

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-17

HEARING DATE: July 15, 2013

DECISION DATE: August 1, 2013

FILE NO.: PCUP13-004

SUBJECT: A Conditional Use Permit request to establish and operate a firearm manufacturing and metal stamping use within an existing 14,533 square foot industrial building located at 1601 E. Fremont Court within the M2 (Industrial Park) land use designation.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

Excel Industries, Inc., herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit (CUP) approval, described as follows:

- (a) Project Description: A Conditional Use Permit request to establish and operate a firearm manufacturing and metal stamping use within an existing 14,533 square foot industrial building located at 1601 E. Fremont Court within the M2 (Industrial Park) land use designation.
- (b) TOP Policy Plan Land Use Map Designation: Industrial
- (c) Zoning Designation: M2 (Industrial Park District)
- (d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M2	Multi-tenant industrial building
South:	M2	Industrial Building
East:	M2	Industrial Building
West:	M2	Industrial Building

Approved By:

-1-

____LB____ Senior Planner

Form Revised: 06/20/2013

- (e) Site Area: 0.7 acres
- (f) Assessor's Parcel No(s).: 113-601-20
- (g) Project Analysis:

Project Setting: The subject property is composed of 0.7 acres and is developed with a 14,533 square foot industrial building located at the end of a cul-de-sac. The building has one truck well and one roll up door along the east side of the building to facilitate shipments and deliveries. The site is located just west of Baker Avenue and south of Francis Street. The property is located within an urbanized area that is primarily developed with industrial uses (see Exhibit P). The subject property has reciprocal vehicle access with the adjacent industrial buildings to the east and south (see Exhibit A-Site Aerial).

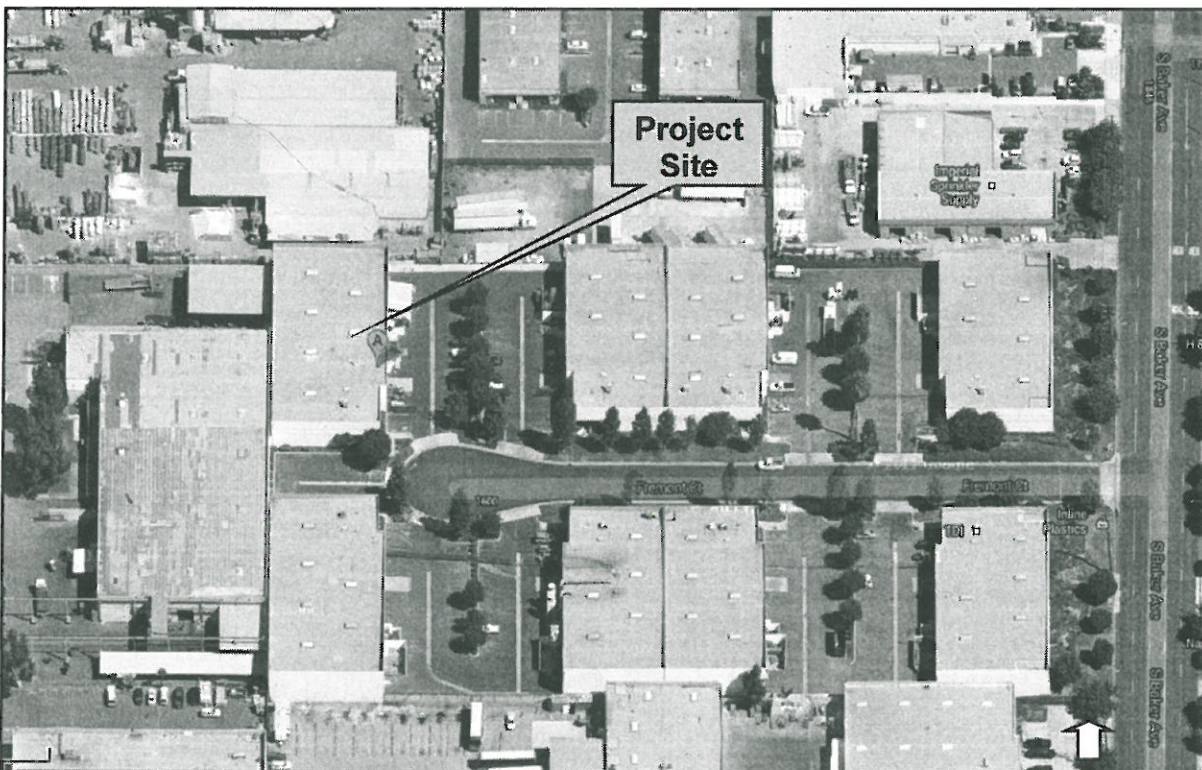
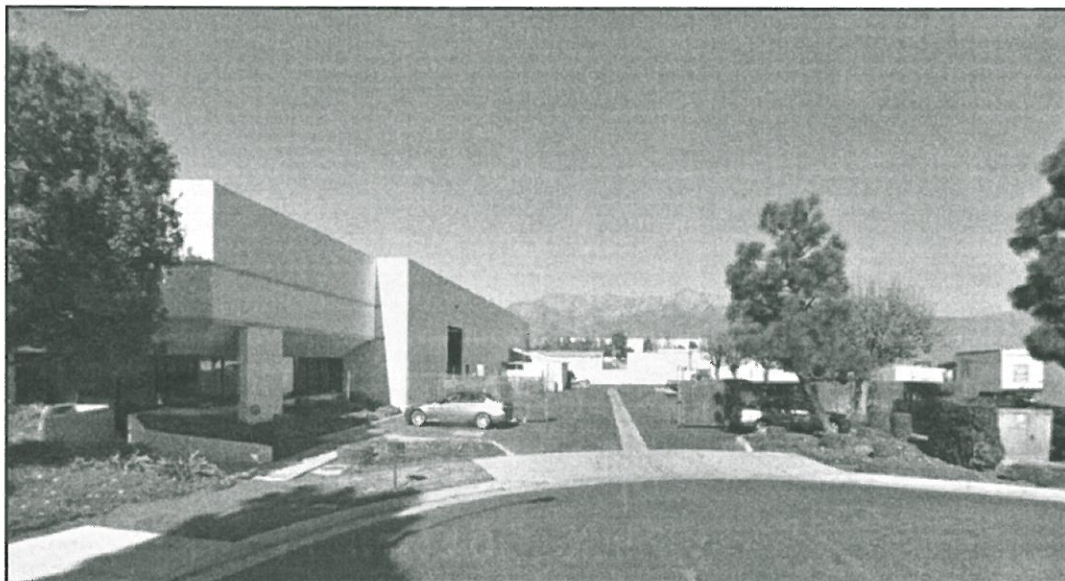


Exhibit A- Site Aerial

Proposed Use: The applicant is requesting approval of a Conditional Use Permit (CUP) to establish and operate a firearm manufacturing and metal stamping use. The hours of operation will be 8:00 a.m. to 4:30 p.m. Monday to Friday. The facility proposes to have 10 employees. According to the applicant, they are relocating to Ontario from the City of Chino. The applicant also has a second facility in Bullhead City, Arizona. The proposed firearm manufacturing use is required to be approved by the United State Department of Justice (DOJ), State of California Department of Justice (CA DOJ) and the Bureau of Alcohol Tobacco Firearms and Explosives (BATFE).



Subject Building and Parking Lot Entrance

According to the applicant, they are already occupying the subject building, however; they are not manufacturing firearms out of the location at this time. Until the Conditional Use Permit is approved, all firearm manufacturing is performed out of the Bullhead City facility.

The proposed facility will not be open to the general public; they will only work with licensed distributors and federally licensed dealers. In addition, the facility will not have a retail component attached to it. On special occasions, they may perform accommodation sales or firearm transfers which they are licensed to do by the Department of Justice. However, the bulk of the firearms will be sold to distributors and federally licensed dealers. As part of the use, the applicant is proposing to store 5,000 rounds of ammunition for the purpose of testing the firearms produced. Testing is performed inside a 3 by 3 mechanical system that incorporates all the safety features required by the Department of Justice. The ammunition will be kept secured in a steel vault.

Excel Industries Inc. is a diversified manufacturer that specializes in products that require precision. Their products are sold worldwide. Excel Industries Inc. has been manufacturing firearms in the City of Chino since 1997, and, since 2005, out of their facility in Arizona. Many of the products they produce are also used in the computer, connector, automotive and aircraft industries. Their capabilities include tool and die making, mold making, precision electronic metal stamping, hardware metal stamping, wire forms, state of the art machining and investment casting foundry. In addition, to the listed items they also manufacture their own complete line of firearms and accessories. Some of the accessories include gun and rifle magazines, foldable target stands, bipods, pistol barrels and sight sets. Excel Arms and Accu-Tek firearms are two of the brands they own and manufacture. Some of the firearms manufactured include the following:

- Accelerator Pistol: This is a semi-automatic pistol. The pistol is a single action design and comes with a (2) 9 round magazines and a California Department of Justice approved cable lock.
- X-Pistol Series: These pistols are available in various models with a 10, 20 and 25 round magazine. They all feature a California Department of Justice approved gun lock.
- AT-380 II: This is a single action semi-auto compact pistol with a 6 round capacity. Pistol includes a California Department of Justice approved cable lock.
- HC-380: This is a single action larger semi-auto pistol that houses a 13 round magazine. Pistol includes a California Department of Justice approved cable lock.
- Accelerator Rifle Series: This is a semi-automatic rifle with a magazine capacity of 9 rounds. Features a California Department of Justice approved cable lock, and
- X-Series Rifle: This is a semi-automatic rifle with a magazine capacity of 10, 20, and 25 rounds. Features a California Department of Justice approved cable lock.

Photos of the various firearms and products produced by the applicant can be seen on Exhibit F, attached to this report.

Improvements Proposed: According to the applicant they are not proposing any interior or exterior improvements at this time. The existing floor plan will be composed of approximately 1,100 square feet of office area, 3,180 square feet of warehouse space and 10,253 square feet of manufacturing space. The office space will consist of three offices, a reception area, restrooms and a file room (see Exhibit B- Site Plan/Floor Plan). According to the Building and Safety Department, alterations to the buildings floor plan were done at one time. As a condition of approval, Building and Safety is requesting that approvals and permits be obtained for the office alterations made to the building without permits.

Currently the existing parking lot area located just east of the building is secured with a 6-foot tall chain link fence with slats to minimize visibility. This condition is typical for the majority of other buildings on the street. Since the goal of the City is to improve the appearance of existing developments, as a condition of approval, staff is requesting that the existing chain link fence with slats be replaced with a 6-foot tall decorative iron/metal fence to enhance the appearance of the property. If a fence is not required by the applicant, the existing fence can be removed.

Parking: Ontario Development Code requires the use to provide 28 parking spaces. The project will comply with the City parking requirements as it will provide 28 parking spaces. Nineteen spaces will be located inside the fenced parking lot and nine spaces will be provided outside of the fenced yard.

Land Use Compatibility: A Conditional Use Permit review is required in order to weigh a proposed use's compatibility with adjacent uses, and identify and establish measures to mitigate any potential nuisance activities. The subject site is located in the M2 (Industrial Park) land use designation. The proposed firearm manufacturing and metal stamping use is a conditionally permitted land use. Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use due to the adjacent industrial land uses being compatible with the proposed use.

Department Reviews: The proposed CUP application was reviewed by the various members of the Development Advisory Board, including the Police Department. They are all recommending approval of the application. Some of the conditions of approval are the following:

1. All firearms shall be secured in a locked safe, vault, or heavy duty metal storage container when the location is not open for business (California Penal Code 26890a3).
2. The safe, vault, or heavy duty metal storage container used for the storage of firearms shall be anchored to the floor and alarmed.
3. All exterior glass windows and doors shall be secured from the inside by either roll down locking doors or metal gates. If these are not permanently affixed to the windows they shall be locked during non business hours.
4. All access into the business from the exterior of the building including skylights, vents, rollup doors and exterior doors shall be reinforced with steel bars or gates. These reinforcements shall be secured/locked during non business hours.
5. The business shall submit a security plan to the Ontario Police Department outlining procedures for employees/management's responsibilities during emergency incidents. The security plan shall also outline how to access the business' video recordings, alarm systems and procedures on how employees are to record/document sale transactions required by California law. Police Department approval of the security plan is required prior to the sales and fully manufacturing of firearms from the facility.

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

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

Correspondence: As of the preparation of this Decision, staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general.

It is staff's belief that the proposed use will revitalize the existing vacant property. The proposed use will generate employment, will maintain the property and will introduce lighting and new security features that will make the site and the immediate area safer. As such, staff recommends approval of the application, subject to the attached conditions of approval.

PART B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, On the 15th day of July 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Luis E. Batres, Senior Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to the attached conditions of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Ontario Police Corporal, Steve Munoz, clarified for Mr. Blum if the Police Department was okay with allowing window blinds along the front windows of the building. Corporal Munoz indicated that the blinds would be okay with the Police Department.

(c) Mr. Larry D. Gilliam, the applicant, explained the business operation and spoke in favor of the application. Mr. Gilliam indicated that he questioned the need by the City to replace the existing chain link fence with slats with a six foot tall decorative iron/metal fence with metal mesh on the interior. He said that he was not the owner of the property. He also pointed out that the majority of the other industrial developments on the same street also had chain link fencing. He indicated that he did not want to stand out. After Mr. Gilliam spoke, Mr. Blum indicated that he would take it into consideration when he makes his decision, but that as a policy barbed wire fencing must be not visible from a public street so as to not negatively effect the aesthetics or the valuation of properties in the area. It is the belief of the City that large amounts of barbed wire exposed along street frontages gives the appearance of a high crime area which could be detrimental to the City's image and reality. By allowing a different application of the barbed wire, below the wall or fence height, the business can achieve proper security measures while not harming the City's image.

(d) 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 C: THE DECISION

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

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

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

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The firearms manufacturing and metal stamping lies within the M2 (Industrial Park) zoning designation and the proposed use is a conditionally allowed use.

(2) The firearms manufacturing and metal stamping use is allowed upon approval of a Conditional Use Permit. The proposed Conditional Use Permit has been conditioned so that the site and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community. The Police and Fire Department as well as the other department that make up the Development Advisory Board have also carefully reviewed the proposed use and they have placed conditions of approval that will make the use safe.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. The M2 zoning designation allows the proposed use subject to the approval of a Conditional Use Permit. In addition, special conditions of approval have been placed on the project to mitigate any negative impacts that the use may have on the adjacent neighborhood. The Police and Fire Department have carefully reviewed the proposed use and they have placed conditions of approval that will make the use acceptable in the subject property. The Fire Department provided revised conditions of approval for the project. A copy of the revised conditions was presented to the applicant, and he indicated that he was okay with the revised conditions. A copy of the revised conditions has been attached to this decision. The issue of the chain link fence and the barbed wire can be resolved by allowing the business owner several options which should achieve both security for the business and compliance with the City's policy on visibility of barbed wire along street frontages. The options are: 1) Remove the barbed wire from the top of the chain link fence and retain the fence in place, 2) Remove the barbed wire and place it below the height of the chain link fence top and additionally screen it with fence slats, 3) remove the barbed wire and fence, 3) remove fence and barbed wire and install wrought iron fence with mesh screening to block visibility of barbed wire below height of fence (or just place wrought iron fencing with no barbed wire or mesh. The solution must be made and implemented by the Applicant within 120 days of approval of this CUP.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. The proposed use will not generate additional vehicle trips that will not be able to be accommodated by the existing road system. In addition, the subject street is fully improved and the proposed project was reviewed by all the various City Departments, including the Traffic Division, and they are all recommending approval subject to conditions.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. In addition, the proposed use will be required to obtain approvals from the United States Department of Justice (DOJ), State of California Department of Justice (CA DOJ) and the Bureau of Alcohol Tobacco Firearms and Explosives (BATFE). The listed agencies will also make sure that the proposed use operates according to the various regulations of each agency.

(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Class 1-Existing Facilities) of the State CEQA Guidelines.

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

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-004, subject to the conditions of approval attached hereto and incorporated herein by this reference and further conditioned as follows:

Within 120 days from the approval of this CUP, the Applicant shall choose one of the options below and implement said option to the satisfaction of the Ontario Planning Department. The Applicant shall notify the Planning Department prior to implementing the chosen option to determine if any permits are necessary. The options are: 1) Remove the barbed wire from the top of the chain link fence and retain the fence in place, 2) Remove the barbed wire and place it below the height of the chain link fence top and additionally screen it with fence slats, 3) remove the barbed wire and fence, 3) remove fence and barbed wire and install wrought iron fence with mesh screening to block visibility of barbed wire below height of fence (or just place wrought iron fencing with no barbed wire or mesh. .



APPROVED by the Zoning Administrator of the City of Ontario on this 1st day of August, 2013.



Jerry L. Blum
Zoning Administrator

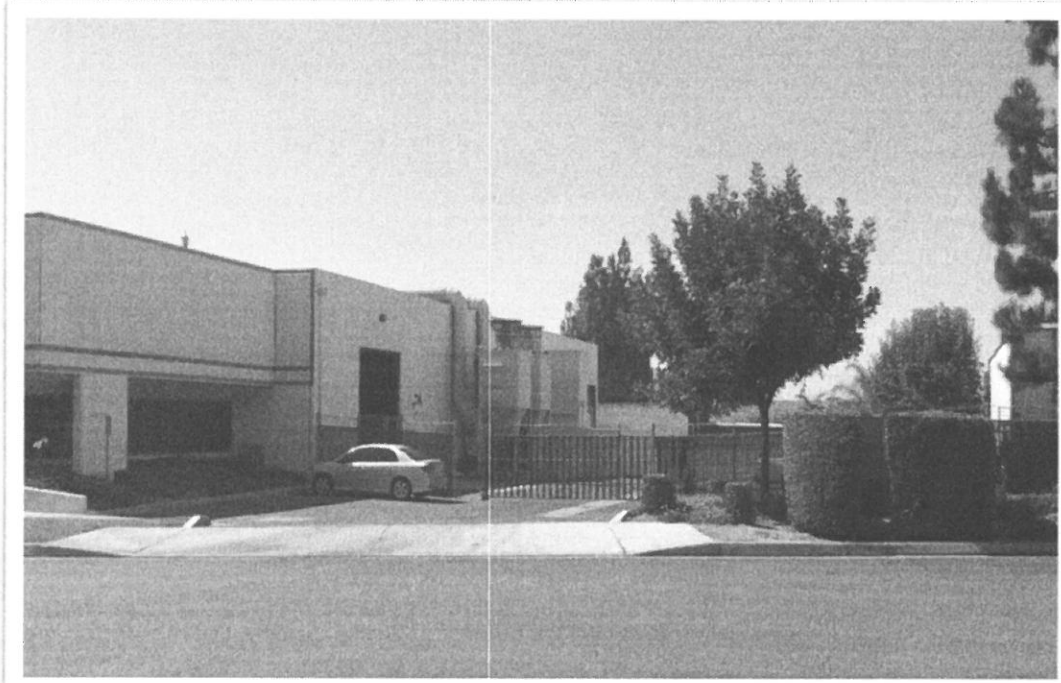
Exhibit P: Project Photos
(1 of 2)



View of Building Main Entrance



View of Existing Chain link Fence




View of adjacent development to the southeast



View of adjacent development to the south

EXHIBIT F: FIREARMS

(1 of 6)



X-SERIES
RIMFIRE


CHAMBERED FOR
.22LR
AND .22WMR

THE RIMFIRE X-SERIES OF FIREARMS ARE BUILT TO ACCEPT 10/22 ©MAGAZINES IN BOTH .22LR AND .22WMR. CNC MACHINED FROM BILLET ALUMINUM AND INCLUDE PICATINNY RAIL FOR MOUNTING VARIOUS OPTICS AND SIGHTS. TAPPED HOLES IN THE HANDGUARDS PROVIDE MOUNTING OF ACCESSORY RAILS. COLLAPSIBLE STOCK ON THE RIFLE FOR A COMFORTABLE FIT. BASIC MODELS AND PACKAGE MODELS WITH OPTICS AND ACCESSORIES AVAILABLE.

Model:	X-22R / X-22Mag R	X-22P / X-22Mag P
Caliber:	.22LR / .22WMR	.22LR / .22WMR
Magazine Capacity:	10 or 25 rds	10 or 25 rds
O.A.Length:	33.25-37 inches	12 inches
O.A.Height:	6.187 inches	6.187 inches
Barrel Length:	18 inches	4.5 inches
Weight:	4.75 pounds	4.375 pounds
Sights:	none	adjustable / none

www.EXCELARMS.com

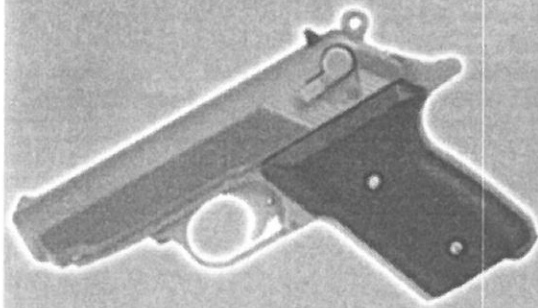
EXCEL INDUSTRIES, INC.





THE FEATURES OF THESE COMPACT SINGLE ACTION SEMI-AUTO PISTOLS INCLUDE CONSTRUCTION FROM HIGH STRENGTH CORROSION RESISTANT 17-4 STAINLESS STEEL. THE REAR SIGHTS ARE ADJUSTABLE FOR WINDAGE. THESE PISTOLS HAVE AN EXPOSED HAMMER AND COMFORTABLE BLACK GRIPS THAT FIT WELL IN THE HAND. ONE HAND MANUAL SAFETY BLOCKS THE FIRING PIN AND DISCONNECTS THE TRIGGER. THE MAGAZINE RELEASE IS OF THE EUROPEAN TYPE, LOCATED ON THE BOTTOM OF THE GRIP.

AT-380 II



THE AT-380 II IS VERY ACCURATE AND DEPENDABLE. THESE ULTRA COMPACT PISTOLS ARE 100% AMERICAN MADE AND ARE COVERED UNDER A LIFETIME WARRANTY. THE AT-380 II COMES WITH TWO 6 ROUND STAINLESS STEEL MAGAZINES ONE FLAT BUTTPLATE AND ONE FINGER EXTENSION AND A CALIFORNIA DOJ APPROVED CABLE LOCK. ON CA DOJ APPROVAL LIST.

HC-380



THE LARGER FRAMED HC-380 FEATURES A WRAP AROUND GRIP THAT HOUSES A 13 ROUND MAGAZINE AND IS VERY COMFORTABLE AND FITS WELL IN LARGER HANDS. COMES WITH TWO 13 ROUND MAGAZINES AND A DOJ APPROVED CABLE LOCK.



Caliber
 Magazine Capacity
 O.A. Lengths
 O.A. Height
 Barrel Length
 Weight
 Material

	AT-380 II	HC-380
Caliber	380 ACP	380 ACP
Magazine Capacity	6 rounds	13 rounds
O.A. Lengths	6.125 inches	6.125 inches
O.A. Height	4.200 inches	4.200 inches
Barrel Length	2.800 inches	2.800 inches
Weight	23 ounces	15 ounces
Material	Stainless Steel	Stainless Steel

ACCU-TEK FIREARMS.COM EXCEL INDUSTRIES, INC.

Corporate Office & Manufacturing Facility
 4510 Carter Court, Chino, California 91710

Southwestern Manufacturing Facility
 Bullhead City, Arizona 86429

Phone (909) 627-2404 Fax (909) 627-7817

ACCELERATOR SERIES

CHAMBERED FOR
 .22WMR
 AND 5.7X28mm



THESE UNIQUE AND VERSATILE SEMI-AUTO FIREARMS INCLUDE CONSTRUCTION FROM HIGH STRENGTH CORROSION RESISTANT 17-4 STAINLESS STEEL. THE COMFORTABLE PISTOL GRIP AND STOCK ARE MOLDED OF POLYMER COMPOSITE FOR GREAT DURABILITY. BOTH PISTOL AND RIFLE INCORPORATE A WEAVER RAIL TO ALLOW THE MOUNTING OF A VARIETY OF OPTICS AND SIGHTS. THE MANUAL SAFETY AS WELL AS THE FIRING PIN BLOCK ENSURES SAFE USE. LAST ROUND SLIDE / BOLT HOLD OPEN FEATURE WILL ALERT THE SHOOTER OF AN EMPTY MAGAZINE. BASIC MODELS AND PACKAGE MODELS WITH OPTICS AND ACCESSORIES AVAILABLE.

SPECS	ACCELERATOR RIFLE	ACCELERATOR PISTOL
Model	MR-22 / MR-5.7	MP-22 / MP-5.7
Caliber:	.22 WMR / 5.7x28mm	.22 WMR / 5.7x28mm
Magazine Capacity:	9 rounds	9 rounds
O.A.Length:	32.5 inches	12.875 inches
O.A.Height:	7 inches	5.7 inches
Barrel Length:	18 inches	8.5 inches
Weight:	8 pounds	54 ounces
Sights:	none	fully adjustable

OUR PRODUCTS ARE COVERED UNDER A "LIFETIME



LT-380

LIGHT WEIGHT 15 OUNCES



THE FEATURES OF THIS COMPACT SINGLE ACTION SEMI-AUTO PISTOL INCLUDE CONSTRUCTION FROM LIGHT WEIGHT 6061 ALUMINUM FRAME AS WELL AS HIGH STRENGTH CORROSION RESISTANT 17-4 STAINLESS STEEL SLIDE. THE LT-380 IS AVAILABLE IN SEVERAL COLOR COMBINATIONS. THE REAR SIGHT IS ADJUSTABLE FOR WINDAGE. THIS PISTOL HAS AN EXPOSED HAMMER AND A COMFORTABLE GRIP THAT FITS WELL IN THE HAND. ONE HAND MANUAL SAFETY BLOCKS THE FIRING PIN AND DISCONNECTS THE TRIGGER. THE MAGAZINE RELEASE IS OF THE EUROPEAN TYPE, LOCATED ON THE BOTTOM OF THE GRIP. THE LT-380 IS VERY ACCURATE AND DEPENDABLE. THESE ULTRA COMPACT PISTOLS ARE 100% AMERICAN MADE AND ARE COVERED UNDER A LIFETIME WARRANTY. THE LT-380 COMES WITH TWO 6 ROUND STAINLESS STEEL MAGAZINES ONE FLAT BUTTPLATE AND ONE FINGER EXTENSION AND A CALIFORNIA DOJ APPROVED CABLE LOCK.

ALL METAL CONSTRUCTION

Caliber	380 ACP
Magazine Capacity	6 rounds
O.A.Lengths	6.125 inches
O.A.Height	4.200 inches
Barrel Length	2.800 inches
Weight	15 ounces
Material	Aluminum / Stainless Steel




ACCU-TEKFIREARMS.COM
EXCEL INDUSTRIES, INC.

Corporate Office & Manufacturing Facility
4510 Carter Court, Chino, California 91710
Phone (909) 627-2404 Fax (909) 627-7817

Southwestern Manufacturing Facility
Bullhead City, Arizona 86429

X-SERIES CENTERFIRE

CHAMBERED FOR
5.7X28mm
AND 30 CARBINE



CHECK STATE AND LOCAL LAWS FOR LEGALITY OF FIREARMS IN YOUR AREA

THE CENTERFIRE X-SERIES OF FIREARMS ARE CNC MACHINED FROM BILLET ALUMINUM AND FEATURE TACTICAL AR STYLING. THE UNIQUE DESIGN PROVIDES A PICATINNY RAIL FOR MOUNTING VARIOUS OPTICS AND SIGHTS. TAPPED HOLES IN THE HANDGUARDS PROVIDE MOUNTING OF ACCESSORY RAILS. COLLAPSIBLE STOCK ON THE RIFLE FOR A COMFORTABLE FIT. THE X-30R AND X-30P 30 CARBINE FIREARMS ARE COMPATIBLE WITH M1 CARBINE MAGAZINES. A MANUAL BOLT HOLD OPEN FEATURE IS PROVIDED. BASIC MODELS AND PACKAGE MODELS WITH OPTICS AND ACCESSORIES AVAILABLE.

	X-5.7R / X-30R	X-5.7P / X-30P
Model:	X-5.7R / X-30R	X-5.7P / X-30P
Caliber:	5.7x28mm / 30 Carbine	5.7x28mm / 30 Carbine
Magazine Capacity:	10 or 25 rds / 10 or 20 rds	10 or 25 rds / 10 or 20 rds
O.A.Length:	34-38 inches	16 inches
O.A.Height:	6.25 inches	6.25 inches
Barrel Length:	18 inches	8.5 inches
Weight:	6.25 pounds	4.5 pounds
Sights:	none	none

WARRANTY" TO THE ORIGINAL RETAIL PURCHASER

		
.22WMR Magazine \$36.00	AT-380 Magazine \$25.00	AT-380II / LT-380 Magazine w/ Finger Extension \$23.00
		
MR-5.7 / MP-5.7 Magazine \$36.00	Soft Holster \$26.00	5 PACK .22WMR MAGAZINE SPECIAL!! (LIMITED TIME) \$160.00 <i>On Sale</i>
		
Foldable Target stand \$59.00	BiPod \$50.00	Accelerator Pistol Lower Accessory Mount - MT-RAIL \$25.00

**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: July 15, 2013

FILE NO.: PCUP13-004

SUBJECT: A Conditional Use Permit request to establish and operate a firearm manufacturing and metal stamping use within an existing 14,533 square foot industrial building located at 1601 E. Fremont Court within the M2 (Industrial Park) land use designation.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- | | |
|---|--|
| <input checked="" type="checkbox"/> PLANNING | <input checked="" type="checkbox"/> POLICE |
| <input checked="" type="checkbox"/> ENGINEERING | <input checked="" type="checkbox"/> FIRE |
| <input type="checkbox"/> UTILITIES/SOLID WASTE | <input type="checkbox"/> ECONOMIC DEVELOPMENT |
| <input type="checkbox"/> HOUSING | <input checked="" type="checkbox"/> LANDSCAPING DIVISION |
| <input checked="" type="checkbox"/> BUILDING | |



CONDITIONS OF APPROVAL

DATE: July 15, 2013

FILE NO.: PCUP13-004

SUBJECT: A Conditional Use Permit request to establish and operate a firearm manufacturing and metal stamping use within an existing 14,533 square foot industrial building located at 1601 E. Fremont Court within the M2 (Industrial Park) land use designation.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.0 SIGNAGE

- 2.1 The location, quantity, size, and design of all signage shall comply with the Ontario Development Code, Specific Plan, or applicable sign program, pursuant to the zoning district for which the project site is located within.
 - 2.2 No more than 25% 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.

- 2.3 View obscuring material that is applied to any windows within the front offices, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.

3.0 PARKING AND CIRCULATION

- 3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Office	1,100	1:250	5
Warehouse	3,180	1:1000	4
Manufacturing	10,253	1:500	21
TOTAL	14,533		28

4.0 GRAFFITI REMOVAL

- 4.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 4.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.

- 5.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.

6.0 ENVIRONMENTAL REVIEW

- 6.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Class 1-Existing Facilities) of the State CEQA Guidelines.
- 6.2 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.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 Any missing or dead landscaping shall be replaced. An operational sprinkler system must be provided.
- 7.2 Landscaping on the site and parkway shall be maintained at all time.
- 7.3 All work shall be conducted inside of a fully enclosed structure.
- 7.4 Storage outside within parking lot areas is prohibited.
- 7.5 A City business license shall be obtained prior to opening for business.
- 7.6 Planning shall be contacted to conduct inspection of compliance prior to opening for business.
- 7.7 This Conditional Use Permit (CUP) replaces any prior CUP approvals on this property.

MEMORANDUM

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: March 27, 2013
SUBJECT: PCUP13-004

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

Conditions of Approval

1. Permits are required for all electrical, gas, and mechanical systems for manufacturing.
2. Offices have been added without permits. Permits are required.

KS:kc

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	4/23/13 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP13-004	Related Files:	Case Planner: Luis Batres
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Project Name and Location:
 Fire arms manufacturing
 1601 East Fremont Court

Applicant/Representative:
 Excel Industries – Larry Gilliam
 1601 E Fremont Ct
 Ontario, CA 91761

<input checked="" type="checkbox"/>	A site plan (dated 3/21/13) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Replace the missing street tree in the parkway and/ or planter area south of the front parking spaces. 24" box Pinus canariensis. Verify existing irrigation or provide new stream bubbler head for tree(s).



CITY OF ONTARIO
MEMORANDUM

ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL

(Traffic/Transportation Division and Municipal Utilities Agency, and Environmental Section Conditions incorporated)

DATE: 06.17.2013

PROJECT PLANNER: Luis Batres, Planning Department

PROJECT: PCUP13-004, a Conditional Use Permit to establish and operate a firearm manufacturing and metal stamping use within an existing 14,533 square foot industrial building located at 1601 E. Fremont Court within the M2 (Industrial Park) land use designation; Submitted by Excel Industries, Inc.

APN: 0113-601-20

LOCATION: 1601 East Fremont Court

PROJECT ENGINEER: Arij Baddour, Engineering Department

ENGINEERING DEPARTMENT HAS CONDITIONS FOR THE MOST RECENT SUBMITTAL OF THE ABOVE REFERENCED SITE. IT ADEQUATELY ADDRESSES THE ENGINEERING DEPARTMENT'S CONCERNS

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. For monitoring industrial wastewater discharge, a monitoring manhole in accordance with City Standard Drawings (std. dwg # 2201, 2203, & 2205) must be installed at a point after pretreatment and before industrial flows converge with domestic flows.
3. Before Utilities can issue an Industrial Wastewater Discharge Permit, sewer connection fees must be assessed based on strength and flow of industrial wastewater.



TO: Luis Batres, Senior Planner
Planning Department

FROM: Kenna Leonard, Fire Safety Specialist
Bureau of Fire Prevention

DATE: 5-30-13

SUBJECT: PCUP13-004: A Conditional Use Permit to establish a firearm manufacturing business within a 0.70-acre of developed land, located at 1601 E. Fremont Ct., within the M2 (Industrial Park) zoning district. (APN: 0113-601-20)

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

The approval is based on the following conditions:

1. Limiting the ammunition to 5000 rounds
2. No use of combustible metals such as Aluminum, Titanium, Magnesium, etc., or other combustible metals.
3. Aluminum is permitted as long as it does not result in grindings/powder.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.

CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Luis Batres, Senior Planner

FROM: Fred Alvarez, Corporal

DATE: July 2, 2013

SUBJECT: FILE NO. PCUP13-004– EXCEL INDUSTRIES
1601 East Fremont Court

The Police Department is placing the following conditions:

1. The business shall submit a security plan to the Ontario Police Department outlining procedures for employees/management’s responsibilities during emergency incidents. The security plan shall also outline how to access the business’ video recordings, alarm systems and procedures on how employees are to record/document sale transactions required by California law. Police Department approval of the security plan is required prior to the sales and fully manufacturing of firearms from the facility.
2. The facility shall have an extensive digital video recording system that covers all points of entry, exit and areas of manufacturing and storage within the facility. Records of this recording capability shall be of good quality and have archives up to 60 days. The video recording archives shall be accessible to members of the Ontario Police Department and California Department of Justice upon request. The hard-drive or computer storing all digital records shall be maintained in a secured area and away from the view of the public.
3. The applicant is required to obtain all Federal and State permits needed to sell firearms. These permits shall be posted in a conspicuous place and a copy shall be provided to the Ontario Police Department.
4. The manufacturing, logging and purchasing of firearms will follow the guidelines outlined by the California Department of Justice (CA DOJ) and Bureau of Alcohol Tobacco Firearms and Explosives (BATFE).
5. The business shall maintain a valid City of Ontario Business License.

6. All firearms shall be secured in a locked safe, vault, or heavy duty metal storage container when the location is not open for business. (California Penal Code 26890a3)
7. The safe, vault, or heavy duty metal storage container used for the storage of firearms shall be alarmed.
8. The safe, vault, or heavy duty metal storage container used for the storage of firearms must also be shown on a plan check.
9. Ammunition used for the testing of firearms will be kept in a separate locked safe, vault, or metal storage cabinet than that used for firearms.
10. Display of firearms or the storage of firearms will not be allowed in the office area of establishment.
11. All access into the business from the exterior of the building including skylights, vents, rollup doors and exterior doors shall be reinforced with steel bars or gates. These reinforcements shall be secured/locked during non business hours.
12. Rooftop address numbers shall be installed on the electronic support building or on the adjacent building with the same address to support a helicopter response in the event of alarm activation. The rooftop numbers shall be a minimum of three (3) feet in length and one (1) foot in width and shall be painted on the rooftops in reflective white paint on a flat black painted background, away from any rooftop obstacles. The rooftop numbers shall be placed on the rooftops in a parallel direction to the displayed street side numbers. Such rooftop numbers shall be screened from public view and visible only from aircraft.
13. Roof top numbers will be maintained by the property owner and must be re-painted every 3 years.
14. A blue strobe light (minimum 25-watt) shall be installed on the rooftop and activated with any proposed alarm systems.
15. All lighting fixtures on building, walkways and parking lot areas will be kept in working order. The lighting shall be on from sunset to sunrise, and be operated by a photocell.
16. Security cameras will be required to monitor front exterior, rear exterior, entry and exit areas of the location.
17. The facility shall be equipped with an alarm system that has instant panic button/robbery notification capabilities and silent monitoring. The applicant shall maintain a valid alarm permit on file with the Ontario Police Department at all times.
18. An inspection by the Ontario Police Department and Planning Department will be conducted before the location will be allowed to sell and fully manufacture firearms from the facility.

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

The Applicant is invited to call Corporal Alvarez at (909) 395-2845 regarding any questions or concerns.