



CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

September 21, 2020

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

SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT CITY OF ONTARIO ZONING ADMINISTRATOR MEETINGS

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Zoning Administrator for the City of Ontario is required to limit in-person attendance at the upcoming Zoning Administrator meeting. Members of the public may utilize alternative measures established by the City of Ontario to view the Zoning Administrator meeting and/or to communicate your opinions to the Zoning Administrator. To view the meeting, please go to <http://www.ontarioca.gov/agendas/zoning> and follow the link on that webpage to view the meeting.

Members of the public who wish to provide comment on an item may do so in one of the following manners:

1. **EMAIL:** You can email comments to planningdirector@ontarioca.gov no later than 12:00 PM on the day of the meeting. All comments received by the deadline will be printed for Zoning Administrator consideration before action is taken on that matter. Please identify the agenda item that you wish to address in your comments. All written comments will be included in the record.
2. **TELEPHONE BEFORE THE MEETING:** You can call (909) 395-2036 no later than 12:00 PM on the day of the meeting and let them know that you would like to make a comment on an agenda item.
3. **IN WRITING DURING THE MEETING:** The meeting will be broadcast utilizing software that allows members of the public to make written comments. Your written comments will be read by a staff member to the Zoning Administrator during their consideration of that item.

Any members of the public who require special assistance or a reasonable accommodation to participate in the meeting of the Zoning Administrator may contact Gwen Berendsen at (909) 395-2036 or planningdirector@ontarioca.gov at least 24 hours prior to the meeting.

All documents are available for public review at the City of Ontario Planning Department located at City Hall, 303 East "B" Street, Ontario, California by scheduling an appointment with the Planning Department by calling (909) 395-2036.

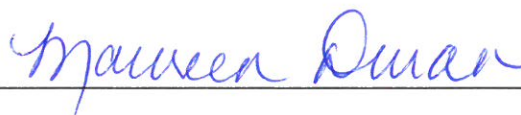
PUBLIC HEARING

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-003**: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 3,500 square foot convenience store on 0.97 acres of land, located at the 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald 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: 1083-011-20) **submitted by Atabak Youssefzadeh.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP19-011**: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer, wine, and distilled spirits (Type 21 ABC License), in conjunction with a 4,088 square foot convenience store (7-Eleven) on 1.54 acres of land, located at the 3500 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-531-11) **submitted by Lewis Piemonte Land, LLC.**

If you wish to appeal a decision of the Zoning Administrator, you must do so within ten (10) days of the Zoning Administrator action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Zoning Administrator in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

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





ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

September 21, 2020

DECISION NO.: [insert #]

FILE NO.: PCUP19-003

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 3,500 square foot convenience store with fuel sales on 0.97-acre of land located at the 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan (APN: 1083-011-20); **submitted by Atabak Youssefzadeh.**

Part I—BACKGROUND & ANALYSIS

ATABAK YOUSSEFZADEH, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP19-003, 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 0.97-acre of land located at 2200 South Archibald 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>	Vacant	General Commercial	Archibald Center Specific Plan	Support Commercial
<i>North</i>	Fast Food Restaurant (Galaxy Hamburgers)	Industrial	California Commerce Center South Specific Plan	Business Park
<i>South</i>	Multi-tenant Commercial Building	General Commercial	Archibald Center Specific Plan	Support Commercial
<i>East</i>	Gasoline Fueling Station (Shell)	General Commercial	California Commerce Center South Specific Plan	Commercial / Office
<i>West</i>	Industrial Building	Business Park	Archibald Center Specific Plan	Business Park

Prepared: JA – 09/09/2020	Reviewed: CM – 9/9/2020	Decision: [enter initial/date]
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(2) Project Analysis:

(a) Background — The proposed Conditional Use Permit (“CUP”) Application is located at 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan. On April 20, 2020, the Development Advisory Board approved a Development Plan (File No. PDEV19-014) for the construction of a gasoline fueling station (Mobil) and a 3,500 square foot convenience store. To provide an additional convenience to its customers, the applicant submitted a Conditional Use Permit (“CUP”) application on February 27, 2019, to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC License), within the convenience store.

(b) Proposed Operations — The proposed CUP will allow for the sales of beer and wine for off the premises consumption. The proposed hours of operations for the convenience store is 24 hours a day and 7 days a week. The alcohol sales display area will be 197 square feet, located towards the rear (western facing building elevation) of the convenience store, adjacent to the cashier area, making up 5.6 percent of the gross floor area (see, Exhibit D: Floor Plan). A total of 12 full-time employees will rotate in three shifts. Each shift has two employees, with the first shift from 7:00 AM to 2:00 PM, the second shift from 2:00 PM to 11:00 PM, and the third shift from 11:00 PM to 7:00 AM. In addition, the Applicant will adopt extra security measures to ensure customers do not consume alcohol on site and will provide policy signs to enforce no consumption of alcoholic beverages. Employees engaged in the sales of beer and wine will be required to complete a training program approved by ABC and the City of Ontario Police Department. Furthermore, the Police Department has conditioned the sale of alcoholic beverages to occur between 10:00 AM to 10:00 PM, daily.

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 (refer to the attached Police Department Conditions of Approval).

(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 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 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 additional ABC licenses for off-premises alcoholic beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses.

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. The immediate area (one-half mile radius of project site) shall not exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 451 calls for service related to alcohol-related reports citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within a one-half mile radius of the project site, there were a total of 4 alcohol-related incidences in the past year, less than one percent for alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and grant the requested CUP.

(d) Parking – The approved project provides a total of 24 parking spaces. The application does not propose the addition of any building area 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 is 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 the proposed location, within the existing 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 the approved fueling station, convenience store, and immediate area surrounding the project site, will not be exposed to any additional 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 Conditional Use Permit approval as described in Part I, above; and

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

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

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

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

WHEREAS, the project is 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;

WHEREAS, on September 21, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jeanie Irene Aguilo, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. 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 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 Conditional Use Permit 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 ABC License will be located at 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald 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 Archibald Center Specific Plan. The proposed Type 20 ABC License will be ancillary to a previously approved convenience store with fuel sales (File No. PDEV19-014).

(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 ABC License will be located at 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan, which the Policy Plan Master Land Use Plan designates for General Commercial land uses. 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 retail and service commercial land uses in the area of the project site. With the project Conditions of

Approval, the proposed project will provide an added convenience to the retail center, further helping to implement the Policy Plan and City Council Priorities.

(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 alcoholic beverage sales of off-premises consumption (Type 20 ABC License) is located with the General Commercial land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the Support Commercial land use district of the Archibald Center Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Archibald Center Specific Plan. The proposed use will provide an additional convenience for patrons of the convenience store.

(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 Support Commercial land use district of the Archibald 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, the Zoning Administrator hereby finds as follows:

(a) For Off-Sale alcoholic beverage license types located within overconcentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity (hereinafter referred to as “PCN”) findings:

- The retailer is not a grocery store that occupies a minimum of 12,000 square feet of gross floor area. The project location is a convenience store and fueling station; therefore, the minimum 12,000 square feet of gross floor area requirement does not apply in this case.

- No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The proposed alcoholic beverage sales will be displayed towards the back of the existing 3,500 square foot convenience store, occupying 197 square feet. 5.6 percent that will be utilized for the display of the alcoholic beverages for sale. In addition, the Police Department has conditions for alcoholic sales, including a condition which states that no more than 4 doors on the walk-in cooler shall be designated for beer and wine sales.

- At least 10 percent of the floor area is devoted to food sales. The majority of the convenience store floor area is devoted to various prepackaged food items (such as chips, cookies and other snacks). The proposed Type 20 ABC License is estimated to attribute to 5 percent of overall sales; therefore, it is ancillary to the convenience store.

- 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.

Within the year preceding the preparation of this report, the City of Ontario had a total of 451 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within an over concentrated Census Tract, if a CUP to establish off-sale alcoholic beverage sales is proposed, the one-half mile radius area surrounding the proposed CUP location would be able to exceed the City’s average number of alcohol-related incidences by 20 percent.

According to the Ontario Police Department, the one-half mile radius area surrounding the project location had a total of 4 alcohol-related incidences in the past year, less than one percent for alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The property site will be under construction and has no outstanding Building or Health Code violations.
- The site is properly maintained, including building improvements, landscaping, and lighting. project site is currently under construction but has been conditioned to be consistently maintained.

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. PCUP19-003, 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.

APPROVED AND ADOPTED this [insert day] day of [insert month & year].

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph

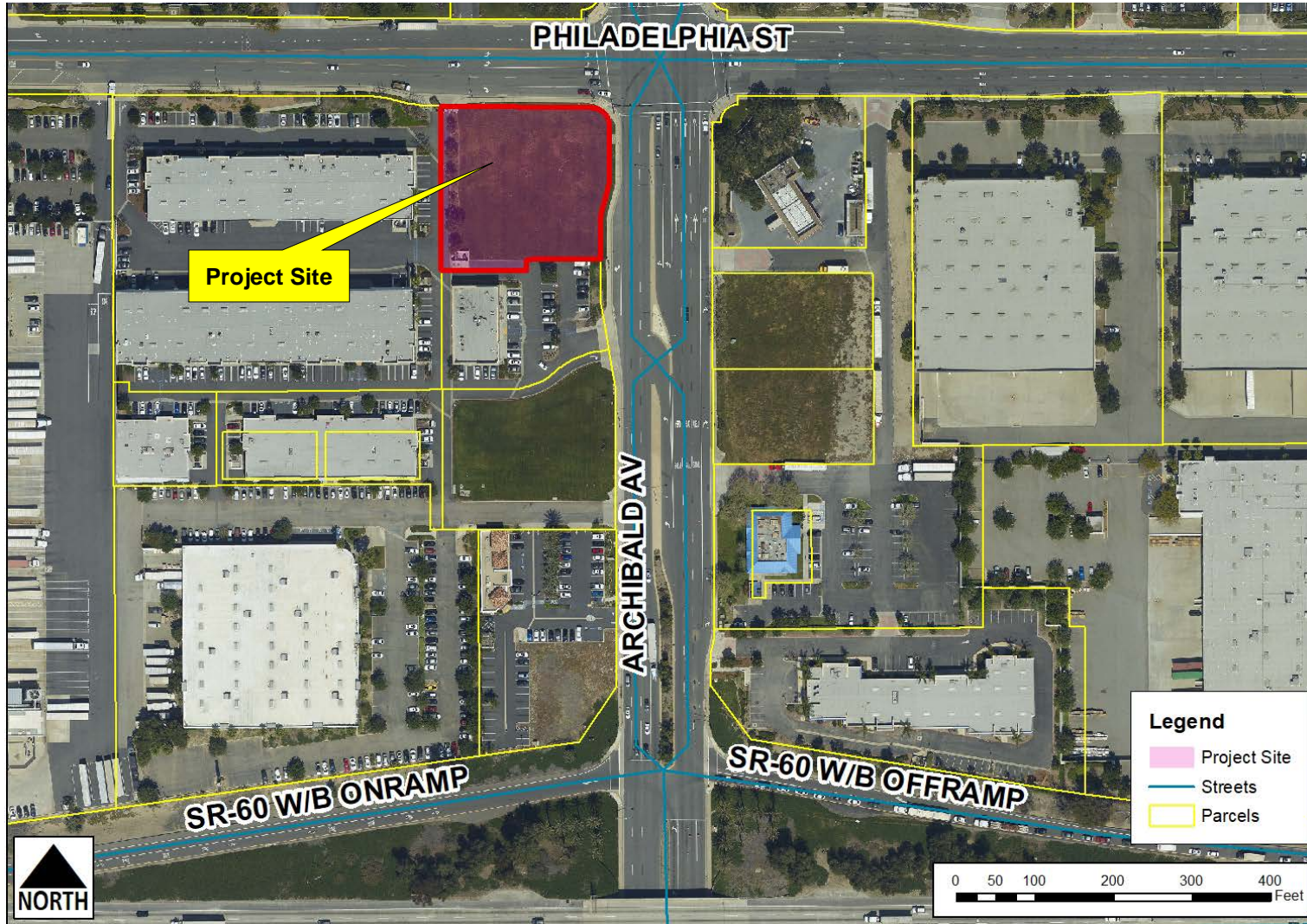


Exhibit B: Site Plan

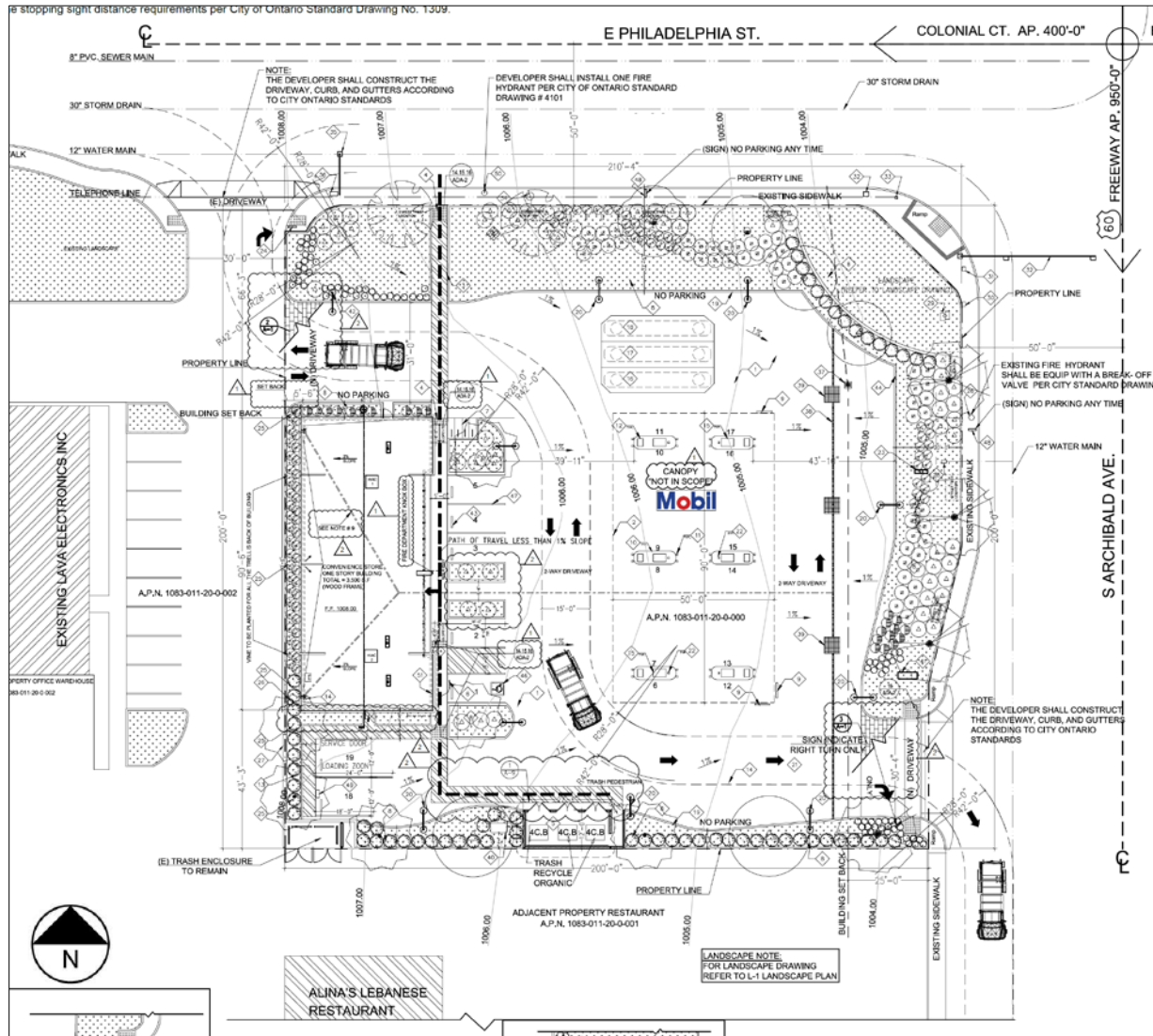
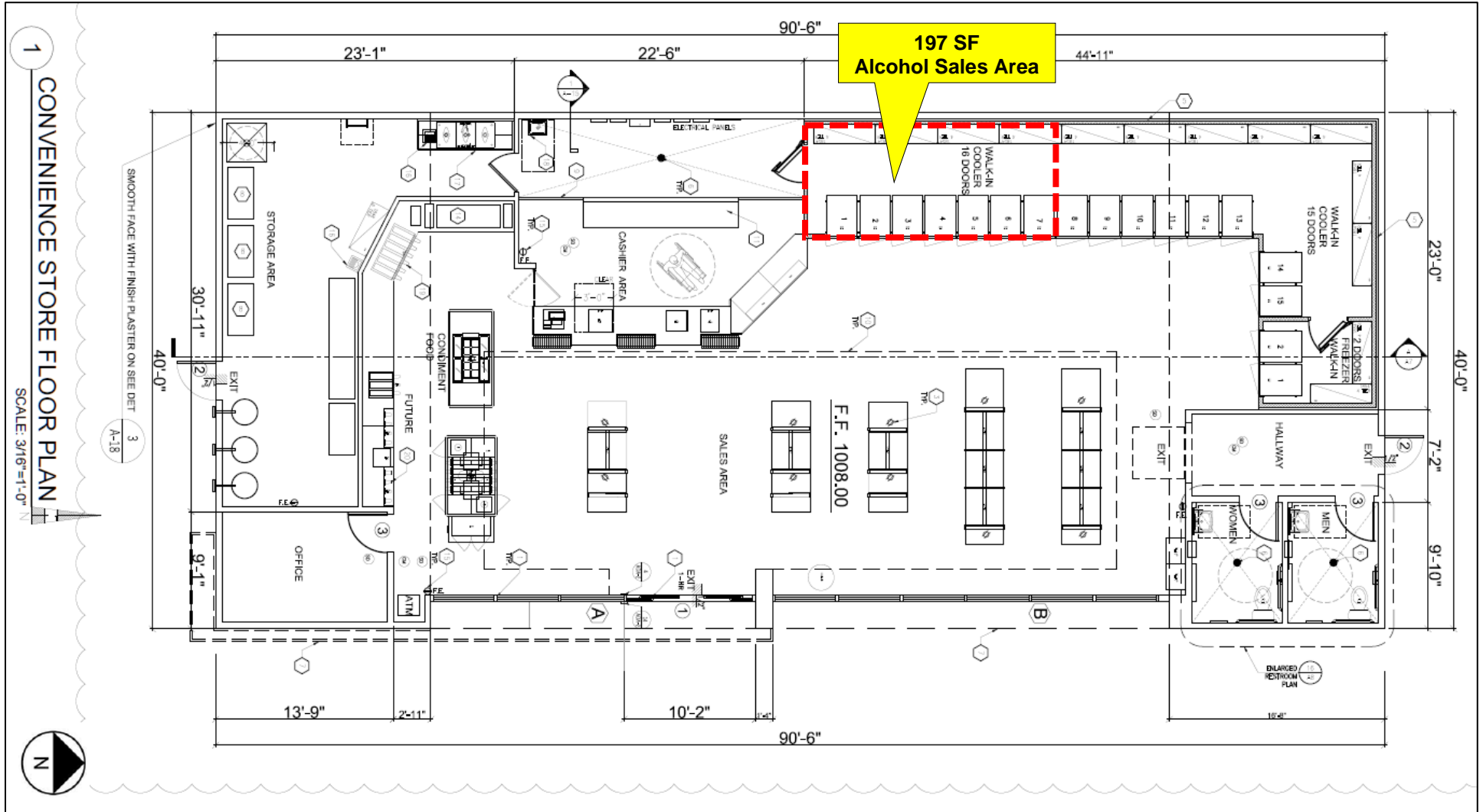


Exhibit C: Floor Plan



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*

Meeting Date: September 21, 2020

File No: PCUP19-003

Related Files: PDEV19-014

Project Description: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 3,500 square foot convenience store on 0.97 acres of land, located at the 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan. (APN: 1083-011-20); **submitted by Atabak Youssefzadeh.**

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

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

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

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

2.4 Parking, Circulation and Access.

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

2.5 Site Lighting.

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

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

2.7 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.0 (Sign Regulations).

2.8 Alcoholic Beverage Sales—General.

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

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

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

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed

and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

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

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

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

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

2.9 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

2.10 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.

2.11 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.

2.12 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). 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.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.13 Additional Requirements.

(a) Hours of operation for beer and wine sales shall be from 8:00 AM to 12:00 AM, daily.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Jeanie Irene Aguilo, Associate Planner

FROM: Erich Kemp, Police Officer, C.O.P.S. Unit
Revised August 25, 2020, Rick Rees, Police Officer, C.O.P.S. Unit

DATE: March 15th, 2019

SUBJECT: FILE NO. PCUP19-003 – Mobile Gas Station – SW Corner of Archibald Avenue & Philadelphia Street

The Ontario Police Department has researched the request for an off-site type 20 (beer & wine) alcohol license for the Mobil gas station located on the Southwest Corner of S. Archibald Avenue and E. Philadelphia Street. 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 approve or deny Conditional Use Permits or ABC licenses. The Ontario Police Department has no objections to the approval of PCUP19-003, which is at the discretion of the City of Ontario Planning Department. However, due to the over-concentration factor, the Ontario Police Department recommends the applicant obtain a 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 10:00 a.m. to 10:00 p.m. daily.
2. Refrigerators and/or cabinets containing alcohol will be locked at 10:00 p.m.

3. Applicant will follow all conditions per Business and Professions Code 23790.5(d) - Concurrent sales of alcohol and gasoline.
4. No sales or service to minors.
5. No sales or service to intoxicated patrons.
6. No open alcohol beverages in the establishment.
7. No alcohol sales through any pass-through type windows.
8. No drug paraphernalia will be sold at any time.
9. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
10. Single sale of beer, canned or bottles, will not be allowed.
11. Wine shall not be sold in containers less than 750ml.
12. Wine coolers must be sold in four packs.
13. The sale of distilled spirits is not permitted.
14. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
15. No more than six (6) doors on the walk-in cooler shall be designated for beer and wine.
16. Employees engaged in the sales of alcohol must be 18 years of age or older.
17. No more than 25% of advertisements are allowed on the windows of the business.
18. The cashier must be visible from the parking lot.
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
20. 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.

21. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
22. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
23. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
24. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
25. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.
26. 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. Customers may not help themselves to cigarettes.
4. Tobacco products must be stored behind the counter.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
7. The distribution of free or normal-cost tobacco products or coupons is prohibited.

8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.

If alcohol 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.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV19-014 & PCUP19-003

Address: SWC Philadelphia Street & Archibald Avenue

APN: 1083-011-20

Existing Land Use: Vacant

Proposed Land Use: Development Plan to construct a full service fueling station (Mobil) and convenience store and CUP to establish an ancillary Type 20 off-sale beer and wine ABC license

Site Acreage: 0.97 acres Proposed Structure Height: 27 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 4/22/19

CD No.: 2019-017

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: March 5, 2019
SUBJECT: PCUP19-003

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

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: March 20, 2019

SUBJECT: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 3,500 square foot convenience store on 0.97 acres of land, located at the 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan. (APN: 1083-011-20). Related File: PDEV19-014.

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

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.



CITY OF ONTARIO

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
Khai Do, City Engineer
Jennie 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: Jeanie Irene Aguilo, Associate Planner

DATE: September 06, 2019

SUBJECT: FILE #: PCUP19-003

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Friday, September 20, 2019**.

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, limited to beer and wine (Type 20 (ABC License), for consumption off the premises in conjunction with a proposed 5,163-square foot fueling station and convenience store on 0.97 acres of land located at the southwest corner of Philadelphia Street and Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan (APN: 1033-011-20). Related File: PDEV19-014.

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

- No comments
- See previous report for Conditions
- 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.

Department: Landscape Planning Division Signature: J.R. Landscape Planner Title: Landscape Planner Date: 10/15/19



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 *Antonio*
 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: Jeanie Irene Aguilo, Associate Planner

DATE: September 09, 2020

SUBJECT: FILE #: PCUP19-003 Finance Acct#:

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 3,500 square foot convenience store on 0.97 acres of land, located at the 2200 South Archibald Avenue, within the Support Commercial land use district of the Archibald Center Specific Plan. (APN: 1083-011-20). Related File: PDEV19-014.

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

Engineering (Land) Department *[Signature]* Signature *Assistant Engineer* Title *9/9/2020* Date



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

September 21, 2020

DECISION NO.: [insert #]

FILE NO.: PCUP19-011

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for off-premises consumption, limited to beer and wine (Type 20 ABC License), in conjunction with a 4,088 square foot convenience store (7-Eleven) with fuel sales on 1.54 acres of land, located at the 3500 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APN: 0210-531-11); **submitted by Lewis Piemonte Land, LLC.**

Part I—BACKGROUND & ANALYSIS

LEWIS PIEMONTE LAND, LLC, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP19-011, 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 1.54 acres of land located at 3500 East Fourth Street, 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>	Vacant	Ontario Center Mixed Use	SP (Specific Plan)	Commercial (Piemonte Overlay of Ontario Center SP)
<i>North</i>	City of Rancho Cucamonga: Offices, Vacant & Industrial	City of Rancho Cucamonga: Industrial Park (0.40 - 0.60 FAR)	City of Rancho Cucamonga: Industrial Park	N/A
<i>South</i>	Vacant & Offices	Ontario Center Mixed Use	SP (Specific Plan)	Urban Commercial (Ontario Center SP)
<i>East</i>	Multiple-Family Residential	Ontario Center Mixed Use	SP (Specific Plan)	Urban Residential (Ontario Center SP)
<i>West</i>	Office & Multiple-Family Residential	Ontario Center Mixed Use	SP (Specific Plan)	Garden Commercial (Ontario Center SP) & Urban Residential (Wagner Properties SP)

<i>Prepared:</i> JA – 09/09/2020	<i>Reviewed:</i> CM – 09/09/2020	<i>Decision:</i> [enter initial/date]
----------------------------------	----------------------------------	---------------------------------------

(2) Project Analysis:

(a) Background — On June 15, 2020, the Development Advisory Board approved a Development Plan (File No. PDEV17-016) for the construction of a neighborhood shopping center, which, when completed, will consist of six buildings totaling 85,583 square feet located at the southeast corner of Haven Avenue and Fourth Street. The Development Plan approval included a 4,088 square foot convenience store (7-Eleven) with fuel sales. To provide an additional convenience to its customers, 7-Eleven submitted a Conditional Use Permit (“CUP”) Application on November 21, 2019, to establish alcoholic beverage sales (Type 20 ABC License) for off-premises consumption, limited to beer and wine.

(b) Proposed Operations — The proposed CUP will allow for the sales of beer and wine for off-premises consumption. The proposed hours of operations for the convenience store is 24 hours a day and 7 days a week. The store’s main entrance is centered along the western elevation and the alcohol sales display area will be located along the building’s southern facing wall (see Exhibit D: Floor Plan). The applicant has proposed a beer cave and wine display island totaling 231 square feet, which occupies 5.6 percent of the building’s gross floor area. Approximately 10 to 15 full-time employees will rotate in three shifts. The daytime shifts will typically have between 3 to 5 employees, while the late-night shifts will have 2 to 3 employees.

The Applicant will adopt extra security measures to ensure customers do not drink on site and will install signs to enforce no consumption of alcohol beverages. Employees engaged in the sales of alcoholic beverages will be required to complete a training program approved by ABC and the City of Ontario Police Department. Furthermore, the Police Department has conditioned the sale of alcoholic beverages to occur between the hours 6:00 AM and 2:00 AM, daily.

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 (refer to the attached Police Conditions of Approval).

(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 21.09, which is over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 3 off-sale alcohol licenses, and there are currently 11 active off-sale alcohol licenses within census tract 21.09; however, Development Code Section 5.03.025.F.4 grants the Approving Authority (the Zoning Administrator in this case) the

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

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. The immediate area (one-half mile radius of project site) shall not exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 451 calls for service related to alcohol-related reports citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within a one-half mile radius of the project site there were a total of 9 alcohol-related incidences in the past year, which amounts to 2 percent of alcohol-related incidences, which does not exceed the maximum 20 percent allowed by the Development Code for alcohol-related incidences near the CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and grant the requested CUP.

(d) Parking – The approved project provides a total of 21 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 the proposed location, within the existing 7-Eleven convenience store with fuel sales, 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 the approved shopping center and immediate surrounding will not be exposed to any additional 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 Conditional Use Permit approval as described in Part I, above; and

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

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

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

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

WHEREAS, the project is 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;

WHEREAS, on September 21, 2020, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jeanie Irene Aguilo, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. 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 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 Conditional Use Permit 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 ABC License will be located at 3500 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario 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 Piemonte Overlay of the Ontario Center Specific Plan. The proposed Type 20 ABC License is ancillary to a previously approved 7-Eleven convenience store with fuel sales (File No. PDEV17-016).

(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 ABC License will be located at 3500 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan, which the Policy Plan Master Land Use Plan designates for Ontario Center Mixed Use 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 retail and service commercial land uses in the area of the project site. With the project Conditions of Approval, the proposed project will provide an added convenience to the retail center, further helping to implement the Policy Plan and City Council Priorities.

(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 ABC License land use is located with the Ontario Center Mixed Use land use district of the Policy Plan Official Land Use Plan (Exhibit LU-01), and the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Center Specific Plan. The proposed use will provide an additional convenience for patrons of the 7-Eleven convenience store.

(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 Piemonte Overlay of the Ontario Center Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

(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, the Zoning Administrator hereby finds as follows:

(a) For Off-Sale alcoholic beverage license types located within overconcentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity (hereinafter referred to as “PCN”) findings:

- The retailer is not a grocery store that occupies a minimum of 12,000 square feet of gross floor area. The project location is a 7-Eleven convenience store and fueling station; therefore, the minimum 12,000 square feet of gross floor area does not apply in this case.

- No more than 10 percent of the gross floor area is devoted to alcoholic beverage display. The proposed alcoholic beverage sales will be displayed towards the back of the existing 4,088 square foot convenience store, occupying 231 square feet (5.6 percent) that will be utilized for the display of the alcoholic beverage sales. In addition, the police department has conditions for alcoholic sales, including a condition which states that no more than 4 doors on the walk-in cooler shall be designated for beer and wine.

- At least 10 percent of the floor area is devoted to food sales. The majority of the convenience store floor area is devoted to various prepackaged food items (such as chips, cookies and other snacks). The proposed Type 20 ABC License is estimated to attribute to 5 percent of overall sales; therefore, it is ancillary to the 7-Eleven convenience store.

- 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.

Within the year preceding the preparation of this report, the City of Ontario had a total of 451 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within an over concentrated Census Tract, if a CUP to establish off-sale alcoholic beverage sales is proposed, the one-half mile radius area surrounding the proposed CUP location would not be able to exceed the City’s average number of alcohol-related incidences by 20 percent.

According to the Ontario Police Department, the one-half mile radius area surrounding the project location had a total of 9 alcohol-related incidences in the past year, approximately 2 percent for alcohol-related incidences, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location. Therefore, in

this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The property site will be under construction and has no outstanding Building or Health Code violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. project site is currently under construction but has been conditioned to be consistently maintained.

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. PCUP19-011, 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.

APPROVED AND ADOPTED this [insert day] day of [insert month & year].

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

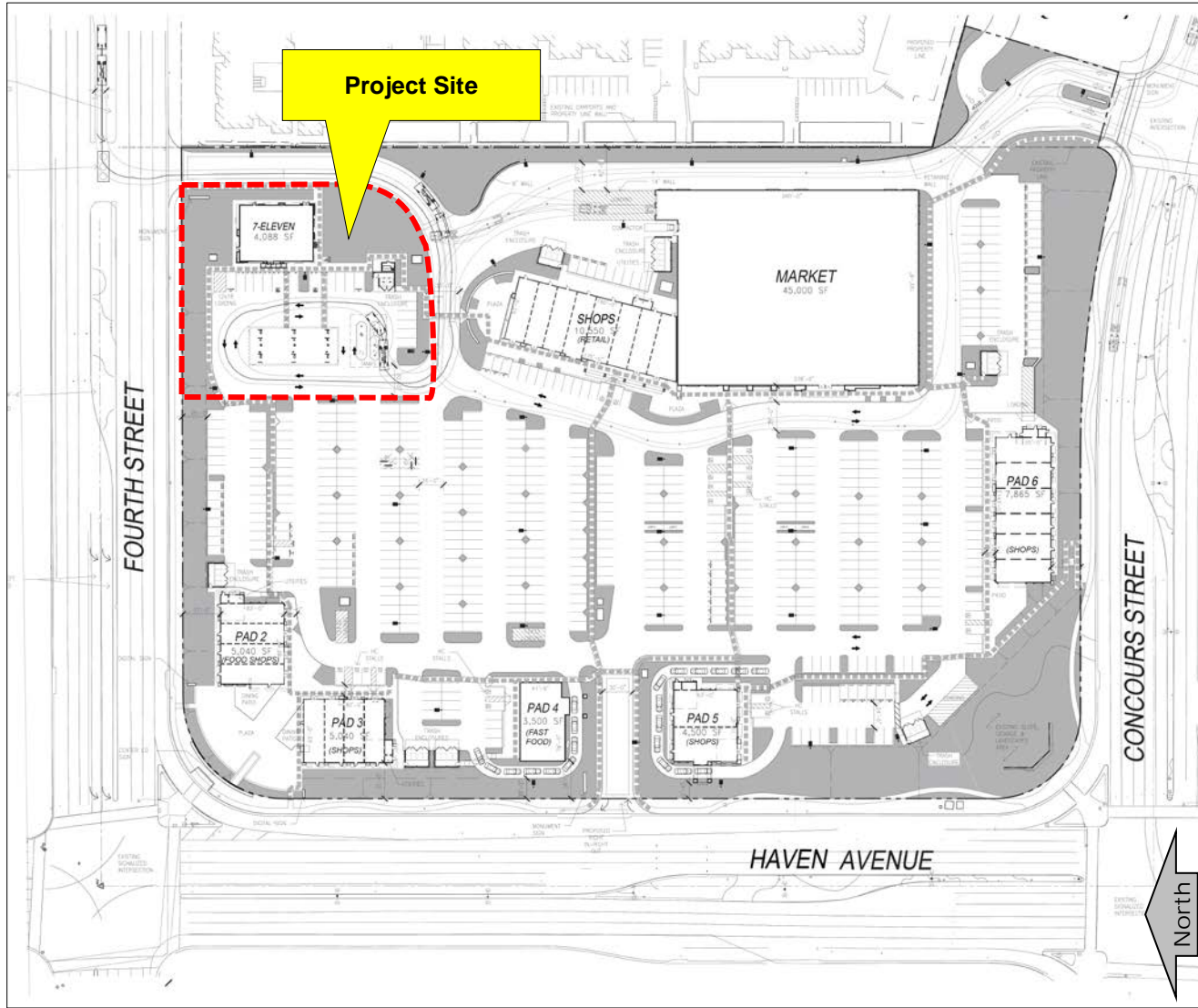
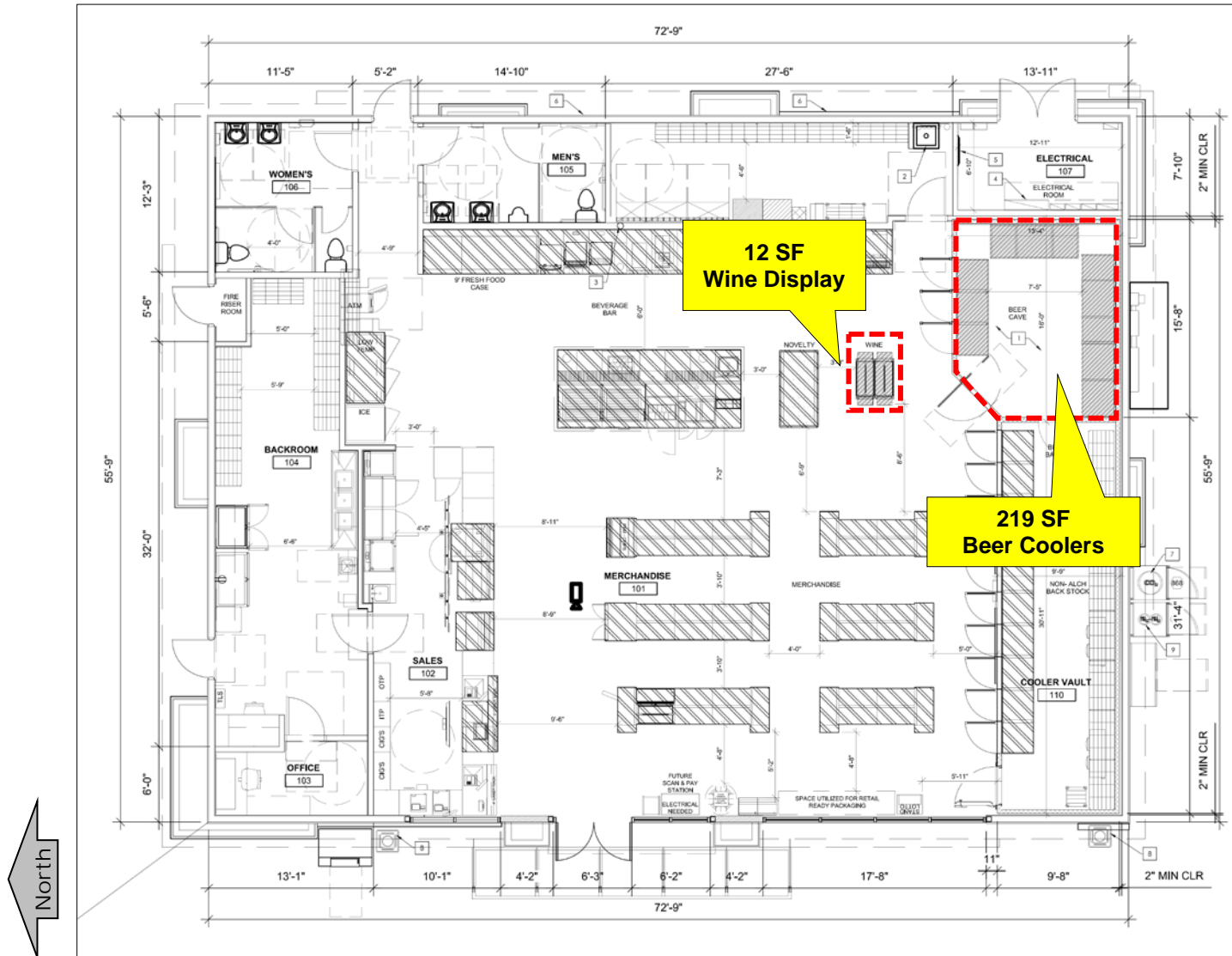


Exhibit C: Floor Plan



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*

Meeting Date: September 21, 2020

File No: PCUP19-011

Related Files: PDEV17-016

Project Description: A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 4,088 square foot convenience store (7-Eleven) with fuel sales on 1.54 acres of land, located at the 3500 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan (APN: 0210-531-11); **submitted by Lewis Piemonte Land, LLC.**

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

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

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

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

2.4 Parking, Circulation and Access.

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

2.5 Site Lighting.

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

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

2.7 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.0 (Sign Regulations).

2.8 Alcoholic Beverage Sales—General.

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

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

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

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed

and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

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

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

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

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

2.9 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.

2.10 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.

2.11 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.

2.12 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). 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.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Jeanie Aguilo, Associate Planner

FROM: Erich Kemp, Police Officer, C.O.P.S. Unit
Revised by Rick Rees, Police Officer, C.O.P.S. Unit August 18, 2020

DATE: June 25th, 2019

SUBJECT: FILE NO. PCUP19-011 – 7-Eleven Store & Gas Station – Southeast Corner of Fourth Street and Haven Avenue

The Ontario Police Department has researched the request for an off-site type 20 (beer and wine) alcohol license for the 7-Eleven Store & Gas Station located at the southeast corner of Haven Avenue and Fourth Street. The requested license is within census tract 21.09 which is already over concentrated with off-sale alcohol licenses. The department of Alcohol Beverage Control authorizes three (3) off-sale alcohol licenses for this tract. There are currently eleven (11) active off-sale alcohol licenses within census tract 21.09.

The Ontario Police Department does not approve or deny Conditional Use Permits or ABC licenses. The Ontario Police Department has no objections to the approval of PCUP19-011, which is at the discretion of the City of Ontario Planning Department. However, due to the over-concentration factor, the Ontario Police Department recommends the applicant obtain a 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, canned 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. Customers may not help themselves to cigarettes.
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 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 Rees at (909) 408-1660 with any questions regarding the listed police conditions.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP19-011

Address: Southeast corner of Haven Avenue & Fourth Street

APN: 210-531-06

Existing Land Use: Vacant

Proposed Land Use: CUP to establish ancillary Type 21 ABC license

Site Acreage: 1.6 acres Proposed Structure Height: 30 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 7/25/19

CD No.: 2019-040

PALU No.:

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

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



CITY OF ONTARIO MEMORANDUM

DEVELOPMENT PLAN REVIEW COMMENTS
Engineering Department/Land Development Section

DATE: August 20, 2020

PROJECT: PCUP19-011 (PDEV17-016/PDEV20-012) A Conditional Use Permit to establish a Type 21 ABC License for alcoholic beverage sales, including beer, wine and spirits for off premise consumption in conjunction with a proposed 4,088 sf convenience store (7-Eleven) on 1.54 acres of land within the Commercial Land Use District of the Piemonte Overlay of the Ontario Center Specific Plan

LOCATION: 3500 E. Fourth Street

PROJECT ENGINEER: Dean A. Williams, Associate Engineer 

PROJECT PLANNER: Jeanie Aguilo, Assistant Planner

The Engineering Department has “no comment” on the subject Conditional Use Permit.



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: June 12, 2019

SUBJECT: PCUP19-011 A Conditional Use Permit to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine (Type 20 ABC License), in conjunction with a 4,088 square foot convenience store (7-Eleven) on 1.54 acres of land, located at the 3500 East Fourth Street, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APN: 0210-531-11). Related File: PDEV17-016.

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

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: May 30, 2019
SUBJECT: PCUP19-011

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

KS:lm



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: Jeanie Irene Aguilo, Associate Planner

DATE: November 21, 2019

SUBJECT: FILE #: PCUP19-011

Finance Acct#:

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish a Type 21 ABC License (Off-Sale General) for alcoholic beverage sales, including beer, wine, and distilled spirits for off-premise consumption in conjunction with a proposed 3,083-square foot convenience store (7-Eleven) on 13.4 acres of land located at the southeast corner of Haven Avenue and Fourth Street, within the Urban Commercial land use district of the Ontario Center Specific Plan (APNs: 0210-531-06, 0210-531-07, 0210-531-08, 0210-531-09, 0210-531-10, 0210-531-11, 0210-531-12, 0210-531-13, 0210-531-14). Related File: PDEV17-016.

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

- No comments
- See previous report for Conditions
- 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.

Department: Landscape Planning Division Signature: *J. Aguilo* Title: landscape planner Date: 12/17/19