



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

January 22, 2020

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

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

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-024**: A Conditional Use Permit to establish a Type 20 ABC license (Off-Sale Beer and Wine) in conjunction with an existing 1,170 SF convenience store (Extra Mile) and fueling station (Chevron) on 1.03 acres of land located at 4880 East Motor Lane, within the Light Industrial land use district of the California Commerce Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 238-121-71) **submitted by Chevron USA.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-025**: A Conditional Use Permit to establish a Type 20 ABC license (Off-Sale Beer and Wine) in conjunction with an existing 1,170 SF convenience store (Extra Mile) and fueling station (Chevron) on 1.08 acres of land located at 1780 South Grove Avenue within the Commercial District of the Grove Avenue Specific Plan (APN: 1050-181-16). The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); **submitted by Chevron USA.**

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, Maureen Duran, 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 **January 17, 2020**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

January 22, 2020

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

**FILE NO.:** PCUP19-024

**DESCRIPTION:** A Conditional Use Permit to establish a Type 20 ABC license (Off-Sale Beer and Wine) in conjunction with an existing 1,170-square foot convenience store (Extra Mile) and fueling station (Chevron) on 1.03 acres of land located at 4880 East Motor Lane within the Light Industrial Land Use District of the California Commerce Center Specific Plan (APN: 023812171); **submitted by Chevron USA.**

## ***Part I—BACKGROUND & ANALYSIS***

CHEVRON USA, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP19-024, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 1.03 acres of land located at 4880 East Motor Lane, and is 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:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Eating Places/Gas Station/Convenience Store	General Commercial (0.4 FAR)	California Commerce Center Specific Plan (CCC SP)	Light Industrial
<i>North:</i>	Retail – Motor vehicles	General Commercial (0.4 FAR)	California Commerce Center Specific Plan (CCC SP)	Light Industrial
<i>South:</i>	Service/Warehousing	Business Park (0.6 FAR)	California Commerce Center Specific Plan (CCC SP)	Light Industrial
<i>East:</i>	Service/Warehousing	General Commercial (0.4 FAR)	California Commerce Center Specific Plan (CCC SP)	Light Industrial
<i>West:</i>	Retail – Motor Vehicles	General Commercial (0.4 FAR)	Toyota Business Park	Light Industrial

<i>Prepared:</i> NL/01/06/20	<i>Reviewed:</i> CM 01.10.2020	<i>Decision:</i> [enter initial/date]
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**(2) Project Analysis:**

**(a) Background** — The proposed Conditional Use Permit (“CUP”) Application is located at 4880 East Motor Lane within the Light Industrial Land Use District of the California Commerce Center Specific Plan. The existing Chevron gas station and Extra Mile convenience store have been in business since 2009. The convenience store shares space with a Jack in the Box drive-thru restaurant (see Exhibit C: Site Plan, attached). To provide an additional convenience to its customers, Chevron is requesting CUP approval to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine sales (Type 20 – Off-Sale Beer and Wine), within the Extra Mile convenience store.

The project site is surrounded by industrial uses, other eating places, and motor vehicle retail sales. Furthermore, there are no residentially zoned properties located in close proximity (within 600 feet) to the project location (see Exhibit B: Zoning 600FT Radius, attached). Currently, the project site is the only gas station with a convenience store serving the immediate area.

**(b) Proposed Operations** — The proposed CUP will allow for the sales of beer and wine for consumption. Hours of operation for beer and wine sales will be from 6:00 AM to 12:00 AM daily. The alcohol sales display area will be 24 square feet, located towards the back of convenience store (Exhibit D: Floor Plan). In addition, the Applicant will adopt extra security measures to ensure customers do not drink on site and will provide policy signs to enforce no consumption of alcohol beverages. Cooler doors containing alcoholic beverages will be locked from midnight to 6:00 AM to enforce sale hours. Employees engaged in the sales of beer and wine will be completing a training program approved by ABC and the City of Ontario Police Department.

The service of alcoholic beverage sales is intended for customers 21 years of age and over only. The Applicant has been given conditions and ABC regulations, including but not limited to the following: (a) hours of operation; (b) alcohol beverage sales designated area; (c) age restrictions; (d) training class or a certified responsible beverage service class within six months for all employees (for more conditions and details, refer to ABC Regulations).

**(c) ABC License Concentrations** — The California Department of Alcoholic Beverage Control (“ABC”) is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The project site is located within Census Tract 127.00, which is already over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 2 off-sale alcohol licenses, and there are currently 8 active off-sale alcohol licenses within census tract 127.00; however, Development Code Section 5.03.025.F.4 grants the Approving Authority (the Zoning Administrator in this case) the

authority to make a determination of Public Convenience or Necessity (“PCN”), thereby allowing the issuance of additional ABC licenses for off-premises alcoholic beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses, if the following factors exist:

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole, including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all State Business and Professions Code violations, drug violations, and driving while intoxicated or under the influence.
- The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building gross floor area (“GFA”) containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.
- The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales.
- If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA.
- No more than 10 percent of the retail business’ GFA shall be devoted to alcoholic beverage display and sale.
- At least 10 percent of the retail business’ GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation).
- The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

The proposed retail ABC license is not located within a high crime area, as demonstrated by the fact that within the year preceding the preparation of this report, the City of Ontario had a total of 3,303 calls for service and alcohol-related reports, including, but not limited to, assault, driving while intoxicated or under the influence, alcohol violation, vandalism, drugs or narcotic violations, and disorderly conduct. With a total of 305 active on-sale and off-sale active ABC license existing throughout the City as of the preparation of this report, the average number of alcohol-related incidences attributable to the area surrounding the proposed off-sale ABC license location is 11. Within an over concentrated Census Tract, if a CUP to establish off-sale alcoholic beverage sales is proposed, the one-half mile radius area surrounding the proposed CUP location would be able to exceed the City's average number of alcohol-related incidences by 20 percent, which is equal to 2 additional alcohol-related incidences, for a maximum total of 13 alcohol-related incidences attributable to an area in which an off-sale ABC license is proposed. An area exceeding 13 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC licensed facilities.

According to the Ontario Police Department, the one-half mile radius area surrounding the project location had a total of 3 alcohol-related incidences in the past year, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

(d) Parking – The existing project site provides a total of 40 parking spaces. The application does not propose the addition of any square footage to the existing facility, nor changes in operation; therefore, staff believes that the proposed alcoholic beverage sales will not adversely affect parking demand and no additional parking shall be required.

(e) Land Use Compatibility – A CUP is required for the retail sale of alcoholic beverages whether intended for consumption on or off premises. A review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The introduction of alcoholic beverage sales at this location within the existing Extra Mile convenience store will provide further convenience to customers and will not intensify the land use. Therefore, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed alcoholic beverage sales. Additionally, the nearby businesses within and surrounding the project site will not be exposed to any impacts resulting from the proposed CUP.

(3) **Airport Land Use Compatibility Plan:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use

Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (hereinafter referred to as "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. 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 ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

**(4) 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.

**(5) 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.

**(6) 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 II—RECITALS***

WHEREAS, the City of Ontario has received a request for CUP 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 CUPs 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 CUP, and no comments were received opposing the proposed use; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including noise, safety, airspace protection, and overflight impacts of current and future airport activity, and as a result of the review, the proposed project has been determined to be consistent with the ALUCP policies and criteria; and

WHEREAS, on January 22, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Norma Lopez, Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval with conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

### ***Part III—THE DECISION***

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

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

(2) 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 Section 15301 (Existing Facilities) of the State CEQA Guidelines. Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes.

(3) Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving authority for the Project, the Zoning Administrator finds and determines that based on the facts and information contained in the Application and supporting documentation, the proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

(4) Pursuant to the requirements of Development Code Section 4.02.015.D (Findings and Decision), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds 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 CUP is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed Type 20 (Off-sale Beer and Wine) alcohol beverage license will be located at 4880 East Motor Lane, which is designated for the Light Industrial Land Use District of the California Commerce Center Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Light Industrial Land Use District of the California Commerce Center Specific Plan.

(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 20 (Off-sale Beer and Wine) alcohol beverage license will be located at 4880 East Motor Lane, which the Policy Plan Master Land Use Plan designates for General Commercial land use. The proposed land use 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, which promotes the establishment and intensification of commercial land uses in the area of the project site.

(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 20 (Off-sale Beer and Wine) alcohol beverage license is located with the General Commercial land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the Light Industrial Land Use District of the California Commerce Center Specific Plan, and 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 California Commerce Center Specific Plan; and

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including: [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, it is found and determined that the Project, implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

(e) *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 Zoning Administrator has required certain safeguards and has imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code and the California Commerce Center Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

(5) Pursuant to the requirements of Development Code Section 5.03.025.F (Public Convenience or Necessity Determination), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, for the off-sale alcoholic beverage license proposed within an overconcentrated census tract (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 findings:

(a) A grocery store retailer shall occupy a minimum of 12,000 square feet of gross floor area. The project location is an Extra Mile convenience store and a Chevron fueling station; therefore, the minimum 12,000 square feet of gross floor area does not apply.

(b) No more than 10 percent of the gross floor area is devoted to alcoholic beverage display or within 5 feet of the cash register or front door. The proposed alcoholic beverage sales will be displayed towards the back of the existing 1,170 square foot facility, occupying 24 square feet. Two percent of the total square footage will be utilized for the display of the alcoholic beverage sales. In addition, the police department has conditions for alcoholic sales including that no more than 4 doors on the walk-in cooler shall be designated for beer and wine.

(c) At least 10 percent of the floor area is devoted to food display sales. The majority of the convenience store floor area is devoted to various packaged food items (such as chips, cookies and other snacks). The proposed Type 20 (Off-sale Beer and Wine) alcohol license is estimated to attribute to 5 percent of overall sales; therefore, it is ancillary to the Extra Mile convenience store.

(d) The building wherein the proposed Type 20 (Off-sale Beer and Wine) alcohol sales is located has no outstanding building or health code violations, has no Community Improvement open case and complies with applicable Development Code regulations.

(e) The site is properly maintained, including building improvements, landscaping, and lighting. In addition, other departments have conditions to maintain the project site clean and well-kept from debris, litter, and graffiti.

(f) No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on building or window.

(g) The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The proposed CUP location would be able to exceed the City's average number of alcohol-related incidences by 20 percent, which is equal to 2 additional alcohol-related incidences, for a maximum total of 13 alcohol-related incidences attributable to an area in which an off-sale ABC license is proposed. An area exceeding 13 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC

licensed facilities. According to the Ontario Police Department, the area surrounding the project location had a total of 10 alcohol-related incidences in the past year, within a one-half mile radius of the project site, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area of the proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

(h) In addition, the proposed retail alcohol license is not located within close proximity (600 FT or less) of any existing or proposed residential or sensitive land use (Exhibit B: Zoning 600FT Radius)

***Part IV—ZONING ADMINISTRATOR ACTION***

Based upon the findings and conclusions set forth in Parts I through III, above, the Zoning Administrator hereby approves File No. PCUP19-024 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.

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APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2020.

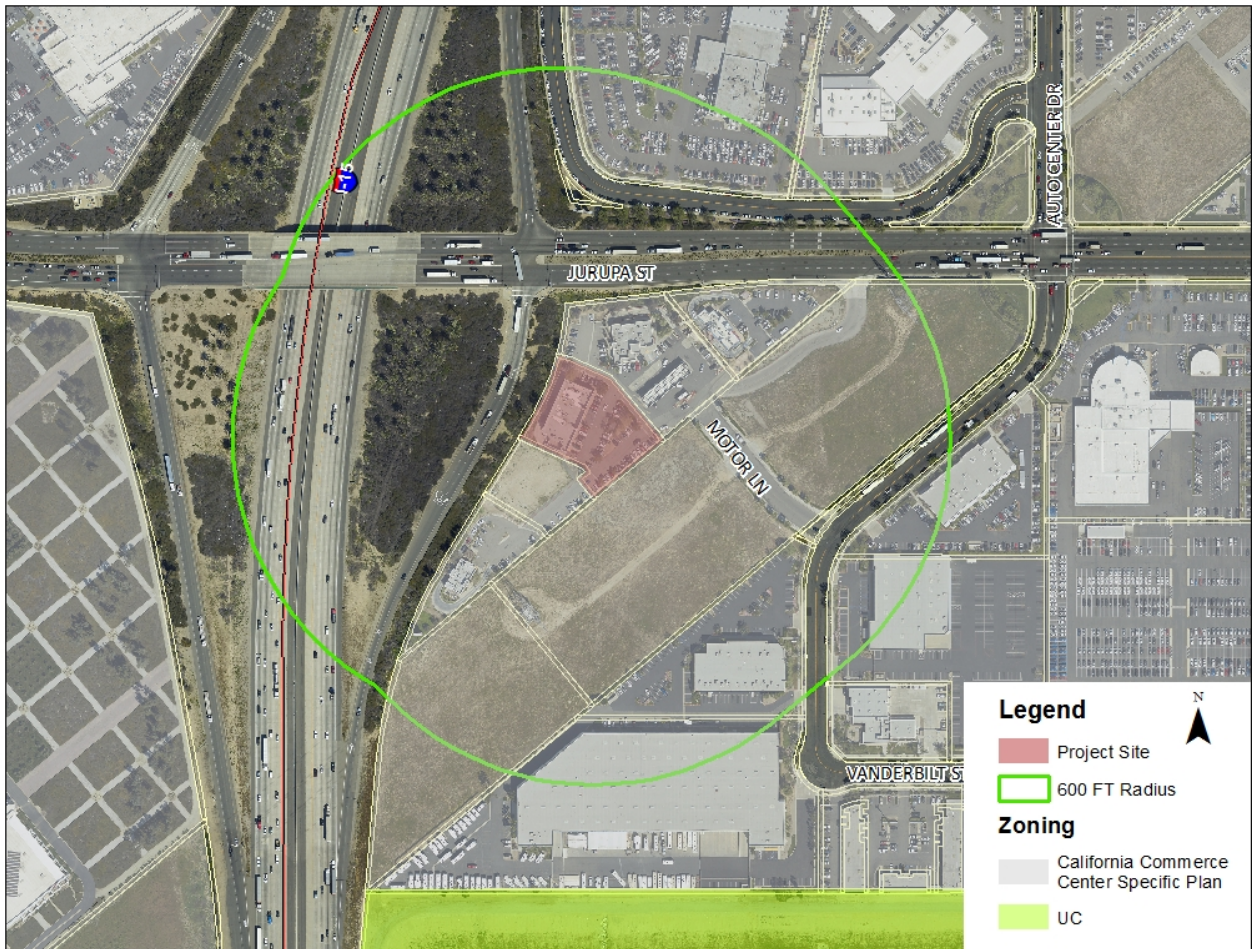
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Cathy Wahlstrom  
Zoning Administrator

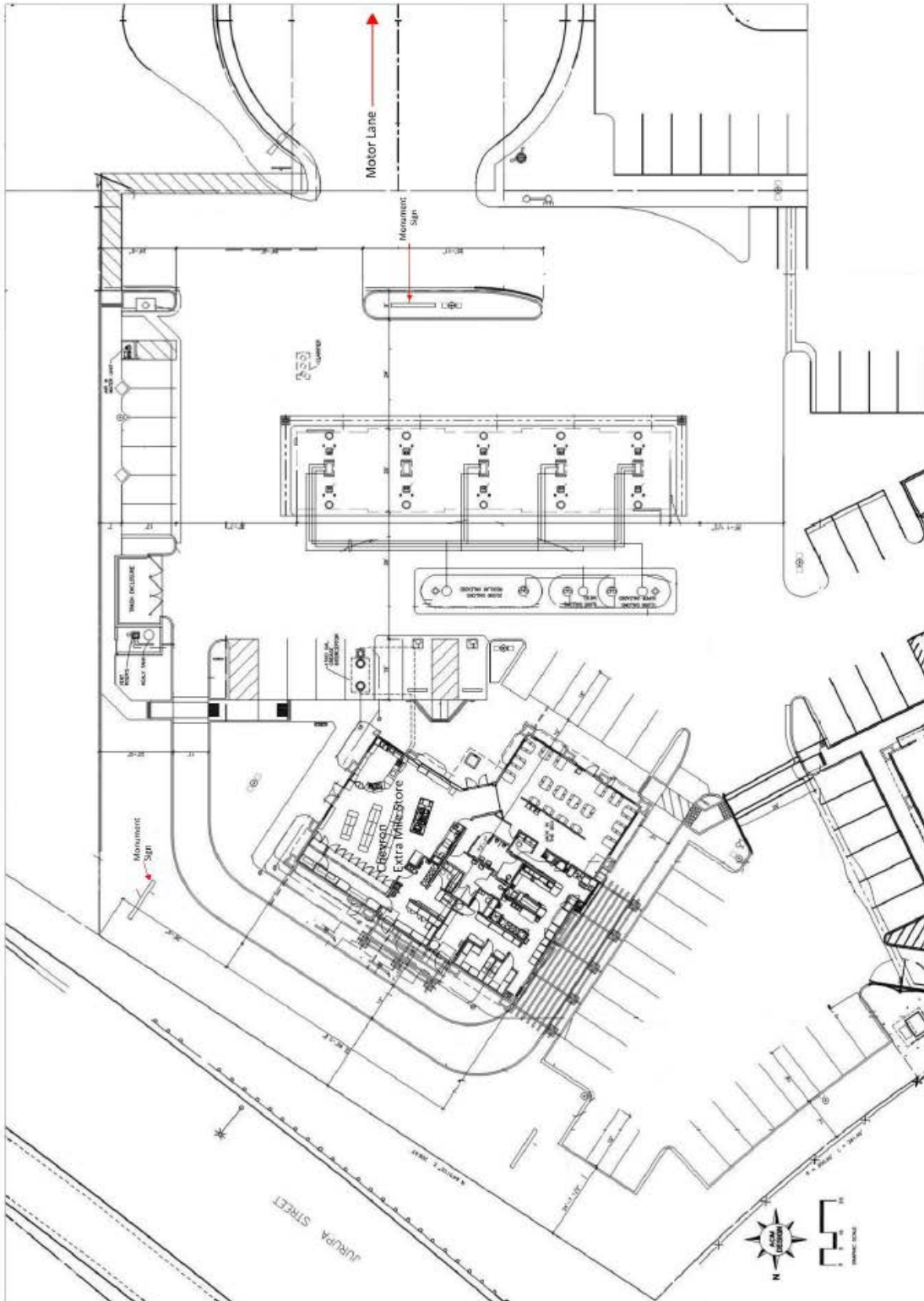
**Exhibit A: Aerial Photograph**



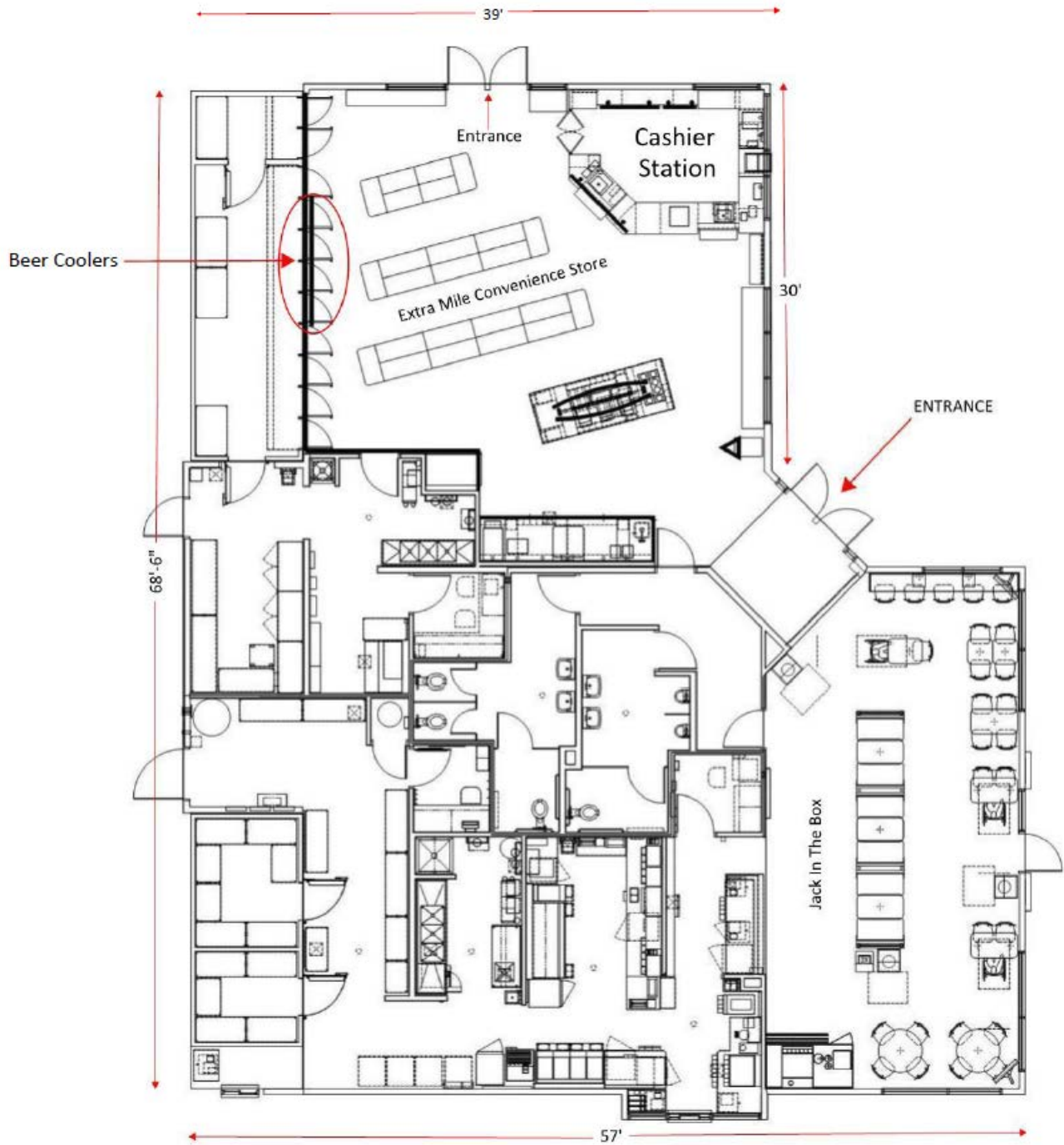
**Exhibit B: Zoning 600FT Radius**



**Exhibit C: Site Plan**



**Exhibit D: Floor Plan**



**Exhibit E: Site Photos**









## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
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*Planning Department  
Land Development Division  
Conditions of Approval*

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**Meeting Date:** January 22, 2020

**File No:** PCUP19-024

**Related Files:** N/A

**Project Description:** A Conditional Use Permit to establish a Type 20 ABC license (Off-Sale Beer and Wine) in conjunction with an existing 1,170 SF convenience store (Extra Mile) and fueling station (Chevron) on 1.03 acres of land located at 4880 East Motor Lane within the Light Industrial Land Use District of the California Commerce Center Specific Plan (APN: 023812171); **submitted by Chevron USA.**

**Prepared By:** Norma Lopez, Planning Intern  
Phone: 909.395.2411(direct)  
Email: nslopez@ontarioca.gov

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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.

**2.2** Landscaping.

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

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

**2.3** Parking, Circulation and Access.

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

**2.4** 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.

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

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

**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.

**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 gasoline service stations 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 advertisement of alcoholic beverages shall be displayed at motor fuel islands.
- (iii) No sale of alcoholic beverages shall be made from a drive-thru window.
- (iv) No display or sale of beer or wine shall be made from an ice tub.
- (v) No illuminated advertising for beer or wine shall be located on building exteriors or in windows.

**2.9** Environmental Review.

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

- (i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and
- (ii) The area in which the project is located is not environmentally sensitive.

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

**2.11** Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Alexis Vaughn, Assistant Planner

**FROM:** Erich Kemp, Police Officer, C.O.P.S. Unit

**DATE:** October 28<sup>th</sup>, 2019

**SUBJECT:** FILE NO. PCUP19-024 – Chevron USA & Gas Station – 4880 Motor Lane

---

The Ontario Police Department has researched the request for an off-site type 20 (beer & wine) alcohol license for the Chevron USA Service Station located at 4880 Motor Lane.

The requested license is within census tract 127.00, which is already over concentrated with off-sale alcohol licenses. The Department of Alcohol Beverage Control authorizes two (2) off-sale alcohol licenses for this tract. There are currently eight (8) active off-sale alcohol licenses within census tract 127.00. The Ontario Police Department does not object to allowing this Conditional Use Permit (CUP). However, due to the over concentration factor, the police department recommends the applicant obtain the license approval from the State Department of ABC prior to moving forward.

If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control regulations and laws. The Police Department is placing the following conditions:

### **ABC CONDITIONS**

1. Sales of alcohol will occur between the hours of 06:00 a.m. to 02:00 a.m. daily.
2. Applicant will follow all conditions per Business and Professions Code 23790.5(d) - Concurrent sales of alcohol and gasoline.
3. No sales or service to minors.
4. No sales or service to intoxicated patrons.

5. No open alcohol beverages in the establishment.
6. No alcohol sales through any pass-through type windows.
7. No drug paraphernalia will be sold at any time.
8. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
9. Single sale of beer, cans or bottles, will not be allowed.
10. Wine shall not be sold in containers less than 750ml.
11. Wine coolers must be sold in four packs.
12. The sale of distilled spirits is not permitted.
13. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
14. No more than four (4) doors on the walk-in cooler shall be designated for beer and wine.
15. Employees engaged in the sales of alcohol must be 18 years of age or older.
16. No more than 25% of advertisements are allowed on the windows of the business.
17. The cashier must be visible from the parking lot.
18. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
19. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
20. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
21. 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.



22. 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.
23. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
24. 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.
25. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the main entrance, to monitor patrons entering and exiting. A minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

### **TOBACCO CONDITIONS**

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post age of sale warning signs at each cash register.
3. Retailers must post Stake Act Stickers at each point of sale.
4. No self-service displays of tobacco products are allowed.
5. Tobacco products must be stored behind the counter.
6. Sales of individual cigarettes are prohibited.
7. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
8. The distribution of free or normal-cost tobacco products or coupons is prohibited.
9. 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 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 the laws of the State or City are the intent of this action.

A copy of the listed conditions of approval must be posted with your ABC license at all times in the 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 in six months to determine whether additional conditions will be needed.

**Please contact Officer Erich Kemp at (909) 408-1922 with any questions regarding the listed police conditions.**



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 Kevin Shear, Building Official  
 Khoi Do, City Engineer  
 Jamie Richardson, Landscape Planning Division  
 Ahmed Aly, Municipal Utility Company  
 Emily Hernandez, Police Department  
 Paul Ehrman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, T. E., Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-024 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, including Type 20 - beer and wine ABC License for off-premise consumption in conjunction with an existing/a proposed 3,504-square foot gas station on 1.026 acres of land located at 4880 E Motor Lane, within the Light Industrial land use district of the California Commerce Center Specific Plan (APN(s): 0238-121-71)

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

Landscape Planning Division      Signature      Title      Date  
 11/21/19

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

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
	11/12/19
Jamie Richardson, Landscape Planner	Date

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

D.A.B. File No.: PCUP19-024	Related Files:	Case Planner: Alexis Vaughn
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Project Name and Location: Chevron – ABC License 4880 Motor Lane
--

Applicant/Representative: Asuncion Lauron – <a href="mailto:alauron@chevron.com">alauron@chevron.com</a> 145 So. State College Blvd., Ste. 500 Brea, CA 92821
--

<input checked="" type="checkbox"/>	<b>A site plan (dated 10/17/19) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.</b>

1. Note landscapes shall be maintained by the property management association or maintenance personnel.
2. Contact property management to replace missing parking lot island trees: 1 at each parking island or row end. 24" box size trees type shall match existing or consider low water trees for this climate such as : Eucalyptus Microtheca – Coolibah Tree, Brachychiton populneus, Bottle Tree, or Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistachia chinensis or similar. Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established.
3. Landscape renovations shall include a weather based controller with weather sensor and system tune up to prevent any overspray or run off.
4. Repair or replace broken or leaking irrigation components.
5. 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.
6. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
7. Contact this department for inspection when construction is completed.
8. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**ZA MEETING DATE:** January 22<sup>nd</sup>, 2020

**PROJECT:** PCUP19-024, a Conditional Use Permit to establish alcoholic beverage sales for off-premises consumption, consisting of Type 20 (beer and wine) ABC License in conjunction with an existing 3,504-square foot convenience store with fuel sales on 1.026 acres of land.

**APN:** 0238-121-71

**LOCATION:** 4880 East Motor Lane


**PROJECT ENGINEER:** Antonio Alejos, Assistant Engineer *A.A.* (909) 395-2384

**PROJECT PLANNER:** Alexis Vaughn, Assistant Planner (909) 395-2416

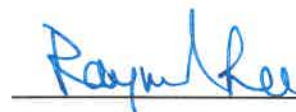
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**The following items are the Conditions of Approval for the subject project:**

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017.

  
Bryan Litley, P.E.  
Principal Engineer

12/9/19  
Date

  
Raymond Lee, P.E.  
Assistant City Engineer

12/9/19  
Date



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
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 Khoi Do, City Engineer  
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 Ahmed Aly, Municipal Utility Company  
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 Paul Ehrman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, T. E., Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-024

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
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**PROJECT DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales, including Type 20 - beer and wine ABC License for off-premise consumption in conjunction with an existing/a proposed 3,504-square foot gas station on 1.026 acres of land located at 4880 E Motor Lane, within the Light Industrial land use district of the California Commerce Center Specific Plan (APN(s): 0238-121-71)

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

eng. *Clia Coule* eng. asst. 11/7/19  
 Department Signature Title Date



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
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 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

*Antonio*

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-024 Finance Acct#:

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*Engineering (Land)*

Department

*[Signature]*

Signature

*Assistant Engineer*

Title

*11/19/19*

Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director (Copy of memo only)  
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Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-024

Finance Acct#:

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ENGINEERING-TRAFFIC  
Department

*[Handwritten Signature]*  
Signature

*[Handwritten Title]*  
Title

*[Handwritten Date]*  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 18, 2019  
**SUBJECT:** PCUP19-024

---

1. The plan **does** adequately address the departmental concerns at this time.  
No comments.

KS:lr



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
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Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-024 Finance Acct#:

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Building  
Department

Signature

Title

Date



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
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 Jimmy Chang, IT Department



FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-024 Finance Acct#:

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CI \_\_\_\_\_ Joe De Sousa \_\_\_\_\_ Superior \_\_\_\_\_ 10/18/19 \_\_\_\_\_  
 Department Signature Title Date





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Assistant Planner  
Planning Department

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

**DATE:** October 23, 2019

**SUBJECT:** PCUP19-024 A Conditional Use Permit to establish alcoholic beverage sales, including Type 20-beer and wine ABC License for off-premise consumption in conjunction with an existing/a proposed 3,504-square foot gas station on 1.026 acres of land located at 4880 E Motor Lane, within the Light Industrial land use district of the California Commerce Center Specific Plan (APN(s): 0238-121-71).

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP19-024

Address: 4880 East Motor Lane

APN: 0238-141-71

Existing Land Use: Chevron gas station and convenience store

Proposed Land Use: CUP to establish an ancillary Type 20 ABC License in conjunction with an existing convenience store and gas station

Site Acreage: 1.02 Proposed Structure Height: Existing Building

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Norma Lopez/Alexis Vaughn

Date: 12/17/19

CD No.: 2019-078

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="checkbox"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="checkbox"/> Zone 4		Allowable Height: <u>180 FT</u>	
<input type="checkbox"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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



# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

January 22, 2020

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

**FILE NO.:** PCUP19-025

**DESCRIPTION:** A Conditional Use Permit to establish a Type 20 ABC license (Off-Sale Beer and Wine) in conjunction with an existing 1,170-square foot convenience store (Extra Mile) and fueling station (Chevron) on 1.08 acres of land located at 1780 South Grove Avenue within the Commercial Land Use District of the Grove Avenue Specific Plan (APN: 105018116).; **submitted by Chevron USA.**

## ***Part I—BACKGROUND & ANALYSIS***

CHEVRON USA, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP19-025, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 1.08 acres of land located at 1780 South Grove Avenue, and is 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:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Eating Places/Gas Station/Convenience Store	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Commercial
<i>North</i>	Industrial	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Business Park
<i>South</i>	Eating Places	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Commercial
<i>East</i>	Education/Special Training	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Commercial
<i>West</i>	Service-Warehousing	Business Park (0.6 FAR)	Grove Avenue Specific Plan	Commercial

Prepared: NL 01/06/20	Reviewed: CM 01.10.2020	Decision: [enter initial/date]
-----------------------	-------------------------	--------------------------------

**(2) Project Analysis:**

**(a) Background** — The proposed Conditional Use Permit (“CUP”) Application is located at 1780 South Grove Avenue, within the Commercial Land Use District of the Grove Avenue Specific Plan. The existing Chevron gas station and Extra Mile convenience store have been in business since 2009. The Extra Mile convenience store shares space with a Jack in the Box drive-thru restaurant (Exhibit C: Site Plan). To provide an additional convenience to its customers, Chevron is requesting CUP approval to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine sales (Type 20 – Off-Sale Beer and Wine), within the Extra Mile convenience store.

The project site surrounded by industrial uses, including warehousing and manufacturing, and other eating places to the north, west and south, as well as a training facility operated by the National Tooling and Machining Association to the east. Furthermore, there are no residentially zoned properties located in close proximity (within 600 feet) to the project location (see Exhibit B: Zoning 600FT Radius, attached).

**(b) Proposed Operations** — The proposed CUP will allow for the sales of beer and wine for off-premises consumption. Hours of operation for beer and wine sales will be from 6:00AM to 12:00AM, daily. The alcohol sales display area will be 24 square feet, located towards the back of convenience store (Exhibit D: Floor Plan). In addition, the Applicant will adopt extra security measures to ensure customers do not drink on site and will provide policy signs to enforce no consumption of alcoholic beverages. Cooler doors containing alcoholic beverages will be locked from midnight to 6:00AM to enforce sale hours. Employees engaged in the sales of beer and wine will be completing a training program approved by ABC and the City of Ontario Police Department.

The sale of alcoholic beverages is for customers 21 years of age and over only. The Applicant has been given conditions and ABC regulations, including but not limited to the following: (a) hours of operation; (b) alcohol beverage sales designated area; (c) age restrictions; (d) training class or a certified responsible beverage service class within six months for all employees (for more conditions and details, refer to ABC Regulations).

**(c) ABC License Concentrations** — The California Department of Alcoholic Beverage Control (“ABC”) is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The project site is located within Census Tract 18.03 which is already over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 2 off-sale alcoholic licenses, and there are currently 4 active off-sale alcohol licenses within Census Tract 18.03; however, Development Code Section 5.03.025.F.4 grants the Approving Authority (the Zoning Administrator in this case) the authority to make a determination of Public Convenience or Necessity (“PCN”), thereby



allowing the issuance of an additional ABC license for off-premises alcoholic beverage sales in a census tract that has been determined to be over concentrated with such ABC licenses, if the following factors exist:

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole, including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all State Business and Professions Code violations, drug violations, and driving while intoxicated or under the influence.
- The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building gross floor area (“GFA”) containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.
- The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales.
- If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA.
- No more than 10 percent of the retail business’ GFA shall be devoted to alcoholic beverage display and sale.
- At least 10 percent of the retail business’ GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation).
- The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

The proposed retail ABC license is not located within a high crime area as demonstrated by the fact that within the year preceding the preparation of this report, the City of Ontario had a total of 3,303 calls for service and alcohol-related reports, including, but not limited to, assault, driving while intoxicated or under the influence, alcohol violation, vandalism, drugs or narcotic violations, and disorderly conduct. With a total of 305 active on-sale and off-sale ABC license existing throughout the City as of the preparation of this report, the average number of alcohol-related incidences attributable to the area surrounding the proposed off-sale ABC license location is 11. Within an over concentrated Census Tract, if a CUP to establish off-sale alcoholic beverage sales is proposed, the one-half mile radius area surrounding the proposed CUP location would be able to exceed the City's average number of alcohol-related incidences by 20 percent, which is equal to 2 additional alcohol-related incidences, for a maximum total of 13 alcohol-related incidences attributable to an area in which an off-sale ABC license is proposed. An area exceeding 13 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC licensed facilities.

According to the Ontario Police Department, the area surrounding the project location had a total of 10 alcohol-related incidences in the past year, within a one-half mile radius of the project site, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area of the proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

**(d)** Parking – The existing project site provides a total of 29 parking spaces. The application does not propose the addition of any square footage to the existing facility, nor changes in operation; therefore, staff believes that the proposed alcoholic beverage sales will not adversely affect parking demand and no additional parking shall be required.

**(e)** Land Use Compatibility – A CUP is required for the retail sale of alcoholic beverages whether intended for consumption on or off premises. A review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The introduction of alcoholic beverage sales at this location within the existing Extra Mile convenience store will provide further convenience to customers and will not intensify the land use. Therefore, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed alcoholic beverage sales. Additionally, the nearby businesses within and surrounding the project site will not be exposed to any impacts resulting from the proposed CUP.

**(3) Airport Land Use Compatibility Plan:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that

local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport, 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. 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 ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

**(4) 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.

**(5) 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.

**(6) 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 II—RECITALS***

WHEREAS, the City of Ontario has received a request for CUP 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 CUPs 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 CUP, and no comments were received opposing the proposed use; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including noise, safety, airspace protection, and overflight impacts of current and future airport activity, and as a result of the review, the proposed project has been determined to be consistent with the ALUCP policies and criteria; and

WHEREAS, on January 22, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Norma Lopez, Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval with conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

### ***Part III—THE DECISION***

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

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

(2) 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 Section 15301 (Existing Facilities) of the State CEQA Guidelines. Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes.

(3) Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving authority for the Project, the Zoning Administrator finds and determines that based on the facts and information contained in the Application and supporting documentation, the proposed project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

(4) Pursuant to the requirements of Development Code Section 4.02.015.D (Findings and Decision), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds 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 CUP is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed Type 20 (Off-sale Beer and Wine) alcohol beverage license will be located at 1780 South Grove Avenue, which is designated for the Commercial Land Use District of the Grove Avenue Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Commercial Land Use District of the Grove Avenue Specific Plan.

(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 20 (Off-sale Beer and Wine) alcohol beverage license will be located at 1780 South Grove Avenue, which the Policy Plan Master Land Use Plan

designates for the Business Park land use. The proposed land use 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, which promotes the establishment and intensification of business land uses in the area of the project site.

(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 20 (Off-sale Beer and Wine) alcohol beverage license is located with the Business Park land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the Commercial Land Use District of the Grove Avenue Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Grove Avenue Specific Plan; and

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The proposed project is located within the Airport Influence Area of Ontario International Airport and the facts and information contained in the Application and supporting documentation have been reviewed against the ALUCP compatibility factors, including: [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, it is found and determined that the Project, implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

(e) *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 Zoning Administrator has required certain safeguards and has imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code and the Grove Avenue 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.

(5) Pursuant to the requirements of Development Code Section 5.03.025.F (Public Convenience or Necessity Determination), based upon the facts and information contained in the Application, and the evidence presented to the Zoning Administrator during the above-referenced public hearing, for the off-sale alcoholic beverage license proposed within an overconcentrated census tract (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 findings:

(a) A grocery store retailer shall occupy a minimum of 12,000 square feet of gross floor area. The project location is an Extra Mile convenience store and a Chevron fueling station; therefore, the minimum 12,000 square feet of gross floor area does not apply.

(b) No more than 10 percent of the gross floor area is devoted to alcoholic beverage display or within 5 feet of the cash register or front door. The proposed alcoholic beverage sales will have a 24-square foot display towards the back of the existing 1,170 square foot convenience store. Two percent of the total square footage will be utilized for the display of the alcoholic beverage sales. In addition, the police department has conditions for alcoholic sales including that no more than 4 doors on the walk-in cooler shall be designated for beer and wine.

(c) At least 10 percent of the floor area is devoted to food display sales. The majority of the convenience store floor area is devoted to various packaged food items (such as chips, cookies and other snacks). The proposed Type 20 (Off-sale Beer and Wine) alcohol license is estimated to be only 5 percent of sales; therefore, it is ancillary to the Extra Mile convenience store.

(d) The building wherein the proposed Type 20 (Off-Sale Beer and Wine) alcohol sales is located has no outstanding building or health code violations, has no Community Improvement open case, and complies with applicable Development Code regulations.

(e) The site is properly maintained, including building improvements, landscaping, and lighting. In addition, other departments have conditions to maintain the project site clean and well-kept from debris, litter, and graffiti.

(f) No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on building or window.

(g) The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The proposed CUP location would be able to exceed the City's average number of alcohol-related incidences by 20 percent, which is equal to 2 additional alcohol-related incidences, for a maximum total of 13 alcohol-related incidences attributable to an area in which an off-sale ABC license is proposed. An area exceeding 13 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC

licensed facilities. According to the Ontario Police Department, the area surrounding the project location had a total of 10 alcohol-related incidences in the past year, within a one-half mile radius of the project site, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area of the proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

(h) In addition, the proposed retail alcohol license is not located within close proximity (600 FT or less) of any existing or proposed residential or sensitive land use (see Exhibit B: Zoning 600FT Radius, attached).

***Part IV—ZONING ADMINISTRATOR ACTION***

Based upon the findings and conclusions set forth in Parts I through III, above, the Zoning Administrator hereby approves File No. PCUP19-025, 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.

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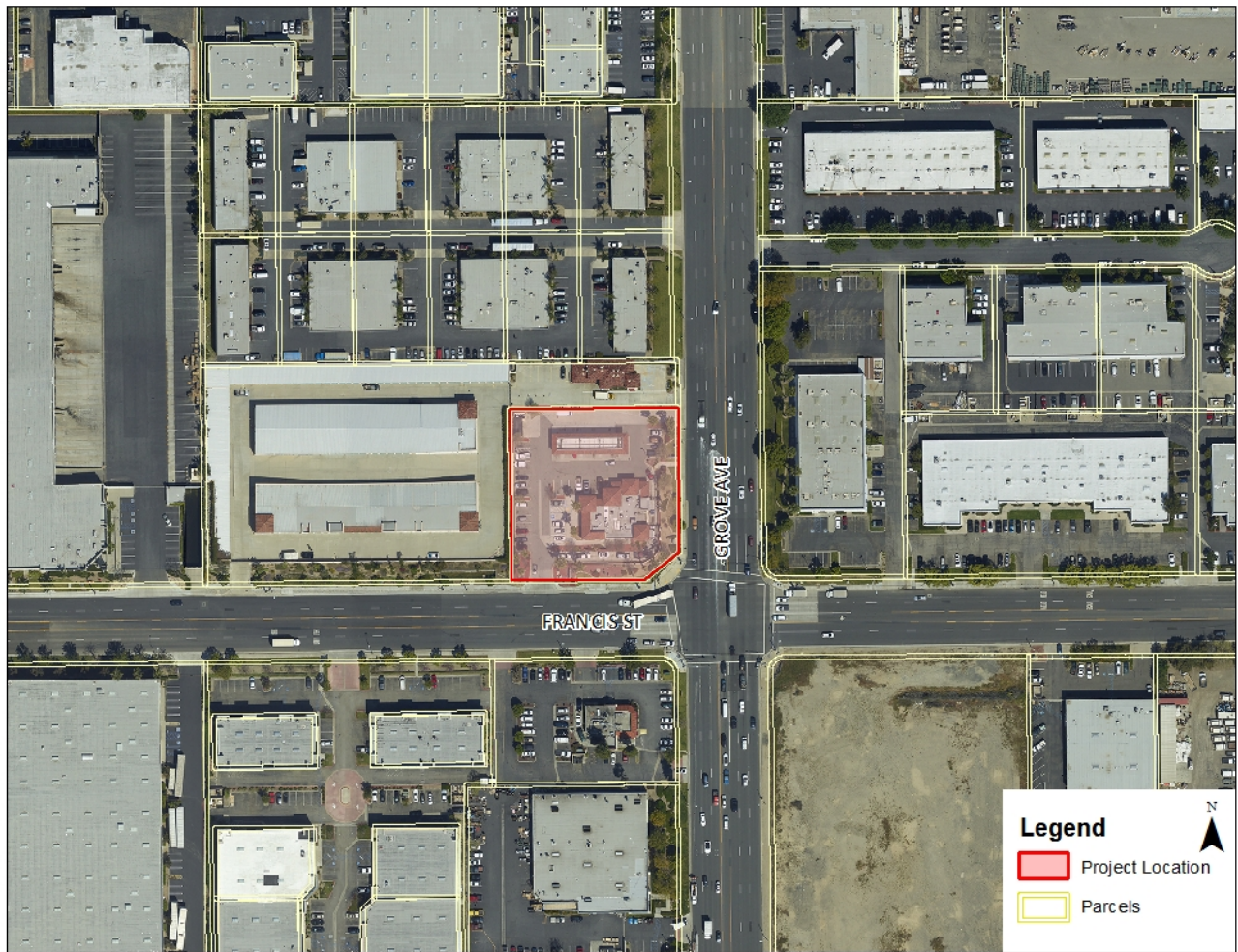
APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2020.

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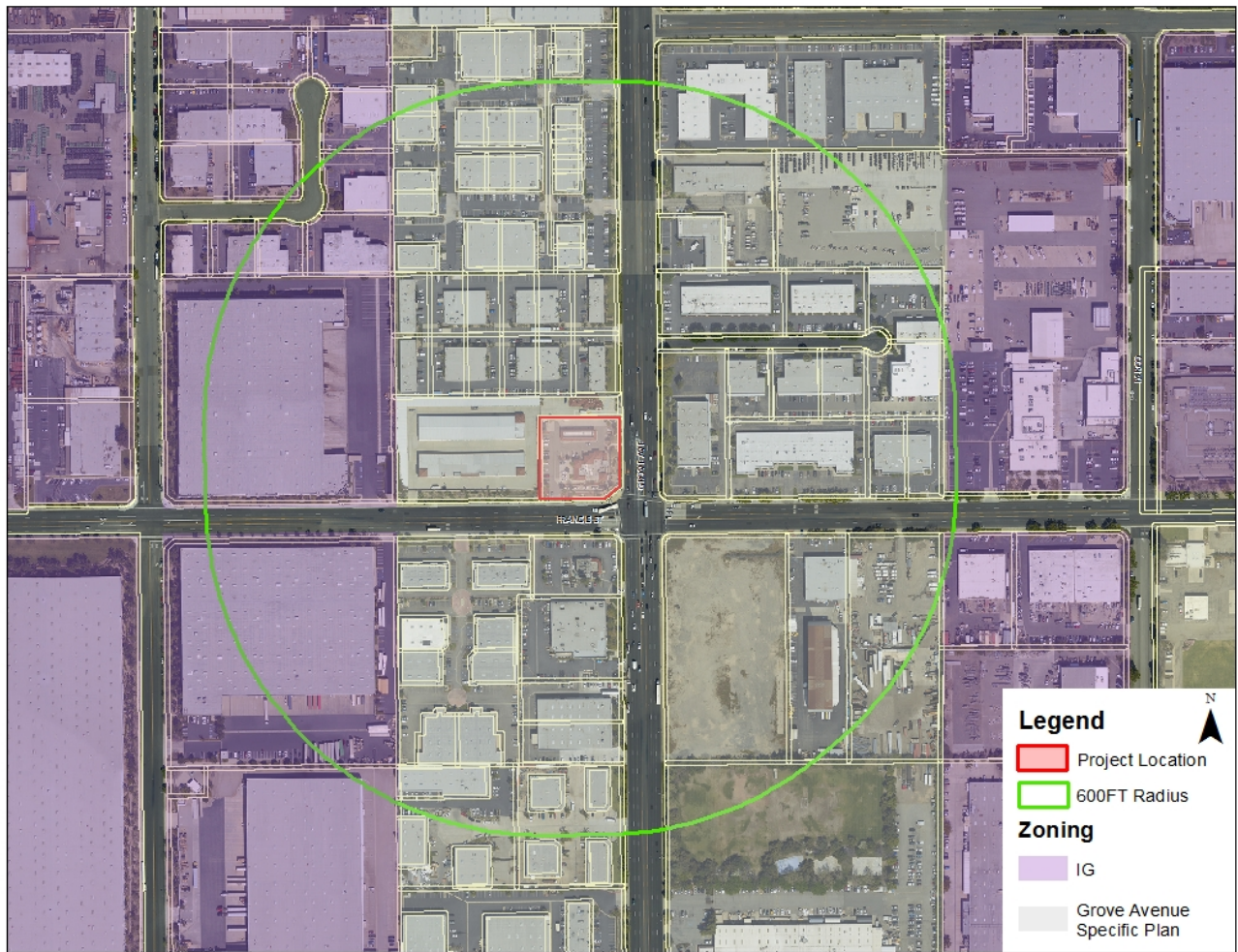
Cathy Wahlstrom  
Zoning Administrator



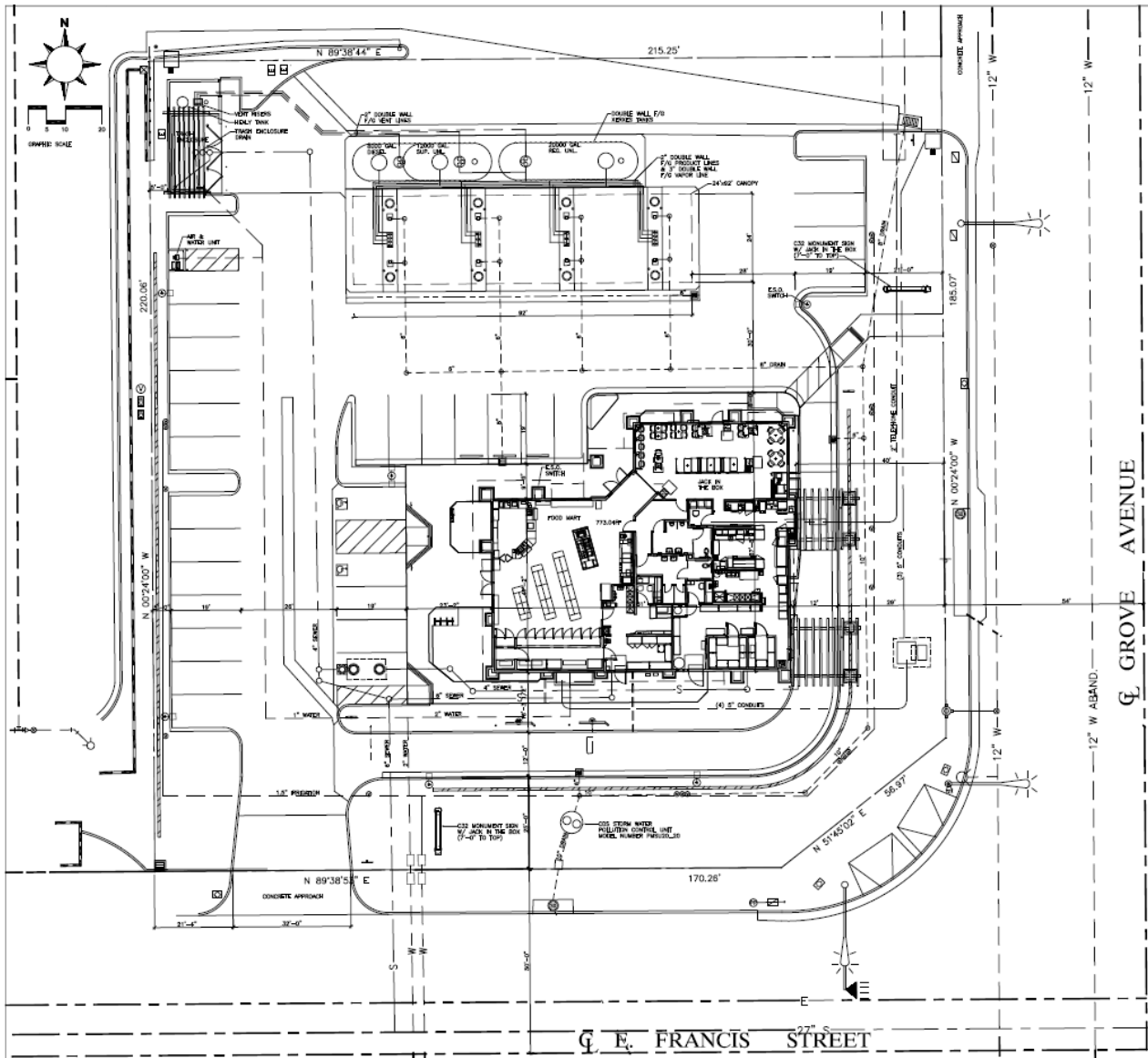
**Exhibit A: Aerial Photograph**



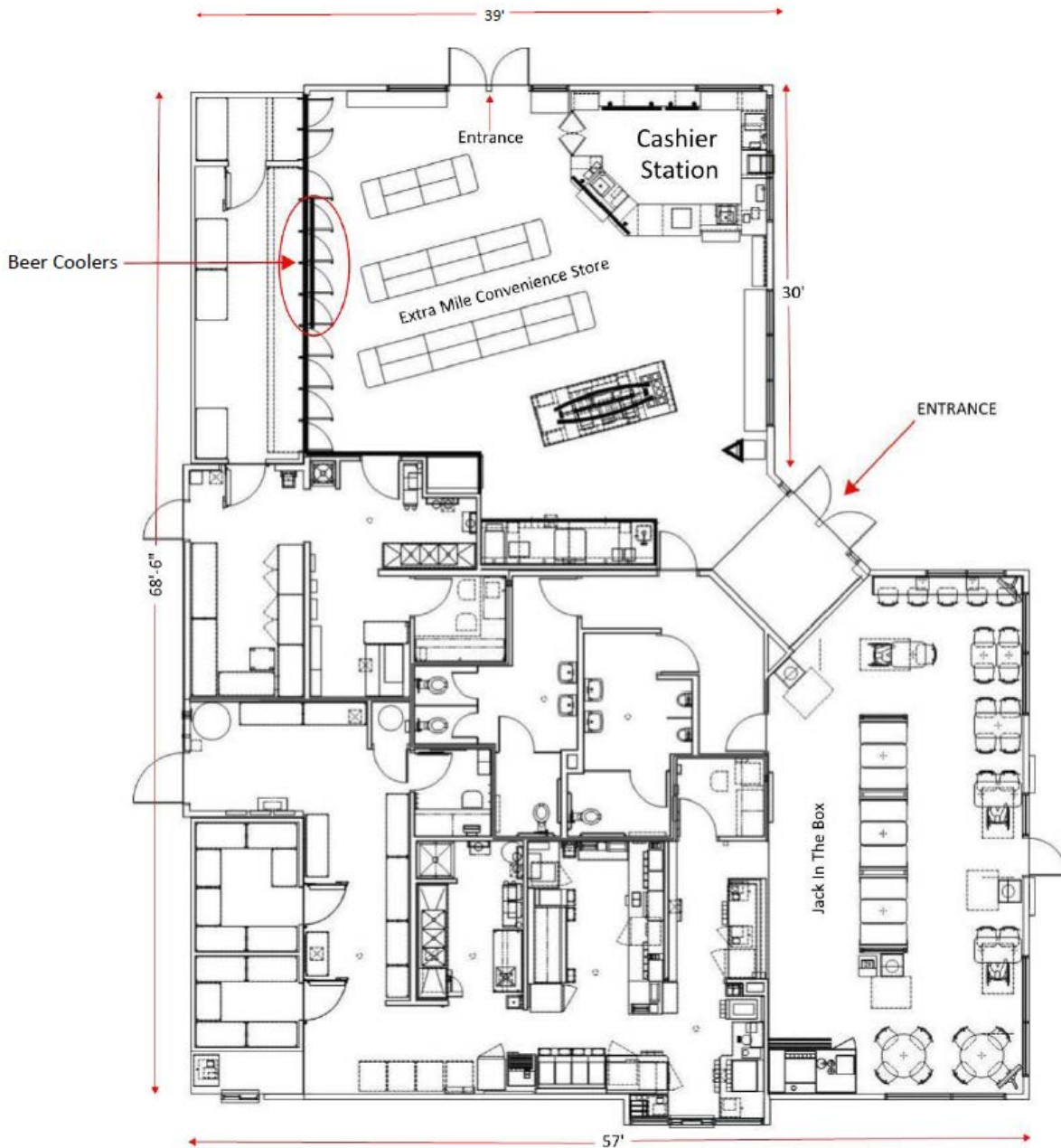
**Exhibit B: Zoning 600FT Radius**



**Exhibit C: Site Plan**



**Exhibit D: Floor Plan**



**Exhibit E: Site Photos**



North Elevation



East Elevation



South Elevation



West Elevation

## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
Fax: 909.395.2420

## ***Planning Department Land Development Division Conditions of Approval***

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**Meeting Date:** January 22, 2020

**File No:** PCUP19-025

**Related Files:** N/A

**Project Description:** A Conditional Use Permit to establish a Type 20 ABC license (Off-Sale Beer and Wine) in conjunction with an existing 1,170 SF convenience store (Extra Mile) and fueling station (Chevron) on 1.08 acres of land located at 1780 South Grove Avenue within the Commercial Lan Use District of the Grove Avenue Specific Plan (APN: 1050-181-16); **submitted by Chevron USA.**

**Prepared By:** Norma Lopez, Planning Intern  
Phone: 909.395.2411(direct)  
Email: nslopez@ontarioca.gov

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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.

**2.2** Landscaping.

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

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

**2.3** Parking, Circulation and Access.

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

**2.4** 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.

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

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

**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.

**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 gasoline service stations 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 advertisement of alcoholic beverages shall be displayed at motor fuel islands.

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

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

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

**2.9** Environmental Review.

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

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

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

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

**2.11** Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.



# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Alexis Vaughn, Assistant Planner

**FROM:** Erich Kemp, Police Officer, C.O.P.S. Unit

**DATE:** October 28<sup>th</sup>, 2019

**SUBJECT:** FILE NO. PCUP19-025 – Chevron USA & Gas Station – 1780 S. Grove Avenue

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The Ontario Police Department has researched the request for an off-site type 20 (beer & wine) alcohol license for the Chevron USA Service Station located at 1780 S. Grove Avenue.

The requested license is within census tract 18.03 which is already over concentrated with off-sale alcohol licenses. The Department of Alcohol Beverage Control authorizes two (2) off-sale alcohol licenses for this tract. There are currently four (4) active off-sale alcohol licenses within census tract 18.03. The Ontario Police Department does not object to allowing this Conditional Use Permit (CUP). However, due to the over concentration factor, the police department recommends the applicant obtain the license approval from the State Department of ABC prior to moving forward.

If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control regulations and laws. The Police Department is placing the following conditions:

### **ABC CONDITIONS**

1. Sales of alcohol will occur between the hours of 06:00 a.m. to 02:00 a.m. daily.
2. Applicant will follow all conditions per Business and Professions Code 23790.5(d) - Concurrent sales of alcohol and gasoline.
3. No sales or service to minors.

4. No sales or service to intoxicated patrons.
5. No open alcohol beverages in the establishment.
6. No alcohol sales through any pass-through type windows.
7. No drug paraphernalia will be sold at any time.
8. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
9. Single sale of beer, cans or bottles, will not be allowed.
10. Wine shall not be sold in containers less than 750ml.
11. Wine coolers must be sold in four packs.
12. The sale of distilled spirits is not permitted.
13. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
14. No more than four (4) doors on the walk-in cooler shall be designated for beer and wine.
15. Employees engaged in the sales of alcohol must be 18 years of age or older.
16. No more than 25% of advertisements are allowed on the windows of the business.
17. The cashier must be visible from the parking lot.
18. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
19. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
20. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
21. 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.

22. 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.
23. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
24. 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.
25. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the main entrance, to monitor patrons entering and exiting. A minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

### **TOBACCO CONDITIONS**

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post age of sale warning signs at each cash register.
3. Retailers must post Stake Act Stickers at each point of sale.
4. No self-service displays of tobacco products are allowed.
5. Tobacco products must be stored behind the counter.
6. Sales of individual cigarettes are prohibited.
7. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
8. The distribution of free or normal-cost tobacco products or coupons is prohibited.
9. 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 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 the laws of the State or City are the intent of this action.

A copy of the listed conditions of approval must be posted with your ABC license at all times in the 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 in six months to determine whether additional conditions will be needed.

**Please contact Officer Erich Kemp at (909) 408-1922 with any questions regarding the listed police conditions.**



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**ZA MEETING DATE:** January 22<sup>nd</sup>, 2020

**PROJECT:** PCUP19-025, a Conditional Use Permit to establish alcoholic beverage sales for off-premises consumption, consisting of a Type 20 (beer and wine) ABC License in conjunction with a proposed 3,504-square foot convenience store with fuel sales on 1.08 acres of land.

**APN:** 1050-181-16

**LOCATION:** 1780 South Grove Avenue

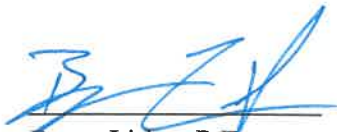
**PROJECT ENGINEER:** Antonio Alejos, Assistant Engineer *X.A.* (909) 395-2384

**PROJECT PLANNER:** Alexis Vaughn, Assistant Planner (909) 395-2416

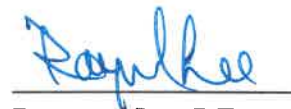
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**The following items are the Conditions of Approval for the subject project:**

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017.

  
Bryan Lirley, P.E.  
Principal Engineer

12/5/19  
Date

  
Raymond Lee, P.E.  
Assistant City Engineer

12/19/19  
Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, City Engineer  
Jamie Richardson, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Emily Hernandez, Police Department  
Paul Ehrman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-025

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, including Type 20 - beer and wine ABC License for off-premise consumption in conjunction with an existing/a proposed 3,504-square foot gas station on 1.08 acres of land located at 1780 S Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-181-16)

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

eng. Department      *Celia Coull* Signature      eng. asst. Title      11/7/19 Date







# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
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EUC-WGGRINC / TRAFFIC     
      
 11/4/2019  
 Department                                      Signature                                      Title                                      Date

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 18, 2019  
**SUBJECT:** PCUP19-025

---

1. The plan **does** adequately address the departmental concerns at this time.  
No comments.

KS:lr



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
Cathy Wahlstrom, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
**Kevin Shear, Building Official**  
Khoi Do, City Engineer  
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Eric Woosley, Engineering/NPDES  
Joe De Sousa, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-025

Finance Acct#:

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*Building*  
Department

Signature

Title

Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Development Director  
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Broadband Operations	<i>Anna Vaca</i>	Sr. Systems Analyst	10/24/2019
Department	Signature	Title	Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Assistant Planner  
Planning Department

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

**DATE:** November 12, 2019

**SUBJECT:** PCUP19-025 A Conditional Use Permit to establish alcoholic beverage sales, including Type 20 – beer and wine ABC License for off-premise consumption in conjunction with an existing/a proposed 3,504-square foot gas station on 1.08 acres of land located at 1780 S Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-181-16)

- 
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- No comments
  - Report below.

---

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Assistant Planner  
Planning Department

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

**DATE:** November 12, 2019

**SUBJECT:** **PCUP19-025** A Conditional Use Permit to establish alcoholic beverage sales, including Type 20 – beer and wine ABC License for off-premise consumption in conjunction with an existing/a proposed 3,504-square foot gas station on 1.08 acres of land located at 1780 S Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-181-16)

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# CITY OF ONTARIO MEMORANDUM

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 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department



FROM: Alexis Vaughn, Assistant Planner

DATE: October 17, 2019

SUBJECT: FILE #: PCUP19-025

Finance Acct#:

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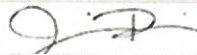
CI      Joe De Sousa      Super      10/18/19  
 Department                                      Signature                                      Title                                      Date



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

**CONDITIONS OF APPROVAL**

**Sign Off**

  
Jamie Richardson, Landscape Planner

11/12/19  
Date

Reviewer's Name:  
**Jamie Richardson, Landscape Planner**

Phone:  
**(909) 395-2615**

D.A.B. File No.:  
PCUP19-025

Related Files:

Case Planner:  
Alexis Vaughn

Project Name and Location:  
Chevron – ABC License  
1780 S. Grove Avenue

Applicant/Representative:  
Asuncion Lauron – [alauron@chevron.com](mailto:alauron@chevron.com)  
145 So. State College Blvd., Ste. 500  
Brea, CA 92821

<input checked="" type="checkbox"/>	<b>A site plan (dated 10/17/19) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.</b>

1. Note landscapes shall be maintained by the property management association or maintenance personnel.
2. Fill in landscape planters with plant material leaving an 8' distance from trees.
3. Landscape renovations shall include a weather-based controller with weather sensor and system tune up to prevent any overspray or run off.
4. Repair or replace broken or leaking irrigation components.
5. 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.
6. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage occurs requiring landscape or irrigation replacement
7. Contact this department for inspection when construction is completed.
8. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP19-025

Address: 1780 South Grove Ave

APN: 1050-181-16

Existing Land Use: Chevron gas station and convenience store

Proposed Land Use: CUP to establish an ancillary Type 20 ABC License in conjunction with an existing convenience store and gas station

Site Acreage: 1.08 Proposed Structure Height: Existing Building

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Norma Lopez/Alexis Vaughn

Date: 12/17/19

CD No.: 2019-077

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="checkbox"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="checkbox"/> Zone 4		Allowable Height: <u>200 FT +</u>	
<input type="checkbox"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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