



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

February 20, 2019

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. PCUP18-037**: A Conditional Use Permit to establish alcoholic beverage sales (Type 21 ABC License, Off-Sale General) in conjunction with a proposed grocery store (Grocery Outlet) on 2.6 acres of land located at 4420 East Ontario Mills Parkway, within the Commercial/Office land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties (Ontario Mills) Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-041-29) **submitted by Grocery Outlet.**

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 15, 2019**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

*Maureen Duran*

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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

February 20, 2019

**DECISION NO.:** ZA19-###

**FILE NO.:** PCUP18-037

**DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales (Type 21 ABC License, Off-Sale General) in conjunction with a proposed grocery store (Grocery Outlet) on 2.6 acres of land located at 4420 East Ontario Mills Parkway, within the Commercial/Office land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties (Ontario Mills) Specific Plan (APN: 0238-014-03); **submitted by Grocery Outlet.**

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

GROCERY OUTLET, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-037, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is located at 4420 East Ontario Mills Parkway, within a 23,992 square-foot retail building on approximately 2.6 acres of land and is depicted in Exhibit A: Aerial Photograph, attached. The site is part of a larger 242,430 square foot commercial shopping center, comprised of a multi-tenant building and 9 stores, including Big Lots, Ross and JoAnn's Fabric. 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>	Commercial/Retail	Mixed Use	Ontario Mills Specific Plan	Commercial/ Office
<i>North</i>	Commercial/Retail	Mixed Use	Ontario Mills Specific Plan	Commercial/ Office
<i>South</i>	Interstate 10 Freeway	Interstate 10 Freeway	Ontario Mills Specific Plan	Interstate 10 Freeway
<i>East</i>	Commercial/Retail	Mixed Use	Ontario Mills Specific Plan	Commercial/ Office
<i>West</i>	Commercial/Retail	Mixed Use	Ontario Mills Specific Plan	Commercial/ Office

<i>Prepared: DC 2/5/19</i>	<i>Reviewed: CM 2/7/19</i>	<i>Decision:</i>
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**(2) Project Analysis:**

**(a) Background** — The Applicant is a retail grocery store chain with locations throughout California, Oregon, Washington, Idaho, Nevada, and Pennsylvania, which sells name brand discounted, overstocked, and closeout grocery products. The store also carries fresh food staples such as meat, dairy and bread. All products sold by the Applicant are purchased directly from manufacturers and not from other retail stores.

**(b) Proposed Use** — On November 5, 2018, the Applicant filed a Conditional Use Permit application requesting approval to sell beer and wine (Type 21 ABC License, Off-Sale General) in conjunction with their new grocery store at the subject location. All alcoholic beverages will be located along the store's northwest corner. The proposed hours of operation are 7:00 A.M. to 10:00 P.M., daily. The grocery store will operate with 30 employees (15-20 Full Time and 5-10 Part Time). The grocery store's floor plan features (see Exhibit D: Proposed Floor Plan, attached):

- Sales Area (15,234 SF)
- Stock Area (5,181 SF)
- Cooler/Freezer Boxes (1,254 SF)
- Truck Delivery Area (63'X21')

The grocery store's main entrance will be located on the north side of the building, facing the main parking area. The required site improvements include a new trash enclosure that will be constructed at the rear of the building, along the store's south elevation, which will be constructed and finished to match the existing building. In addition, a new shopping cart corral will be constructed along the north elevations of the building.

**(c) Parking** – According to the Ontario Development Code, the store is required to provide a minimum of 96 parking spaces, at a ratio of 4 spaces for each 1,000 square feet of gross floor area. When the existing shopping center was approved in 1998, the project was required to provide a minimum of 1,217 parking spaces. There are a total of 1,228 parking spaces provided, which are shared with by businesses within the shopping center pursuant to a City-approved shared parking and access agreement. The application does not include the elimination of any existing parking spaces; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing shopping center and no parking issues are anticipated.

**(d) ABC License Concentration** – The California Department of Alcoholic Beverage Control (ABC) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 21.09, located entirely within the City of Ontario; and according to ABC, the Census Tract is over concentrated (see Exhibit G: Census Tract Map, attached). ABC currently allows 3 Off-Sale licenses; however, there

are currently 10 active Off-Sale licenses within this census tract. Census Tract 21.09 encompasses the City's core Entertainment District, which includes the Ontario Mills Mall, Citizen's Business Bank Arena, numerous commercial retailers and restaurants, and two multiplex movie theaters. The proposed use will operate as a grocery store, with the sale of alcoholic beverages provided as a convenience to store patrons. In addition, the project site is not located in a high crime area and the property has no outstanding building or health code violations. For these reasons, the Police Department does not object to the proposed Type 21 ABC License (Off-Sale General).

**(e) Land Use Compatibility** – A Conditional Use Permit review is required to ensure the compatibility of a specific land use with its adjacent land uses by identifying potential nuisance activities and establishing appropriate measures to mitigation those nuisance activities to an acceptable level. The project site is located within the Ontario Mills Mall sphere area, and consists of a 242,430 square foot shopping center with several surrounding multi-tenant commercial buildings. Several entertainment and retail tenants in the area currently hold a Type 21 ABC (Off-Sale General) license, including: Sam's Club, Milliken Mobil, AM/PM, and Target (see Exhibit H: Active Off-Sale Retail Licenses). Therefore, staff believe that the proposed use is compatible with other existing uses. In addition, staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use.

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

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

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

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

***PART II: RECITALS***

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

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

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

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

WHEREAS, on February 20, 2019, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Denny 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) \_\_\_\_\_, representing the Applicant, explained the business operations and spoke in favor of the project.

(3) \_\_\_\_\_

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

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

***PART III: THE DECISION***

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

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

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

(1) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and Specific Plan within which the site is located. The proposed Type 21 ABC License (Off Sale – General), in conjunction with a 23,992 square-foot grocery store (Grocery Outlet), is designated Commercial/Office by the Ontario Mills Specific Plan. The designation allows for the proposed use, subject to the approval of a Conditional Use Permit. The proposed use will be established consistent with the City of Ontario Development Code and the Ontario Mills Specific Plan, and their objectives, purposes, development standards and guidelines.

(2) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 21 ABC License (Off Sale – General), in conjunction with a 23,992 square-foot grocery store (Grocery Outlet), is designated as Mixed Use by the Policy Plan component of The Ontario Plan. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which identifies the Ontario Mills Area as a Growth Area. The Growth Area is envisioned to be developed in a manner that has an intensification of uses, such as entertainment, restaurants, and other retail uses to provide our residents and visitors with the opportunity to live, work and play within our City. The proposed project will provide an additional convenience for people shopping at the existing shopping center, and will, overall, help to implement the Growth Vision.

(3) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* With the attached conditions of approval, the proposed use will be consistent with the uses allowed within the Commercial/Office land use designation of the Ontario Mills Specific Plan, which allows for commercial, retail (grocery store), restaurant, and entertainment uses to serve alcohol subject to an approved Conditional Use Permit. The proposed use will provide an additional convenience for people visiting the shopping center.

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

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

project has been conditioned so that the grocery store use will operate in a manner that will not be detrimental to the health and safety of the surrounding community. In addition, the Police Department has reviewed the application and they are in support of the application subject to the attached conditions of approval.

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

(a) 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. In addition, the Police Department has reviewed the application and is recommending approval subject to the attached conditions of approval. The proposed use is consistent with the Ontario Mills Specific Plan allowed uses and other existing uses in the area. The proposed use will be providing a convenience for customers while shopping at the grocery store.

(b) The project site has no outstanding Building or Health Code violations or Code Enforcement activity. The shopping center is in good operating condition and has no outstanding enforcement violations.

(c) The project site is properly maintained, including building improvements, landscaping, and lighting. Adjacent tenants at the shopping center, such as Big Lots, Ross, and JoAnn’s Fabric, are also properly maintained and serviced on a regular basis.

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

(5) Based upon the findings and conclusions set forth in Parts I and II, above, and the findings established by this Part, the Zoning Administrator hereby approves File No. PCUP18-037, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this \_\_\_\_ day of February 2019.

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Cathy Wahlstrom  
Zoning Administrator



*Exhibit A: Aerial Photograph*



Exhibit B: Overall Site Plan

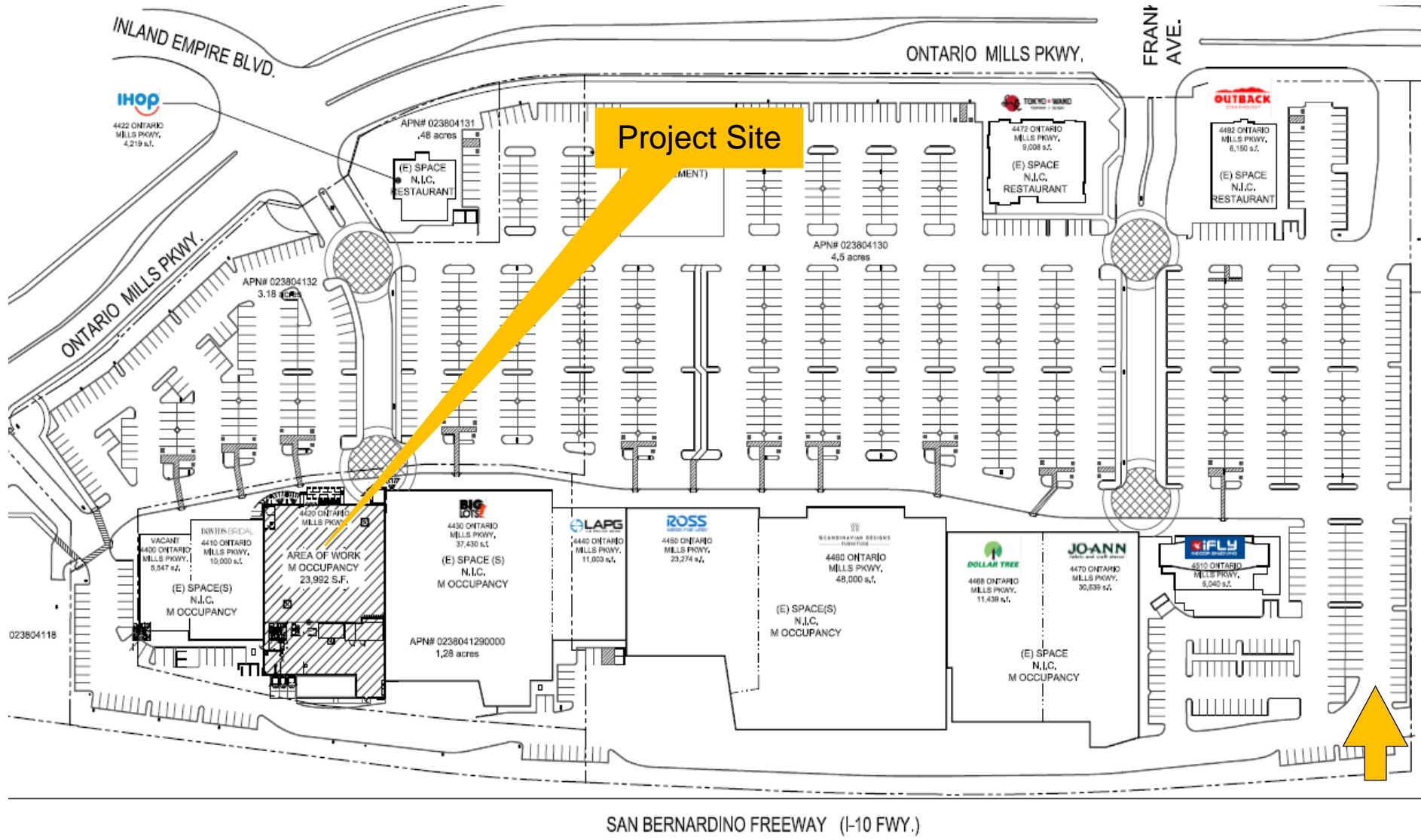


Exhibit C: Enlarged Site Plan

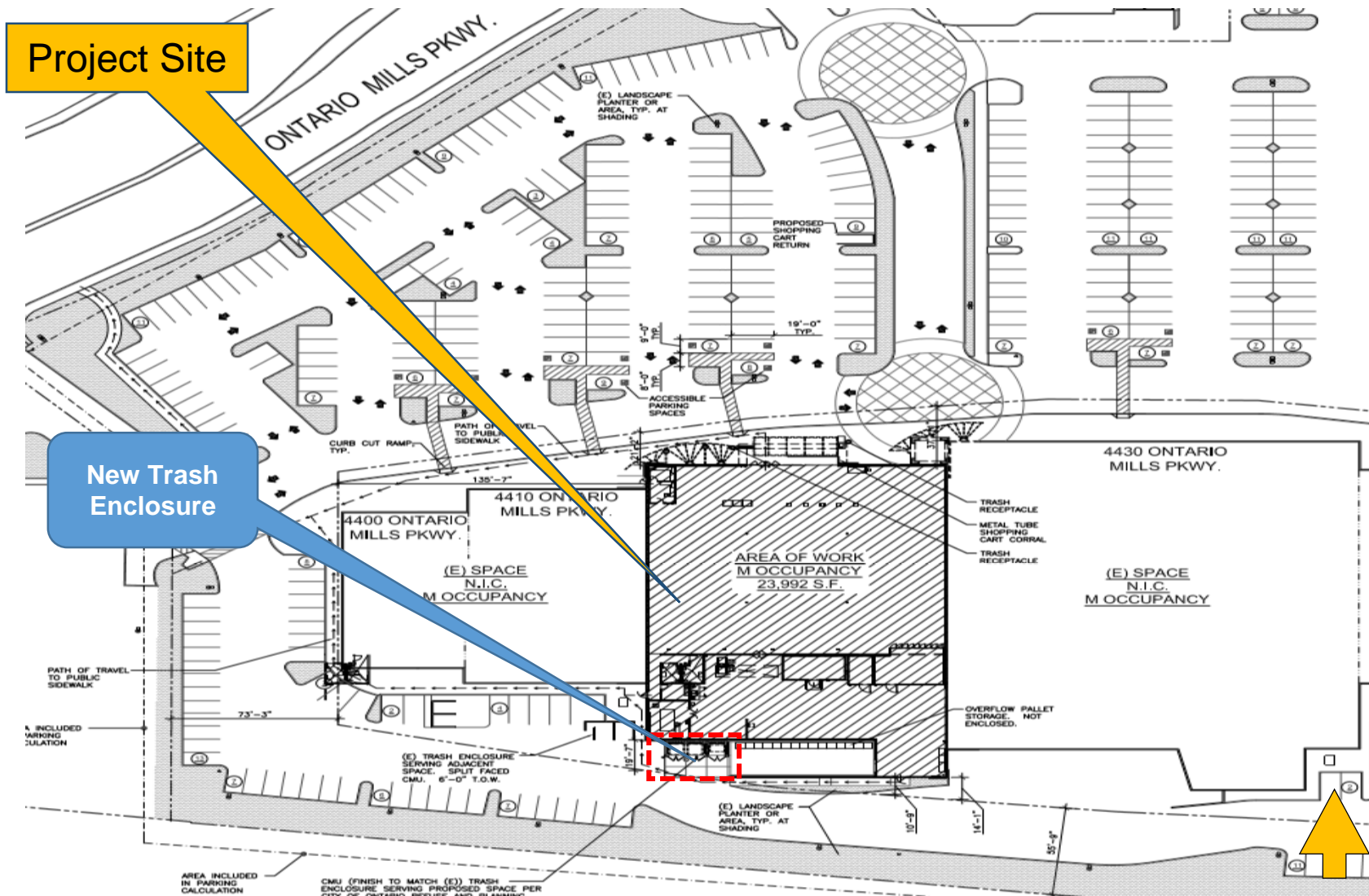
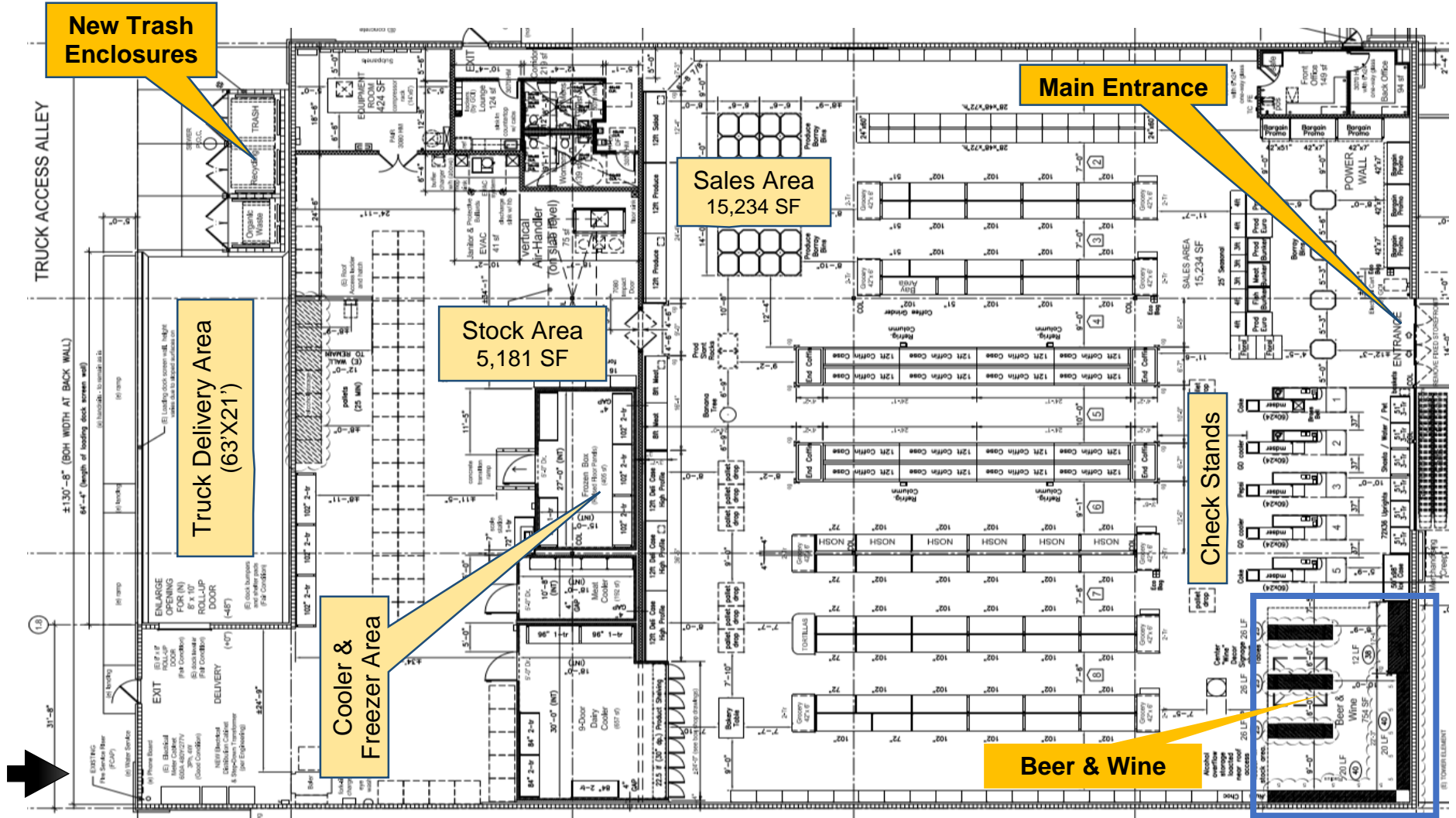


Exhibit D: Proposed Floor Plan



**Exhibit E: Existing Building Elevations**

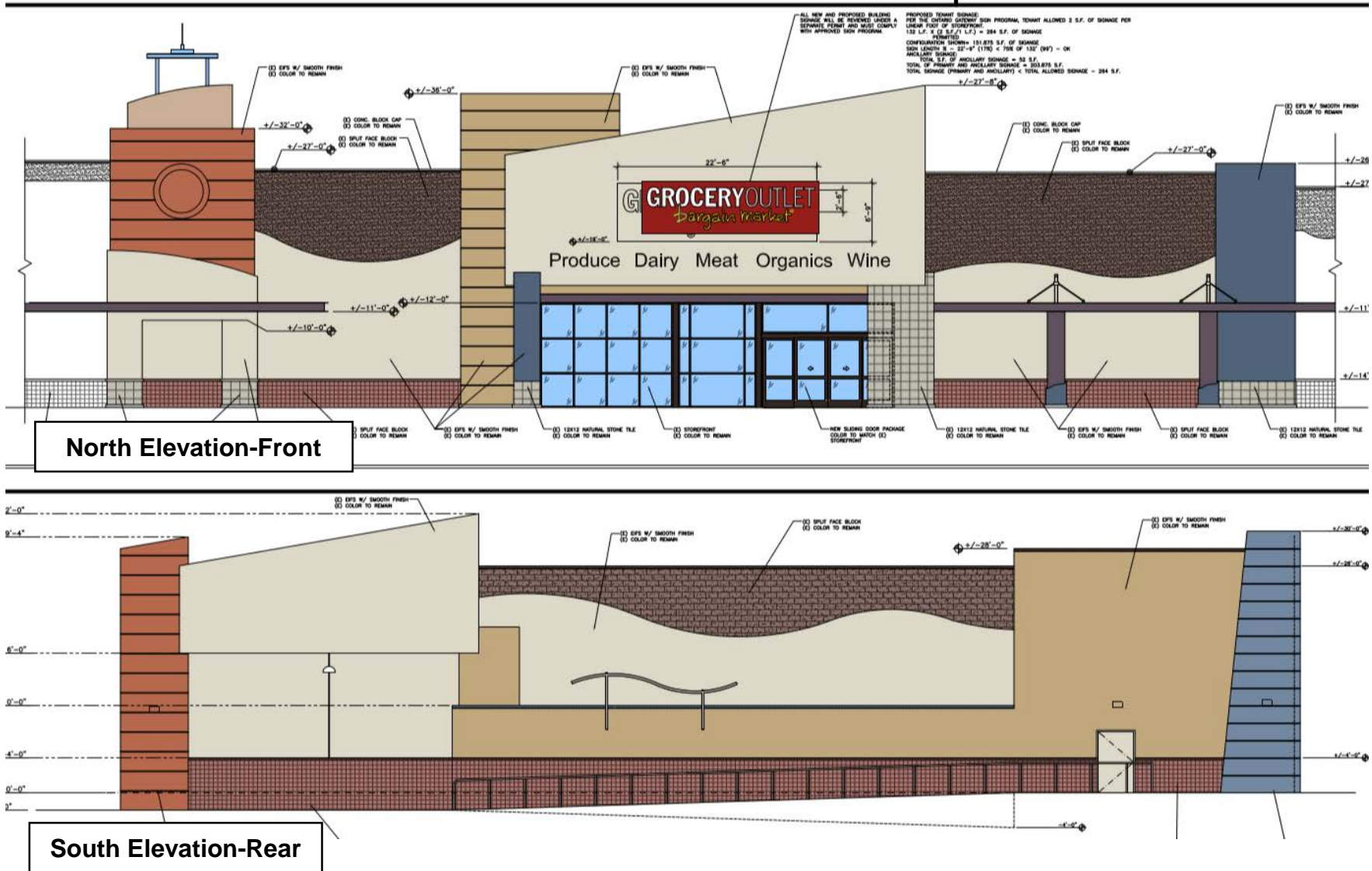
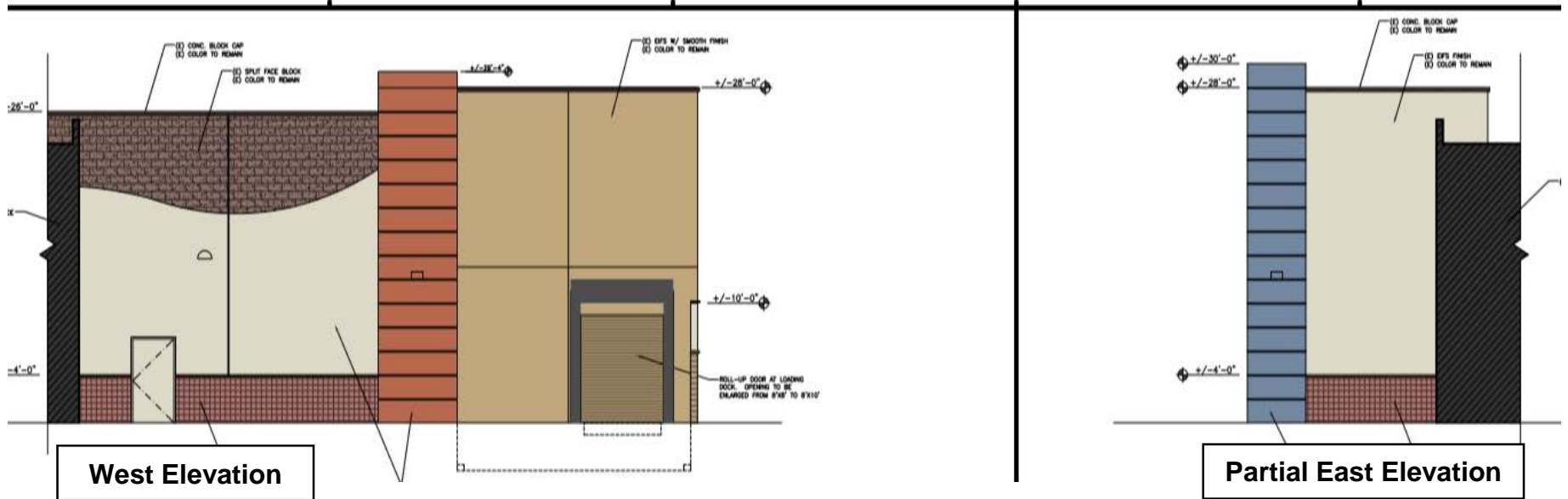


Exhibit E: Existing Building Elevations



**Exhibit F: Site Photographs**



**Grocery Outlet's Main Entrance (North Elevation)**

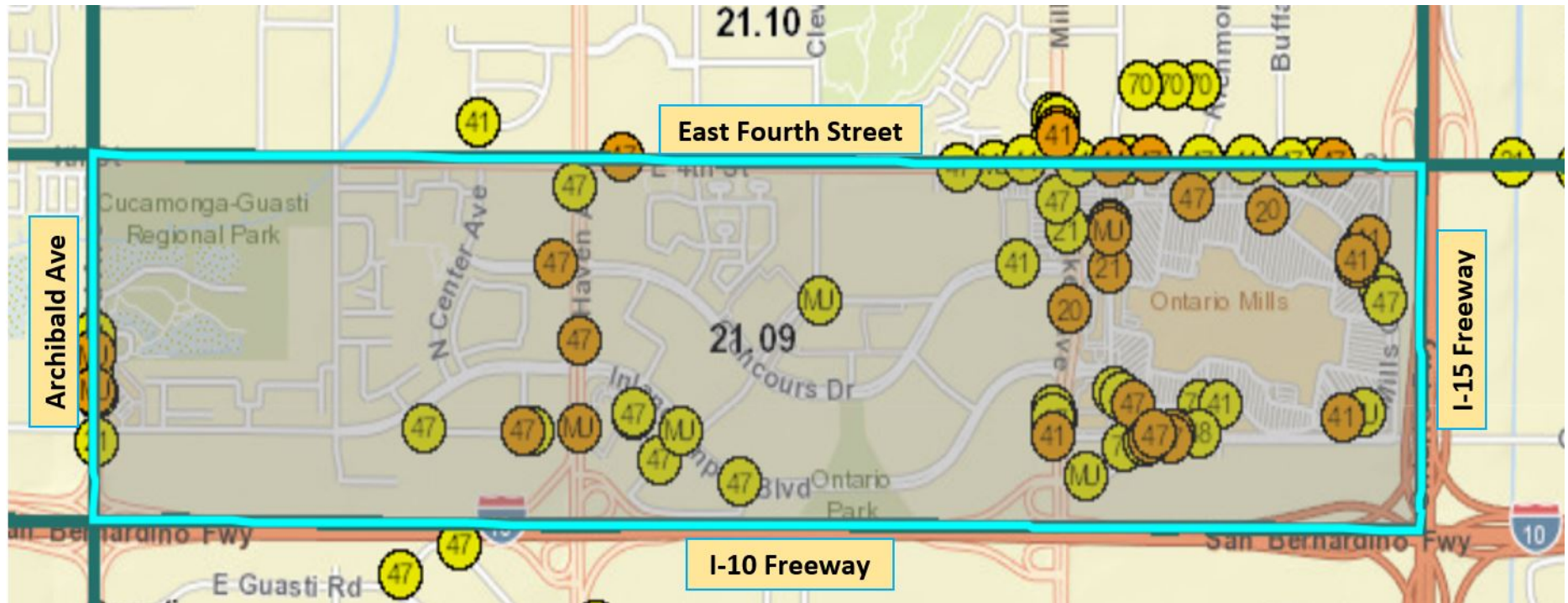
**Exhibit F: Site Photographs**




**West View of the Existing Loading Dock Area**



**Exhibit G: Census Tract Map Area**



### EXHIBIT H: Active Off-Sale Retail Licenses for Census Tract 21.09

 <b>California Department of Alcoholic Beverage Control</b> <span style="float: right;">Save As CSV</span> <b>Active Off-Sale Retail Licenses</b> For the Census Tract of 21.09 Report as of: 01/29/2019											
Rows Per Page: <input type="text" value="25"/>		<input type="button" value="Reload"/>								Total Licenses: 10 Page 1 of 1	
Click on column header to sort											
License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Business Name	Premises Addr.	Geo Code			
1	<a href="#">371428</a>	ACTIVE	21	01/24/2001	06/30/2019	SAMS WEST INC	SAMS CLUB 6619	951 N MILLIKEN AVE ONTARIO, CA 91764  Census Tract: 0021.09	3607		
2	<a href="#">428648</a>	ACTIVE	21	10/31/2005	03/31/2019	BYONG CORPORATION	MILLIKEN MOBIL	4321 ONTARIO MILLS PKWY, STE A ONTARIO, CA 91764-5105  Census Tract: 0021.09	3607		
3	<a href="#">442840</a>	ACTIVE	21	03/20/2009	02/28/2019	KYROSIX INC	S & E FOOD STORE	790 N ARCHIBALD AVE ONTARIO, CA 91764-4648  Census Tract: 0021.09	3607		
4	<a href="#">451936</a>	ACTIVE	20	05/24/2007	04/30/2019	TARGET CORPORATION	TARGET T2245	4200 E 4TH ST ONTARIO, CA 91764-5250  Census Tract: 0021.09	3607		
5	<a href="#">487658</a>	ACTIVE	20	05/27/2010	04/30/2019	M & J OIL INC	M & J CHEVRON	1090 ONTARIO MILLS DR ONTARIO, CA 91764-5227  Census Tract: 0021.09	3607		
6	<a href="#">528316</a>	ACTIVE	20	02/15/2013	01/31/2019	PFG ONTARIO INC		791 N MILLIKEN AVE ONTARIO, CA 91764-5011  Census Tract: 0021.09	3607		
7	<a href="#">549355</a>	ACTIVE	21	01/26/2016	12/31/2019	HAVEN MINI MART INC		3445 SHELBY ST ONTARIO, CA 91764-4874  Census Tract: 0021.09	3607		
8	<a href="#">573595</a>	ACTIVE	21	02/07/2017	01/31/2019	BHATIA J & J INC	ARCHIBALD CAR WASH	670 N ARCHIBALD AVE ONTARIO, CA 91764-4645  Census Tract: 0021.09	3607		
9	<a href="#">582184</a>	ACTIVE	20	10/05/2017	09/30/2019	SAHAARA OIL INC	AMPM 42633	911 N MILLIKEN AVE ONTARIO, CA 91764  Census Tract: 0021.09	3607		
10	<a href="#">597094</a>	ACTIVE	20	11/15/2018	10/31/2019	WESTERN REFINING RETAIL, LLC	WESTERN REFINING RETAIL #6355/68577	4675 MILLS CIR ONTARIO, CA 91764  Census Tract: 0021.09	3607		



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:** February 20, 2019

**File No:** PCUP18-037

**Related Files:** None

**Project Description:** A Conditional Use Permit request to establish alcoholic beverage sales (Type 21 ABC License, Off-Sale General) in conjunction with a proposed grocery store (Grocery Outlet) on 2.6 acres of land located at 4420 East Ontario Mills Parkway, within the Commercial/Office land use district of the California Commerce Center North, Ontario Gateway Plaza & Wagner Properties (Ontario Mills) Specific Plan (APN: 0238-014-03); **submitted by Grocery Outlet**

**Prepared By:** Denny D. Chen  
Phone: 909.395.2424  
Email: [dchen@ontarioca.gov](mailto: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. 2017-027 on April 18, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

**1.1 Time Limits.**

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

**1.2 Parking, Circulation and Access.**

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

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

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

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

(e) Project shall provide a minimum of 96 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) and the Ontario Gateway West Sign Program (PSGP13-006).

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

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

**2.0 Additional Fees.**

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

**3.0 Additional Requirements.**

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

(b) The proposed shopping cart corral located on the front of the store shall not interfere with the required path of travel.

(c) The new trash enclosures shall match the existing building's materials, colors and finishes. A building permit will be required.

(d) All convenience markets and specialty food stores that sell prepared or prepackaged food items shall provide and maintain outdoor trash receptacles adjacent to the business entry, for use by customers.

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

(f) A final inspection from Planning is required prior to opening for business.



**CITY OF ONTARIO**  
**MEMORANDUM**  
*“Excellence Through Teamwork”*



**TO:** Denny Chen, Associate Planner

**FROM:** Erich Kemp, Police Officer, COPS Unit, ABC Detail

**DATE:** November 28<sup>th</sup>, 2018

**SUBJECT:** FILE NO. PCUP18-037 -- GROCERY OUTLET, 4420 ONTARIO MILLS PARKWAY

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The Ontario Police Department has researched the request for an off-site type 21 (Off sale general) alcohol license for the Grocery Outlet, located at 4420 Ontario Mills Parkway. The requested license is within census tract 21.09 which is over concentrated. The department of Alcohol Beverage Control authorizes (3) off-sale alcohol licenses for this tract. There are currently ten (10) active off-sale alcohol licenses within census tract 21.09. The Police Department does not object to allowing this conditional use permit. The location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

**ABC CONDITIONS**

1. Sales of alcohol will occur between the hours of 6:00 a.m. to 10:00 p.m. daily.
2. No sales or service to minors.
3. No sales or service to intoxicated patrons.
4. No open alcohol beverages in the establishment.
5. No drug paraphernalia will be sold at any time.

6. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
7. No single can or bottle sales of malt based liquor are allowed. These must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
8. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs is permitted unless otherwise permitted by City ordinance or written policy.
9. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
10. Employees engaged in the sales of alcohol must be 18 years of age or older.
11. No more than 25% of advertisements are allowed on the windows of the business.
12. No warm beer displays close to the front door will be allowed.
13. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
14. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premise. In no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under control of the business.
15. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
16. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
17. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
18. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
19. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit.

Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.

20. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.

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

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

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

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

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





# CITY OF ONTARIO MEMORANDUM



**DATE:** January 29, 2019

**TO:** Antonio Alejos, Engineering Department

**FROM:** Jeff Krizek, Utilities Engineering Department

**SUBJECT:** DAB #1 & Conditions of Approval (COA) - Utilities Comments (#5709b)

**PROJECT NO.:** PCUP18-037 – ABC License – 4420 Ontario Mills Parkway

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**BRIEF DESCRIPTION:**

*PCUP18-037, To allow alcohol sales (ABC Type 21 General off-sale license for beer, wine, & spirits) at a proposed approximate 24,000 square foot grocery store within an existing building on 2.6 acres of developed land within the Commercial/Office land use district of the Ontario Mills Specific Plan, Located at 4420 Ontario Milles Parkway.*

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**THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.**

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**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

**General Conditions:**

1. **Standard Conditions of Approval:** Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:

**Sewer Conditions:**

2. **Wastewater Discharge Permit:** The Occupant of the building shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to including: possibly installing a monitoring manhole, clarifier, or other sewer pretreatment equipment.

**Solid Waste Conditions:**

3. **Final Solid Waste Handling Plan (SWHP):** Prior to approval of the any building permits, a Final Solid Waste Handling Plan Sheet shall be submitted accompanying the Precise Grading Plan Submittal to the City/OMUC for review and approval.
  - a. At minimum a two 4-cu-yd bin is required, that meets Solid Waste Reuse and Recycling Planning Manual requirements and standards.
  - b. Refuse, Recycling, and Organics shall be separated for separate collections, per Solid Waste Reuse and Recycling Planning Manual requirements and standards and Regulations.
  - c. 6 cubic yard bins do not fit and are not accessible within bins designed with dimensions for 4 cubic yard bins with rooms. If 6 cubic yard bins are going to be used, enclosure and pick up area will need to be redesigned.
  - d. If any Integrated/Solid Waste Collections are going to be provide by a private third party hauler: the third party service to the Establishment must be formally approved separately by the City; and, the Hauler must be formally approved and permitted by the City of Ontario and meet City Code requirements, otherwise the City must provide the collection services.

**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

12/3/18  
 Date

Reviewer's Name: **Carolyn Bell, Sr. Landscape Planner** Phone: **(909) 395-2237**

D.A.B. File No.: PCUP18-037 Related Files: Case Planner: **Denny Chen**

Project Name and Location:  
**Grocery Outlet**  
**4420 Ontario Mills Parkway**

Applicant/Representative:  
**Compass Commercial Group , Katy Schmidt**  
**3005 Douglas Blvd suite 200**  
**Roseville, CA 94608**

- A site plan (dated 11/6/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.**
- A site plan (dated ) has not been approved. Corrections noted below are required prior to DAB approval.**

1. Landscapes shall be maintained by the property management association and maintenance personnel.
2. Replace missing shade trees in parking lot islands. Shade trees are required on every planter island and at each row end. Replace missing trees to match site with Platanus acerifolia, Phoenix dactylifera, Date Plans and Washingtonia robusta, Mexian fan Palm.
3. Repair or replace broken or leaking irrigation system. No overspray or runn off from irrigation systems are allowed.
4. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
5. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
6. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Denny Chen, Associate Planner  
Planning Department

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

**DATE:** November 20, 2018

**SUBJECT:** PCUP18-037 A Conditional Use Permit request to allow alcohol sales (ABC Type 21 General off-sale license for beer, wine and spirits) at a proposed approximate 24,000 square foot grocery store within an existing building on 2.6 acres of developed land within the Commercial/Office land use district of the Ontario Mills Specific Plan, located at 4420 Ontario Mills Parkway.

- 
- The plan **does** adequately address the departmental concerns at this time.
- 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.ontarioca.gov](http://www.ontarioca.gov) , click on Fire Department and then on forms.

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Denny Chen  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** November 15, 2018  
**SUBJECT:** PCUP18-037

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

KS:lr



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Denny Chen, Associate Planner

DATE: November 06, 2018

SUBJECT: FILE #: PCUP18-037

Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Conditional Use Permit request to allow alcohol sales (ABC Type 21 General off-sale license for beer, wine & spirits) at a proposed approximate 24,000 square foot grocery store within an existing building on 2.6 acres of developed land within the Commercial/Office land use district of the Ontario Mills Specific Plan, located at 4420 Ontario Mills Parkway.

- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Building

Department

Signature

Title

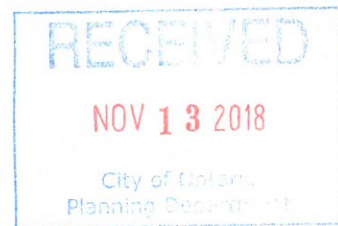
Date



# CITY OF ONTARIO

## MEMORANDUM

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



FROM: Denny Chen, Associate Planner

DATE: November 06, 2018

SUBJECT: FILE #: PCUP18-037

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  - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
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*Community Imp. Supervisor*  
Department \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_ Date 11/13/18

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP18-037

Address: 4420 Ontario Mills Pkwy

APN: 0238-041-29

Existing Land Use: Vacant

Proposed Land Use: CUP to allow an ancillary Type 21 ABC License for a new grocery store

Site Acreage: 2.6 Proposed Structure Height: Existing building

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Denny Chen

Date: 12/7/18

CD No.: 2018-073

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 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: 100 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: