



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

April 01, 2024

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

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP24-002:** A Conditional Use Permit to establish alcoholic beverage sales for on-premises consumption, consisting of a Type 41 (beer & wine) in conjunction with an existing 8,190-square foot restaurant (Norm's) on 1.91 acres of land located at 4551 East Mills Circle, within the Office/Commercial land use district of the California Commerce Center North (Ontario Mills) Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 0238-014-30) **submitted by Norms Restaurants, LLC.**

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, Angie Alvarez Cruz, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **March 28, 2024**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario

Office Specialist



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

April 1, 2024

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

DECISION NO.: [insert #]

FILE NO.: PCUP24-002

DESCRIPTION: A public hearing for a Conditional Use Permit to establish alcoholic beverage sales for on-premises consumption, consisting of a Type 41 (beer & wine) in conjunction with an existing 8,190-square foot restaurant (Norm's) on 1.91 acres of land located at 4551 East Mills Circle, within the Office/Commercial land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN: 0238-014-30); **submitted by Norms Restaurants, LLC.**

PART 1: BACKGROUND & ANALYSIS

NORMS RESTAURANTS, LLC, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP24-002, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 1.91 acres of land located at 4551 East Mills Circle, as depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Restaurant	Mixed Use - Ontario Mills	California Commerce Center North (Ontario Mills) Specific Plan	Commercial / Office
North:	Retail Developments (outside city limits)	N/A	N/A	N/A
South:	Commercial Developments (Ontario Mills)	Mixed Use - Ontario Mills	California Commerce Center North (Ontario Mills) Specific Plan	Regional Commercial
East:	Automotive Services	Mixed Use - Ontario Mills	California Commerce Center North (Ontario Mills) Specific Plan	Commercial / Office

Prepared: DH 03/15/24

Reviewed: DE 03/28/24

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
West:	Restaurant	Mixed Use - Ontario Mills	California Commerce Center North (Ontario Mills) Specific Plan	Commercial / Office

PROJECT ANALYSIS:

(1) Background — On January 3, 2024, the Applicant submitted a Conditional Use Permit Application (File No. PCUP24-002) for a Type 41 ABC license (On-Sale beer and wine only) for the on-premises consumption of alcoholic beverages, in conjunction with an existing 8,190 square-foot restaurant building. The building is currently occupied by Norms, a “Bona Fide” 24/7 sit-down restaurant that is branded by its ‘diner’ setting experience.

(2) Proposed Use — Norms Restaurant is seeking approval of a Conditional Use Permit to establish a Type 41 (Beer and wine only) on-premises ABC license at the subject property. Norms predominantly operates in the Southern California region. The restaurant is seeking to add the sale of alcohol as an additional service to its customer experience. If approved, the Ontario location will be one of the first Norms locations to serve alcohol. Currently, Norms has applications with the City of Rialto, Bellflower, Hollywood, and Las Vegas, which propose the same use as this Application of on-premises alcohol sales.

The restaurant's floor plan will include a large dining space with counter serving areas, a kitchen, restrooms, storage spaces, and an outdoor patio area after the interior improvements are completed (see Exhibit C: Floor Plan, attached).

The proposed hours of alcohol sales are Monday through Sunday from 8:00 a.m. to 11:00 p.m. The restaurant currently operates 24 hours a day Monday through Sunday, with 12 to 15 employees per shift.

(3) Parking — The existing restaurant was developed with a shared parking and access agreement. The Application does not propose to eliminate any parking stalls; therefore, staff believes that granting the proposed Conditional Use Permit will not adversely affect the parking demand within the existing commercial center. The proposed alcoholic beverage sales will be an ancillary use to the current operating restaurant and will provide public convenience to its customers.

(4) ABC License Concentration — The California Department of Alcoholic Beverage Control (“ABC”) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their population. The Project site is located within Census Tract 21.09; and according to ABC, is over concentrated (see Exhibit D: Census Tract Boundaries Map, attached).

The ABC Census Tract currently allows five (5) on-sale and four (4) off-sale ABC licenses; however, there are currently fifty-five (55) active on-sale licenses within the Census Tract. The proposed location will continue to operate as a “Bona Fide Public Eating Place” and as such, ABC does not require a public convenience and necessity letter from the City. As a result, the Police Department does not object to allowing a Type 41 ABC License, provided that all City and State Department of Alcohol Beverage Control rules, regulations, and conditions of approval are met and followed.

(5) Land Use Compatibility — A 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 use will not be detrimental to the health, safety, or general welfare of the public, or improvements in the surrounding vicinity. The Project is located within an area that conditionally permits on-site sales of alcohol. Norms Restaurant is located within the Ontario Mills commercial center, directly adjacent to Krispy Kreme, Jiffy Lube, Carl's Jr., and other restaurant uses (see Exhibit E: Site Photos, attached). Staff believes that the businesses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with a Bona Fide Public Eating Place that serves alcohol. Staff further believes that the floor plan has been adequately designed and conditions of approval have been placed to mitigate any potential negative impacts.

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 City of Ontario departments 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 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 April 1, 2024, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) [insert speaker's name], 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 public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion; 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: 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 (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT 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 proposed location of the Conditional Use Permit is in accordance with the objectives and purposes of the City of Ontario Development Code and the Commercial/Office land use district of the California Commerce Center North (Ontario Mills) 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 Type 41 ABC license to operate in conjunction within an existing 8,190 square-foot sit-down restaurant land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Commercial/Office land use district of the California Commerce Center North (Ontario Mills) Specific Plan; 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 Type 41 ABC license in conjunction within an existing 8,131 square-foot restaurant land use within the Commercial/Office land use district of the California Commerce Center North (Ontario Mills) Specific Plan is consistent with the allowed land uses within the Project area. In addition, 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 Type 41 ABC license in conjunction within an existing 8,131 square-foot restaurant, located with the Commercial/Office land use district of the California Commerce Center North (Ontario Mills) Specific Plan has been reviewed and conditioned to ensure the establishment, operation, and maintenance of the proposed land use is consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and the California Commerce Center North (Ontario Mills) 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 City Departments have required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the California Commerce Center North (Ontario Mills) 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 On-Sale alcoholic beverage license types located within overconcentrated census tracts (high density of alcoholic beverage sales locations) as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity ("PCN") findings:

- *The proposed 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. As a result, the Police Department is recommending approval of this Application subject to the attached conditions of approval.*
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.*
- *The Project site is properly maintained, including building improvements, landscaping, parking, 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 1st day of April 2024.

Henry K. Noh
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

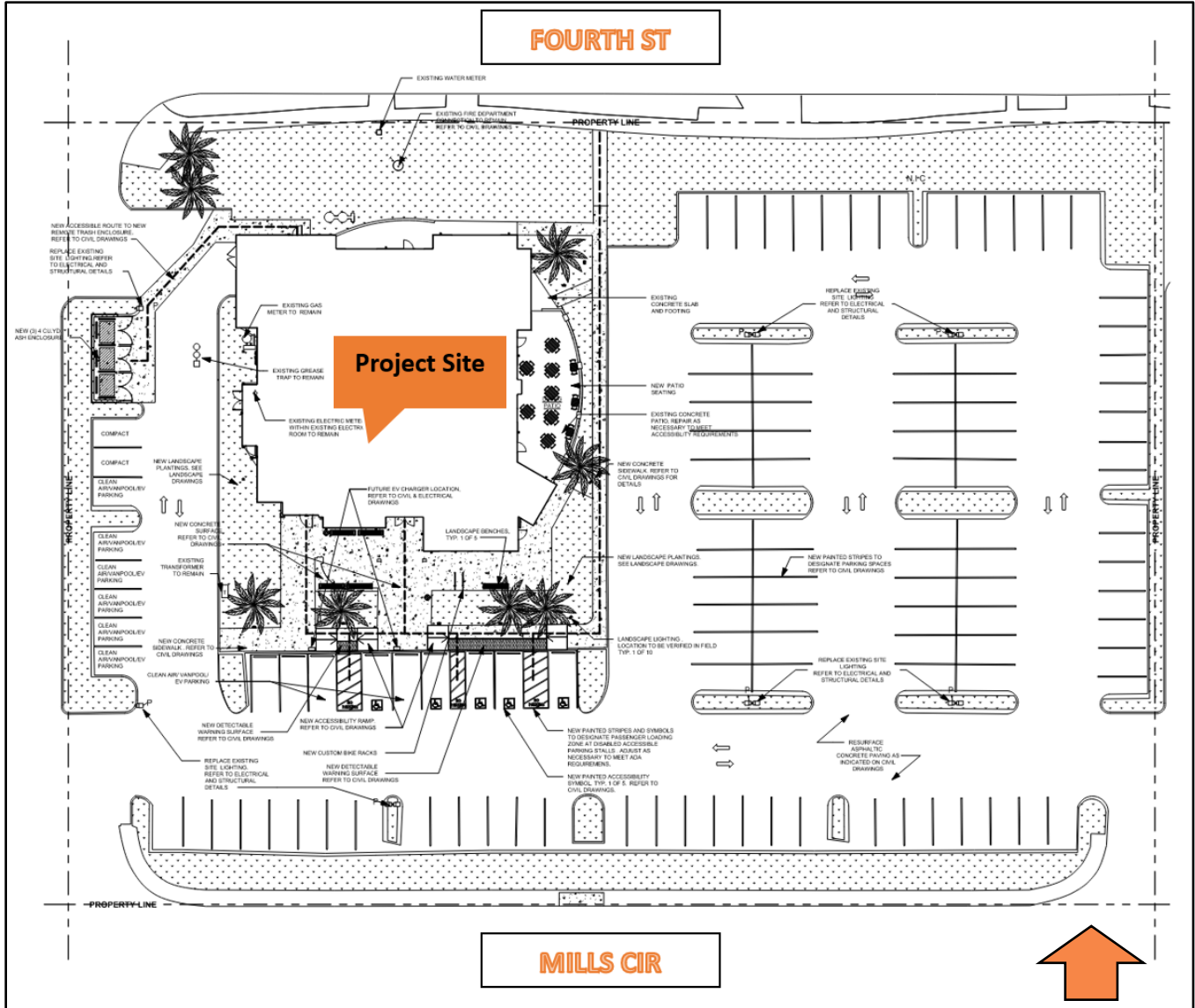


Exhibit C: FLOOR PLAN



Exhibit D: Census Tract Boundaries Map

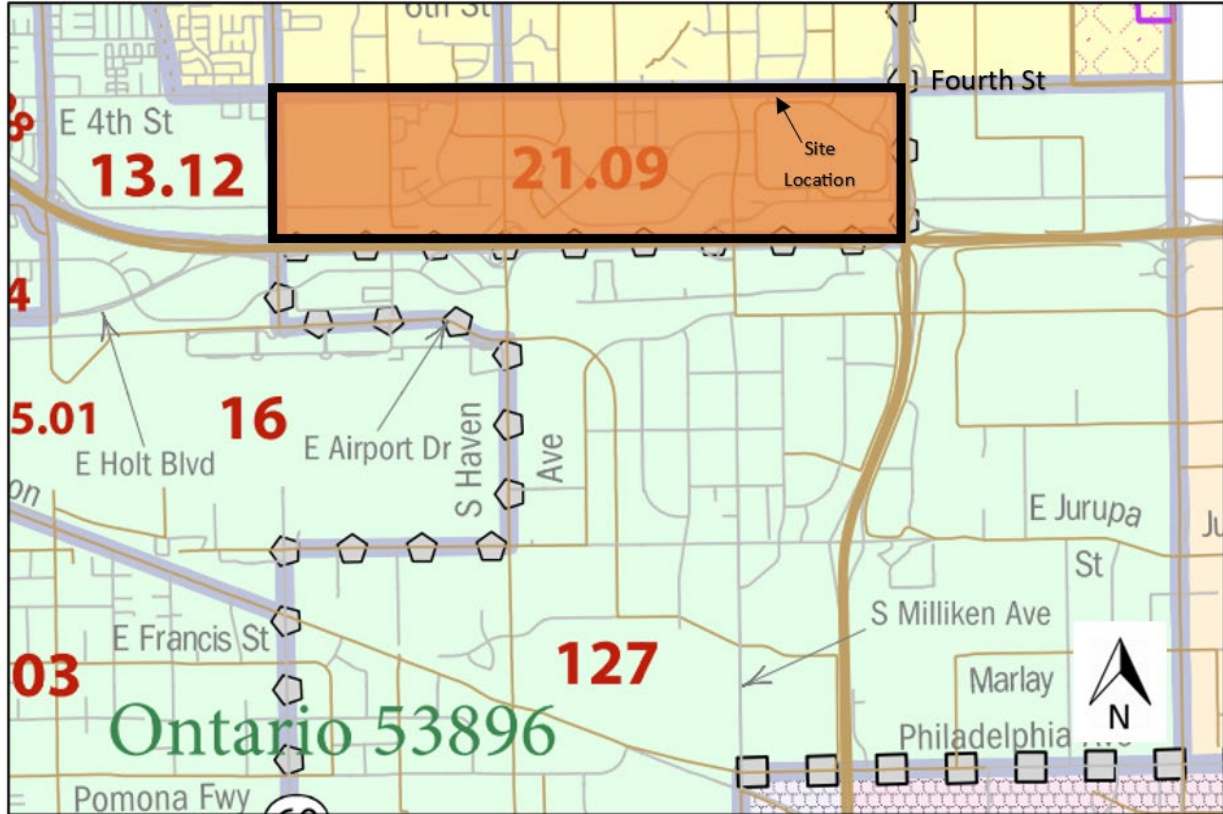


Exhibit E: Site Photos



South Elevation



Southwest Elevation



Southeast Elevation



East Elevation



West Elevation

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: 3/21/2024

File No: PCUP24-002

Project Description: A Conditional Use Permit for a Type 41 ABC license (On-Sale beer and wine only) for the on-premises consumption of alcoholic beverages, in conjunction with an existing 8,190 square-foot restaurant (Norm's) on 1.91 acres of land, located at 4551 East Mills Circle, within the Office/Commercial land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN: 0238-014-30); **submitted by Norms Restaurants, LLC.**

Prepared By: Dora Harville, Administrative Planning Intern
Phone: 909.395.2426 (direct)
Email: dharville@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) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for the Project, which shall be maintained on site during project construction.

2.3 Security Standards.

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

2.4 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).

2.5 Signs.

(a) The Project signage shall continue to comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.6 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) 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 hereby deemed to be live entertainment.

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

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

2.7 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a “bona fide public eating place” as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

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

2.9 Additional Fees.

(a) Within 5 days following final application approval, the Notice of 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 a 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.

(c) A final inspection of the restaurant from the Planning Department is required prior to the sales of beer and wine. Please call to schedule an appointment when you are ready for the inspection.



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
Heather Lugo, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Gwen Berendsen, Administrative Assistant

DATE: January 08, 2024

SUBJECT: FILE #: PCUP24-002 **Submittal #1** 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 alcoholic beverage sales for on-premises consumption, consisting of a Type 41 (beer, wine and distilled spirits) in conjunction with an existing 8,190-square foot restaurant (Norm's) on 1.91 acres of land located at 4551 East Mills Circle, within the Office/Commercial land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN: 0238-014-30).

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.



CITY OF ONTARIO

MEMORANDUM

TO: Gwen Berendsen, Administrative Assistant
Planning Department

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


DATE: January 24, 2024

SUBJECT: PCUP24-002 A Conditional Use Permit to establish alcoholic beverage sales for on-premises consumption, consisting of a Type 41 (beer, wine and distilled spirits) in conjunction with an existing 8,190 square-foot restaurant (Norm's) on 1.91 acres of land located at 4551 East Mills Circle, within the Office/Commercial land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN: 0238-014-03).

-
- 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.

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

CONDITIONS OF APPROVAL	
Sign Off	
	02/08/2024
Jamie Richardson, Sr. Landscape Architect	Date

Reviewer's Name: Jamie Richardson, Sr. Landscape Architect	Phone: (909) 395-2615
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D.A.B. File No.: PCUP24-002	Related Files:	Case Planner: Dora Harville
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Project Name and Location: Norms Restaurants, LLC 4551 East Mills Circle
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Applicant/Representative: RSI Group, LLC nina@rsi-group.com 3199 Airport Loop Drive, Suite D Costa Mesa, CA 92626
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<input checked="" type="checkbox"/>	A site plan (dated 01/8/2024) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan () has not been approved. Corrections noted below are required prior to DAB approval.

1. Landscapes shall be maintained by the property management association or maintenance personnel.
2. Coordinate with onsite maintenance company: Planter areas shall be planted with living landscape material; no artificial turf.
3. Coordinate with onsite maintenance company: Repair or replace broken or leaking irrigation components.
4. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
5. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
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Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Gwen Berendsen, Administrative Assistant

DATE: January 08, 2024

SUBJECT: FILE #: PCUP24-002 Finance Acct#:

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 - 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 alcoholic beverage sales for on-premises consumption, consisting of a Type 41 (beer, wine and distilled spirits) in conjunction with an existing 8,190-square foot restaurant (Norm's) on 1.91 acres of land located at 4551 East Mills Circle, within the Office/Commercial land use district of the California Commerce Center North (Ontario Mills) Specific Plan (APN: 0238-014-30).

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 *Jamie Richardson*

Sr. Landscape Architect

02/08/2024

Department

Signature

Title

Date
Item A - 23 of 29



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Dora Harville, Planning

FROM: Denver Jones, Police Officer / CET Unit

DATE: February 15, 2024

SUBJECT: PCUP24-002 – NORMS Restaurant
4551 E. Mills Cir, Ontario, CA 91764

This location has applied for an ABC Type 41 On-Sale Beer and Wine license for a Bona Fide Public Eating Place within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), three (3) on-sale licenses are allowed within this tract, there are currently fifty-five (55). The census tract is currently over-concentrated. However, this census tract is considered an entertainment district by the City of Ontario, which allows for exceptions. The Police Department does not object to allowing the license. However, due to the above circumstances, it is recommended the applicant obtain the ABC license through the State ABC office prior to moving forward.

On approval by the planning department, the location must follow all federal, state, local, and Department of Alcohol Beverage Control laws, rules and conditions. In addition, the following conditions of approval shall be imposed by the Ontario Police Department:

ABC CONDITIONS

1. Alcohol sales will be from 08:00 A.M. to 10:00 P.M., seven days a week. Last call for alcohol shall be made by 9:15 P.M. and alcohol sales must cease by 9:30 P.M. All alcohol shall be removed from the tables/patrons at 10:00 P.M.
2. No sales of alcoholic beverages to minors.
3. No sales to obviously intoxicated patrons.
4. The restaurant will have no bar area where beer and wine are only primarily served.
5. The business is required to have in place a driver's license and/or ID card reading device.

6. There will be no narcotic sales or usage on the premises at any time.
7. No self-serve alcohol displays or machines allowed.
8. No alcoholic beverages are to be sold or removed from the establishment for off-site consumption.
9. Alcohol consumption at the location will only be types of alcohol allowed in conjunction with the state issued ABC license type.
10. Distilled spirits are not allowed to be sold or consumed at the location.
11. Signs must be posted at all exits (including patio exits) stating no alcohol beyond this point.
12. Interior and exterior dining tables and chairs shall not be removed or rearranged to increase occupancy.
13. No more than 25% of window space may be used for advertisements. If advertisements are placed on the windows, they must be below two feet on the window and/or above 6 feet on the window to allow clear visibility into and out from the business.
14. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
15. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties.
16. 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 the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
17. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
18. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
19. Restrooms must be kept free of graffiti. Any damage to restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
20. The back door must be alarmed and closed at all times.
21. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All

exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to the Ontario Police Department CET unit prior to approval. As required by City of Ontario's Planning Department.

22. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
23. Emergency-only doors must be alarmed and closed at all times.
24. No pool tables will be allowed on the premises. No arcade games that may be associated with gambling (video poker, card games, etc.), will be allowed.
25. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
26. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
27. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6 CCR).
28. The applicant will be responsible for keeping the grounds of the business clean from debris.
29. Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP), which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the restaurant, a car show, or an OUTDOOR event with alcoholic beverages would be a special event, requiring a TUP.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.
30. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.

31. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.

PATIO DINING CONDITIONS

1. Patio fencing must be a minimum height of three (3) feet. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. Due to the height of the proposed patio fencing, the fence does not prevent patrons from passing alcoholic drinks outside the licensed premises. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must always be gated and closed.
5. The patio exits will have a sign posted, in clear view, stating, "No alcohol beyond this point."
6. Outdoor tables shall not be removed or rearranged to increase occupancy.
7. Landscaping within the applicant's control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
8. In the event the patio is utilized for criminal activity or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

ENTERTAINMENT CONDITIONS

1. There was no entertainment area designated on a plan check. Any entertainment will have to be approved by the Ontario Police Department prior to the event.

SECURITY CONDITIONS

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the restaurant area. A minimum of one camera will record the parking lot (if applicable). A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 14 days and made available to the Ontario Police Department upon request.

PARKING LOT CONDITIONS

The applicant will work with the property owner to install customer parking only signs. The signs will follow the guidelines set forth by California Vehicle Code Section 22658(a)(1).

California Vehicle Code 22658(a)(1): There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in

lawful possession of the property. The sign may also indicate that a citation may also be issued for the violation.

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 its sole discretion, request a revocation hearing if it determines that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

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

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

The Police Department will conduct a review six months after commencement of business to determine whether additional conditions will be needed or existing conditions revised.

Please contact Officer Denver Jones if you have any questions regarding this matter at (909) 408-1511.