project site



Interior view looking at proposed bar area



View looking southwest from project site



View looking west from project site



View looking south at adjacent multi-tenant building



View looking south at existing parking lot



View looking north along Haven Avenue



View looking northeast across Haven Avenue at undeveloped land



View looking north at existing multi-family buildings



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: February 22, 2017

File No: PCUP16-025

Related Files:

Project Description: A Conditional Use Permit application to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47 ABC License On-Sale General Eating Place), in conjunction with an existing 2,592 square-foot restaurant (5 Star Pizza) on 2.03 acres of land, located at 951 North Haven Avenue, within the Garden Commercial land use designation of the Ontario Center Specific Plan. (APN(s): 0210-182-69); **submitted by Five Star Pizza Bar, Inc.**

Prepared By: Randy Baez
Phone: 909.395.2427 (direct)
Email: rbaez@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. 2010-021 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 All applicable Conditions of Approval of related File No. PCUP04-022, shall apply to this project.

3.0 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:

3.1 Time Limits.

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

3.2 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.

3.3 Parking, Circulation and Access.

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

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

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

3.5 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.

3.6 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

3.7 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.

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

3.9 Additional Fees.

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

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

3.10 Additional Requirements.

(a) The proposed bar shall require separate tenant improvement plans to be submitted to the Building department and approved by all applicable departments.

(b) All applicable Conditions of Approval from other City departments shall be required to be met and followed.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Henry Noh, Senior Planner

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

DATE: January 25th, 2017

SUBJECT: FILE NO. PCUP16-025 – 5 Star Pizza
951 N. Haven Av #C,D, ONTARIO, CA 91764

This location has applied for a type 47 On-Sale General-Eating Place license located within Census Tract No. 21.09. According to the Department of Alcoholic Beverage Control (ABC), there are currently thirty-seven on-sale licenses within this Census Tract. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing the license. The location must follow all State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

BUSINESS CONDITIONS

1. The business hours will be as follow:
Monday through Thursday- 10:00-000 hours
Friday and Saturday- 10:00-0200 hours.
2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM.
3. The business shall maintain the ability to make substantial meals until last call. A limited menu will be permitted after 9:00PM.
4. Employees serving alcohol at the designated bar area will be at least 21 years of age.
5. Only patrons 21 and over are allowed in the designated bar area.
6. No sales of alcoholic beverages to minors.
7. Bottle service is not allowed.

8. No one under the age of eighteen will be allowed in the business after 10 P.M. without a parent or guardian.
9. No sales of alcohol to obviously intoxicated patrons.
10. No alcohol shall be sold/removed from the establishment for consumption.
11. No self serve alcohol displays or machines.
12. Smoking is not permitted inside of the establishment, including electronic nicotine delivery devices.
13. There will be no narcotic sales or usage on the premises at any time. This includes marijuana.
14. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years. This class is given free of charge by the Ontario Police Department.
15. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
16. Back door to the location must be alarmed and closed at all times.
17. Address to establishment must be illuminated for easy identification of safety personnel.
18. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
19. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
20. Restrooms must be kept free of graffiti.
21. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
22. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of

any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

23. The restaurant managers shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6).
24. All special events will require Ontario Police Officers or an authorized security company to provide security at the applicant's expense. The amount of officers will be determined by the size of the event. (For example a radio station promotion held at the restaurant would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and therefore would not require additional security.)

SECURITY CONDITIONS

1. The business will implement a code of conduct which will include a dress code, for the designated bar area. The code of conduct will be posted outside the designated bar area.
2. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Entertainment area and a minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment, if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.

ENTERTAINMENT CONDITIONS

1. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.

2. Entertainment is not allowed.

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

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

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the opening of the restaurant with the conditional use permit.

If you have any questions please call Officer Quinones at (909) 395-2812.



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Traffic/Transportation Division, Ontario Municipal Utilities Company, Environmental Section and Fiber Team Conditions incorporated)

DATE: 01/17/2017

PROJECT: PCUP16-025, 5 Star Pizza ABC License

APN: 0210-182-69

LOCATION: 951 North Haven Avenue

PROJECT ENGINEER: Antonio Alejos

PROJECT PLANNER: Henry Noh

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

1. No Conditions.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP16-025
 Address: 951 North Haven Avenue
 APN: 0210-182-69
 Existing Land Use: Restaurant (5 Star Pizza)
 Proposed Land Use: A CUP to establish an ancillary Type 47 ABC License in conjunction with a restaurant
 Site Acreage: 2.03 Proposed Structure Height: n/a - existing structure
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Randy Baes
 Date: 2/3/2016
 CD No.: 2016-082
 PALU No.: n/a

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

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 9, 2017
SUBJECT: PCUP16-025

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

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

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

DATE: January 19, 2017

SUBJECT: PCUP16-025 A Conditional Use Permit application to establish Type 47 ABC License (On-Sale General Eating Place) in conjunction with an existing restaurant (5 Star Pizza) on 2.03 acres of land, located at 951 North Haven Avenue, within the Garden Commercial land use designation of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. (APN: 0210-182-69); Submitted by Satnam Singh (Sam)

-
- The plan **does NOT** adequately address the departmental concerns at this time.
- No comments
- Report below.

1. Occupancy is classified as a type B according to the plan, therefore, the occupant load may not exceed 49 persons.

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.