



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

November 7, 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

PUBLIC HEARINGS

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-018: A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP05-050) for the sale of alcoholic beverages for consumption off the premises, including beer, wine, and distilled spirits (Type 21 ABC License), removing a condition of approval prohibiting the sale of beer or malt beverages in quantities of less than six per sale for an existing convenience market on 0.23-acre of land located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 1050-051-05) **submitted by Dhaval A. Patel.**

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 **November 3, 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

November 7, 2022

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

DECISION NO.: ZA22-[insert #]

FILE NO.: PCUP22-018

DESCRIPTION: A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP05-050) for the sales of alcoholic beverages for consumption off the premises, including beer, wine, and distilled spirits (Type 21 ABC License), removing a condition of approval prohibiting the sale of beer or malt beverages in quantities of less than six per sale for an existing convenience market on 0.23-acre of land located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district (APN: 1050-051-05); **submitted by Dhaval A. Patel.**

PART 1: BACKGROUND & ANALYSIS

DHAVAL A. PATEL, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP22-018, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 0.23-acre of land located at 1442 South Euclid Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, Policy Plan (general plan) and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	Policy Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Commercial (Liquor World)	Medium Density Residential (11.1 to 25.0 du/ac)	CS (Corner Store), Euclid Avenue Overlay	N/A
North:	Commercial and Multiple Family Residential	Medium Density Residential (11.1 to 25.0 du/ac)	CS (Corner Store), Euclid Avenue Overlay	N/A
South:	Multiple Family Residential	Medium Density Residential (11.1 to 25.0 du/ac)	MDR-18 (Medium Density Residential- 11.1 to 18.0 du/ac), Euclid Avenue Overlay	N/A
East:	Single-Family Residential	Low Medium Density Residential (5.1 to 11.0 du/ac)	MDR-11 (Low-Medium Density Residential—5.1 to 11.0 DU/Acre), Euclid Avenue Overlay	N/A
West:	Single-Family Residential	Low Density Residential (2.1 to 5.0 du/ac)	RE-2 (Residential Estate- 0 to 2.0 du/ac)	N/A

Prepared: CN/10.25.2022	Reviewed: CM 11/2/2022	Decision: [enter initial/date]
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PROJECT ANALYSIS:

(1) Background— Liquor World is a convenience store that offers a variety of everyday items such as coffee, pre-packed foods, snacks, soft-drinks, as well as many non-food items such as lottery tickets, toiletries, and tobacco products. The store also offers hot prepared food for take-out from its over-the-counter kitchen.

Over the years, the Project site has served the surrounding neighborhood as a small market or convenience store since at least 1986, including alcoholic beverage sales. On October 16, 2006, the Zoning Administrator approved a Conditional Use Permit (File No. PCUP05-050) requesting a change in the type of alcoholic beverages permitted to be sold on the subject premises, from beer and wine sales (Type 20 ABC license) to beer, wine, and distilled spirits sales (Type 21 ABC license). The Type 21 ABC license grants the subject store authorization to sell all types of alcoholic beverages in original, sealed containers for off-site consumption.

On January 23, 2008, the Zoning Administrator approved a Conditional Use Permit (File No. PCUP08-001) requesting a modification to the approved hours for alcoholic beverage sales activities.

The Project site has recently undergone a change in ownership. The Applicant/new business owner is requesting modification to the existing conditions of approval. On August 19, 2022, the Applicant submitted a Conditional Use Permit application requesting to remove a condition of approval prohibiting the sale of beer or malt beverages in quantities of less than six per sale.

(2) Proposed Use— The Project site is a 2,500-square-foot convenience store located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district. Liquor World utilizes a floor plan typical to other convenience stores, including three aisles of non-perishable and pre-packaged foods located at the store's center. Six-foot-tall coolers containing juice, water, and soft drinks are positioned up against the building's western walls. The beer cooler is located along the north wall, adjacent to a distilled liquor corner. The kitchen counter is located in the southeast corner of the store. The remainder of the structure is utilized for storage and a restroom (Exhibit C: Floor Plan). The Project site's rear and side yards are fenced off and only utilized for storage of crates and extra equipment (Exhibit D: Site Photos).

The store's main entrance is on the east side of the building, facing the parking lot, near the checkout desk. The hours of operation are Monday through Thursday, 9:00 a.m. to 10:00 p.m., Friday and Saturday, 9:00 a.m. to 11:00 p.m., and Sunday, 9:00 a.m. to 9:30 p.m. The store operates with one to two employees during each shift.

The Police Department has conditioned the sale of alcoholic beverages to occur between the hours of 8:00 a.m. and 12:00 a.m. An outdoor patio in front of the store is prohibited in order to discourage loitering and alcoholic beverage sales through any pass-through type of window is not allowed. Additionally, sales of a single can or bottle of beer or malt-based alcoholic beverage is prohibited. Alcohol must be sold in 3-packs (manufactured sealed) or larger quantities.

(3) Parking— Pursuant to the Development Code's Off-Street Parking Requirements for general retail uses, the Project is required to provide 10 parking spaces, at a ratio of 4 spaces per 1,000 square feet of Gross Floor Area. According to aerial photographs, the Project site shows 15 parking spaces, including an accessible parking stall. Staff believes that approval of the proposed Conditional Use Permit will not adversely affect the convenience store's parking

demand, as the Application does not propose to modify the building's footprint or alter the existing parking lot (Exhibit B: Site Plan).

(4) Alcoholic Beverage Sales Concentration — The California Department of Alcoholic Beverage Control (“ABC”) is the State entity responsible for granting, renewing, and revoking all alcoholic beverage sales licenses. ABC determines how many on-sale and off-sale alcoholic beverage sales license types should be issued per census tract, based on its population. The Project site is located within Census Tract No. 0017.07, which is not over-concentrated. Three off-sale licenses are allowed within Census Tract No. 0017.07, and currently three active off-site licenses within the tract have been established, including the Applicant’s current license. Therefore, the Police Department does not object to allowing the Type 21 ABC License to continue provided that all City, State Department of Alcoholic Beverage Control and federal rules, regulations, and conditions of approval are met and followed.

(5) Land Use Compatibility — Conditional Use Permit review is required to ensure compatibility of the proposed use with adjacent land uses by identifying potential nuisance activities and establishing measures for mitigation of identified nuisance activities, accordingly. The project site is located within the CS (Corner Store) zoning district. The sale of alcoholic beverages is a conditionally permitted use within this land use designation. The convenience store has been in operation for several years at its current location, predominately surrounded by residential units. Liquor World accommodates pedestrian-oriented neighborhood retail. Additionally, the nearby businesses within the CS (Corner Store) zoning district will not be exposed to additional impacts resulting from the proposed change in alcoholic beverage sales beyond those that would normally be associated with any other restaurant or grocery land uses within the surrounding area.

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 (“ONT ALUCP”). Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

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

PART 2: RECITALS

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ONT 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 November 7, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of 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 ("ONT 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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT 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 ONT 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*

location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the CS (Corner Store) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is located. Furthermore, with the Project's Conditions of Approval, the existing convenience store with off-sale alcoholic beverage sales will be operated consistent with the objectives and purposes, and development standards and guidelines, of the CS (Corner Store) 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 convenience store with off-sale alcoholic beverage sales is located within the Medium Density Residential land use district of the Policy Plan Land Use Map, and the CS (Corner Store) zoning district. The development standards, and the conditions of approval under which the proposed land use is 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 convenience store with off-sale alcoholic beverage sales is located with the Medium Density Residential land use district, and the CS (Corner Store) 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. The existing use, operated in conjunction with the existing and revised conditions of approval, provides an additional convenience for patrons of Liquor World; and

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

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

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

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

the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

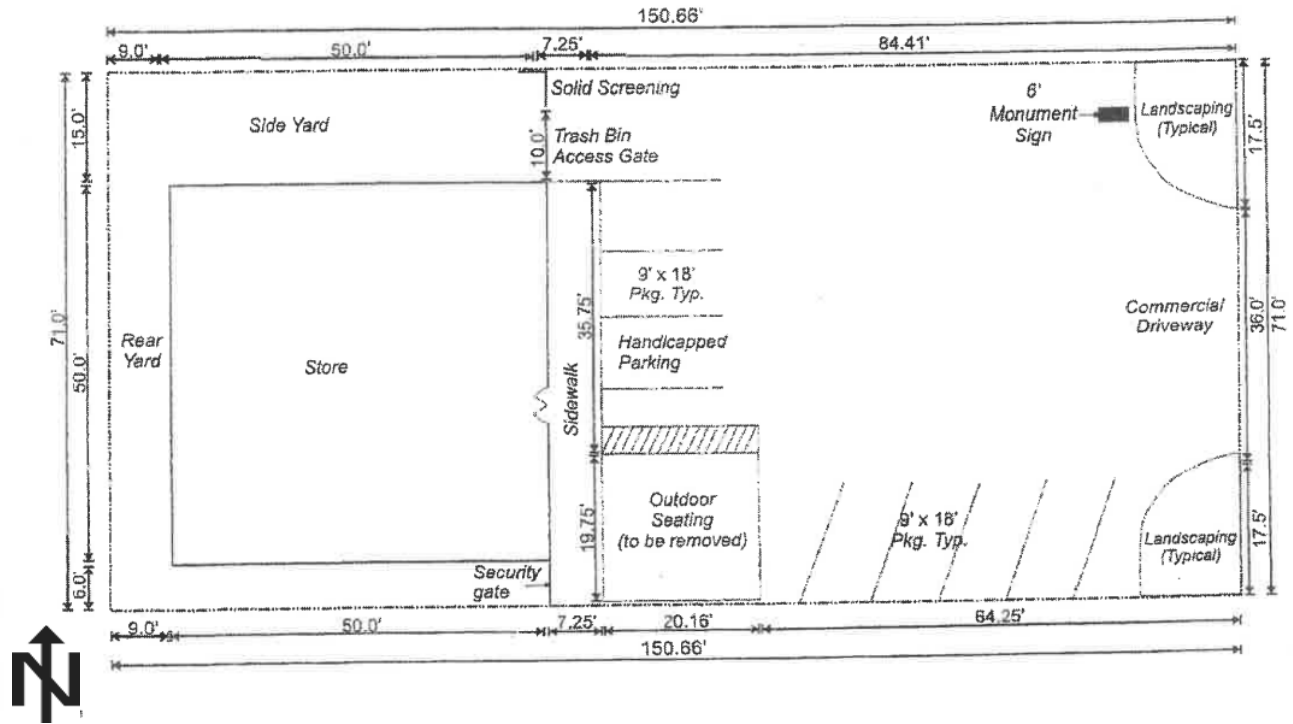
APPROVED AND ADOPTED this _____ day of _____, 20__.

Rudy Zeledon
Zoning Administrator

Exhibit A: AERIAL PHOTOGRAPH



Exhibit B: SITE PLAN



Source: Applied Planning, Inc.

Total Building Dimensions = 50' x 50' = 2,500 square feet

Total Lot Dimensions = 17.0' x 150.66' = 10,696.86 square feet = 0.25 acre

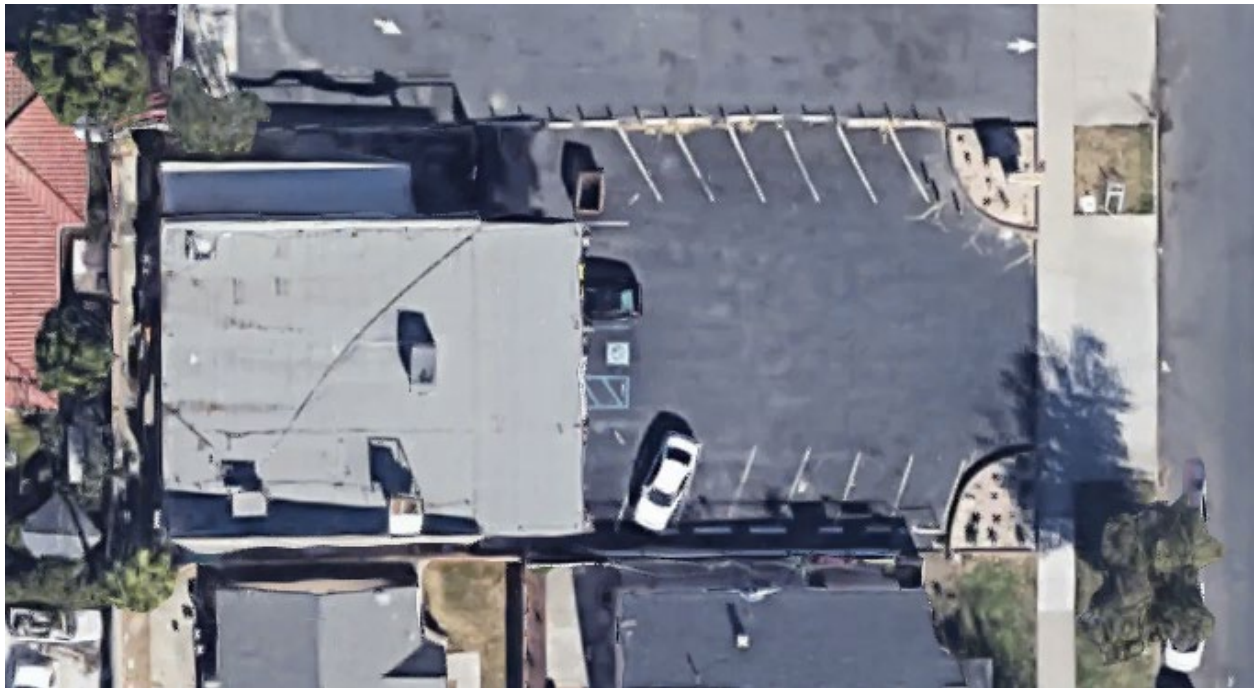


Exhibit C: FLOOR PLAN

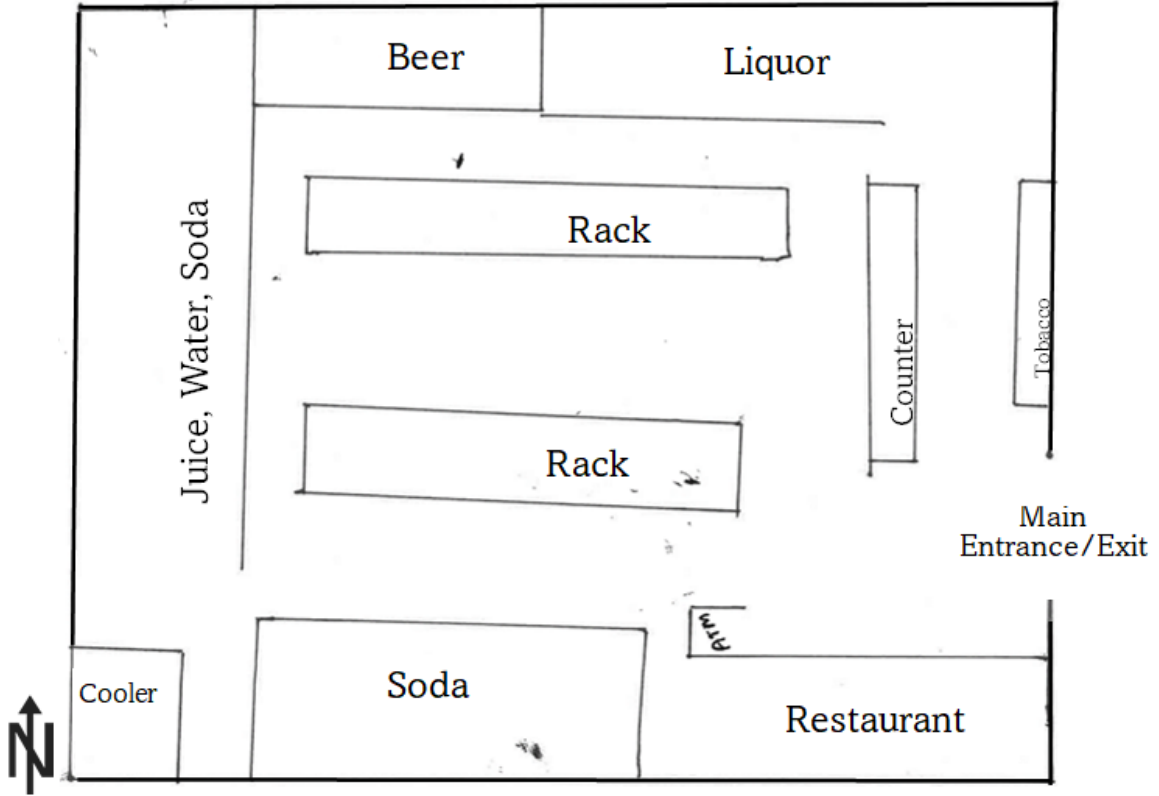


Exhibit D: SITE PHOTOS



FRONT OF STORE



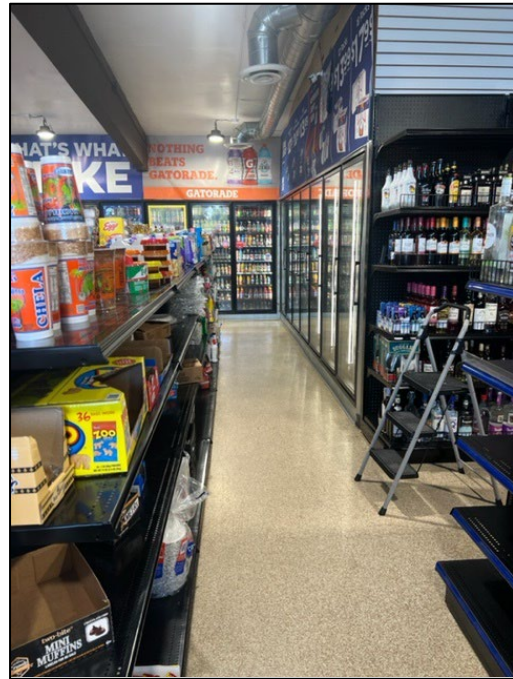
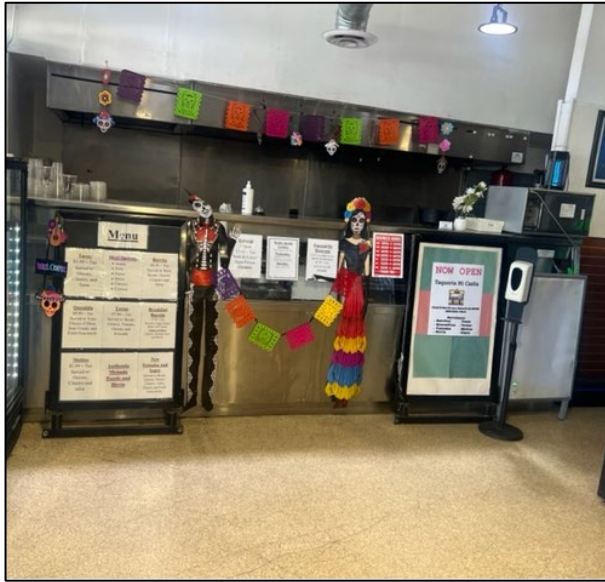
NORTH PROPERTY LINE, LOOKING WEST



SOUTH PROPERTY LINE, LOOKING EAST



WEST PROPERTY LINE, LOOKING NORTH



INTERIOR PHOTOGRAPHS

**Attachment A:
Department Reports (Conditions of Approval)**

(Department Reports containing conditions of approval follow this page)

Date Prepared: 10/25/2022
File No: PCUP22-018
Related Files: PCUP05-050 and PCUP08-001

Project Description: A request to modify a previously approved Conditional Use Permit (File No. PCUP05-050) for the sales of alcoholic beverages for consumption off the premises, including beer, wine, and distilled spirits (Type 21 ABC License), removing a condition of approval prohibiting the sale of beer or malt beverages in quantities of less than six per sale for an existing convenience market on 0.23-acre of land located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district (APNs: 1050-051-05-0000); **submitted by Dhaval A. Patel.**

Prepared By: Cristal G. Nava, Planning Intern
Phone: 909.395.2421 (direct)
Email: CNav@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 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) The Project shall comply with the conditions of approval of the Planning Department; Landscape Planning Division.

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

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

2.2 Parking, Circulation and Access.

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

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

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

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

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

2.3 Site Lighting.

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

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

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

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

2.7 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.

2.8 Alcoholic Beverage Sales—Convenience Markets and Liquor Stores.

(a) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES," shall be posted at or near each

public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

(b) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

(c) All provisions of the Alcoholic Beverage Control Act (Business and Professions Code Section 23000 et seq.) pertaining to the sale of beer and wine for off-premise consumption in conjunction with a convenience store shall be complied with, including, but not limited to, the following:

(i) No beer or wine shall be displayed within 5 feet of the cash register or the front door, unless it is in a permanently affixed cooler.

(ii) No sale of alcoholic beverages shall be made from a drive-thru window.

(iii) No display or sale of beer or wine shall be made from an ice tub.

(iv) No illuminated advertising for beer or wine shall be located on building exteriors or in windows.

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

2.10 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.

2.11 Additional Requirements.

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

(b) The site shall be maintained in a clean and orderly fashion, including upkeep of all landscaping. Parking lots shall be routinely patrolled to ensure all trash is properly disposed of; all carts are returned to their corrals; and that no nuisance activities are occurring, including vandalism, vagrancy, and loitering.

(c) 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: Cristal Nava, Administrative Intern

FROM: Thomas Cho, Police Officer (ABC enforcement)

DATE: August 25, 2022

SUBJECT: FILE NO. PCUP22-018
1442 S. EUCLID AVE – Liquor World

The Ontario Police Department has researched the request for a modification of an existing conditional use permit for an off-site type 21 (general) alcohol license for Liquor World, located at 1442 South Euclid Avenue in the city of Ontario. The requested license is within census tract 0017.07. The department of Alcohol Beverage Control authorizes three (3) off-sale alcohol licenses for this tract. There are currently three (3) active off-sale alcohol licenses within census tract 0017.07. The Ontario Police Department does not approve or deny Conditional Use Permits or ABC licenses. Approval of PCUP22-018 is at the discretion of the City of Ontario Planning Department. The Department of Alcoholic Beverage Control (ABC) has approved a type 21-Off-Sale General license on December 29, 2021 (license #62991).

If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control and Ontario Police Department rules and conditions. If approved, the following conditions of approval shall be imposed by the Ontario Police Department:

ABC CONDTIONS

1. Sales of alcoholic beverages will occur between the hours of 8:00 a.m. to 12:00 a.m. daily, as requested by the applicant.
2. The applicant will not be allowed to have an outdoor patio in front of the store, as no loitering is allowed per ABC regulations.
3. No sales to minors.
4. No sales to intoxicated patrons.

5. No open alcohol beverage in the establishment.
6. No alcohol sales through any pass-through type of window(s).
7. The clerk will hand distilled spirits to the customer from behind the counter or from a secured area.
8. No drug paraphernalia to be sold at any time.
9. No smoking is permitted inside of the establishment including any type of electronic delivery device.
10. There will be no narcotic sales or usage on the premises at any time.
11. No single can or bottle sales of malt-based/beer will be allowed, must be sold in **3-packs (manufactured sealed)** or larger quantities.
12. Wine shall not be sold in containers less than 750 ml.
13. Wine coolers must be sold in 4-packs.
14. Distilled spirits shall not be sold in bottles less than 375 ml in size.
15. All alcohol sales must be placed in a plastic bag before leaving the store.
16. No more than 25% of advertisements are allowed on the windows of the business. The premise must maintain clear visibility through the window to the exterior and interior of the premise.
17. No warm beer displays close to the front door.
18. Cashier must be visible from the parking lot.
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant. No loitering signs must be posted.
20. 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.
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. The applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.

TOBACCO CONDITIONS

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post required Stop Tobacco Access to Kids Enforcement (STAKE) Act age of sale warning signs at each point of sale/register.
3. No self-service displays of tobacco products are allowed.
4. Tobacco products must be stored behind the counter.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
7. The distribution of free or normal-cost tobacco products or coupons is prohibited.
8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.

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

A copy of the listed conditions of approval must be posted with the 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 alcoholic beverages with the conditional use permit.

The Police Department will conduct a review six months after the commencement of business, to determine whether additional conditions will be needed. These conditions are in addition to any conditions imposed by the Ontario Police Department, under this CUP or related file.

The Applicant is invited to contact Officer Thomas Cho at (909) 408-1671 with any questions or concerns regarding these conditions.



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: Cristal Nava, Administrative Intern

DATE: September 23, 2022

SUBJECT: FILE #: PCUP22-018 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. PCUP05-050) Type 21 ABC License (Off-Sale General) to remove the condition prohibiting sale of beer or malt beverages in quantities of less than six per sale for an existing convenience market on 0.23 acres of land, located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district. (APN: 1050-051-05-0000). Related Files: PCUP05-050; PCUP08-001.

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
Department

Signature

Associate
Landscape Planner
Title

9/23/22
Date

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

CORRECTIONS	
Sign Off	
 Ricardo Diaz Gutierrez Associate Landscape Planner	09/23/2022 Date

Reviewer's Name: Ricardo Diaz, Associate Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP22-018	Related Files:	Case Planner: Cristal Nava
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Project Name and Location: Liquor World 1442 S. Euclid Ave
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Applicant/Representative: Dhaval A Dattel – (714) 914-0325 – liquorworld321@gmail.com 1442 S. Euclid Ave Ontario, CA 91762

<input checked="" type="checkbox"/>	A site plan (dated 08/19/2022) meets the Standard Conditions for New Development and has been approved considering that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required before DAB approval.

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



CITY OF ONTARIO

MEMORANDUM

TO: Cristal Nava, Administrative Intern
Planning Department

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

DATE: August 29, 2022

SUBJECT: PCUP22-018 A modification to a previously approved Conditional Use Permit (File No. PCUP05-050) Type 21 ABC License (Off-Sale General) to remove the condition prohibiting sale of beer or malt beverages in quantities of less than six per sale for an existing convenience market on 0.23 acres of land, located at 1442 South Euclid Avenue, within the CS (Corner Store) zoning district. (APN: 1050-051-05-0000). Related Files: PCUP05-050; PCUP08-001.

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- 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 , click on Fire Department and then on forms.