



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

August 1, 2022

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 and on the City website at [www.ontarioca.gov/agendas/zoning](http://www.ontarioca.gov/agendas/zoning)

**PUBLIC HEARINGS**

**A. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-009:** A public hearing to consider a Conditional Use Permit to establish a 1,940-square-foot garage for recreational vehicle storage on 0.48-acre of land located at 1223 South Almond Avenue, within the AR-2 (Residential – Agricultural - 0 to 2.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) 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: 1011-521-38) **submitted by Paul Dietrich.**

**B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-010:** A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP06-002), upgrading an existing Type 20 ABC License (Off-Sale Beer and Wine) to a Type 21 ABC License (Off-Sale General), which would allow for the retail sales of distilled spirits in addition to the retail sales of beer and wine that is currently permitted on 9.64 acres of land located at 4200 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (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; (APNs: 0210-204-41) **submitted by Target Corporation.**

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 **July 28, 2022**, 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

August 1, 2022

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

**DECISION NO.:** ZA22-[insert #]

**FILE NO.:** PCUP22-009

**DESCRIPTION:** A public hearing to consider a Conditional Use Permit to establish a 1,940-square-foot recreational vehicle garage on 0.48-acre of land located at 1223 South Almond Avenue, within the AR-2 (Residential Agricultural – 0 to 2.0 DU/Acre) zoning district; (APN: 1011-521-38) **submitted by Paul Dietrich.**

## PART 1: BACKGROUND & ANALYSIS

PAUL DIETRICH, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PUCUP22-009, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 0.48-acre of land located at 1223 South Almond Avenue and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, General Plan, and zoning designations on and surrounding the Project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
Site:	Single Family Residential	Rural Residential (0 – 2.0 du/ac)	AR-2 (Residential Agricultural – 0 to 2.0 du/ac)	N/A
North:	Single Family Residential	Rural Residential (0 – 2.0 du/ac)	AR-2 (Residential Agricultural – 0 to 2.0 du/ac)	N/A
South:	Single Family Residential	Rural Residential (0 – 2.0 du/ac)	AR-2 (Residential Agricultural – 0 to 2.0 du/ac)	N/A
East:	Single Family Residential	Rural Residential (0 – 2.0 du/ac)	AR-2 (Residential Agricultural – 0 to 2.0 du/ac)	N/A
West:	Single Family Residential	Rural Residential (0 – 2.0 du/ac)	AR-2 (Residential Agricultural – 0 to 2.0 du/ac)	N/A

## PROJECT ANALYSIS:

(1) **Background**— The Project site was developed in 1978, with a single-story, 2,582-square-foot single-family home with a three-car attached garage. The single-family home consists of three bedrooms and two bathrooms. The property also features a pool located in the rear yard.

On November 16, 2021, the applicant submitted a plan check (B2021-06773) to the Building Department for the construction of a 1,940-square-foot recreational vehicle ("RV") garage. The Development Code requires Conditional Use Permit ("CUP") approval for any residential

Prepared: CN 7.22.2022	Reviewed: CM 7.27.2022	Decision: [enter initial/date]
------------------------	------------------------	--------------------------------

accessory structure that exceeds 16 feet in height and is over 650 square feet in size. Due to the size of the proposed accessory structure, the Planning Department issued building plan check corrections for the applicant to apply for a CUP.

On April 21, 2022, the applicant submitted a CUP application in fulfillment of this requirement, requesting approval to construct a 1,940-square-foot detached recreational vehicle garage with an attached 196 square foot patio.

(2) Site Design/Building Layout/Proposed Use— The Project site is located at the end of a cul-de sac and is triangular in shape. The existing residence is located towards the southern portion of the lot. The existing driveway is located along the east property line, providing access to the existing attached three-car garage and the proposed detached RV garage. Once constructed, the proposed garage will be setback 13.75 feet from the existing residence on the subject site (to the south), a varying setback of 10 to 17.10 feet will be provided from the interior east side property line, an approximate 140- foot setback is provided from the interior west side property line, and a 12.50-foot setback will be provided from the north (rear) property line (see Exhibit B: Site Plan, attached). The proposed garage will have an overall building height of 18.67 feet and will accommodate parking for one recreational vehicle and two standard passenger vehicles (see Exhibit C: Floor Plan, attached).

The proposed RV garage is designed to complement the architectural style of the existing home (see Exhibit D: Proposed Elevations, attached) and will match the existing exterior colors, stucco finish, roofing material, brick veneer, garage door style, and trim.

(3) Land use Compatibility— The Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the land use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity. The Project site and surrounding properties are located within the AR-2 (Residential Agricultural – 0 to 2.0 du/ac) zoning district, which consists of large lots and allows for limited agricultural activities, large accessory structures, and animal keeping in a rural environment. The size, height, and location of the proposed garage does not jeopardize the aesthetics of the existing neighborhood, as the proposed structure will be located at the rear of the property and the overall height is consistent with the height of existing single-story homes located within the immediate vicinity (see Exhibit F: Neighborhood Context). Furthermore, the proposed use is consistent with the surrounding residential uses; therefore, no significant negative impacts to neighboring properties are anticipated.

(4) Recommendations — Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the proposed use will not expose the surrounding residences to any impacts beyond those that would normally be associated with any other residential or accessory use similarly permitted within the AR-2 zoning district.

**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).

**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 August 1, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Cristal G. Nava, planning intern, presented the staff report on the proposed use, indicating the staff recommendation of approval of File No. PCUP22-009. 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 authority 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 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences; 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 authority 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, 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 AR-2 (Residential Agricultural – 0 to 2.0 du/ac) 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 RV garage land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the AR-2 (Residential Agricultural – 0 to 2.0 du/ac) zoning district; 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 RV garage land use will be located within the Residential Agricultural land use district of the Policy Plan Land Use Map, and the AR-2 (Residential Agricultural – 0 to 2.0 du/ac) zoning district. The development standards, and the conditions of approval under which the proposed recreational vehicle garage 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.* The proposed recreational vehicle garage land use is located with the Rural Residential land use district, and the AR-2 (Residential Agricultural – 0 to 2.0 du/ac) 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.

-----

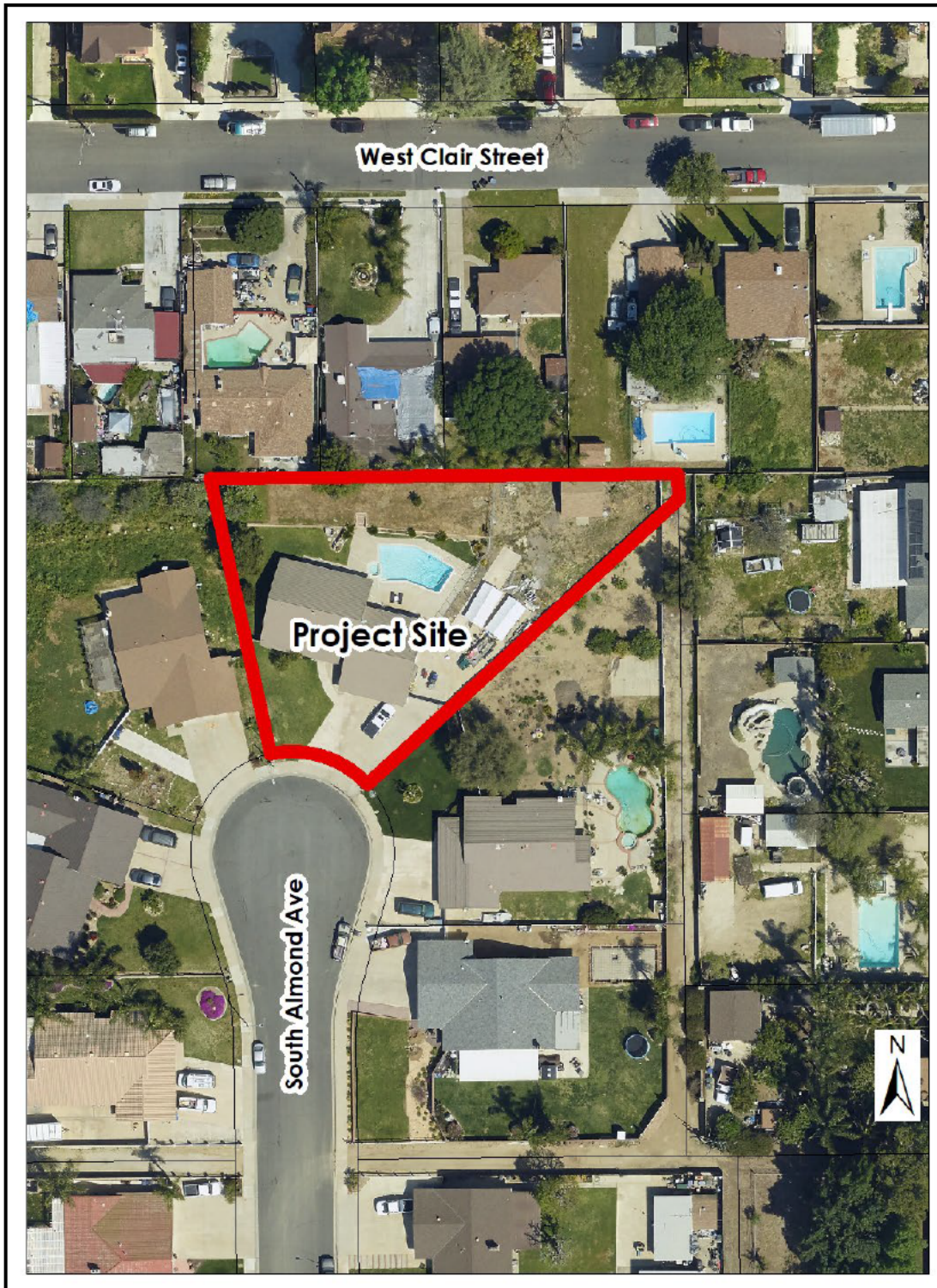
APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

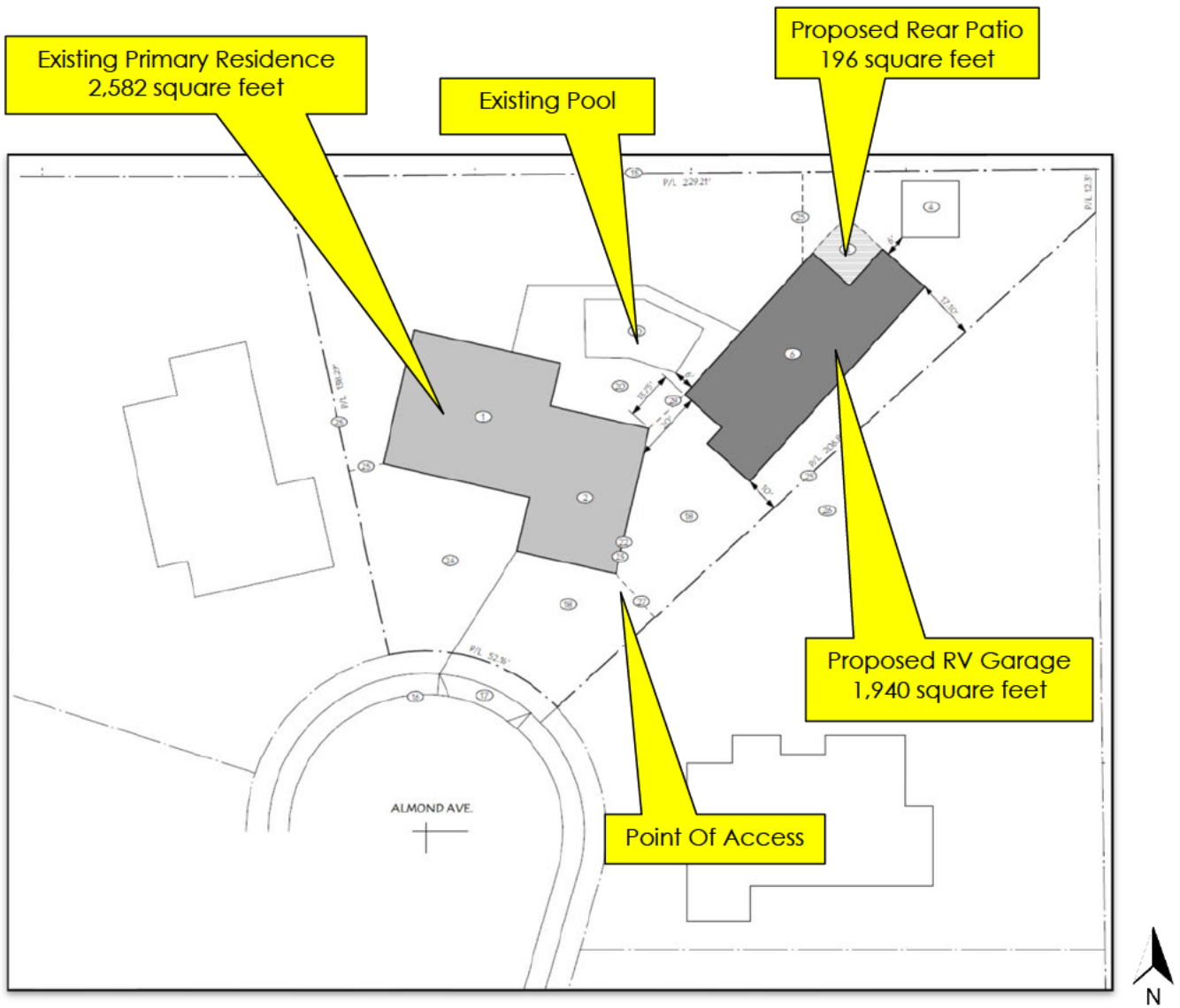
Rudy Zeledon  
Zoning Administrator



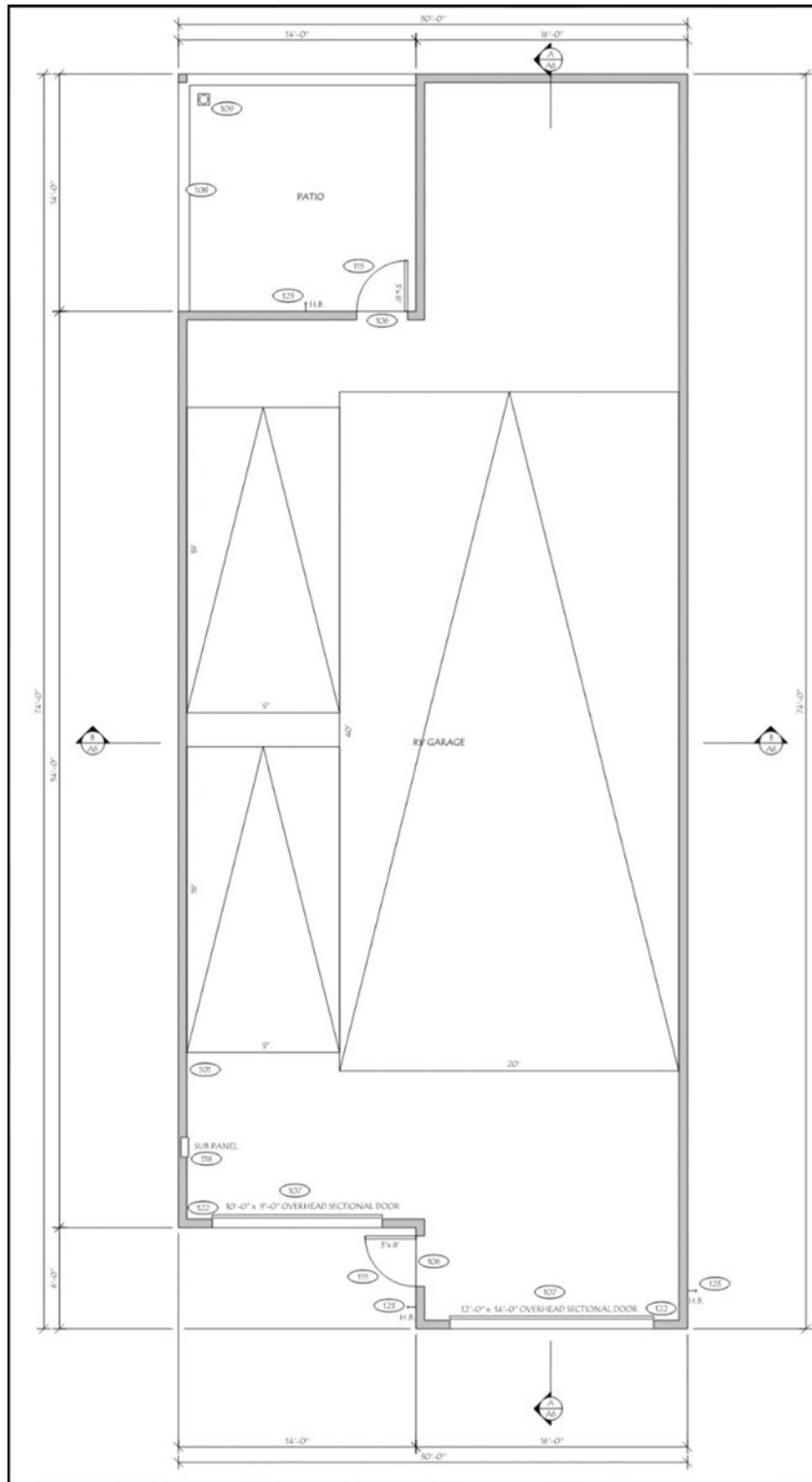
**Exhibit A: PROJECT LOCATION MAP**



**Exhibit B: SITE PLAN**



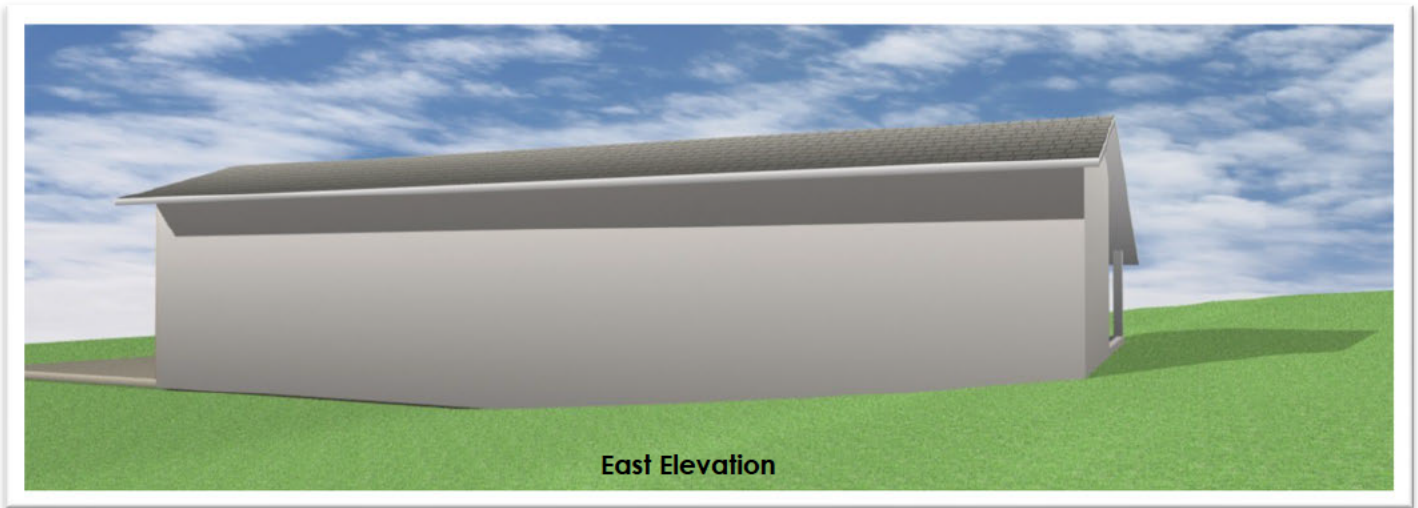
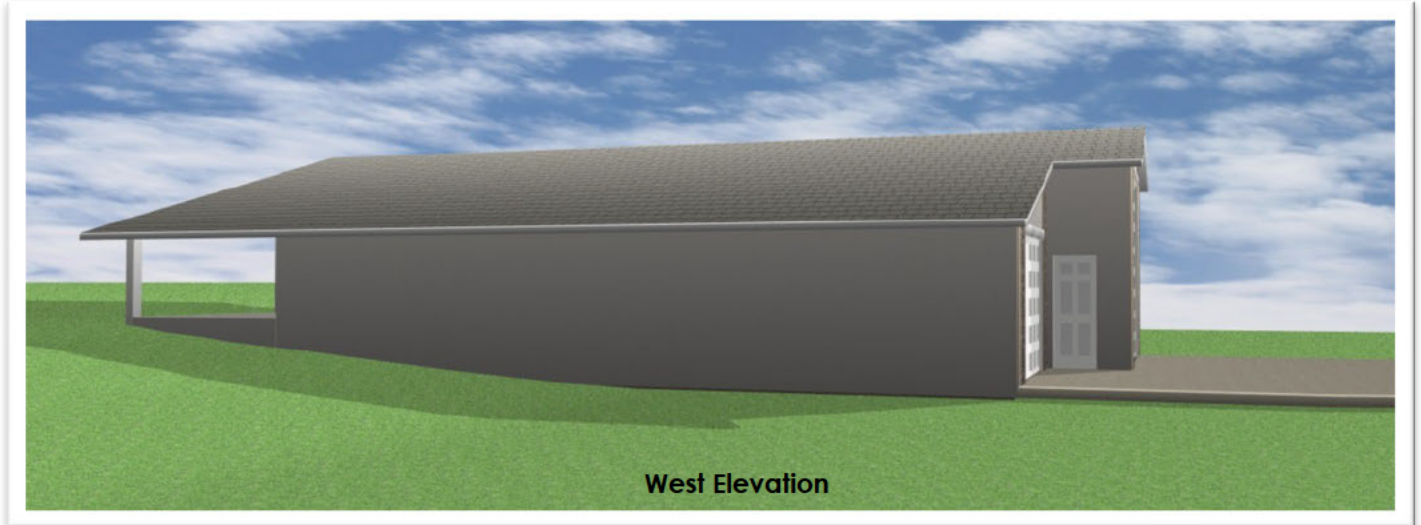
**Exhibit C: FLOOR PLAN**



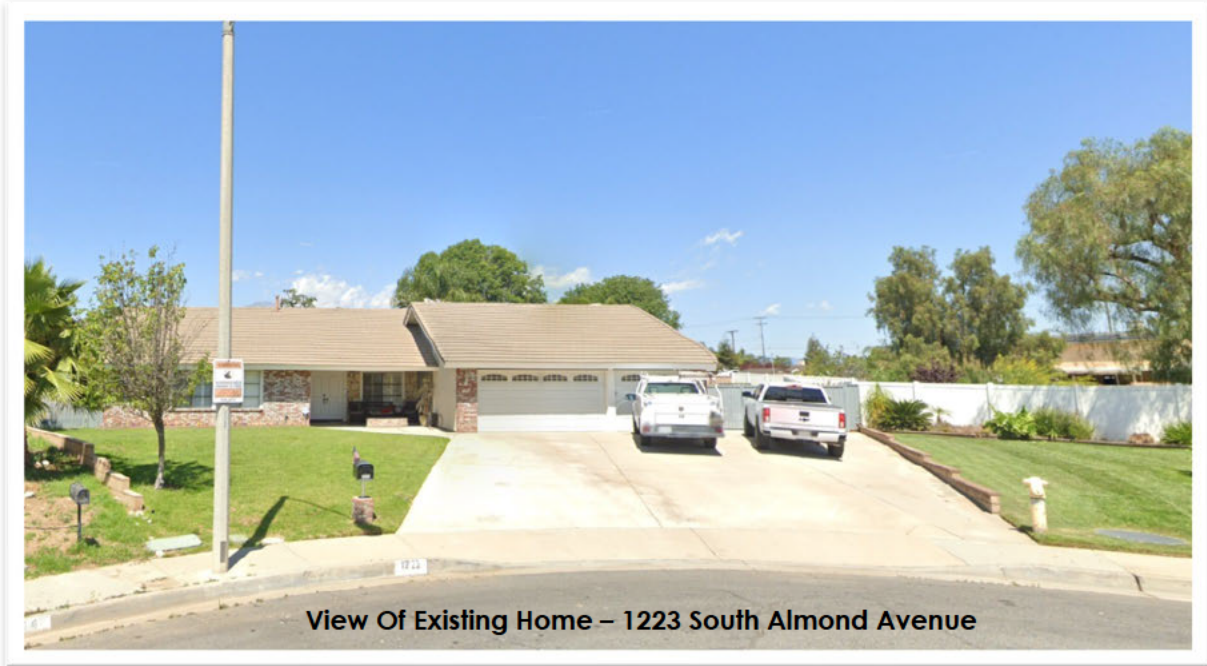
**Exhibit D: ELEVATIONS**



**Exhibit D: ELEVATIONS (CONTINUED)**



**Exhibit E: SITE PHOTOS**



**Exhibit E: SITE PHOTOS (CONTINUED)**



**Birdseye View of eastern side yard area (Location of proposed Garage)**

**Exhibit F: NEIGHBORHOOD CONTEXT**





## **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

**Date Prepared:** 7/28/2022

**File No:** PCUP22-009

**Related Files:** N/A

**Project Description:** A public hearing to consider a Conditional Use Permit to establish a 1,940 square foot recreational vehicle garage on 0.48-acre of land, located at 1223 South Almond Avenue, within the AR-2 (Residential Agricultural – 0 to 2.0 DU/Acre) zoning district. (APN: 1011-521-38) **submitted by Paul Dietrich;**

**Prepared By:** Cristal Nava, Planning Intern  
Phone: 909.395.2421 (direct)  
Email: cnava@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** Environmental Review.

**(a)** The proposed Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences; and

**(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.

**2.4** 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.

### **2.5** 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"). The filing of an NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

**(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.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP22-009  
 Address: 1223 South Almond Ave  
 APN: 1011-521-38  
 Existing Land Use: Single Family Home  
 Proposed Land Use: CUP to establish a 1,940 SF R.V storage and garage  
 Site Acreage: 0.479 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: Cristal Nava  
 Date: 6/9/2022  
 CD No.: 2022-023  
 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 checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 FT +</u>	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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

## Lorena Mejia

---

**From:** Heather A. Young  
**Sent:** Thursday, May 19, 2022 9:05 AM  
**To:** Lorena Mejia; Raymond Lee  
**Cc:** Dennis Mejia; Christy L. Stevens; Eric Woosley; Danielle D. Guevara; Blaine M. Ishii  
**Subject:** PCUP22-009 - DPR1 - Utilities Comments (#8376)

Lorena & Raymond,

Regarding: PCUP22-009 - DPR1 - 1223 S Almond Avenue - Utilities Comments (#8376)

**NOTE: The Ontario Municipal Utilities Company (OMUC) has no comment on this submittal.**

Please note that OMUC Utilities Engineering did not review this submittal on behalf of Public Works Agency's Integrated Waste department. If the Integrated Waste department has any comments or conditions, they will send them to the Planning department.

Let me know if you have any questions.

Thank you,

*Heather Young*

Assistant Engineer



1425 S. Bon View Avenue, Ontario, CA 91761

Tel: (909) 395-2600 ext. 2646 | Fax: (909) 395-2601

Email: [hyoung@ontarioca.gov](mailto:hyoung@ontarioca.gov) | Website: [www.ontarioca.gov/omuc](http://www.ontarioca.gov/omuc)



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner / Cristal Nava, Planning Intern  
Planning Department

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

**DATE:** May 12, 2022

**SUBJECT:** PCUP22-009 A Conditional Use Permit to establish a 1,940 – square foot R.V. storage garage on 0.479 acres of land located at 1223 South Almond Avenue, within the AR2 zoning district (APN(s): 1011-521-38-0000). Related Records: B202106773

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

---

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



# CITY OF ONTARIO

## MEMORANDUM

*Raymond*

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
**Raymond Lee, Engineering Department**  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Jeremy Phillips, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Lorena Mejia, Senior Planner / Cristal Nava, Planning Intern

DATE: May 03, 2022

SUBJECT: FILE #: PCUP22-009 Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish a 1,940-square foot R.V. storage garage on 0.479 acres of land located at 1223 South Almond Avenue, within the AR2 zoning district (APN(s): 1011-521-38-0000). Related Records: B202106773

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

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

The plan does not adequately address the departmental concerns.

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

*Engineering/Land -*  
Department

*Raymond Lee*  
Signature

*Assistant  
City  
Engineer*  
Title

*5/19/22*  
Date





# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Jeremy Phillips, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Lorena Mejia, Senior Planner / Cristal Nava, Planning Intern

DATE: May 03, 2022

SUBJECT: FILE #: PCUP22-009 Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish a 1,940-square foot R.V. storage garage on 0.479 acres of land located at 1223 South Almond Avenue, within the AR2 zoning district (APN(s): 1011-521-38-0000). Related Records: B202106773

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

POLICE DEPT. ANTONIO GALBAN POLICE OFFICER 5/10/22  
Department Signature Title Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
 Rudy Zeledon, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 James Caro, Building Department  
 Raymond Lee, Engineering Department  
 Jamie Richardson, Landscape Planning Division  
 Dennis Mejia, Municipal Utility Company  
 Jeremy Phillips, Police Department  
 Paul Erhman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Tricia Espinoza, Engineering/NPDES  
 Angela Magana, Community Improvement (Copy of memo only)  
 Jimmy Chang, IPA Department  
 Ben Mayorga, Integrated Waste

FROM: Lorena Mejia, Senior Planner / Cristal Nava, Planning Intern

DATE: May 03, 2022

SUBJECT: FILE #: PCUP22-009 Finance Acct#:

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


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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish a 1,940-square foot R.V. storage garage on 0.479 acres of land located at 1223 South Almond Avenue, within the AR2 zoning district (APN(s): 1011-521-38-0000). Related Records: B202106773

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

Landscape Planning Division *[Signature]* Landscape Planner 6/6/2022  
 Department Signature Title Date

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

<b>CONDITIONS OF APPROVAL</b>	
Sign Off	
	06/06/2022
Jamie Richardson, Sr. Landscape Planner	Date

Reviewer's Name: <b>Jamie Richardson, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2615</b>
--	---------------------------------

D.A.B. File No.: PCUP22-009	Related Files:	Case Planner: Cristal Nava
--------------------------------	----------------	-------------------------------

Project Name and Location: RV Storage Garage 1223 South Almond Avenue
---

Applicant/Representative: Michael Carpenter <a href="mailto:carpenterdesigns@aol.com">carpenterdesigns@aol.com</a> (909) 724-9572 8923 Ironwood Street. Rancho Cucamonga, CA 91730
---

<input checked="" type="checkbox"/>	<b>A site plan (dated 05/03/2022) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.</b>

1. Repair or replace broken or leaking irrigation components.
2. Replace damaged plant material due to construction activities.
3. 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.
4. 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
5. Contact this department for inspection when construction is completed.
6. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines, prescriptive compliance. See <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Jeremy Phillips, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

FROM: Lorena Mejia, Senior Planner / Cristal Nava, Planning Intern

DATE: May 03, 2022

SUBJECT: FILE #: PCUP22-009

Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish a 1,940-square foot R.V. storage garage on 0.479 acres of land located at 1223 South Almond Avenue, within the AR2 zoning district (APN(s): 1011-521-38-0000). Related Records: B202106773

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

ENG. TRAF.  
Department

Signature

ENG. ASST  
Title

Date

5/25/22



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

August 1, 2022

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

**DECISION NO.:** ZA22-[insert #]

**FILE NO.:** PCUP22-010

**DESCRIPTION:** A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP06-002), upgrading an existing Type 20 ABC License (Off-Sale Beer and Wine) to a Type 21 ABC License (Off-Sale General), which would allow for the retail sales of distilled spirits in addition to the retail sales of beer and wine that is currently permitted on 9.64 acres of land located at 4200 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan; (APN: 0210-204-41) **submitted by Target Corporation.**

## PART 1: BACKGROUND & ANALYSIS

TARGET CORPORATION, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP22-010, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 9.64 acres of land located at 4200 East Fourth 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:	Commercial/Retail (Target)	Mixed Use 7 – Ontario Center	Ontario Center Specific Plan	Commercial (Piemonte Overlay of Ontario Center SP)
North:	Multi-Family Residential (Ironwood Apartments)	City of Rancho Cucamonga	City of Rancho Cucamonga	N/A
South:	Commercial/Retail (Sam's Club)	Mixed Use 7 – Ontario Center	Ontario Center Specific Plan	Commercial (Piemonte Overlay of Ontario Center SP)
East:	Commercial/Retail (Kohl's)	Mixed Use 7 – Ontario Center	Ontario Center Specific Plan	Commercial (Piemonte Overlay of Ontario Center SP)
West:	Commercial/Retail (DSW Shoes)	Mixed Use 7 – Ontario Center	Ontario Center Specific Plan	Commercial (Piemonte Overlay of Ontario Center SP)

Prepared: JA – 7/6/2022	Reviewed: CM – 7/27/2022	Decision: [enter initial/date]
-------------------------	--------------------------	--------------------------------

## PROJECT ANALYSIS:

(1) Background — On March 28, 2006, the Planning Commission approved a Development Plan (File No. PDEV05-076) to construct a 251,166-square-foot commercial shopping center (anchored by a Target store) and a Conditional Use Permit (File No. PCUP06-002) to conduct the retail sales of alcoholic beverages for consumption off the premises in conjunction with the Target store, limited to beer and wine sales (Type 20 ABC License).

On May 16, 2022, the Applicant submitted a Conditional Use Permit application requesting to modify the previously approved Conditional Use Permit (File No. PCUP06-002), upgrading the existing Type 20 ABC License to a Type 21 License (Off-Sale General), to allow for the sale of distilled spirits in addition to the existing beer and wine sales.

(2) Proposed Use/Operation — Target was founded in 1962, and currently operates 1,931 stores throughout the United States, with 309 stores in California. Over the past 15 years, Target's retail model has changed to include a significant grocery component and has since utilized a portion of their stores to feature aisles of pre-packaged goods, coolers for produce and dairy items, and one central location for alcoholic beverages (see Exhibit C: Floor Plan). To complement its market section, the applicant has requested to offer customers a full-range of alcoholic beverage products, including distilled spirits.

The applicant has proposed to introduce a total of 500 square feet of shelving area for distilled spirits, along with the existing 250 square feet of beer cooler space and 600 square feet of wine, to be situated to the east of the main entrance. The existing Target store is 131,878 square feet in size. A total of 1,350 square feet of sales area is devoted to alcoholic beverage display which makes up one percent of the gross floor area.

The store's main entrance is located on the north side of the building, facing the parking lot. The current daily business hours of operation are 8:00 AM to 10:00 PM, daily, while procedures addressing COVID-19 are in place. The store's regular hours of operation during non-pandemic time will be Sunday through Thursday, 8:00 AM to 11:00 PM, and Friday through Saturday, 8:00 AM to 12:00 AM (midnight). The store will operate with approximately 100 employees throughout the day.

(3) Parking — The existing Project site provides a total of 1,121 parking spaces. The application does not propose the addition of any building area to the existing facility, nor changes in operation. Consequently, the proposed alcoholic beverage sales will not adversely affect parking demand and no additional parking spaces are required.

(4) ABC License Concentrations — The California Department of Alcoholic Beverage Control ("ABC") is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The Project site is located within Census Tract 21.09, which is already over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 3 off-sale alcohol licenses, and there are currently 13 active off-sale alcohol licenses within Census Tract 21.09; however, Development Code Section 5.03.025.F.4 grants the Approving Authority (the Zoning Administrator in this case) the authority to make a determination of Public Convenience or Necessity ("PCN"), thereby allowing the issuance of additional ABC licenses for off-premises alcoholic beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses, if the following factors exist:

- 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, including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all State Business and Professions Code violations, drug violations, and driving while intoxicated or under the influence.
- The proposed retail alcohol license is not located within close proximity (600 feet or less, as measured in a straight line from any point along the outer boundaries of the building gross floor area, GFA, containing the business) of an existing or proposed sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.
- The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales.
- If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA.
- No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale.
- At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation).
- The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Community Improvement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

The proposed retail ABC license is not located within a high crime area, as demonstrated by the fact that within the year preceding the preparation of this report, the City of Ontario had a total of 476 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within an over concentrated Census Tract, if a CUP to establish off-sale alcoholic beverage sales is proposed, the one-half mile radius area surrounding the proposed CUP location would not be able to exceed the City's average number of alcohol-related incidences by 20 percent attributable to an area in which an off-sale ABC license is proposed. An area exceeding 95 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC licensed facilities.

According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 40 alcohol-related incidences in the past year, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences

attributable to the area surrounding the proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

(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 the existing Piemonte at Ontario Center shopping center, which consists of a variety of retail and personal care service uses intended to provide a walkable convenience to the residential neighborhoods surrounding the Project site. Additionally, the nearby businesses within the Piemonte at Ontario Center shopping center will not be exposed to any impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other grocery store uses within the 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).

**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 August 1, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jeanie Irene Aguilo, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval with conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

### **PART 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 authority 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 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 existing or former use. The

proposed use is located within an existing building and does not include any alterations or operational changes; 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 authority 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 Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan, 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 ancillary Type 21 ABC License land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. The proposed ancillary Type 21 ABC license will be in conjunction with an existing Target store which currently operates with an existing Type 20 off-sale beer and wine ABC license; 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 ancillary Type 21 ABC License land use will be located within the Mixed Use 7 – Ontario Center land use district of the Policy Plan Land Use Map, and the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. 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 ancillary Type 21 ABC License land use is located with the Mixed Use 7 – Ontario Center land use district, and the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan, 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 Ontario Center Specific Plan; 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 Piemonte Overlay area of the Ontario Center Specific Plan 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 Off-Sale alcoholic beverage license types located within overconcentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity ("PCN") findings:

- *The retailer occupies a minimum of 12,000 square feet of gross floor area.* The existing Target store is 131,878 square feet in size.
- *No more than 10 percent of the gross floor area is devoted to alcoholic beverage display.* A total of 1,350 square feet of sales area is devoted to alcoholic beverage display for a total of one percent of the gross floor area.
- *At least 10 percent of the retail business' GFA shall be devoted to food display and sales.* The current floor plan depicts 13,380 square feet of display area devoted to food display, which amounts to 10 percent of the total display area.
- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole.* According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 476 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Of that total, 40 service calls were alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location.

- *The property/building/use has no outstanding Building or Health Code violations or Community Improvement activity.*
- *The site is properly maintained, including building improvements, landscaping, and lighting.*

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 \_\_\_\_\_, 2022.

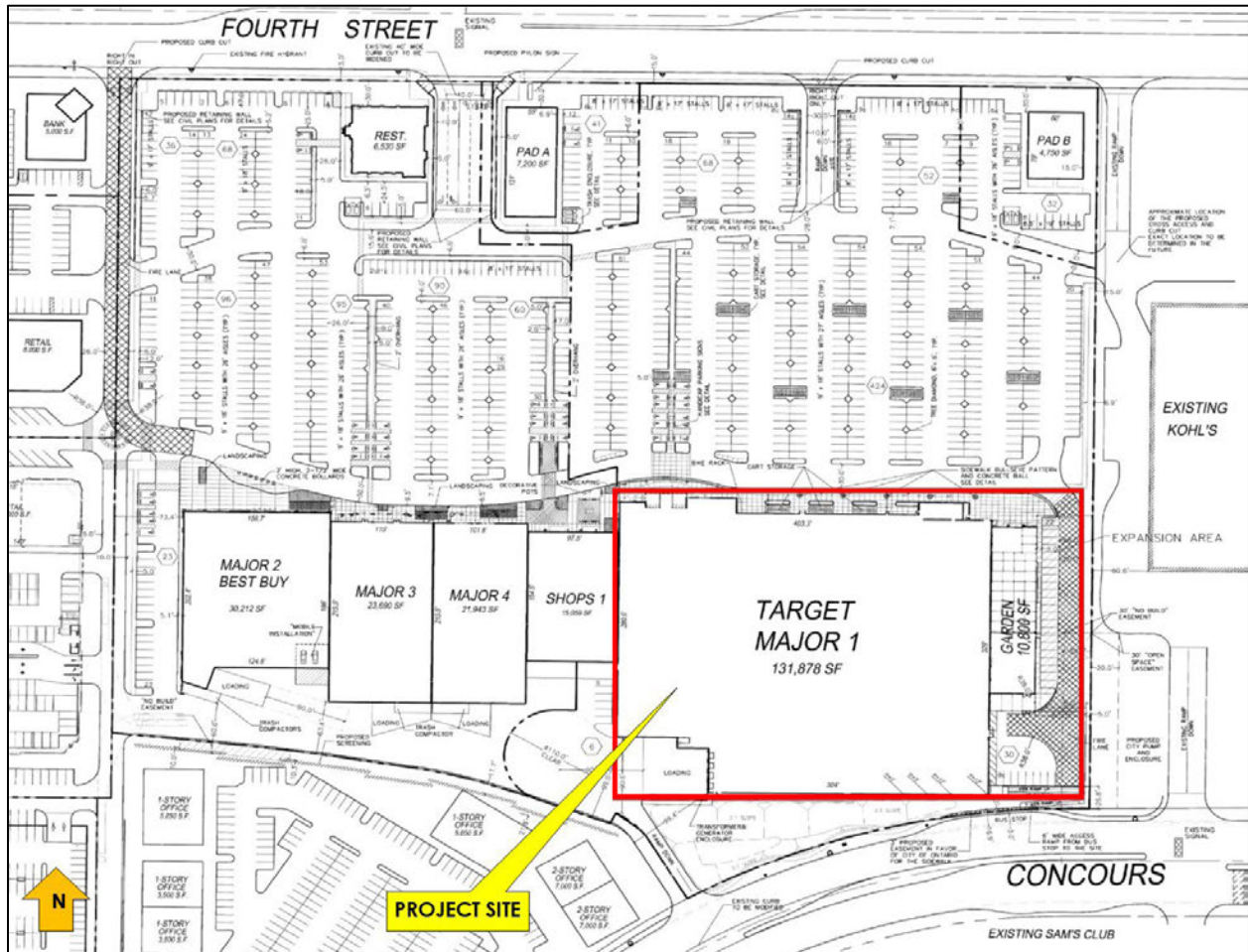
---

Rudy Zeledon  
Zoning Administrator

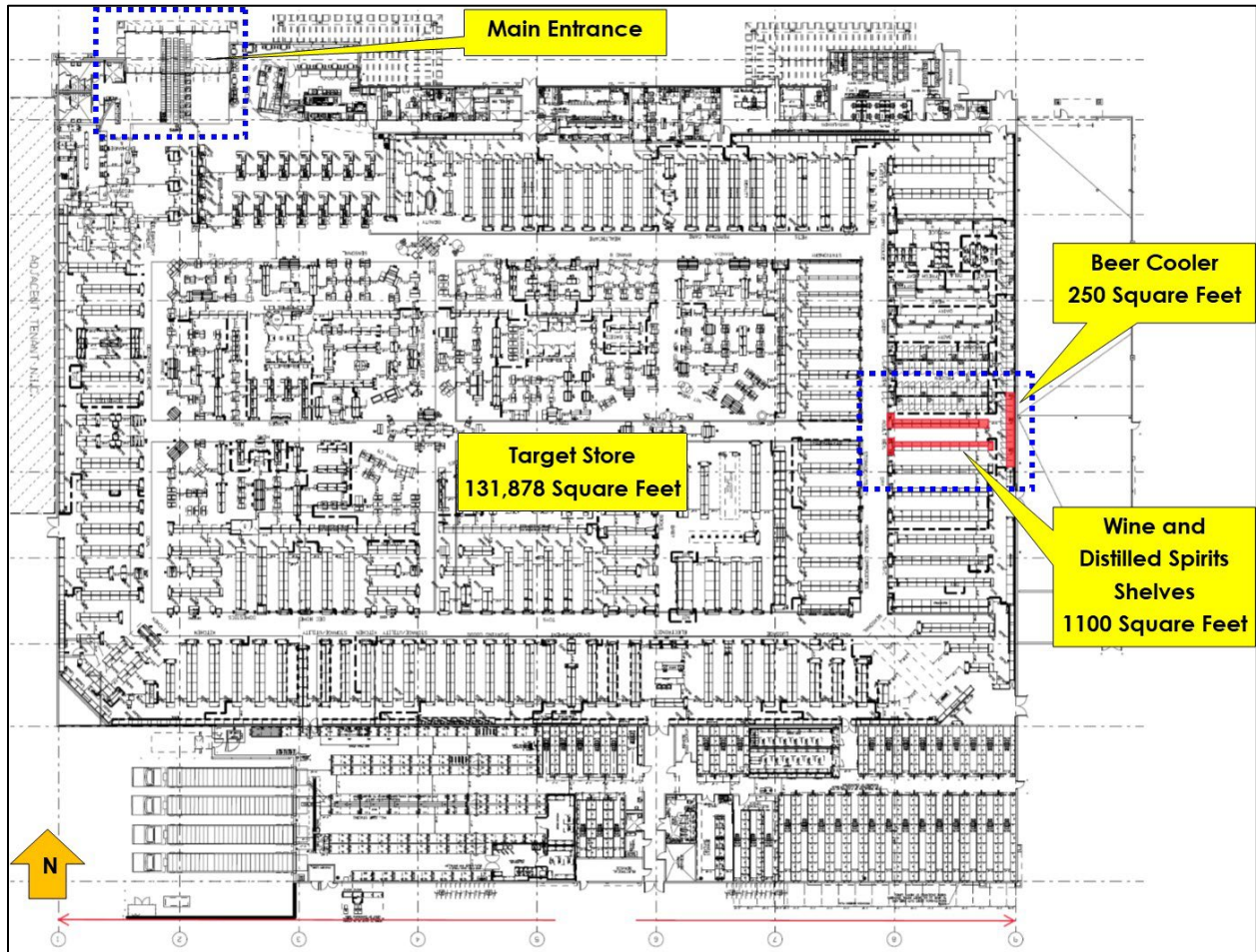
**Exhibit A: PROJECT LOCATION MAP**



**Exhibit B: SITE PLAN**



**Exhibit C: FLOOR PLAN**



**Exhibit D: SITE PHOTOS**



Existing Target store street view from Fourth Street, facing south.



Target store entrance along northern portion of the building.



## **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

**Date Prepared:** 7/13/2022  
**File No:** PCUP22-010  
**Related Files:** PDEV05-076 and PCUP06-002

**Project Description:** A modification to a previously approved Conditional Use Permit (File No. PCUP06-002) to upgrade an existing Type 20 ABC License (Off-Sale Beer and Wine) to a Type 21 ABC License (Off-Sale General) to allow for the sale of distilled spirits in addition to beer and wine on 9.64 acres of land, located at 4200 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan; (APN: 0210-204-41); **submitted by Target Corporation.**

**Prepared By:** Jeanie Irene Aguilo, Associate Planner  
Phone: 909.395.2418 (direct)  
Email: jaguilo@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** Landscaping.

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

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

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

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

### **2.5** Site Lighting.

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

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

### **2.7** Signs.

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

### **2.8** Alcoholic Beverage Sales—General.

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

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

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

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

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

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

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

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

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

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

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

## **2.9** 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 all of 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.

**2.10** 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.

**2.11** 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 will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

(b) 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"). The filing of an NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

(c) 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.

**2.12** Additional Requirements.

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

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



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



**TO: Jeanie Aguilo, Associate Planner**

**FROM: Thomas Cho, ABC Officer**

**DATE: July 14, 2022**

**SUBJECT: FILE NO. PCUP22-010 - TARGET  
4200 E. FOURTH STREET**

---

The Police Department is placing the following conditions:

**ABC CONDITIONS**

1. Sales of alcohol will be permitted between the hours of 8:00 a.m. to 12:00 a.m. daily.
2. If store hours go beyond or before the hours of alcohol sales indicated above, devices must be installed to lock up/secure alcohol product accessibility to customers.
3. No sales or service to minors.
4. No sales or service to intoxicated patrons.
5. No open alcohol beverages in the establishment.
6. No single can or bottle sales of beer and/ or malt-based liquor allowed must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
7. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs is permitted unless otherwise permitted by City ordinance or written policy.
8. No single bottle sales of distilled spirits smaller than 375 ml in size.
9. The clerk will hand distilled spirits to the customer from behind the counter or lock up area.

10. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
11. The business is required to have and use driver license and/or ID card reading devices or checkouts will stop transaction until a member of staff has looked at a customer's bone fide ID and confirmed they are 21yrs or older.
12. Sales of alcohol beverages at self service checkouts will stop transaction until a member of staff has looked at a customer's bone fide ID and confirmed they are 21yrs or older.
13. Employees engaged in the sales of alcohol must be 18 years of age or older.
14. No drug paraphernalia to be sold at any time.
15. No smoking inside of establishment is permitted.
16. There will be no narcotic sales or usage on the premises at any time.
17. No more than 25% of advertisements allowed on the windows of the business.
18. No warm beer displays by the front door.
19. The applicant shall be responsible for maintaining premises free of graffiti and area adjacent to the premises over which the applicant has control. The applicant is responsible for the removal of the graffiti within 72 hours of its appearance or upon notice of its appearance.
20. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
21. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
22. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
23. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
24. The applicant shall modify or equip the public telephones inside or adjacent to the establishment to prevent incoming calls.
25. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years.

26. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.
27. Security personnel used by the establishment will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (OMC - security regulations).
28. A no trespass letter will be on file with the Police Department.

### **TOBACCO CONDITIONS**

1. No tobacco sales to anyone under 18 years of age.
2. Retailers must post age of sale warning signs at each register.
3. Customers may not help themselves to cigarettes.
4. Tobacco products must be stored behind the counter under lock and key.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in packaging containing less than 0.60 ounces are prohibited.
7. The distribution of free or nominal-cost tobacco products or coupons is prohibited.
8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.
9. No more than one-third of the square footage of windows and glass doors of an alcohol retailer may have signs of any sort, including tobacco.
10. Employees must attend a STAKE ACT class provided by the San Bernardino County Health Department. Proof of re-certification is required every 3 years.

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 are the intent of this action.

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



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

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

If you have any questions, please call Officer Thomas Cho at (909) 408-1671.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Irene Aguilo, Associate Planner  
Planning Department

**FROM:** Paul Ehrman, Sr. Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** June 21, 2022

**SUBJECT:** PCUP22-010 - A modification to a previously approved Conditional Use Permit (File No. PCUP06-002) to upgrade an existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow for the sale of distilled spirits in addition to beer and wine, on approximately 9.64 acres of land located at 4200 E 4th Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APNs: 210-204-41). Related Files: PCUP06-002.

- 
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
-





# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Jeremy Phillips, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

DB# 8488  
Bluebeam  
Submittal

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: June 20, 2022

SUBJECT: FILE #: PCUP22-010

Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A modification to a previously approved Conditional Use Permit (File No. PCUP06-002) to upgrade an existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow for the sale of distilled spirits in addition to beer and wine, on approximately 9.64 acres of land located at 4200 E 4th Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APNs: 210-204-41). Related Files: PCUP06-002.

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

env.eng.  
Department

Olli Carl  
Signature

eng.asst.  
Title

6/27/22  
Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Jeremy Phillips, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

DB# 8488  
Bluebeam  
Submittal

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: June 20, 2022

SUBJECT: FILE #: PCUP22-010 Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A modification to a previously approved Conditional Use Permit (File No. PCUP06-002) to upgrade an existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow for the sale of distilled spirits in addition to beer and wine, on approximately 9.64 acres of land located at 4200 E 4th Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APNs: 210-204-41). Related Files: PCUP06-002.

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

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

The plan does not adequately address the departmental concerns.

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

**Broadband Operations**  
Department

*Cameron Chadwick*  
Signature

Title

**06/21/2022**  
Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Jeremy Phillips, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Tricia Espinoza, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Ben Mayorga, Integrated Waste

DB# 8488  
Bluebeam  
Submittal

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: June 20, 2022

SUBJECT: FILE #: PCUP22-010 Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A modification to a previously approved Conditional Use Permit (File No. PCUP06-002) to upgrade an existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license to allow for the sale of distilled spirits in addition to beer and wine, on approximately 9.64 acres of land located at 4200 E 4th Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APNs: 210-204-41). Related Files: PCUP06-002.

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

Utilities Engineering *Peter Gu* Associate Engineer 7/14/2022  
Department Signature Title Date

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP22-010

Address: 4200 East Fourth Street

APN: 0210-204-41

Existing Land Use: Commercial Store (Target) and ancillary Type 20 ABC License (Off-Sale Beer & Wine)

Proposed Land Use: upgrade to Ancillary Type 21 ABC License (Off-Sale General)

Site Acreage: 9.64 Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 7/26/2022

CD No.: 2022-029

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input checked="" type="checkbox"/> High Terrain Zone	<input checked="" type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="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: <u>70 FT</u>	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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