



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

May 1, 2017

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

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

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP17-008:** A Conditional Use Permit to establish alcoholic beverage sales, for a Type 47 ABC License (On Sale General- Eating Place) in conjunction with a proposed 2,400 square-foot restaurant and bar (Flair's Martinis and Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, Suite A, within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. The project is categorically exempt from 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: 0238-014-10); **submitted by Errol Brown. Continued from 04/17/2017 meeting.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-016:** A Conditional Use Permit request to establish a contractor's storage yard on approximately 1.55-acres of land located at 1639 South Campus Avenue #B, within the IL (Light Industrial) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines. 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 RCA Construction Clean Up, Inc.**
- C. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP17-009:** A modification to Conditional Use Permit File No. PCUP07-004 to establish alcoholic beverage sales, limited to beer and wine, for consumption on the premises (Type 41 ABC License), in conjunction with an existing 267,022 square foot K1 Speed (indoor karting center) on 6.73 acres

of land, located at 5350 Ontario Mills Parkway, within the Light Industrial land use designation of the Rancon 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: 0238-051-39); **submitted by K1 Speed.**

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

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

I, Gwen Berendsen, 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 **April 27, 2017**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
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# CITY OF ONTARIO

## MEMORANDUM

**TO:** Scott Murphy, Zoning Administrator

**FROM:** Carlos Alberto Huizar, Planning Intern *C.H.*

**DATE:** May 1, 2017

**SUBJECT:** **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP17-008:** A Conditional Use Permit to establish alcoholic beverage sales, for a Type 47 ABC License (On Sale General- Eating Place) in conjunction with a proposed 2,400 square-foot restaurant and bar (Flair's Martinis and Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, Suite A, within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. The project is categorically exempt from 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: 0238-014-10); **submitted by Errol Brown.**

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On April 17, 2017, the Zoning Administrator continued the item for the May 1, 2017 hearing date since the applicant failed to be present. The applicant has since requested to add a few provisions to the Conditional Use Permit. A new business plan and floor plan must be submitted for departmental staff review. As a result, the application will need to be re-advertised with the revised description at a future date.



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

May 1, 2017

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

**FILE NO.:** PCUP16-016

**DESCRIPTION:** A Conditional Use Permit request to establish a contractor’s storage yard on 1.55 acres of land located at 1639 S. Campus Avenue #B, within the IL (Light Industrial) zoning district. APN: 1050-211-04; **submitted by RCA Construction Clean Up, Inc.**

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

RCA CONSTRUCTION CLEAN UP, INC., (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP16-016, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 1.55 acres of land located at 1639 South Campus Avenue #B, 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>	Industrial	Industrial	IL (Light Industrial)	n/a
<i>North</i>	Industrial Building	Industrial	IL (Light Industrial)	n/a
<i>South</i>	Self-Storage Facility	Industrial	IL (Light Industrial)	n/a
<i>East</i>	Self-Storage Facility	Industrial	IL (Light Industrial)	n/a
<i>West</i>	Residential	MDR (Medium Density Residential)	MDR-18	n/a

### **(2) Project Analysis:**

**(a) Background** — The project parcel is comprised of two 8,250 square foot metal butler warehouse buildings (Buildings “A” and “B”) and one 2,340 square foot metal shop building, which were built in the 1970’s. The applicant is proposing to occupy and establish a contractor’s storage yard within Building “B” and the shop building located on the south side of the parcel, at 1639 South Campus Avenue #B (see ***Exhibit B – Project Site***), to operate their business. The existing metal butler warehouse building

Prepared: DC 4-10-17	Reviewed: RZ 4-19-17	Decision: [enter initial/date]
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(Unit "A"), on the north side of the property, is currently vacant and for lease and not a part of this application. Over the years, the property has been used and occupied by other businesses, such as Arrow Truck Bodies, Rico Rock, Discount Connection, and Visual Marketing Resource, to name a few. The previous businesses have used the site for heavy truck manufacturing, wholesale distribution of concrete products, general automotive repair, and sign manufacturing.

RCA Construction Clean Up, Inc., started its business in the City of Ontario in 2013, doing business as *Alvarez Construction Clean Up*. The original business was primarily engaged in wood container and pallet manufacturing. However, in 2016 the company decided to close the pallet manufacturing business and change its name to RCA Construction Clean Up, Inc., which is now primarily engaged in providing specialty trade contractor services.

**(b) Proposed Use**— RCA Construction is proposing to use the site as a contractor's storage yard for their business. Its primary business activity is to provide clean up services at various construction sites throughout Southern California. This business is primarily engaged in cleaning new building interiors during and immediately after construction.

RCA Construction employs a total of 40 full-time employees, which includes 8 drivers, 29 laborers, and 3 office workers. The proposed hours of operation are 6:30 a.m. to 6:00 p.m. Monday through Friday and closed on weekends. The yard activities (storage of trucks, the unloading of equipment and clean up) of the operation will cease at 3:30 p.m., with the office operations open until 6:00 p.m.

The project proposes to utilize warehouse Building "B" and the shop building for their operations. Public parking is available in front of warehouse Building "B" and all commercial vehicles, including mid-size dump trucks and pick-up trucks, will be parked along the south and east sides of the warehouse building within the enclosed yard area. There are three driveway approaches that provide access to the parcel. The north driveway provides direct access to the north yard area of Building "A". The center driveway provides access to both the center yard areas of Buildings "A" and "B". The south driveway will provide direct access to the south yard area of Building "B" for the proposed use.

The floor plan for warehouse Building "B" is configured to include 5,100 square feet of warehouse space, 1,950 square feet of storage area and a 1,200 square foot office area that includes lunch and restroom facilities. The shop building will consist of a 2,340 square foot open floor area (see ***Exhibit D: Warehouse & Shop Building Floor Plans***)

Although the applicant is in the business of cleaning up and disposing of construction waste, no construction waste or debris will be stored at this location. All the construction waste, trash, and debris will be disposed off-site, at landfills or recycling facilities. The property will be used as a contractor's storage yard with ancillary office use.

The materials stored outside in the yard will be limited to shovels, cleaning tools, and buckets. These materials will be stored to the north of the shop building and behind to the east of Building “A”. The material storage will be screened by Building “A” (see **Exhibit B: Project Site**). However, there is an area between Building “A” and the shop building that may be visible from Campus Avenue. Therefore, in order to ensure proper screening of the materials, a condition of approval has been placed on the project requiring that a solid, view obscuring metal mesh be placed on the existing 8-foot tall chain link fence, just north of the shop building.

The remainder of the yard area will be used to store construction vehicles (mid-size dump trucks and pick-ups) and other construction related equipment such as skid steers and forklifts. A total of 15 commercial trucks will be stored on the contractor’s yard. The vehicles will be stored along the south and east sides of the warehouse building. The applicant is also proposing to perform minor maintenance to the trucks stored on site. The vehicle maintenance will include periodic oil changes, electrical, cooling systems, and tire maintenance. All repair and vehicle maintenance will be performed within the enclosed 2,340 square foot shop building. No major vehicle repair will be performed on site.

The current site is in fair condition. The existing metal warehouse buildings have been recently painted, however, the parking area has not been restriped. There is also missing and dead landscaping along the street frontage of the warehouse Building “B” and along the public parkway. Therefore, some of the proposed improvements include the following:

- Installation of an 8-foot tall wrought iron fence along the front of the project site;
- New landscape planters along the front parking lot area;
- Construction of a new trash enclosure along the northeast corner of the building;
- The repair or replacement of the sprinkler system; and
- The reconstruction of the northerly driveway, per City standards.

**(c) Parking**— The proposed use is required to provide 10 parking spaces based on the Development Code Parking Requirements for a Construction use. The project will provide 8 parking spaces within the parking area in front of Building “B” and 3 parking spaces at the rear of the yard area. An additional 15 spaces, within the yard area, will be available when the parked construction vehicles leave in the morning to their job sites. In addition, according to the applicant, a majority of their employees live within the immediate vicinity of the site and walk or ride their bikes to work. 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 proposed use is a conditionally allowed use within the IL (Light Industrial) zone. The existing site will be utilized as a contractor's storage yard, which will not be more intense than the surrounding uses. The surrounding uses to the north, east, and south are predominantly industrial related uses. The property to the west of the site is an existing residential condominium development (Park Court Place), which was built in the 1980's, after the warehouse was constructed. The industrial tenants surrounding the proposed facility include, Expedited Logistics Inc., a trucking operation and Store America Ontario, a self-storage facility.

The proposed contractor's storage yard is not anticipated to be a nuisance to the neighboring residents to the west of the facility. The previous businesses at this facility were more intensive uses than the proposed use. The previous businesses were engaged in heavy truck manufacturing, wholesale distribution of concrete products, and general automotive repair, thus generating more traffic and noise. The contractor's storage yard will be used to store commercial trucks and construction equipment on site, along with minor vehicle maintenance. To mitigate any negative noise impacts, staff has conditioned the project, so that no loitering will be allowed in front of the building before 7 a.m., to minimize any noise impacts to the residents on the west side of Campus Avenue in the early morning. Once the drivers and laborers meet in the morning, they will go directly to their respective job sites and will return by 3:30 p.m., therefore, there will not be any yard activities (storage of trucks, the unloading of equipment and clean up) after 3:30 p.m. Also, the proposed vehicle maintenance will be done within the enclosed shop building, which is located more than 340 feet away from the residential development to the west. Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts associated with the proposed 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. 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 May 1<sup>ST</sup>, 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 contractor's storage yard is located at 1639 South Campus Avenue, #B, which has a land use designated of IL (Light Industrial). A contractor's storage yard use is permitted within the IL zone, subject to approval of a Conditional Use Permit. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and development standards and guidelines of the IL (Light Industrial) zoning district. The scale and intensity of the proposed contractor's storage yard would be consistent with the scale and intensity of land uses intended for the IL (Light Industrial) zoning district. The proposed contractor's yard will consist of storage of equipment, vehicles, and materials commonly used by a contractor's business. As part of the conditions of approval, staff is requiring that employees, including truck drivers and laborers, arriving to the site at 6:30 a.m., assemble within the warehouse or office. No employees will be allowed to loiter outside the public parking area before 7 a.m.

(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 project site is consistent with the Policy Plan (General Plan) land use designation of Industrial (0.55 FAR). The proposed use is requesting to establish a contractor's storage with an ancillary office use. A contractor's storage yard use is permitted within the IL zone, subject to approval of a Conditional Use Permit. The proposed use is consistent with the Policy Plan Land Use Plan designation of Industrial (0.55 FAR). 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 Light Industrial uses and Policies that encourage local business retention and expansion.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The subject property is located within the IL (Light Industrial) zoning district. The proposed contractor's storage yard is a conditionally permitted use and it will be operated and

maintained in a manner that is consistent with the objectives and requirements of the Development Code.

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

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The current facility has been used by other industrial businesses, including heavy truck manufacturing, general automotive repair, and sign manufacturing. The proposed use of a contractor's storage yard, is consistent with the previous uses of the site. The proposed contractor's yard will not be detrimental or injurious to the property and improvements within the vicinity, and will not be detrimental to the health, safety, or general welfare of the persons residing or working in the surrounding neighborhood. Furthermore, staff has placed conditions of approval that will mitigate any potential negative impacts on the immediate residential neighborhood to the west of the project site. As part of the conditions of approval, staff has requested that employees, which include truck drivers and laborers, arriving to the site at 6:30 a.m., assembly inside the warehouse or office. No employees will be allowed to loiter outside the public parking area before 7 a.m.

(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 (Class 1 - 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. PCUP16-016, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this [insert day] day of May 2017.

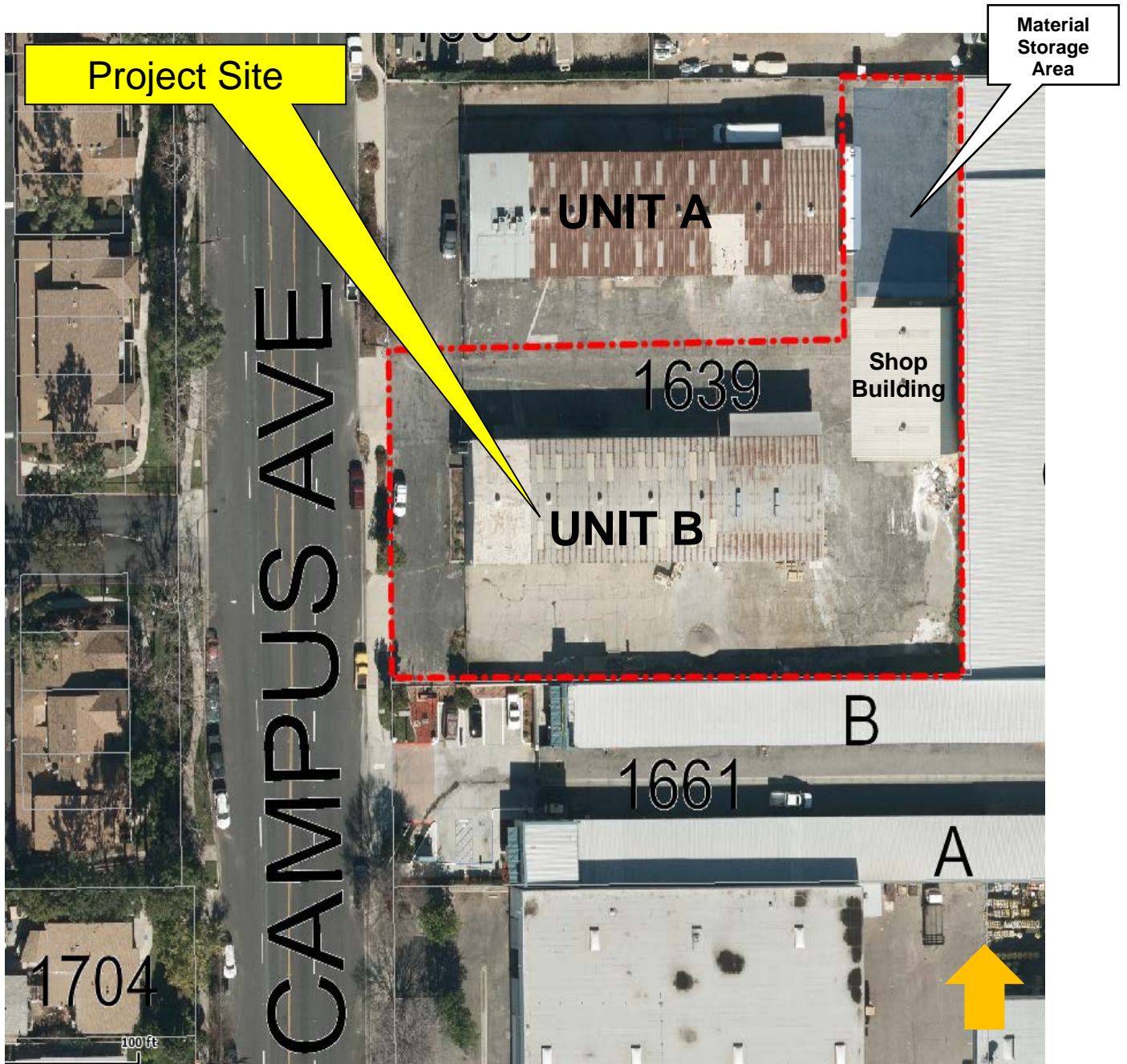
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Scott Murphy  
Zoning Administrator

**Exhibit A: Aerial Photograph**

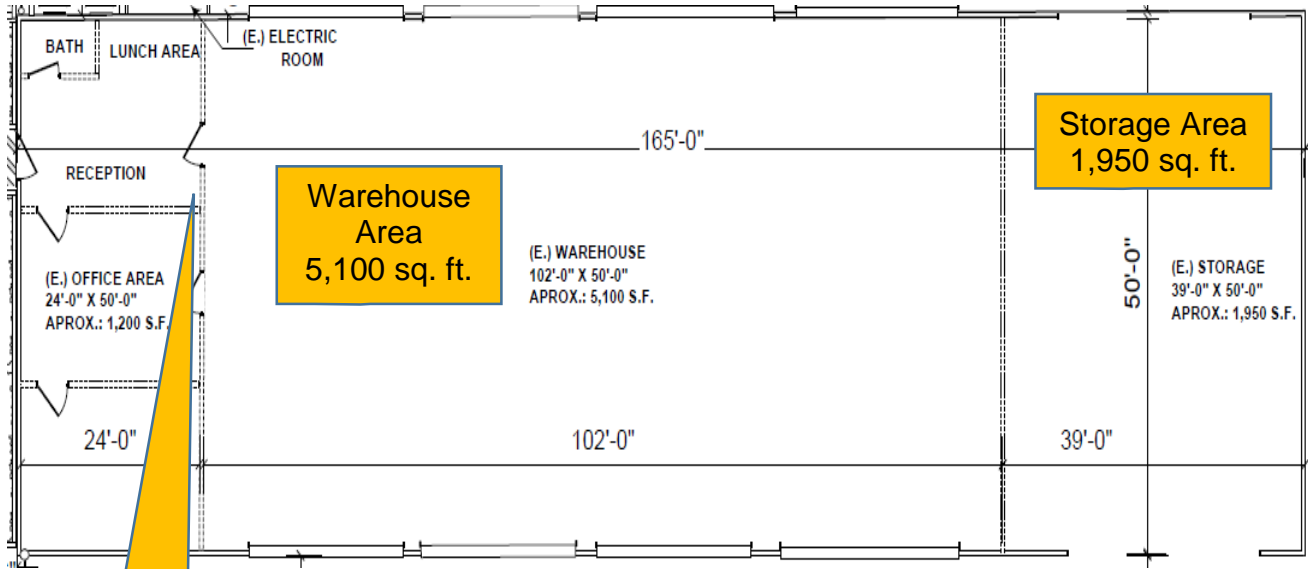


**Exhibit B: Project Site**

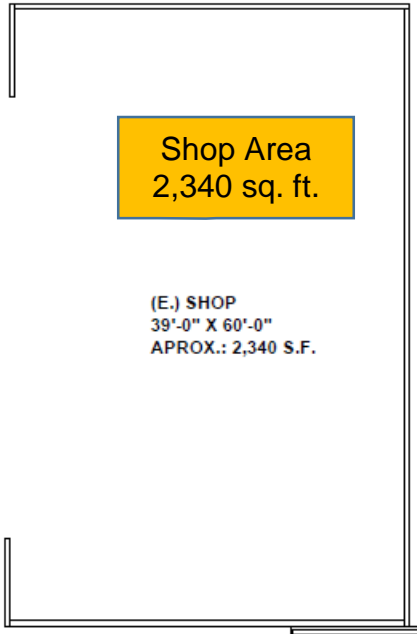




**EXHIBIT D: Warehouse & Shop Building Floor Plans**



Office & Reception Areas  
1,200 sq. ft.



***Exhibit E: Site Photos***



1639 S. Campus Avenue, Unit B – Looking East from Campus Avenue



Existing Shop Building at Rear of Main Building – Looking East from Campus Ave



***Exhibit E: Site Photos***



1639 S. Campus Avenue, Unit A – View Looking East from Campus Avenue



View Inside Warehouse Area, Unit B

**Exhibit E: Site Photos**



Proposed Office & Reception Area - Inside Unit B



View Looking South from Project Site

***Exhibit E: Site Photos***



View Looking Northeast from Campus Avenue



View Looking West from Project Site



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*

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**Meeting Date:** 05/01/2017

**File No:** PCUP16-016

**Related Files:** None

**Project Description:** A Conditional Use Permit request to establish a contractor's storage yard on approximately 1.55-acres of land located at 1639 South Campus Avenue #B, within the IL (Light Industrial) zoning district. (APN: 1050-211-04); **submitted by RCA Construction Clean Up, Inc.**

**Prepared By:** Denny D Chen, Associate Planner  
Phone: 909.395.2424  
Email: dchen@ontarioca.gov

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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) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) 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.

**(d)** 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.

**(e)** 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).

**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.

**(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.

**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).

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

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

**(c)** The existing chain link fence in front of the property must be replaced with 8-foot tall decorative wrought iron fence. Planning Department shall approve the final design.

**(d)** Parking stalls along the front of the property shall be re-striped and additional landscaping shall be added as requested by the Landscape Division and as shown on the site plan.

**(e)** No trucks and/or construction equipment are allowed to be parked on the street. All construction equipment and trucks must be parked on site. A maximum of 15 trucks shall be parked on site at any time.

**(f)** All staff arriving to the site before 7 a.m. shall meet inside the warehouse or office. No employees will be allowed to loiter outside the public parking area before 7:00 a.m. According to the City of Ontario's noise ordinance (Sec. 5-29.09), no person, while engaged in construction, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs workers and residents in the vicinity, on any weekday except between the hours of 7:00 a.m. to 6 p.m. or Saturday or Sunday between the hours of 9:00 a.m. and 6:00 p.m.

**(g)** An operational sprinkler system shall be working on all landscape areas. System shall also be set on a timer.

**(h)** A final inspection from Planning is required before you can open for business. At the time of inspection, all requested improvements shall be completed.

**(i)** A solid, view obscuring metal mesh shall be placed on the existing 8-foot tall chain link fence, located just north of the shop building.

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

<b>DAB CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	9/30/16 Date

Reviewer's Name: <b>Carolyn Bell, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: PCUP16-016 Rev 1	Related Files:	Case Planner: Denny Chen
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Project Name and Location: Storage and Contractors yard 1639 B S Campus Ave
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Applicant/Representative: RCA Construction Clean Up, Inc. 1639 – B S Campus Ave Ontario, CA 91761
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<input checked="" type="checkbox"/>	<b>A site plan (dated 7/25/16) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan (dated ) has not been approved. Corrections noted below are required prior to DAB approval.</b>

**CONDITIONS OF APPROVAL**

1. Replace landscape that is dead or missing in existing planters and parkways.
2. Repair existing irrigation system for 100% coverage with no overspray or runoff or install new irrigation in existing planters and parkways such as drip line for narrow areas.
3. Add street trees, min 24" box size, where missing 30' apart on Campus Ave, Ulmus pavifolia, Chinese Elm. Note existing street trees in good condition to remain
4. Newly planted trees shall have automatic irrigation with a 5' full circle stream bubbler or 30dph drip emitters per tree.
5. Show parkway landscaping including trees and irrigation. 36" hedge to screen parked cars.
6. Show tall screening landscape or hedge in the planters in front of the building, south fence area and in front of the proposed trash enclosure for screening.



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**DATE:** 07/07/2016

**PROJECT:** PCUP16-016, Storage & Contractors Yard

**APN:** 1050-211-04

**LOCATION:** 1639 South Campus Avenue, Unit B

**PROJECT ENGINEER:** Antonio Alejos

**PROJECT PLANNER:** Denny Chen

---

**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 reconstruct the northerly driveway in accordance with City Standard Drawing No. 1204.



# CITY OF ONTARIO MEMORANDUM

**TO:** PLANNING DEPARTMENT, Denny Chen  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** June 2, 2016  
**SUBJECT:** PCUP16-016

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

KS:lm



# CITY OF ONTARIO MEMORANDUM

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

FROM: Denny Chen,

DATE: July 25, 2016

SUBJECT: FILE #: PCUP16-016

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, August 8, 2016**.

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish a contractors storage yard on an approximate 0.89-acre property, located at 1639-B South Campus Avenue, within the LI (Light Industrial) zoning district (APN: 1050-211-04).

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

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

The plan does not adequately address the departmental concerns.

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

Police  
Department

DOUGLAS SOREL  
Signature

MANAGEMENT  
ANALYST  
Title

8/17/16  
Date

# AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP16-016  
 Address: 1639 S Campus Ave  
 APN: 1050-211-04  
 Existing Land Use: Manufacturing Industrial  
 Proposed Land Use: Storage and contractors yard  
 Site Acreage: 0.89 Proposed Structure Height: n/a  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Denny Chen  
 Date: 8/16/16  
 CD No.: 2016-046  
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 ft +	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

May 1, 2017

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

**FILE NO.:** PCUP17-009

**DESCRIPTION:** A modification to Conditional Use Permit File No. PCUP07-004 to establish alcoholic beverage sales, limited to beer and wine, for consumption on the premises (Type 41 ABC License), in conjunction with an existing 267,022 square foot K1 Speed (indoor karting center) on 6.73 acres of land, located at 5350 Ontario Mills Parkway, within the Light Industrial land use designation of the Rancon Center Specific Plan. (APN: 0238-051-39); **submitted by K1 Speed.**

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

K1 SPEED, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP17-009, 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 6.73 acres of land located at 5350 East Ontario Mills Parkway, and is depicted in **Exhibit A: Aerial Photograph**, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Indoor Entertainment/	Industrial (IND)	Light Industrial	Rancon Center Specific Plan
<i>North</i>	Warehouse	Industrial (IND)	Light Industrial	Crossroads Specific Plan
<i>South</i>	Interstate - 10	N/A	N/A	N/A
<i>East</i>	Warehouse	Industrial (IND)	Light Industrial	Rancon Center Specific Plan
<i>West</i>	Warehouse	Industrial (IND)	Light Industrial	Rancon Center Specific Plan

### **(2) Project Analysis:**

**(a) Background**— The project site is developed with an existing 267,022 square foot industrial building, of which 80,000 square feet is dedicated to the project use. The subject building was built in 2007 and the Applicant shares a space with an

Prepared: RB 4-19-2017	Reviewed: RZ 4-19-2017	Decision: [enter initial/date]
------------------------	------------------------	--------------------------------

approximately 80,000 square foot warehouse. K1 Speed began their operation in 2007 through an approval of a Conditional Use Permit (File No. PCUP07-004) and a Minor Specific Plan Amendment (File No. PSPA07-002) to the Rancon Center Specific Plan, which allowed “Indoor Entertainment” as a conditionally permitted use within the Light Industrial zoning designation of the Specific Plan. At the time, this facility was the Applicant’s third such indoor karting facility, all of which were located in Southern California. As of July 2016, the Applicant has over 35 locations nationwide, with several more international centers in the planning stages.

The Applicant’s facility is comprised of electric kart racing located completely indoors and typically caters to corporate functions, which help foster team building and increase company morale. All karts are 100% electric, do not cause noxious fumes or involve hazardous chemicals, and produce minimal noise pollution. Furthermore, all karts are equipped with full radio control which allows K1 Speed staff to change speed or completely shut off each or all karts.

**(b) Proposed Use**— In conjunction with an existing 80,000 square foot indoor karting facility, the applicant is requesting approval to modify the existing Conditional Use Permit (File No. PCUP07-004) to allow for a Type 41 ABC License (On-Sale Beer and Wine for Bona Fide Public Eating Place). In addition, the applicant will be upgrading the concession area menu to include at least eight meals, appetizers, and sandwich food items, which will all be cooked on-site. In order to better regulate alcoholic beverages, the applicant is proposing to provide only single-serve beer and wine.

In order to keep up with the demands of their modern corporate clientele, the applicant is in the process of applying for local and state licenses to serve beer and wine in their 35 karting centers throughout the country. K1 Speed currently has 2 facilities in Illinois that have been successfully serving beer and wine for approximately 2 years. To ensure that on-site drinking does not occur prior to kart racing, the applicant will be implementing a business operating program that consists of the following:

1. Upon entering the facility, customers will be fitted with a plastic wristband allowing them to race.
2. Upon completion of their racing, if they are 21 or older and purchase beer or wine in the concession area café, the plastic wristband will be cut and removed, and replaced with a fluorescent hand stamp.
3. Customers without wristbands will not be allowed to race.
4. A breathalyzer will be provided to K1 Speed cashier staff to identify any arriving customers who appear to be intoxicated. Failure or refusal of the breathalyzer will result in the customer not being allowed to race. Per Police Department conditions of approval, any customer who has a breathalyzer test result of .01 or higher will not be allowed to race.
5. Beer and wine purchase and consumption will only be permitted in the concession area café portion of the karting facility (see ***Exhibit C: Floor Plan***)

In the event that a customer violates any of the above rules by attempting an unauthorized re-entry into the line to purchase a racing ticket, this customer's name will be triggered in the cashier computer as already having raced earlier that day. Furthermore, the fluorescent hand stamp will identify this customer as having consumed beer or wine, and will therefore deny the customer from buying a racing ticket.

The Police Department is in support of the application, subject to conditions of approval, which include having the last call for alcohol no later than 45 minutes prior to closing. The business will also have to maintain the ability to make substantial meals until last call. No other changes to the operation or operating hours of the existing K1 Speed use are proposed.

(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 127.00, which is located entirely within the City of Ontario and is over concentrated. This Tract is generally bounded by 4<sup>th</sup> Street and the Interstate 10 Freeway to the north, Etiwanda Avenue to the east, Philadelphia Street and Riverside Avenue to the south, and Archibald Avenue and Haven Avenue to the west (see **Exhibit D: ABC Census Tract 127.00 Map**). ABC currently allows 3 on-sale ABC licenses and 2 off-sale licenses, however there are currently 14 total, active licenses within this census tract. This location will operate as a "Bona Fide Public Eating Place" and the Police Department does not object to allowing the Type 41 ABC License provided that all City and State Department rules and conditions are met. In addition, the project site is not located in a high crime area, the property has no outstanding Building or Health Code Violations or Code Enforcement activity, and the surrounding industrial area is properly maintained. Staff has also placed special conditions of approval for the ABC license to ensure the safe operation of the business.

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 will be considered a "Bona Fide Public Eating Place" with the inclusion of the concession area upgrade, and is an ancillary use to the primary electric karting facility, the project should warrant a public convenience and necessity finding.

(d) Parking — Parking was analyzed by a parking rate analysis provided by the original application (File No. PCUP07-004) and will not be modified; below is the break-down for parking.

<i>Type of Use</i>	<i>Use Area (in sq-ft)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Indoor Entertainment (Electric Kart Racing)	80,000	Per Trip Generation and Parking Rate Analysis prepared for Irvine, CA facility prepared by Linscott Law & Greenspan Engineers	42	
Adjacent Warehouse	58,343	1 / 1,000 for first 20,000 square feet 1 / 2,000 for that portion over 20,000 square feet	20 19	
<b>TOTAL</b>			<b>81</b>	<b>120</b>

(e) 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 Business Park zoning designation, which permits alcoholic beverage sales as a conditionally permitted use. The introduction of alcohol sales at the existing establishment will not intensify the land use, as it is ancillary to the main indoor karting 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.

(f) 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 industrial building 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 surrounding area.

(1) **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.

(2) **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.

(3) **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.

**(4) 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, 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 May 1, 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 to Conditional Use Permit File No. PCUP07-004 to establish alcoholic beverage sales, limited to beer and wine, for consumption on the premises (Type 41 ABC License), in conjunction with an existing 80,000 square foot K1 Speed (indoor karting center) on 6.73 acres of land, will be located at 5350 East Ontario Mills Parkway, which is designated for the Light Industrial zone within the Rancon Center Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and development standards and guidelines, of the Light Industrial zoning designation within the Rancon 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 modification to Conditional Use Permit File No. PCUP07-004 to establish alcoholic beverage sales (Type 41 ABC License, limited to beer and wine), for consumption on the premises, will be in conjunction with an existing 80,000 square foot K1 Speed (indoor karting center). 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 maintaining the current high level of public safety, which shall be met through the conditions of approval. The proposed use is consistent with the City Council goals of operating in a businesslike manner. Furthermore, this application implements TOP Policies (CE1-8) that promotes the City of Ontario as an entertainment destination for visitors and residents.

(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 Rancon Center Specific Plan.* The proposed Type 41 ABC License, in conjunction with an existing indoor karting center, is located within the Light Industrial land use designation of the Rancon 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 Rancon 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 since 2007, 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. The Police Department has reviewed the application and is recommending approval subject to the conditions of approval. The project site is not located within a high crime area as it relates to alcohol related incidents. The use is consistent with the “Indoor Entertainment” portion of the Light Industrial land use designation of the Rancon Center Specific Plan and will be provided as a convenience for patrons that would like to purchase alcoholic beverage after, or in lieu, of a race.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. K1 Speed 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 K1 Speed is properly maintained and is 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 (Existing Facilities) of the State CEQA Guidelines. Existing facilities consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The proposed use is located

within an existing building and does not include any building additions or operational changes, and is therefore categorically exempt.

(a) 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.

(b) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP17-009, subject to the conditions of approval attached hereto and incorporated herein by this reference.

-----

APPROVED AND ADOPTED this 1<sup>st</sup> day of May, 2017.

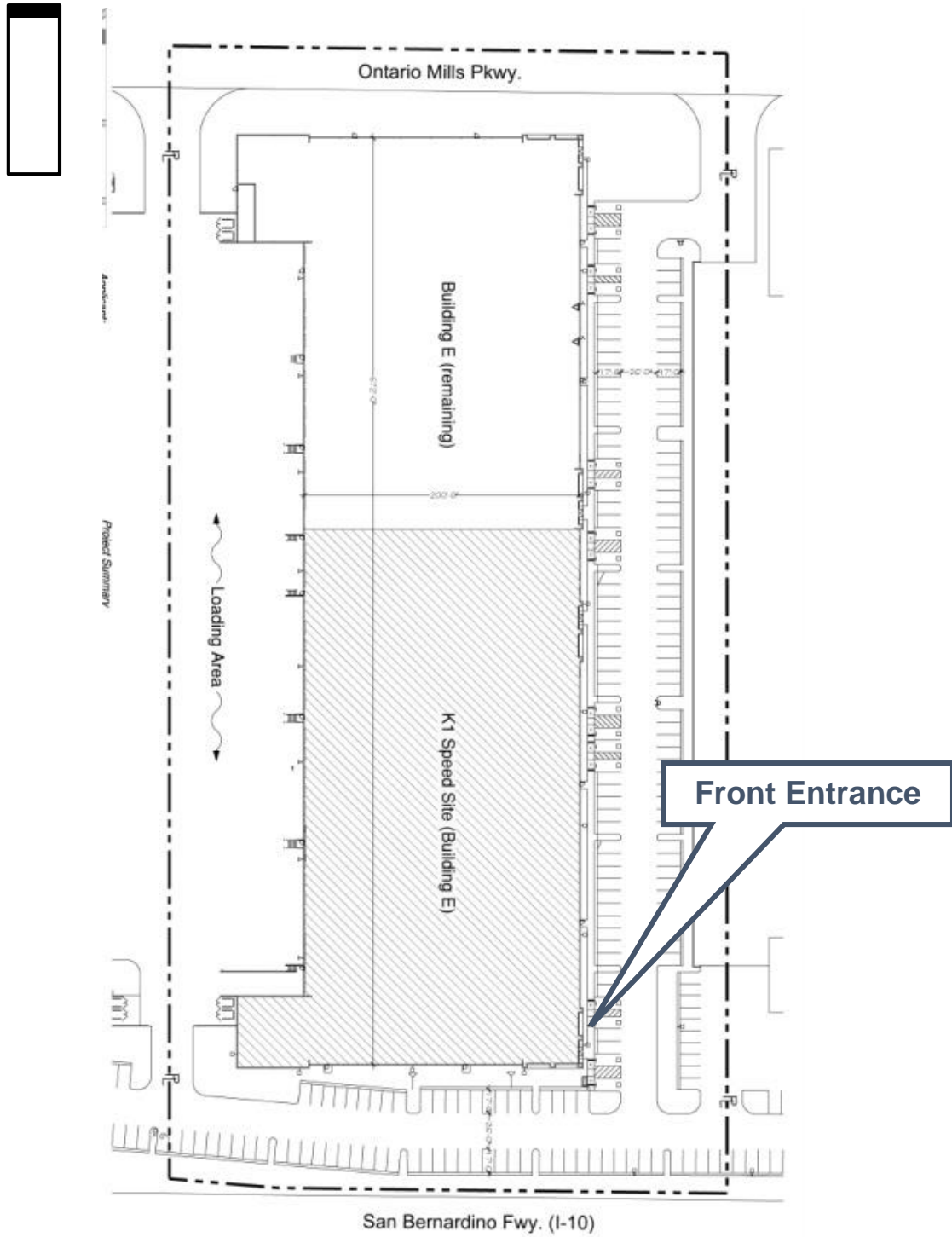
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Scott Murphy  
Zoning Administrator

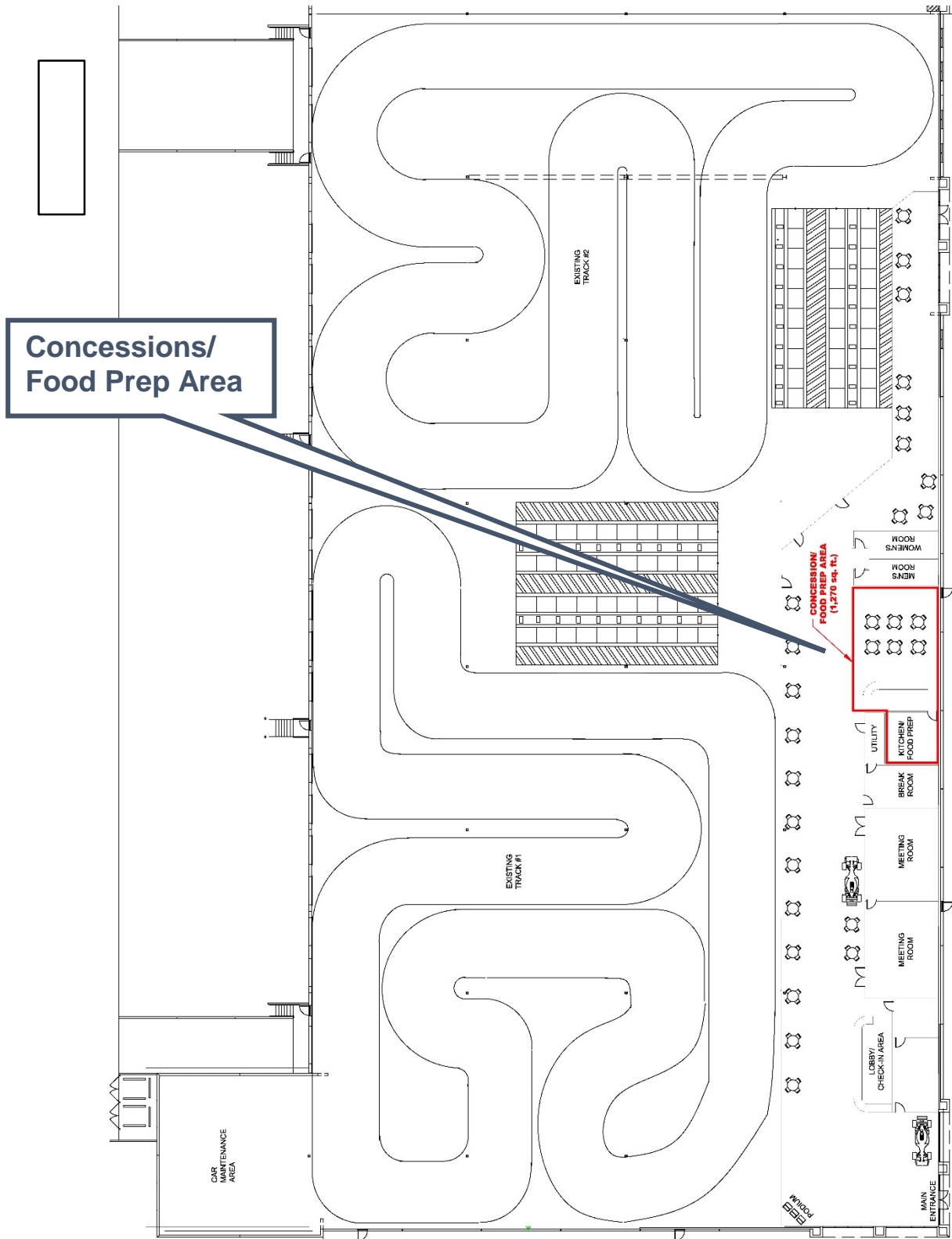
**Exhibit A: Aerial Photograph**



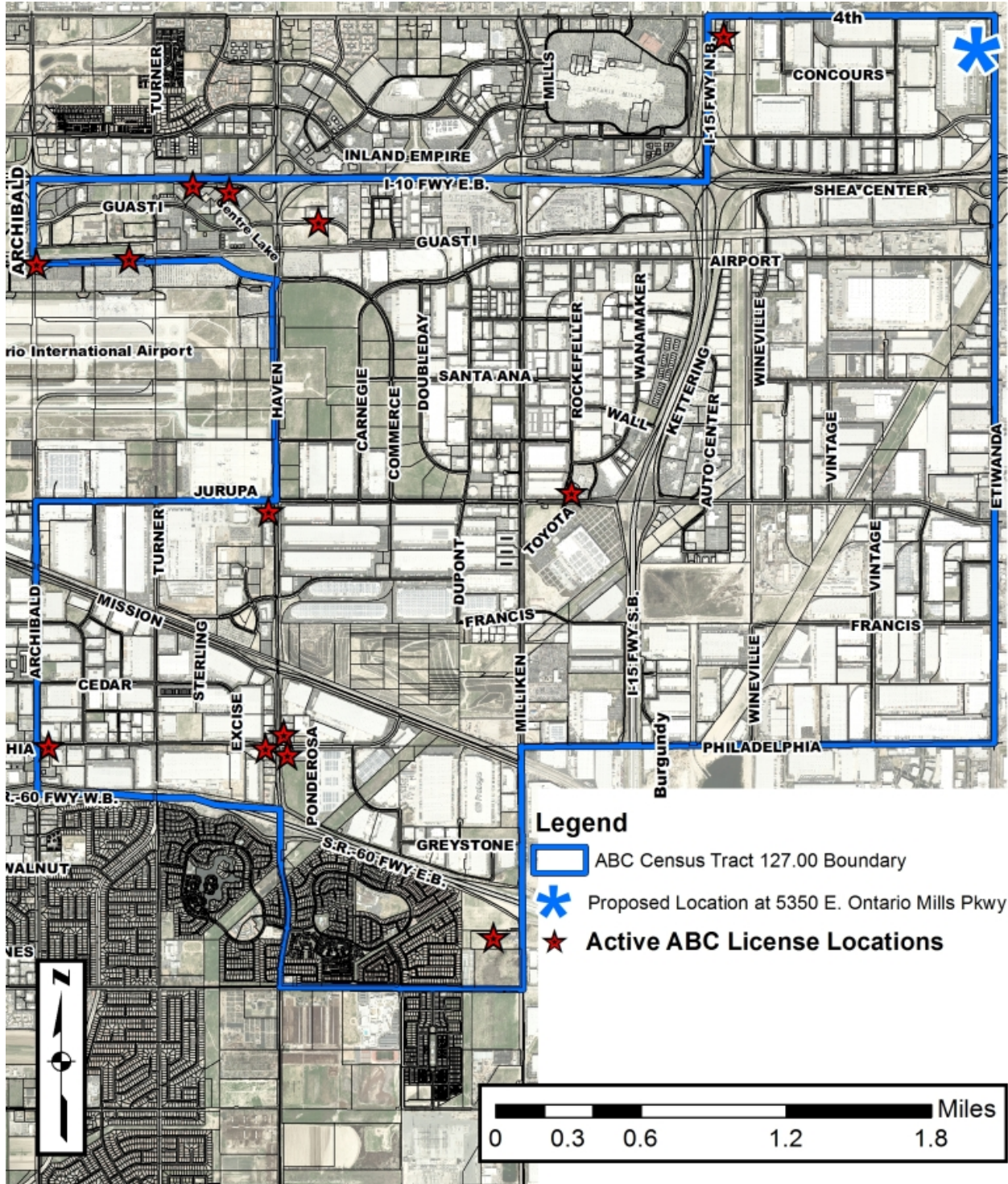
**Exhibit B: Site Plan**



**Exhibit C: Floor Plan**



**Exhibit D: ABC Census Tract 127.00 Map**



***Exhibit E: Site Photos***



View looking southeast at project site



View looking south along project site

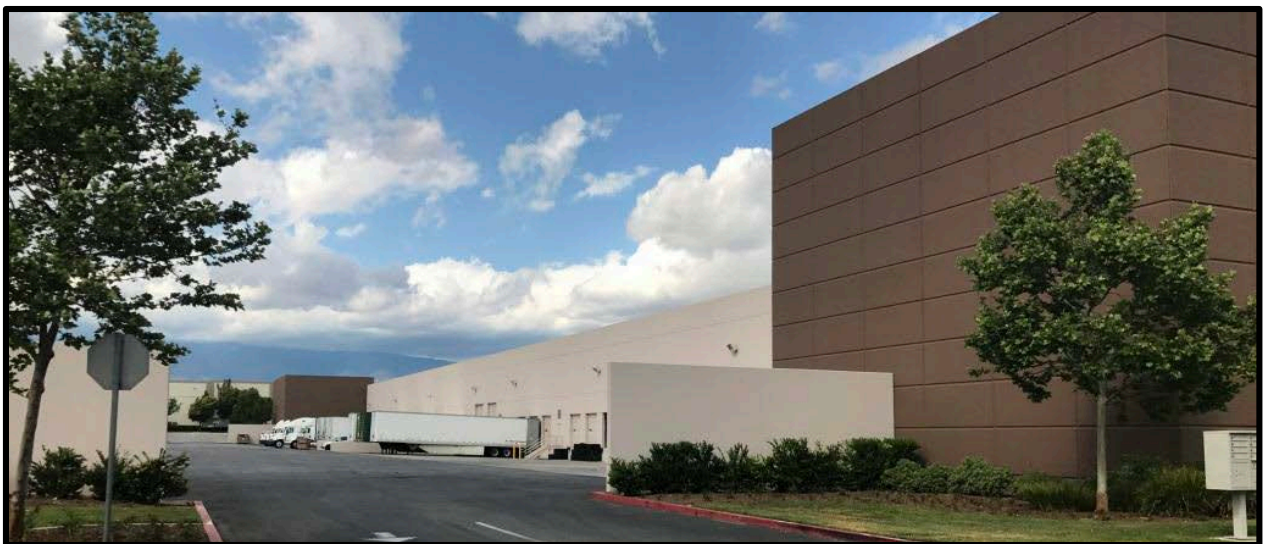




View looking south at project site from I-10 Freeway



View looking west at neighboring industrial building



View looking southwest along project site



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:** May 1, 2017

**File No:** PCUP17-009

**Related Files:**

**Project Description:** A modification to Conditional Use Permit File No. PCUP07-004 to establish alcoholic beverage sales, limited to beer and wine, for consumption on the premises (Type 41 ABC License), in conjunction with an existing 267,022 square foot K1 Speed (indoor karting center) on 6.73 acres of land, located at 5350 Ontario Mills Parkway, within the Light Industrial land use designation of the Rancon Specific Plan. (APN: 0238-051-39); **submitted by K1 Speed.**

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

**2.1 Time Limits.**

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

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

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

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

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

### **2.3**    Landscaping.

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

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

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

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

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

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

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

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

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

### **2.5**    Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

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

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

### **2.6**    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.

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

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

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

**2.10** 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.

#### **2.11 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.

#### **2.12 Environmental Review.**

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

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

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

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

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

#### **2.14 Additional Fees.**

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

(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.

**2.15** Additional Requirements.

(a) All applicable Conditions of Approval from other departments shall be met and followed.



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**DATE:** March 13<sup>th</sup>, 2017

**PROJECT:** PCUP17-009, a Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine, for consumption on the premises (Type 41 ABC License), in conjunction with an existing 267,022 square foot indoor karting center (K1 Speed). Related File: PCUP07-04

**APN:** 0238-051-39

**LOCATION:** 5350 East Ontario Mills Parkway

**PROJECT ENGINEER:** Antonio Alejos *A.A.*

**PROJECT PLANNER:** Henry Noh

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

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The applicant/developer shall apply for a Wastewater Discharge Permit and comply with all the requirements of their Wastewater Discharge Permit. Requirements are to equip a monitoring manhole station and/or other pretreatment devices (e.g. grease interceptor, clarifier, etc.) to the on-site sewer system as occupant establishment use requires. Please contact Virginia Lopez ([vclopez@ontarioca.gov](mailto:vclopez@ontarioca.gov)), Environmental Technician, at (909) 395-2671 for more information about the permit and how to apply.

Khoi Do, P.E.  
Assistant City Engineer

3-13-17

Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Henry Noh, Senior Planner  
Planning Department

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

**DATE:** February 27, 2017

**SUBJECT:** PCUP17-009 A modification to Conditional Use Permit File No. PCUP07-004 to establish alcoholic beverage sales, limited to beer and wine, for consumption on the premises (Type 41 ABC License), in conjunction with an existing 267,022 square foot K1 Speed (indoor karting center) on 6.73 acres of land located at 5350 Ontario Mills Parkway within the Light Industrial land use district of the Rancon Specific Plan (APN: 0238-051-39).

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

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For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontario.ca.gov](http://www.ontario.ca.gov) , click on Fire Department and then on forms.







# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*

**TO:** Henry Noh, Planning Department

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

**DATE:** March 24<sup>th</sup>, 2017

**SUBJECT:** PCUP17-009 –K1 Speed.  
5350 E. ONTARIO MILLS PARKWAY, ONTARIO, CA 91764

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This location has applied for a type 41 On-Sale General-Eating Place license located within Census Tract No. 127.00. According to the Department of Alcoholic Beverage Control (ABC), there are currently five on-sale licenses within this Census Tract. This location operates as a “Bona Fide Public Eating Place” 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:

1. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM.
2. The business shall maintain the ability to make substantial meals until last call.
3. Distilled spirits are not allowed on the premises, except for cooking purposes (Restaurants may possess brandy, rum, or liqueurs for cooking purposes only, B&P 25607).
4. No sales to minors.
5. No sales to obviously intoxicated patrons.
6. No self serve alcohol displays allowed.
7. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
8. No Smoking inside of establishment is permitted, including any type of electronic nicotine delivery device.

9. There will be no narcotic sales or usage on the premises at any time.
10. No pool tables or amusement games permitted inside the establishment.
11. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
12. Alcoholic beverages will be confined to the "Concession area café" only, as designated on the site plan.
13. Whenever a customer purchases an alcoholic beverage, the customer will receive a fluorescent hand stamp. Customers with a fluorescent hand stamp, will not be allowed to race. If a customer has already purchased a racing wristband, and wants to purchase an alcoholic beverage, the wrist band will be removed and the customer will receive a fluorescent hand stamp.
14. The K1-Speed computer system will recognize whenever a customer is attempting to re-purchase a racing wristband. If a customer attempts to re-purchase a racing wristband, the customer will be subjected to a breathalyzer test. If the customer refuses, the customer will not be allowed to race.
15. A breathalyzer will be employed at the cashier counter to identify any arriving customers who appear to be intoxicated.
16. Any customer, who has a breathalyzer test result of .01 or higher, will not be allowed to race.
17. 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.
18. Back door must be alarmed and closed at all times except for deliveries.
19. Lighting within the business must be kept at a reasonable level for safe movement of patrons.
20. The address to the establishment must be illuminated for easy identification of safety personnel.
21. 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.

22. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
23. 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.
24. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
25. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6)
26. 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.
27. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Patio area, a minimum of one camera will record the parking lot, and a minimum of one camera will record the interior. 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.

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 restaurant will be allowed to sell alcoholic beverages with the conditional use permit.**

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Police Department within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary Use Permit.

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

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