



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

December 6, 2021

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

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

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-019:** A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer and wine (Type 41 ABC License), in conjunction with a 1,883 square-foot restaurant (Libra Por Libra Mariscos) located 644 East Francis Street within the CN (Neighborhood Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-421-02) **submitted by Libra por Libra Mariscos.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-014:** A Conditional Use Permit to establish a religious assembly use in an existing historic eligible building (2,529-square foot) with a proposed addition (499-square foot) for a total of 3,028-square feet on .51-acres of land located at 422 North Monterey Avenue within the LDR5 (Low Density Residential -2.1 to 5.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1048-394-32) **submitted by Dios International Missionary Church, Inc.**
- C. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-021:** A Conditional Use Permit to establish a religious assembly use within an existing 4,488-square foot church, a Non-Contributor to the designated Euclid Avenue Historic District, on 1.37-acres of land located at 1429 North Euclid Avenue within the RE4 (Residential Estate-2.1 to 4.0 DU/Acre) and EA (Euclid Avenue Overlay) zoning districts. 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: 1047-345-01) **submitted by True Jesus Church in Ontario.**

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

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

I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **December 2, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Administrative Assistant



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

December 6, 2021

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

DECISION NO.: [insert #]

FILE NO.: PCUP21-019

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer and wine (Type 41 ABC License), in conjunction with an 1,883 square-foot restaurant (Libra Por Libra Mariscos) located 644 East Francis Street within the CN (Neighborhood Commercial) zoning district. APN: 1050-421-02; **submitted by Eddie Madrigal.**

PART 1: BACKGROUND & ANALYSIS

EDDIE MADRIGAL, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-019, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 0.95 acres of land located at 644 East Francis Street, and is depicted in *Exhibit A: Project Location Map*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Full-Service Restaurant	Neighborhood Commercial (0.4 FAR)	CN (Neighborhood Commercial)	Not Applicable
North:	Single Family Residential	Low Density (2.1-5 du/ac)	LDR-5, Low Density Residential	Not Applicable
		Low-Medium Density (5.1-11 du/ac)	MDR-11, Low-Medium Density Residential	
South:	Multi-Family Residential	Medium Density (11.1-25 du/ac)	MDR-25, Medium-High Density Residential	Not Applicable
East:	Industrial	Industrial (0.55 FAR)	IL, Light Industrial	Not Applicable
West:	Public School	Public School	CIV, Civic	Not Applicable

PROJECT ANALYSIS:

(1) **Background** — The Project site is located at 644 East Francis Street, within an existing commercial center consisting of two retail buildings that are located on the east and west areas of the center (See Exhibit A: Project Location Map). The restaurant (Libra Por Libra Mariscos) is located within the 4,000 square foot multi-tenant building located at the east end of the center. On March 12, 2020, the property owner initiated a tenant improvement to the building that included a façade upgrade with a new store front, parking lot resurfacing, and landscaping. On

Prepared: RM 11/24/2021	Reviewed: RZ 11/29/2021	Decision: [enter initial/date]
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June 3, 2021, the Applicant was issued a business license to operate as a Mexican seafood restaurant.

(2) Proposed Use — On October 1, 2021, the Applicant applied for a Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premises consumption (Type 41 ABC license). The tenant, Libra por Libra Mariscos restaurant, will utilize a floor plan layout typical of other in-line restaurant tenants, including a service counter, back kitchen/storage area, and customer seating for approximately 58 guests (see Exhibit C: Floor Plan, attached).

The store's main entrance is located on the east side of the building, facing the parking lot along the frontage of Campus Avenue. The proposed daily business hours of operation are 9:00 AM to 9:00 PM. The restaurant will operate with approximately eight employees.

The Police Department further requires that the business maintain the ability to provide a full menu until the last call. Alcoholic beverage sales will stop 45 minutes prior to closing.

(3) Parking — Pursuant to the Ontario Development Code's Off-Street Parking Requirements, the Project is required to provide 19 parking spaces, at a ratio of 10 spaces per 1,000 SF of GFA (Gross Floor Area). Parking was calculated based on the Development Code's "Full-Service Restaurant" standard. The existing commercial center was developed with 51 parking spaces and an approved Shared Parking and Access Agreement is in place. The application does not include the elimination of any parking spaces. The Applicant has requested Conditional Use Permit approval with the intent to provide an additional convenience to restaurant patrons; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing neighborhood shopping center.

(4) ABC 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 18.12, which is located entirely within the City of Ontario. ABC has determined that Census Tract 18.12 can support three on-sale licenses and two off-sales licenses. There are currently zero active on-sale retail licenses within this tract and one active Type 20 Off-Sale General license (located more than one mile away from the site). Therefore, the census tract currently does not have an overconcentration.

The proposed location will operate as a "Bona Fide Public Eating Place;" therefore, the Police Department does not object to allowing the proposed Type 41 ABC License provided that all City and State Department of Alcohol Beverage Control rules, regulations and conditions of approval are met and followed. In addition, the project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business. The location must follow all federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the Applicant shall follow the Police Department's Conditions of Approval as seen in *Attachment A: Department Reports (Conditions of Approval)* of this report.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation, accordingly. The Project site is located within an existing commercial center, which consists of two multi-tenant buildings. Staff believes that the recommended

Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses and residents within and surrounding the Project site will not be exposed to any impacts resulting from alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant uses within the center and surrounding area. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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

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

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

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

PART 2: RECITALS

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

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

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

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

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

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

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

WHEREAS, on December 6, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Robert Morales, Assistant Planner, 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 3: THE DECISION

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

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

(1) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15331 (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. Furthermore, the Project is consistent with all of the following conditions:

a. 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

b. The area in which the project is located is not environmentally sensitive; and

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the CN (Neighborhood Commercial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed full-service restaurant land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Development Code; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed full-service restaurant land use will be located within the Neighborhood Commercial (0.4 FAR) land use district of the Policy Plan Land Use Map, and the CN (Neighborhood Commercial) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with

the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development. The proposed full-service restaurant land use is located with the Neighborhood Commercial (0.4 FAR) land use district, and the CN (Neighborhood Commercial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and*

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood. The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located; and*

(e) 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 use is consistent with the CN (Neighborhood Commercial) zoning district, and one similar restaurant in the area has also received approval of an On-Sale ABC license. The proposed use will also be provided as a convenience to restaurant patrons that would like to purchase alcoholic beverages.*
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. Since the project site was developed, there have been no recorded Building or Health Code Violations.*
- *The site is properly maintained, including building improvements, landscaping, and lighting. The site is properly maintained, including the building, landscaping, and lighting. Additionally, department conditions of approval require the project site to be maintained and free of debris, litter, and graffiti.*

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 20__.

Charles Mercier
Zoning Administrator

Exhibit A: PROJECT LOCATION

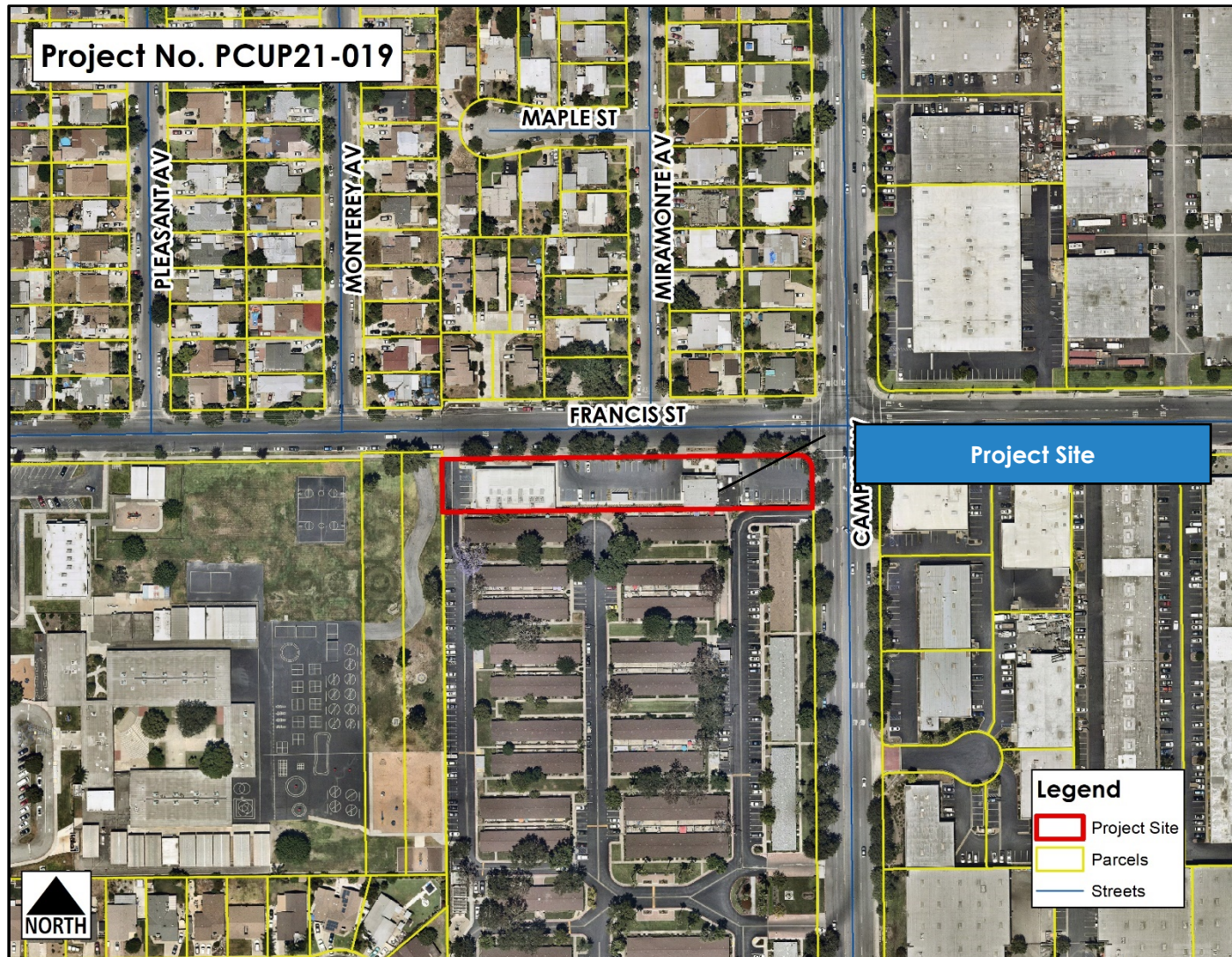


Exhibit B: SITE PLAN

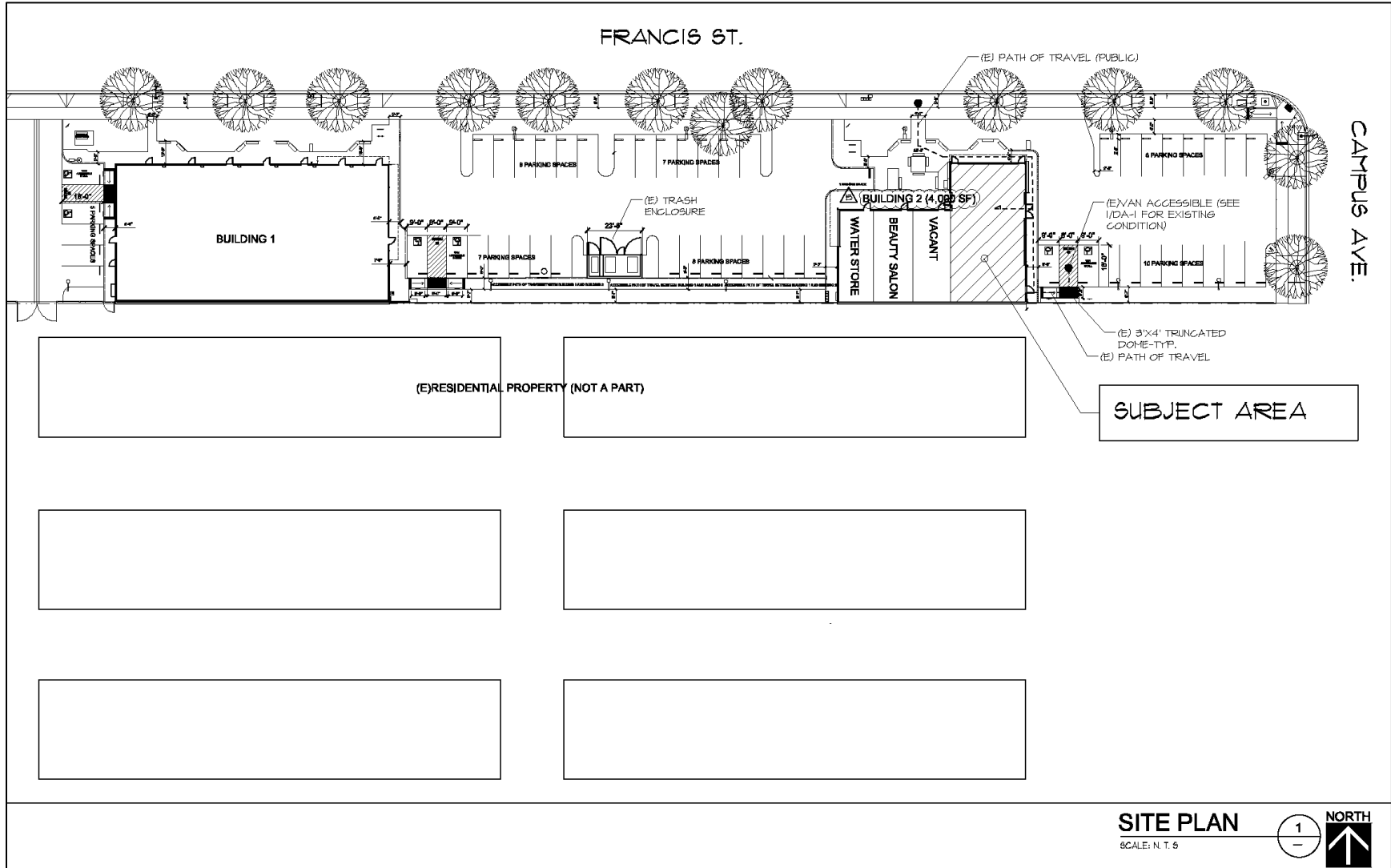


Exhibit D: SITE PHOTOS



Figure 1: Street View of Project Site



Figure 2: Bar Area



Figure 3: Dining Area

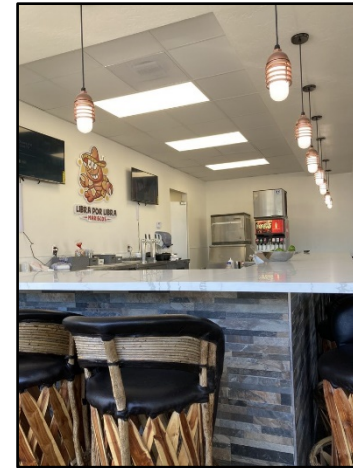


Figure 4: Bar Area 2

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Meeting Date: December 6, 2021

File No: PCUP21-019

Project Description: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine, for on-premises consumption (Type 41 ABC license) in conjunction with a proposed 1,883-square foot restaurant (Libra Por Libra Mariscos), on 0.95 acres of land located at 644 East Francis Street, within the CN (Neighborhood Commercial) zoning district (APN:1050-421-02).
submitted by Eddie Madrigal.

Prepared By: Robert Morales, Assistant Planner
Phone: 909.395.2432 (direct)
Email: Rmorales@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 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:

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

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

1.4 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).

1.5 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.

1.6 Environmental Review.

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

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

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

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

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

1.7 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.

1.8 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board 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.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Robert Morales, Assistant Planner

FROM: Thomas Cho, Police Officer

DATE: October 20, 2021

SUBJECT: FILE NO. PCUP21-019 – Libra Por Libra Mariscos
644 E Francis St. Ontario, Ca

This location currently has a type 41 On-Sale Beer and Wine-Eating Place license located within Census Tract Number 18.12. According to the Department of Alcoholic Beverage Control (ABC), there are currently five (5) on-sale licenses within this Census Tract. This location will operate as a “Bona Fide Public Eating Place.” The Ontario Police Department does not object to allowing the license. The location must follow all federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

BUSINESS CONDITIONS

1. Alcohol can be sold and served between the hours of 06:00AM to 02:00AM, Monday through Sunday.
2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM. Alcohol sales and service will stop at 01:30AM.
3. The business shall maintain the ability to make substantial meals until last call. A limited menu will be permitted after 9:00PM.
4. No sales of alcoholic beverages to minors.
5. No sales of alcohol to obviously intoxicated patrons.
6. No alcohol shall be sold/removed from the establishment for consumption.
7. No self-serve alcohol displays or machines.

8. Smoking is not permitted inside of the establishment, including electronic nicotine delivery devices.
9. There will be no narcotic sales or usage on the premises at any time, including Marijuana.
10. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years. This class is given free of charge by the Ontario Police Department.
11. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
12. Back door must be alarmed and closed at all times.
13. Address to establishment must be illuminated for easy identification of safety personnel.
14. 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.
15. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
16. Restrooms must be kept free of graffiti.
17. No arcade video game machines or pool tables will be allowed in the premises.
18. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
19. 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.
20. The restaurant managers shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6 CCR).

21. 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.

SECURITY CONDITIONS

1. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the dining area and a minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.
2. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, additional hours for security guards, and replacement of security guards with Ontario Police officers. The public hearing process shall be conducted in accordance with the requirements of the City's Development Code.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment, if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. Security personnel will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.

CONCLUSION

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 will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

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

Please contact Officer Thomas Cho if you have any questions regarding this matter at (909) 408-1671.

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

CONDITIONS OF APPROVAL	
Sign Off	
	10/20/21
Philip Marino, Associate Landscape Planner	Date

Reviewer's Name: Philip Marino, Associate Landscape Planner	Phone: (909) 395-2237
---	---------------------------------

D.A.B. File No.: PCUP21-019	Related Files:	Case Planner: Robert Morales
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Project Name and Location: Libra Por Libra Mariscos - ABC License 977 E Francis St
--

Applicant/Representative: Eddie Madrigal eddie_madrigal@yahoo.com 2201 S Caldwell Ave Ontario Ca 91761

<input checked="" type="checkbox"/>	A site plan 10/08/21 meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

December 6, 2021

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

DECISION NO.: [insert #]

FILE NO.: PCUP21-014

DESCRIPTION: A Conditional Use Permit to establish a religious assembly use in an existing historic eligible building (2,529-square feet) with a proposed addition (499-square feet) for a total of 3,028-square feet on 0.51-acre of land located at 422 North Monterey Avenue within the LDR5 (Low Density Residential -2.1 to 5.0 DU/Acre) zoning district. APN: 1048-394-32; **submitted by Dios International Missionary Church, Inc.**

PART 1: BACKGROUND & ANALYSIS

DIOS INTERNATIONAL MISSIONARY CHURCH, INC., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-014, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 0.51-acre of land located at 422 North Monterey Avenue, and is depicted in Exhibit A: Project Location Map, attached. The site is located within a well-established residential neighborhood predominantly developed during the 1920s. The neighborhood features single-story houses, landscaped parkways, street trees, and scored sidewalks. The project site is developed with a single-story 2,529-square foot commercial building constructed in 1923 (est.) which is listed on the Ontario Register of Historic Places as "Eligible" for local historic designation. Existing land uses, and General Plan and zoning designations on and surrounding the Project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
Site:	Religious Assembly	LDR (Low Density Residential)	LDR5 (Low Density Residential Estate-2.1 to 5.0 DU/Acre)
North:	Single-family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential Estate-2.1 to 5.0 DU/Acre)
South:	Single-family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential Estate-2.1 to 5.0 DU/Acre)
East:	Single-family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential Estate-2.1 to 5.0 DU/Acre)
West:	Single-family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential Estate-2.1 to 5.0 DU/Acre)

Prepared: EA 11/29/21 Reviewed: RZ 11/30/21 Decision: [enter initial/date]

PROJECT ANALYSIS:

(1) Background— The Project site was developed as a school for the Seventh Day Adventist Church in 1923. The school accepted students from all backgrounds and was not limited to members of the Seventh Day Adventist Church. In the 1960s the Knights of Columbus, a Catholic fraternal service organization, began occupying the site, continuing the assembly use. The site began to operate as a religious assembly use in the 1980s when the United Community Missionary Baptist Church began occupying the building. The site has been home to several religious organizations since that time. The current occupant, Dios International Missionary Church, has operated at this site since March 2017. Beginning in 2000, Conditional Use Permit approval was required for new religious assembly uses in residential zoning districts, however all existing religious assembly uses established prior to that time could continue to operate as a legal nonconforming use without obtaining a Conditional Use Permit. In August 2020, the Applicant submitted plans to construct a 499 square foot addition for a conference room and office to the north of the building as depicted in Exhibit B: Proposed Site Plan. Due to the intensification of the legal nonconforming use, a Conditional Use Permit is now being requested.

(2) Proposed Use— The Applicant requests to establish and operate a religious assembly use within the existing assembly building. Services will include general religious meetings, private counseling, and worker meetings. Services will occur on Sundays from 9:00 a.m. to 12:00 p.m. and on Wednesday and Friday from 7:00 p.m. to 8:30 p.m. Office hours will be limited to Tuesday through Friday from 10:00 a.m. to 3:00 p.m. The church has one pastor and between 3 and 5 volunteers. The current congregation size is 11 people, with an anticipated full capacity of 30 people.

The main assembly area is 1,295 square feet, the remainder of the building contains restrooms, a 304 square foot conference room and a kitchenette as illustrated in Exhibit C: Floor Plan. The proposed 499 square foot addition will contain a meeting room and an office. The meeting room will be used by church volunteers and the pastor before and after services for preparation of and training for worship services. The office will be used by the pastor for administrative purposes and for private meetings with parishioners. A condition of approval has been added to the Project limiting the use of the new meeting room and office described above.

(3) Parking— As established in the Ontario Development Code, a religious assembly use requires 25 stalls for every 1,000 square feet. The use proposes 818 square feet of assembly area resulting in 20 required parking spaces. The site currently has 24 parking spaces on-site and meets the minimum number of off-street parking spaces required by the Development Code. The applicant has stated that the existing congregation size is 11 people with a projected growth to a congregation of 30 people. The applicant is not requesting to add square footage or fixed seating to the auditorium, therefore an increase in parishioners or parking demand is not anticipated as a result of the project. The site has operated as a church with approximately the same capacity since the 1960s and an increase to the capacity is not proposed, therefore the proposed addition will not result in an intensification in the existing parking demand and the existing parking configuration can continue to provide adequate parking to support the religious assembly use.

(4) Land Use Compatibility— A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The subject site is located in the LDR-5 (Low Density Residential-2.1 to 5.0 DU/Acre) zoning district. The proposed religious assembly use is a conditionally permitted land use. The proposed use is located within an established residential

neighborhood with nearby neighborhood commercial uses including a convenience market and offices. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses and residents will not be exposed to any impacts resulting from the proposed use beyond those that have existed on the site since the religious assembly use was originally established in the 1980s.

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

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

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

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

PART 2: RECITALS

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles

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

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

WHEREAS, on December 6, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Elly Antuna, Associate Planner, 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 3: THE DECISION

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of 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 includes a negligible building addition and is therefore categorically exempt.

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the LDR5 (Low Density Residential-2.1 to 5.0 DU/Acre) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed religious assembly land use will be located within the Low Density Residential land use district of the Policy Plan Land Use Map, and the LDR5 (Low Density Residential-2.1 to 5.0 DU/Acre) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed religious assembly land use is located with the Low Density Residential land use district, and the LDR5 (Low Density Residential-2.1 to 5.0 DU/Acre) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land

use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 20__.

Charles Mercier
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP

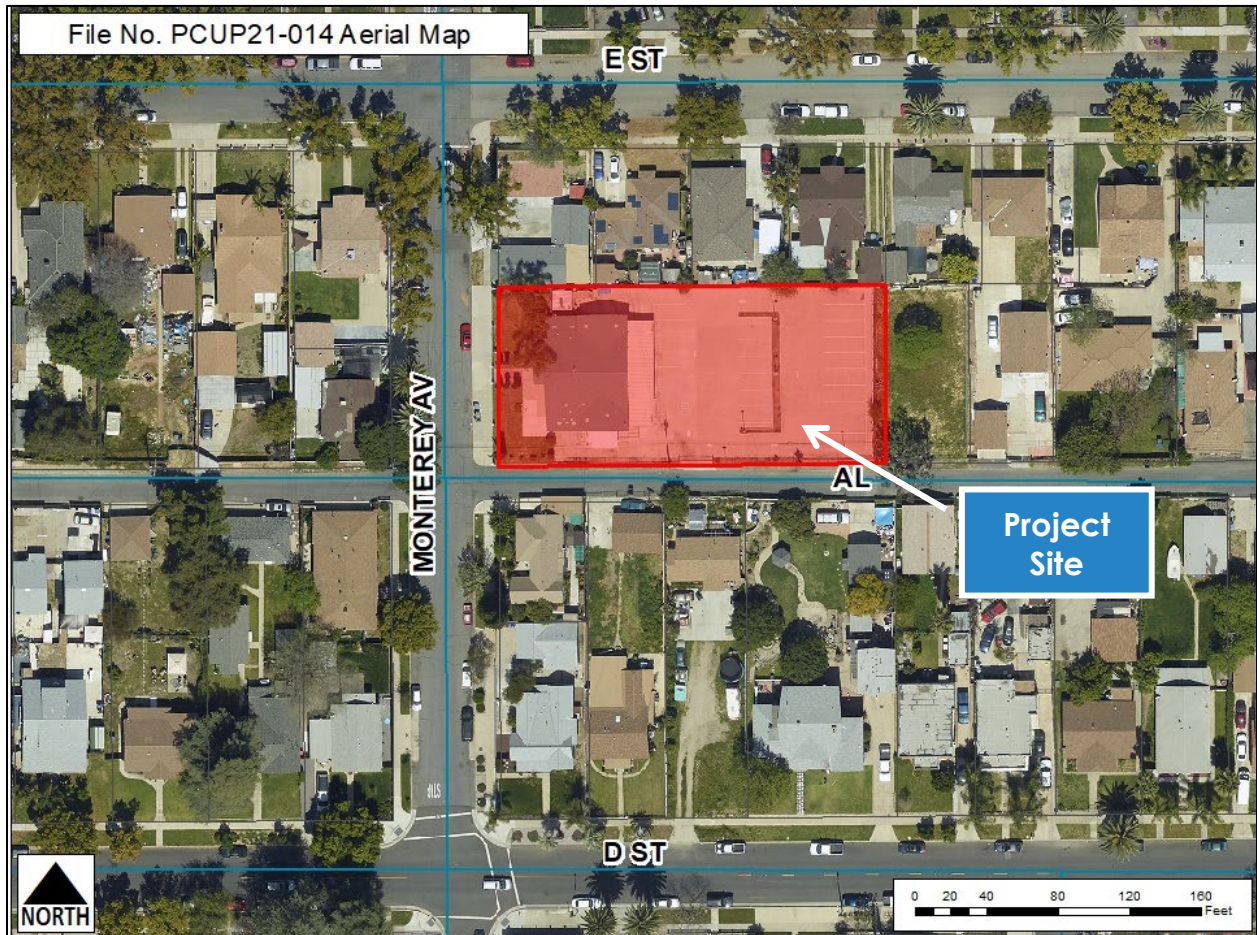


Exhibit B: PROPOSED SITE PLAN

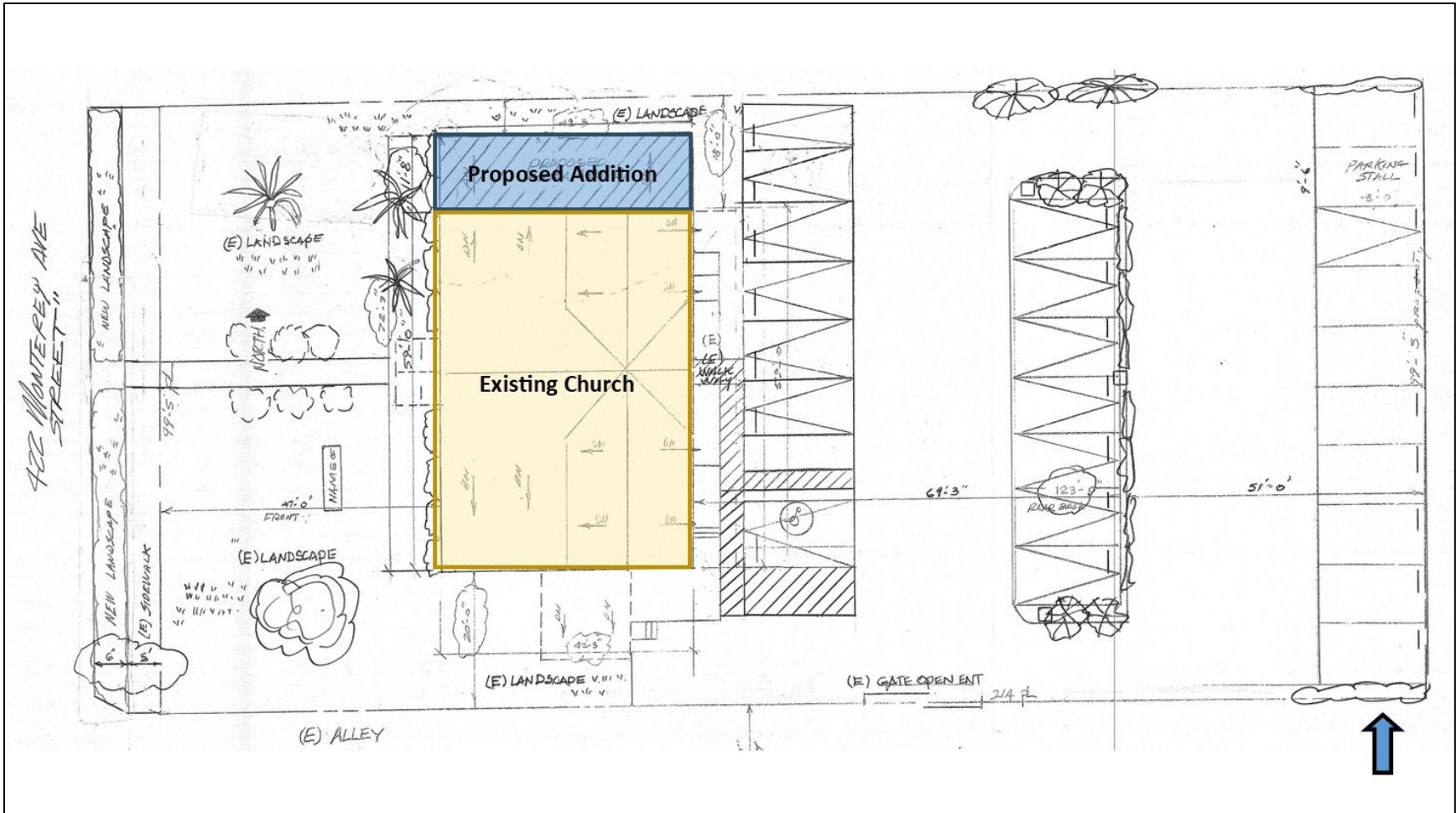


Exhibit C: FLOOR PLAN

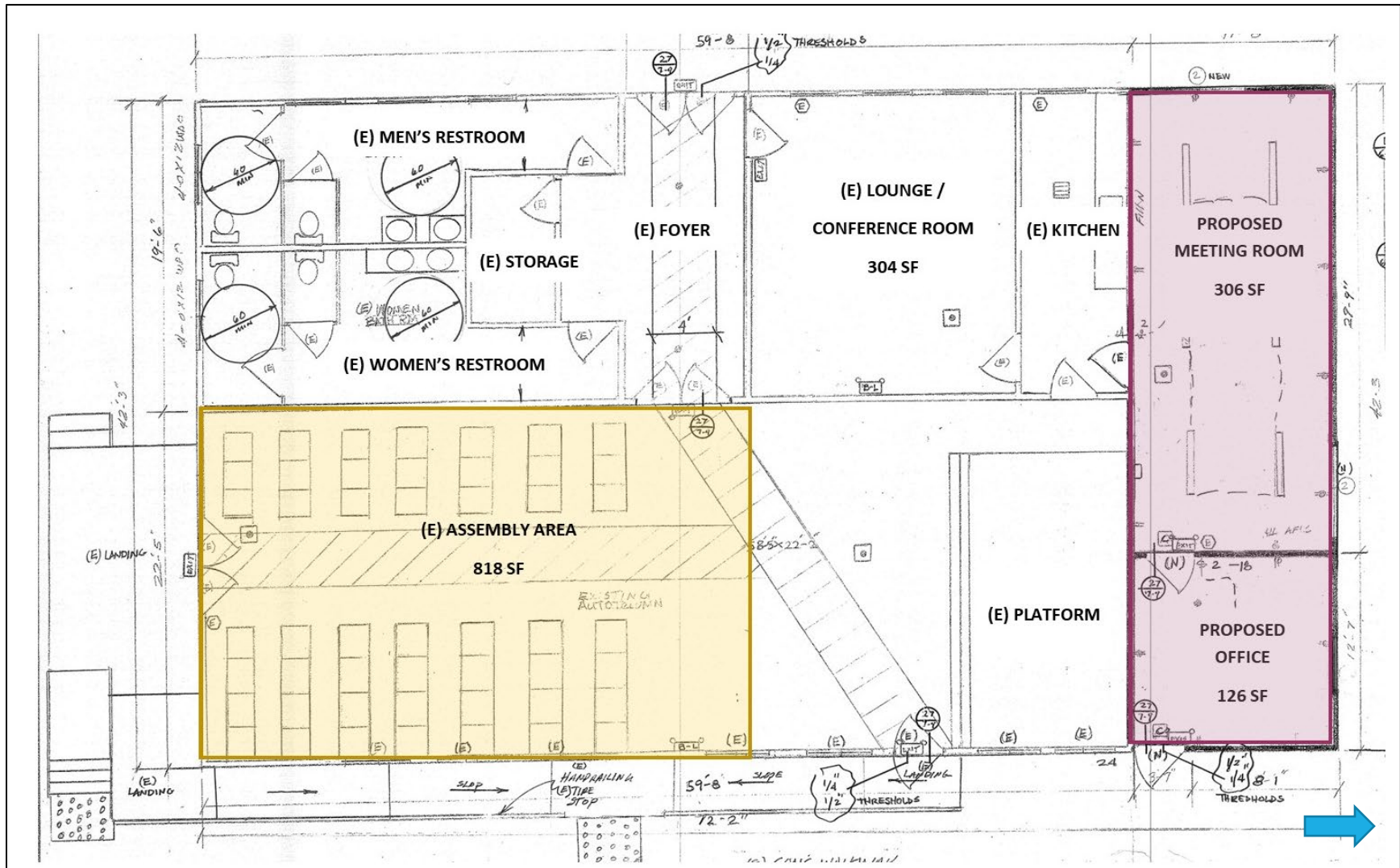


Exhibit D: SITE PHOTOS



Front of Church (facing Monterey Avenue, west elevation)



Rear of Church (east elevation)

Exhibit E: SITE PHOTOS CONTINUED



Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 12/6/2021

File No: PCUP21-014

Project Description: A Conditional Use Permit to establish a religious assembly use in an existing historic eligible building (2,529-square feet) with a proposed addition (499-square feet) for a total of 3,028-square feet on .51-acres of land located at 422 North Monterey Avenue within the LDR5 (Low Density Residential -2.1 to 5.0 DU/Acre) zoning district. (APN: 1048-394-32); **submitted by Dios International Missionary Church, Inc.**

Prepared By: Elly Antuna, Associate Planner
Phone: 909.395.2414 (direct)
Email: eantuna@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. 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 Conditional Use Permit 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 Site Lighting.

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

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

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

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

2.6 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).

2.7 Environmental Review.

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

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

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

2.8 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.

2.9 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination ("NOD") filing fee shall be provided to the Planning Department. The fee 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.

2.10 Additional Requirements.

(a) All tenant/site improvements shall be completed prior to occupying the proposed addition.

(b) Assembly area shall be limited to 1,295 square feet.

(c) Meeting room shall be used before and after services for preparation and trainings. The new meeting room will not be used as a banquet facility or as additional assembly area.

(d) Religious meetings shall be limited to Sundays from 9:00 a.m. to 12:00 p.m. and on Wednesday and Friday from 7:00 p.m. to 8:30 p.m. Office hours will be limited to Tuesday through Friday from 10:00 a.m. to 3:00 p.m.

(e) The addition to the building to accommodate the meeting room and office shall be completed and all applicable permits shall be finalized prior to commencement of use.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

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


PROJECT PLANNER: Ely Antuna, Associate Planner (909) 395-2414


ZA MEETING DATE: December 6, 2021

PROJECT NAME/DESCRIPTION: PCUP21-014, A Conditional Use Permit to establish a religious assembly use in an existing 2,529-square foot historic eligible building with a proposed 499-square foot addition for a total of 3,028-square feet on 0.51-acres of land within the LDR5 (Low Density Residential-2.1 to 5.0 DU/ac) zoning district.

LOCATION: 422 N Monterey Avenue (APN: 1048-394-32)

APPLICANT: Dios International Missionary Church

REVIEWED BY: 
Raymond Lee, P.E.
Assistant City Engineer 11/18/21
Date

APPROVED BY: 
Khoi Do, P.E.
City Engineer 11-18-21
Date

THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.

1. Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
2. Abandon existing drive approach on Monterey Avenue and replace with curb and parkway.
 - a. Construct Type "A" curb per City Standard Drawing Number 1201; matching the existing curb.
3. Remove existing concrete and restore landscape with an irrigation system along the property frontage per the Landscape Planning Requirements.
*Contact the Planning Department at (909) 395-2036 for more information.
4. Apply for an Encroachment Permit for all improvements within the public right-of-way.

EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PCUP21-014

The following items are required to be included with the first plan check submittal:

1. **A copy of this check list**
2. **Payment of fee for Plan Checking**
3. One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp
4. **One (1) copy of project Conditions of Approval**
5. **Include a PDF (electronic submittal) of each required improvement plan at every submittal**
6. Two (2) sets of Domestic and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
7. Three (3) sets of Public Street improvement plan with street cross-sections
8. Three (3) sets of Public Street Light improvement plan
9. Three (3) sets of Signing and Striping improvement plan
10. **Two (2) sets of the Site plan with proposed public street and utility improvements**
11. Two (2) sets of Delta Revision Plans to Record Street, Street Light, and/or Signing & Striping Drawings which reflect the proposed public street improvements
12. Two (2) sets of Delta Revision Plans to Record Domestic Water, Recycled Water, and/or Sewer Drawings which reflect the installation of the proposed service laterals, and/or abandonment of unused existing service laterals
13. Three (3) sets of Wet Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
14. Two (2) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include AutoCAD electronic submittal)
15. Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP)
16. One (1) copy of Hydrology/Drainage study
17. One (1) copy of Soils/Geology report
18. Other: _____



CITY OF ONTARIO

MEMORANDUM

TO: Larissa Lomen, Administrative Intern

FROM: Officer Bill Lee, Police Department

DATE: July 28, 2021

SUBJECT: PCUP21-014 - A CONDITIONAL USE PERMIT TO ESTABLISH A RELIGIOUS ASSEMBLY USE IN AN EXISTING 2,529 SQUARE FOOT HISTORIC ELIGIBLE BUILDING WITH A PROPOSED 499 SQUARE FOOT ADDITION FOR A TOTAL OF 3,028 SQUARE FEET AT 422 N MONTEREY AVENUE.

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.

The approval of this Conditional Use Permit shall not be construed so as to permit the sale of alcohol on the premises. The Applicant shall apply for a modification to this Conditional Use Permit should they desire to sell alcohol.

In addition, the Ontario Police Department places the following conditions on the project:

- Outdoor services and activities are prohibited in the absence of a Temporary Use Permit.
- Food or beverage distribution to the public shall be prohibited.
- The storage of personal belongings on the site shall be prohibited.

The Applicant is invited to contact Officer Bill Lee (909) 408-1672 with any questions or concerns.

**CITY OF ONTARIO
LANDSCAPE PLANNING
DIVISION**

303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off



Philip Marino, Associate Landscape Planner

11/08/21

Date

Reviewer's Name:
Philip Marino, Associate Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.:
PCUP21-014

Related Files:

Case Planner:
Elly Antuna

Project Name and Location:

Establish a religious assembly
422 N Monterey Ave

Applicant/Representative:

Reverend Oluwabukola Fajinmi pastor@missionarychurch.com
422 N Monterey Ave
Ontario, Ca 91764

<input checked="" type="checkbox"/>	A site plan dated 10/28/21 meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan () has not been approved. Corrections noted below are required prior to DAB approval.

1. Note landscapes shall be maintained by the property management or maintenance personnel.
2. Landscape renovations shall include a weather based controller with weather sensor and system tune up to prevent any overspray or run off.
3. Repair or replace broken or leaking irrigation components.
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. Submit complete plan to the Landscape Planning Division.
7. Submit a landscape and irrigation plan to the Landscape Planning Division under building permit B202002795. Landscape plans can be submitted electronically at landscapeplancheck@ontarioca.gov
8. Provide landscape and irrigation to parkway on Monterey Avenue:
 - Provide three (3) 24" box Handroanthus impetiginosus. Space trees minimum 5' from water and sewer line. Space trees 20' on-center.
 - Trees shall be double staked. Stakes shall be minimum 7'-8' above grade, 3'-4' below, and tied to the canopy for wind protection.
 - Tree ties shall be flexible (min. 4 required) secure to pole with galvanized nail. Rootball shall be 2" above finish grade. Note: Stakes shall not pierce rootball and shall extend into undisturbed soil.
 - Provide one gallon Myoporum parvifolium spaced 24" on-center.
 - Add shredded mulch to planter areas at a depth of 1" for groundcover. Keep mulch 3" clear of plant stem and 6" of trees.
 - Provide drip irrigation in parkway. Drip line shall be outside of tree trunk flare 5' square.

- Tree bubblers shall be installed on each side of the rootball for consistent wetting, 3' from tree trunk. Tree bubblers shall not overspray onto paving or spray tree stakes. Use drip line systems with pop up tree stream/ spray bubblers on drip systems such as Rainbird Xeri-pop with SQ half 4'x8' or Hunter Trio-spray TS-TH set for a 5' radius or equal
9. Contact this department for inspection when construction is completed.
 10. 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: Larissa Lomen, Administrative Intern

FROM: Officer Bill Lee, Police Department

DATE: July 28, 2021

SUBJECT: PCUP21-014 - A CONDITIONAL USE PERMIT TO ESTABLISH A RELIGIOUS ASSEMBLY USE IN AN EXISTING 2,529 SQUARE FOOT HISTORIC ELIGIBLE BUILDING WITH A PROPOSED 499 SQUARE FOOT ADDITION FOR A TOTAL OF 3,028 SQUARE FEET AT 422 N MONTEREY AVENUE.

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.

The approval of this Conditional Use Permit shall not be construed so as to permit the sale of alcohol on the premises. The Applicant shall apply for a modification to this Conditional Use Permit should they desire to sell alcohol.

In addition, the Ontario Police Department places the following conditions on the project:

- Outdoor services and activities are prohibited in the absence of a Temporary Use Permit.
- Food or beverage distribution to the public shall be prohibited.
- The storage of personal belongings on the site shall be prohibited.

The Applicant is invited to contact Officer Bill Lee (909) 408-1672 with any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Larissa Lomen, Administrative Intern
Planning Department

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

DATE: August 10, 2021

SUBJECT: PCUP21-014 A Conditional Use Permit to establish a religious assembly use in an existing 2,529-square foot historic eligible building with a proposed 499-square foot addition for a total of 3,028-square feet on .51-acres of land located at 422 N Monterey Avenue, within the LDR5 (Low Density Residential-2.1 to 5.0 DU/ac) zoning district (APN: 1048-394-32).

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

No comments

Report below.

1. Occupant must comply with all A-occupancy type requirements, such as, occupant load, exiting, emergency lighting, decorative materials to be fire resistive, etc.
2. If applicable, any changes or modifications affecting the fire sprinkler system and/or fire alarm system will require a plans submittal prior to any work being conducted.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-014

Address: 422 North Monterey Avenue

APN: 1048-394-32

Existing Land Use: Religious Assembly use

Proposed Land Use: CUP to establish a religious assembly use within an existing 2,529 SF building and construct a 499 SF addition

Site Acreage: 0.51 Proposed Structure Height: 16 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Elly Antuna

Date: 8/17/2021

CD No.: 2021-044

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

December 6, 2021

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

DECISION NO.: [insert #]

FILE NO.: PCUP21-021

DESCRIPTION: A Conditional Use Permit to establish a religious assembly use within an existing 4,488-square foot church, a Non-Contributor to the designated Euclid Avenue Historic District, on 1.37-acres of land located at 1429 North Euclid Avenue within the RE4 (Residential Estate-2.1 to 4.0 DU/Acre) and EA (Euclid Avenue Overlay) zoning districts. APN: 1047-345-01; **submitted by True Jesus Church in Ontario.**

PART 1: BACKGROUND & ANALYSIS

TRUE JESUS CHRIST CHURCH IN ONTARIO, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-021, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 1.37 acres of land located at 1429 North Euclid Avenue, and is depicted in Exhibit A: Project Location Map, attached. The site is located within a well-established residential neighborhood predominantly developed during the 1920s through the 1950s. The project site is developed with a 4,488-square foot commercial building constructed in 1960 (est.) and a 3,494-square foot commercial building constructed to the south of the original building in 1971. The buildings are connected by a breezeway that extends into a porch along the eastern façade of the southern building (Exhibit B: Site Plan). The property is designated as a Non-Contributor to the Euclid Avenue Historic District and appears "Eligible" for Local Landmark designation. Existing land uses, and General Plan and zoning designations on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
Site:	Religious Assembly	LDR (Low Density Residential)	RE4 (Residential Estate-2.1 to 4.0 DU/Acre) and EA (Euclid Avenue Overlay)
North:	Single-family Residential	LDR (Low Density Residential)	RE4 (Residential Estate-2.1 to 4.0 DU/Acre) and EA (Euclid Avenue Overlay)
South:	Single-family Residential	LDR (Low Density Residential)	RE4 (Residential Estate-2.1 to 4.0 DU/Acre) and EA (Euclid Avenue Overlay)
East:	Single-family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential-2.1 to 5.0 DU/Acre) and EA (Euclid Avenue Overlay)
West:	Single-family Residential	LDR (Low Density Residential)	RE4 (Residential Estate-2.1 to 4.0 DU/Acre)

Prepared: EA 11/29/21 Reviewed: RZ 11/30/21 Decision: [enter initial/date]

PROJECT ANALYSIS:

(1) Background— The Project site was developed with the original church auditorium (north building) in 1960 (est.). In 1971, a new auditorium was constructed at the south end of the site and the north building was converted to a Sunday School. Currently, the north building is used as office space, a meeting room/dining hall and a space for parents with young children to use during worship services. Worship services are held in the south building's auditorium. The current occupant, True Jesus Church in Ontario, has operated at this site since May 2018. When the religious assembly use was originally established at this site, a Conditional Use Permit was not required by the Ontario Development Code. Beginning in 2000, Conditional Use Permit approval was required for new religious assembly uses in residential zoning districts, however, all existing religious assembly uses established prior to that time could continue to operate as a legal nonconforming use without obtaining Conditional Use Permit approval. In October 2018, the Applicant submitted plans to construct certain tenant improvements to the north building. Due to the intensification of the religious assembly use, a Conditional Use Permit is now being requested.

(2) Proposed Use— The Applicant requests to establish and operate a religious assembly use within the existing church building. Services will include general religious meetings, bible study sessions, and seminars. Worship services will occur on Fridays from 7:30 p.m. to 9:00 p.m. and Saturdays from 10:30 a.m. to 12:00 p.m. and 1:30 p.m. to 2:30 p.m. Spiritual convocation and evangelical services will be held periodically, and some youth events will occur during summer and winter breaks. A Temporary Use Permit will be requested for those special events. The church is operated by a 7-member board, 2 deacons and one pastor.

The Main Chapel (south building) is 3,494 square feet and contains the chapel and lobby, an office, restroom, storage areas and pastor rooms (Exhibit C: Floor Plan). The Fellowship Hall (north building) is 4,488 square feet and currently contains a meeting room, restrooms, offices, and an equipment room. The Applicant has submitted plans to convert the meeting room, approximately 2,275 square foot in size, into a dining area with a kitchen, food preparation area and pantry and to upgrade the restrooms to include showers (Exhibit C: Floor Plan). The shower facilities will be used by newly baptized members, or the pastor, after water baptism takes place in "living water," such as a river or ocean, which is typically done in Long Beach or Newport Beach. After the baptisms occur, the pastor and newly baptized members return to the church for foot-washing and Holy Communion. A condition of approval has been added to the Project limiting the use of the new dining hall and restrooms as described above.

(3) Parking— As established in the Ontario Development Code, a religious assembly use requires 0.33 parking stalls for every fixed seat. The use proposes 181 fixed seats resulting in 60 required parking spaces. The subject property currently has 48 on-site parking spaces, resulting in a deficiency of 12 parking spaces based on current Development Code standards. The Applicant has provided attendee and vehicle counts for 6 regular Saturday services held between July 10, 2021, and August 28, 2021. Based on the counts provided, the church received between 91 to 124 attendees in 34 to 47 vehicles for those services, and a parking shortage was not observed or reported to the City. The Project will not result in additional floor area or fixed seating to the existing auditorium, and therefore an increase in parishioners or parking demand is not anticipated. Additionally, there is approximately 600 linear feet of street parking fronting the project site that would provide for an additional 25 off-site spaces if the parking demand increases.

(4) Land Use Compatibility— A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The subject site is located in the RE-4 (Residential Estate-2.1

to 4.0 DU/Acre) zoning district. The proposed religious assembly use is a conditionally permitted land use. The proposed use is located within an established residential neighborhood with nearby churches and schools. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use.

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

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

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

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

PART 2: RECITALS

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the

Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on December 6, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Elly Antuna, Associate Planner, 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 3: THE DECISION

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of 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 a building addition and is therefore categorically exempt.

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the RE4 (Residential Estate-2.1 to 4.0 DU/Acre) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed religious assembly land use will be located within the Low Density Residential land use district of the Policy Plan Land Use Map, and the RE4 (Residential Estate-2.1 to 4.0 DU/Acre) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed religious assembly land use is located with the Low Density Residential land use district, and the RE4 (Residential Estate-2.1 to 4.0 DU/Acre) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use

consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 20__.

Charles Mercier
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

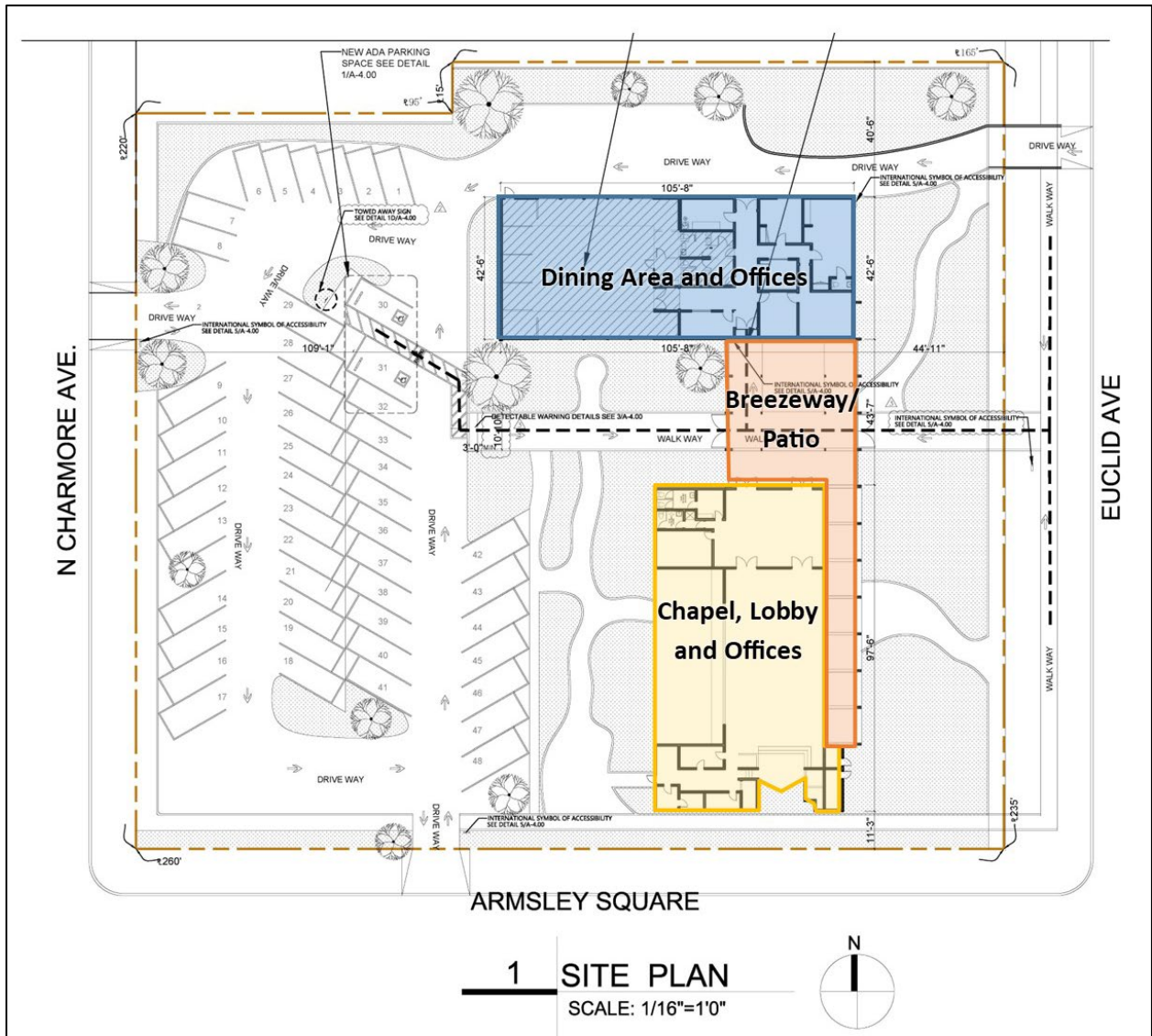
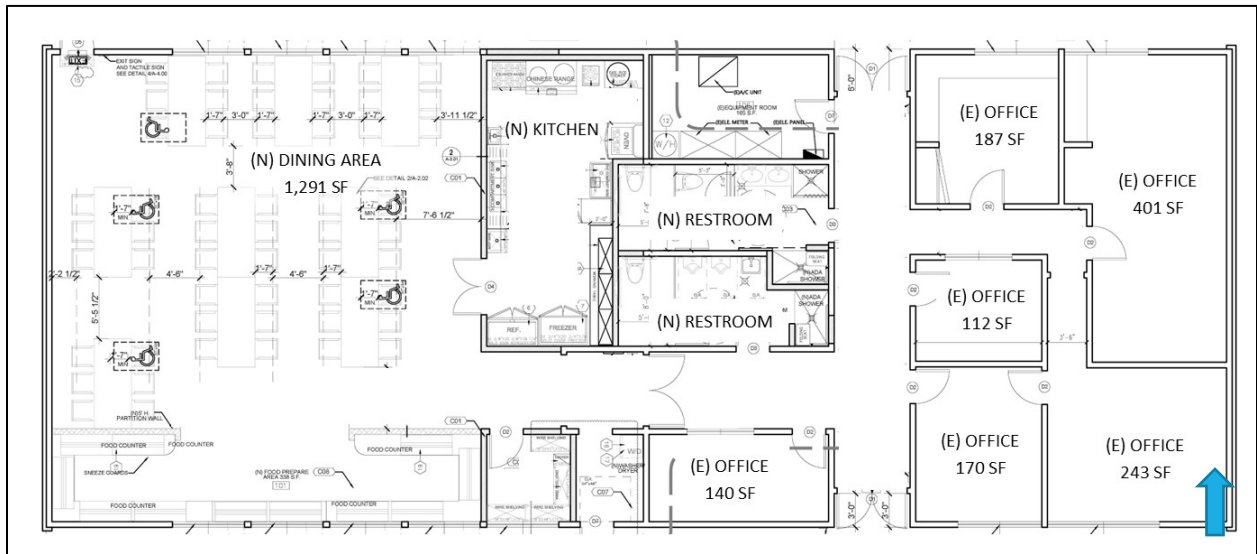
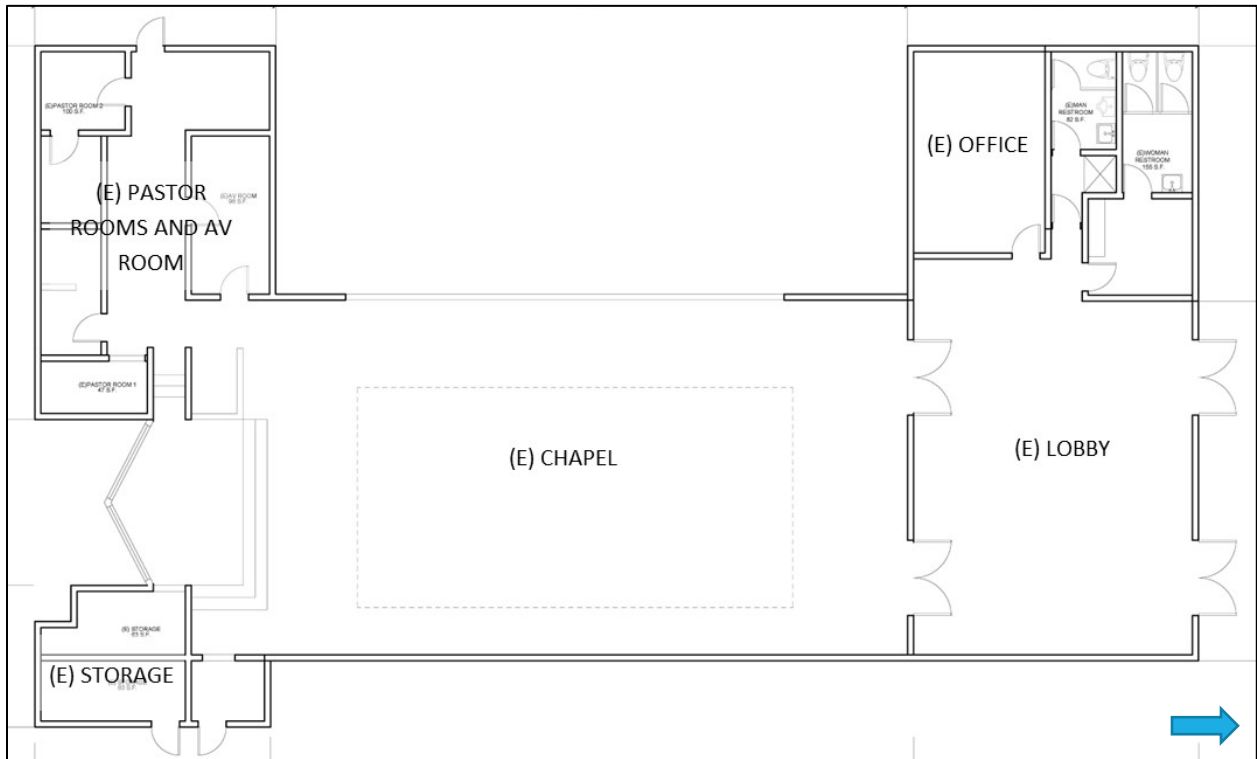


Exhibit C: FLOOR PLAN



North Building



South Building

Exhibit D: SITE PHOTOS



View looking west



South Building



North Building

Exhibit D: SITE PHOTOS CONTINUED



Main Chapel (Auditorium)



Lobby

Exhibit D: SITE PHOTOS CONTINUED



Meeting Room – Proposed Dining Hall

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 12/6/2021

File No: PCUP21-021

Project Description: A Conditional Use Permit to establish a religious assembly use within an existing 4,488-square foot church, a Non-Contributor to the designated Euclid Avenue Historic District, on 1.37-acres of land located at 1429 North Euclid Avenue within the RE4 (Residential Estate-2.1 to 4.0 DU/Acre) and EA (Euclid Avenue Overlay) zoning districts. (APN: 1047-345-01); **submitted by True Jesus Church in Ontario.**

Prepared By: Elly Antuna, Associate Planner
Phone: 909.395.2414 (direct)
Email: eantuna@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. 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 Conditional Use Permit 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 Site Lighting.

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

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

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

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

2.6 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).

2.7 Environmental Review.

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

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

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

2.8 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.

2.9 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination ("NOD") filing fee shall be provided to the Planning Department. The fee 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.

2.10 Additional Requirements.

(a) The number of fixed seats in the Main Chapel shall be limited to 181 seats.


(b) Dining hall shall not be used as additional assembly area during worship services and is limited to use for church activities.

(c) Religious meetings shall be limited to Fridays from 7:30 p.m. to 9:00 p.m. and Saturdays from 10:30 a.m. to 12:00 p.m. and 1:30 p.m. to 2:30 p.m.

(d) The floor plan modification to the north building to accommodate the dining hall, kitchen and restroom upgrades shall be completed and all applicable permits shall be finalized prior to commencement of use.

(e) Temporary Use Permit approval is required for special events outside of the regularly scheduled worship services, including but not limited to: spiritual convocation, evangelical services and youth events.

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

CONDITIONS OF APPROVAL	
Sign Off	
	
Jamie Richardson, Landscape Planner	Date

Reviewer's Name: Jamie Richardson, Landscape Planner	Phone: (909) 395-2615
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D.A.B. File No.:	Related Files:	Case Planner:
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Project Name and Location:

Applicant/Representative:

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

1. Note landscapes shall be maintained by the property management association or maintenance personnel.
2. Contact property management to replace missing parking lot island trees: 1 at each parking island or row end. 24" box size trees type shall match existing or consider low water trees for this climate such as: Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistacia chinensis, or similar. Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established.
3. Landscape renovations shall include a weather-based controller with a weather sensor and system tune-up to prevent any overspray or runoff.
4. Repair or replace broken or leaking irrigation components.
5. Existing trees shall be protected in place. If tree removal is requested, a tree inventory shall be submitted to this department for review and approval.
6. 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.
7. Parkway tree locations shall be shown on all tract maps and civil plans where utilities are proposed. Parkway trees are to be 30' apart, and where residential driveways occur, a maximum 45' apart. Show and note a 10' total space, 5' clearance each side of the tree from any utility or hardscape including water, sewer, drain lines, and driveways, and 10' clear from street lights. Relocate utilities to minimum clearances to allow parkway trees.
8. Contact this department for inspection when construction is completed.
9. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>