



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

August 21, 2023

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

All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764 and on the City website at www.ontarioca.gov/agendas/zoning

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP23-005**: A public hearing to consider a Conditional Use Permit to establish Type 21 ABC License (Off-Sale General) for the retail sales including beer, wine, and distilled spirits for off-premise consumption in conjunction with a 47,490 square-foot supermarket (Stater Bros. Markets) on 3.3 acres of land, located at 930 North Haven Avenue, 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; (APN: 0210-531-21); **submitted by Stater Bros. Development.**

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

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

I, Angie Alvarez Cruz, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **August 17, 2023**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Office Specialist



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

August 21, 2023

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

DECISION NO.: [insert #]

FILE NO.: PCUP23-005

DESCRIPTION: A public hearing to consider a Conditional Use Permit to establish Type 21 ABC License (Off-Sale General) for the retail sales including beer, wine, and distilled spirits for off-premise consumption in conjunction with a 47,490 square-foot supermarket (Stater Bros. Markets) on 3.3 acres of land, located at 930 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan; (APN: 0210-531-21); **submitted by Stater Bros. Development.**

PART 1: BACKGROUND & ANALYSIS

STATER BROS. DEVELOPMENT, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP23-005, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 3.3 acres of land located at 930 North Haven Avenue, and is depicted in *Exhibit A: Project Location Map*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the Project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Commercial Shopping Center Under Construction	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan - Piemonte Overlay Area	Commercial
North:	<u>City of Rancho Cucamonga:</u> Offices, Vacant & Industrial	<u>City of Rancho Cucamonga:</u> Industrial Park (0.40 – 0.60 FAR)	<u>City of Rancho Cucamonga:</u> Industrial Park (0.40 – 0.60 FAR)	N/A
South:	Vacant & Offices	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan - Piemonte Overlay Area	Urban Commercial
East:	Multiple-Family Residential	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan - Piemonte Overlay Area	Urban Residential
West:	Office & Multiple-Family Residential	Mixed Use - Ontario Center (MU-Ontario Center)	Ontario Center Specific Plan and R.H. Wagner Properties Specific Plan	Garden Commercial and Urban Residential (Piemonte Overlay of the Ontario Center SP)

Prepared: JA – 08/08/2023

Reviewed: KR – 08/15/2023

PROJECT ANALYSIS:

(1) Background — On January 19, 2022, the Development Advisory Board approved a Development Plan (File No. PDEV21-013) to construct a neighborhood commercial shopping center (The Collection), consisting of six buildings totaling 101,163 square feet located at the southeast corner of Haven Avenue and Fourth Street, which is currently under construction (see Exhibit B: Site Plan). The approval of the Development Plan included Stater Bros. Markets that will serve as the anchor tenant for the shopping center.

On February 27, 2023, the Applicant submitted a Conditional Use Permit application requesting a Type 21 ABC License (Off-Sale General) for the retail sales including beer, wine, and distilled spirits for off-premise consumption in conjunction with Stater Bros. Markets.

(2) Proposed Use/Operation — Stater Bros. Markets was founded in 1936, and currently operates over 170 stores throughout Southern California. Over the past 87 years, the supermarket has become an iconic Southern California mainstay and trusted household name by consistently providing generations of customers with exceptional quality, everyday low prices, friendly service, fresh product offerings and full-service meat department. To complement its market section, the applicant has requested to offer customers a full-range of alcoholic beverage products, including beer, wine, and distilled spirits.

The supermarket will utilize a floor plan layout typical of similar Stater Bros. Markets and have one central location for alcoholic beverages (see Exhibit C: Floor Plan). The alcoholic beverages will be located within northwest quadrant of the building adjacent to the cash registers that include an 834 square-foot walk in refrigerator with 25 display cabinet doors for beer and two aisles totaling 250 square-foot for wine and distilled spirits. A total of 1,084 square feet of sales area is devoted to alcoholic beverage display/storage that is two percent of the gross floor area.

The store's main entrance is located on the west side of the building, facing the parking lot. The daily business hours of operation are 8:00 AM to 11:00 PM, daily and will operate with approximately 130 employees throughout the day.

The Police Department has conditioned the sale of alcoholic beverages to occur between 6:00 AM and 11:00 PM, daily and prohibited on-site consumption of alcoholic beverages.

(3) Parking — The existing Project site required a total of 532 parking spaces per the Ontario Development Code standards, and a total of 592 parking spaces were provided to serve the full commercial development. The Applicant does not propose the expansion of the existing building facility, nor include the elimination of any parking stalls and is consistent with the approved Development Plan (File No. PDEV21-013). Therefore, staff finds that the proposed use will not adversely affect the parking demand within the existing commercial center and no additional parking spaces are required.

(4) 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 4 off-sale alcohol licenses, and there are currently 12 active off-sale alcohol licenses within Census Tract 21.09. However, Development Code Section 5.03.025.F.4 allows the Approving Authority (Zoning Administrator) to make a determination of

Public Convenience or Necessity ("PCN"), allowing the issuance of additional ABC licenses for off-premises alcoholic beverage sales in census tracts that are over concentrated if the following conditions can be met:

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

The proposed retail ABC license is not located within a high crime area, as demonstrated by the fact that within the year preceding the preparation of this report, the City of Ontario had a total of 988 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 attributable to an area in which an off-sale ABC license is proposed. An area exceeding 197 alcohol-related incidences would be determined by the Development Code to be a high alcohol-related crime area, thereby prohibiting the approval of a CUP for the establishment of any additional off-sale ABC licensed facilities.

According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 90 alcohol-related incidences in the past year, which does not exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location. In addition, the existing Stater Bros. Markets store will be 47,490 square feet in size and a total of 1,084 square feet of sales area is devoted to alcoholic beverage display, for a total of two percent of the gross floor area. And lastly, the balance of the floor plan is dedicated to food display and sales, which amounts to well over 10 percent of the total display area. Therefore, in this case, the Zoning Administrator may make a PCN determination and may grant the requested CUP.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation, accordingly. The Project site is located within the previously approved The Collection commercial shopping center, which will consist of a variety of retail and personal care service uses intended to provide a walkable convenience to the residential neighborhoods surrounding the Project site. As the proposed Conditional Use Permit for alcoholic beverage sales will be to provide an added convenience for a previously-approved Stater Bros. Markets supermarket, and as the total floor area dedicated to alcoholic beverage sales will be two percent of the store, staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within The Collection commercial shopping center will not be exposed to any impacts resulting from alcoholic beverage sales beyond those that would normally be associated with any other supermarket uses within the surrounding area. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

AIRPORT LAND USE COMPATIBILITY PLAN: The Project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan ("ONT ALUCP"). Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

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

PART 2: RECITALS

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the ONT ALUCP, which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on August 21, 2023, 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 3: THE DECISION

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

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

(1) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes; and

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: ONT ALUCP Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district. The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed ancillary Type 21 ABC License land use will be established and operated consistent with*

the objectives and purposes, and development standards and guidelines, of the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan; and

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed ancillary Type 21 ABC License land use will be located within the Mixed Use - Ontario Center (MU-Ontario Center) land use district of the Policy Plan Land Use Map, and the Commercial land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed ancillary Type 21 ABC License land use is located with the Mixed Use - Ontario Center (MU-Ontario Center) land use district, and the Commercial land use district of the Piemonte Overlay area 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; and

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the 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.

(e) 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 ("PCN") findings:

- *The retailer occupies a minimum of 12,000 square feet of gross floor area.* The existing Stater Bros. Markets store will be 47,490 square feet in size.
- *No more than 10 percent of the gross floor area is devoted to alcoholic beverage display.* A total of 1,084 square feet of sales area is devoted to alcoholic beverage display for a total of two percent of the gross floor area.
- *At least 10 percent of the retail business' GFA shall be devoted to food display and sales.* The balance of the floor plan is dedicated to food display and sales, which amounts to well over 10 percent of the total display area.

- *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. According to the Ontario Police Department, the one-half mile radius area surrounding the Project location had a total of 988 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. Of that total, 90 service calls were 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.*
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The Project site is currently under construction and has no outstanding Building or Health Code violations.*
- *The site is properly maintained, including building improvements, landscaping, and lighting. The Project site is currently under construction but has been conditioned to be consistently maintained.*

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

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

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

APPROVED AND ADOPTED this _____ day of August 2023.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

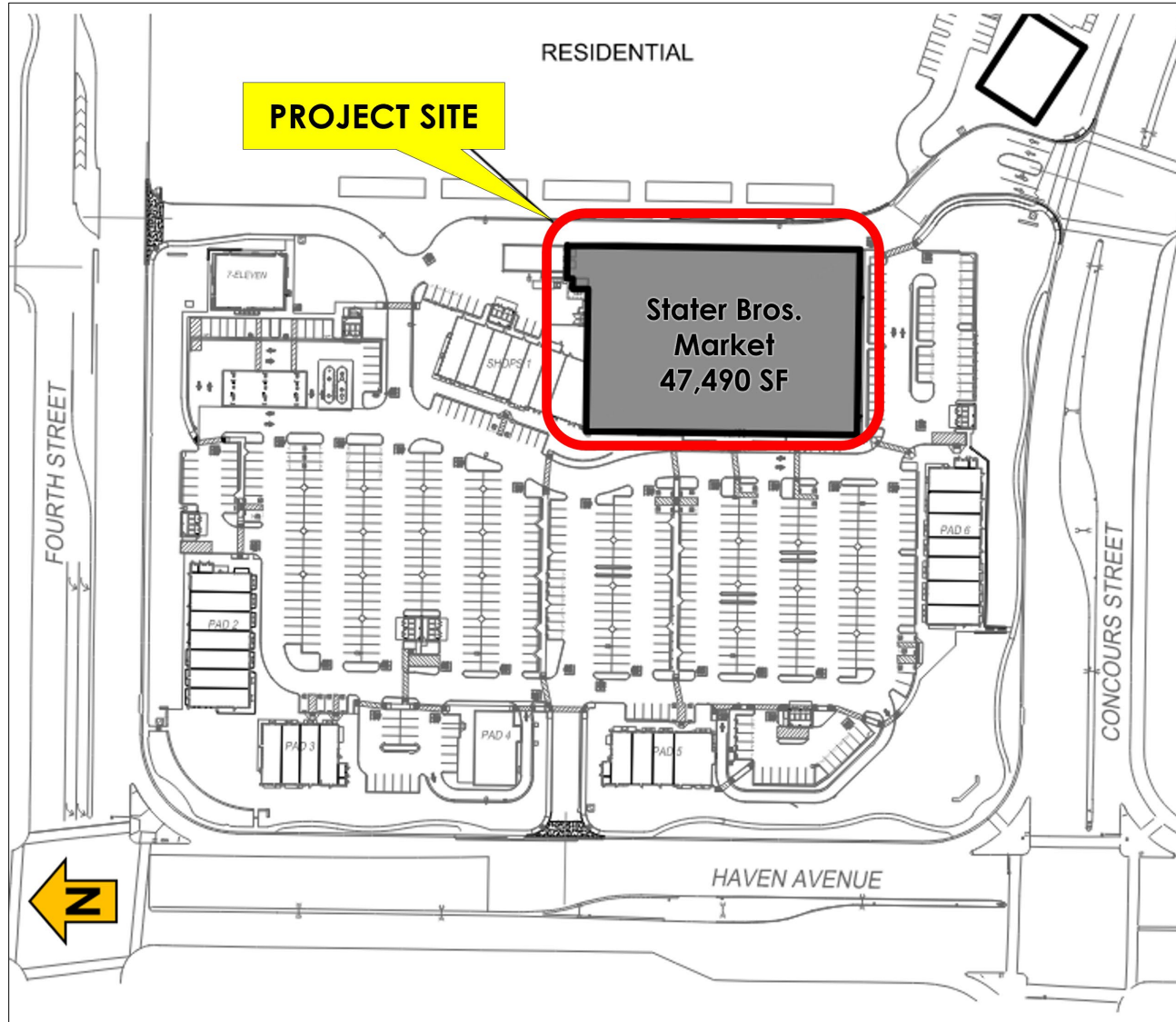


Exhibit C: FLOOR PLAN

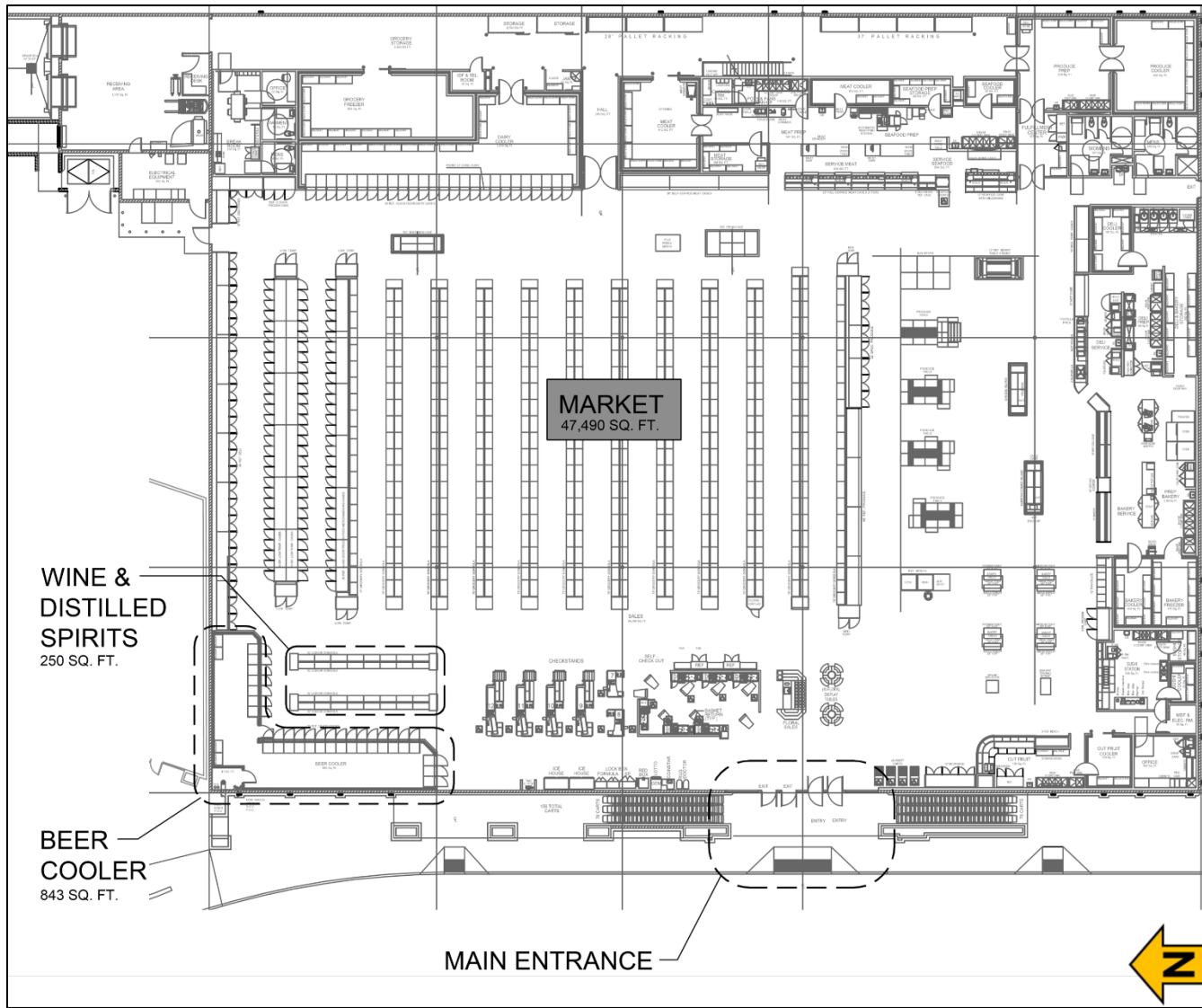


Exhibit D: ELEVATIONS



Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 8/8/2023

File No: PCUP23-005

Related File: PDEV21-013

Project Description: A public hearing to consider a Conditional Use Permit to establish Type 21 ABC License (Off-Sale General) for the retail sales including beer, wine, and distilled spirits for off-premise consumption in conjunction with a 47,490 square-foot supermarket (Stater Bros. Markets) on 3.3 acres of land, located at 930 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan; (APN: 0210-531-21); **submitted by Stater Bros. Development.**

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 Conditional Use Permit approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

(a) 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 Signs.

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

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

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.

(i) Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are hereby deemed to be live entertainment.

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

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

2.9 Environmental Requirements.

(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 all of the following conditions:

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

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

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

2.11 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). The filing of a NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

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

2.12 Additional Requirements.

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

(b) A City Business License must be reviewed and approved by the Ontario Planning Department prior to operation of business with the retail sales of alcoholic beverages.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Jeanie Aguilo, Associate Planner

FROM: Thomas Cho, Police Officer, ABC Enforcement

DATE: March 08, 2023

SUBJECT: FILE NO. PCUP23-005 – Stater Bros
930 North Haven Avenue, Ontario

The Police Department is placing the following conditions for the above applicant:

ABC CONDITIONS

1. Sales of alcohol will occur between the hours of 6:00 a.m. to 11:00 p.m. daily.
2. If store hours go beyond or before the hours of alcohol sales indicated above, devices must be installed to lock up/secure alcohol product accessibility to customers.
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 single can or bottle sales of beer and/ or malt-based liquor allowed, must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
7. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs is permitted unless otherwise permitted by City ordinance or written policy.
8. No single bottle sales of distilled spirits smaller than 375 ml in size.

9. Distilled spirits shall be displayed in locked cases and shall be removed by an employee and handed to the customer or, alternatively, bottle cap locking devices shall be used on all distilled spirits which will be removed by the cashier at the point of sale.”
10. The business is required to have and use driver license and/or ID card reading devices or checkouts will stop transaction until a member of staff has looked at a customer’s bone fide ID and confirmed they are 21yrs or older.
11. Sales of alcohol beverages at self service checkouts will stop transaction until a member of staff has looked at a customer’s bone fide ID and confirmed they are 21yrs or older.
12. Employees engaged in the sales of alcohol must be 18 years of age or older.
13. No drug paraphernalia to be sold at any time.
14. No smoking inside of establishment is permitted.
15. There will be no narcotic sales or usage on the premises at any time.
16. No more than 25% of advertisements allowed on the windows of the business.
17. No warm beer displays by the front door.
18. The applicant shall be responsible for maintaining premises free of graffiti and area adjacent to the premises over which the applicant has control. The applicant is responsible for the removal of the graffiti within 72 hours of its appearance or upon notice of its appearance.
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. 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 the public telephones inside or adjacent to the establishment to prevent incoming calls.
24. All employees involved with the sales of alcohol 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.

25. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.
26. Security personnel used by the establishment will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (OMC - security regulations).

TOBACCO CONDITIONS

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post age of sale warning signs at each register (STAKE ACT).
3. Employees must attend a STAKE ACT class provided by the San Bernardino County Health Department. Proof of re-certification is required every 3 years.
4. Customers may not help themselves to cigarettes.
5. Tobacco products must be stored behind the counter under lock and key.
6. Sales of individual cigarettes are prohibited.
7. Single cigarettes and roll-your-own tobacco in packaging containing less than 0.60 ounces are prohibited.
8. The distribution of free or nominal-cost tobacco products or coupons is prohibited.
9. No sales of any flavored tobacco products; including flavored e-cigarettes and menthol cigarettes, as well as tobacco product flavor enhancers.
10. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.
11. No more than one-third of the square footage of windows and glass doors of an alcohol retailer may have signs of any sort, including tobacco.

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

establishment is being operated in violation of this CUP or has violated the laws of the State 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 a prominent place in the interior of the premises.

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the location will be allowed to sell distilled spirits with the conditional use permit.

The Police Department will conduct a review in six months to determine whether additional conditions will be needed.

If you have any questions, please call Officer Cho at (909) 408-1671.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Heather Lugo, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: March 01, 2023

SUBJECT: FILE #: PCUP23-005 Finance Acct#:

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

- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
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 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish Type 21 alcoholic beverage sales including beer, wine, and distilled spirits for off-premise consumption in conjunction with a proposed 47,490 square-foot Stater Brother's Market on 3.3 acres of land located at 930 North Haven Avenue, within the Commercial land use district of the Ontario Center – Piemonte Overlay Specific Plan (APN(s): 210-531-21). Related File(s): PDEV21-013.

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

- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Land Development
Department

Angela Truong
Signature

Assistant Engineer
Title

03/21/2023
Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
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Jeff Tang, Engineering/NPDES
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DATE: March 01, 2023

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Nathan Pino

Department

Signature

Title

Date
Item A - 24 of 32



CITY OF ONTARIO

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Rudy Zeledon, Planning Director (Copy of memo only)
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Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
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Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: March 01, 2023

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OMUC Utilities Engineering

Department

Peter Tran

Signature
ptran@ontarioca.gov

Associate Engineer

Title

03/02/2023

Date
Item A - 25 of 32



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
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Dennis Mejia, Municipal Utility Company
Heather Lugo, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager - Diego Tapia
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: March 01, 2023

SUBJECT: FILE #: PCUP23-005 Finance Acct#:

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 - No comments
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ENG/TRAF
Department


Signature

ENG ASST
Title

3/8/2023
Date
Item A - 26 of 32



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
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Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: March 01, 2023

SUBJECT: FILE #: PCUP23-005 Finance Acct#:

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- Standard Conditions of Approval apply

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Community Improvement Dept
Department

Signature

CI Supervisor
Title

3/10/23
Date



CITY OF ONTARIO

MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: March 01, 2023

SUBJECT: FILE #: PCUP23-005 Finance Acct#:

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OMUC Utilities Engineering

Department

Peter Tran

Signature
ptran@ontarioca.gov

Associate Engineer

Title

03/02/2023

Date
Item A - 28 of 32



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: April 10, 2023

SUBJECT: PCUP23-005 A Conditional Use Permit to establish Type 21 alcoholic beverage sales including beer, wine, and distilled spirits for off-premise consumption in conjunction with a proposed 47,490 square-foot Stater Brother's Market on 3.3 acres of land located at 930 North Haven Avenue, within the Commercial land use district of the Ontario Center – Piemonte Overlay Specific Plan (APN(s): 210-531-21). Related File(s): PDEV21-013.

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

1. Any modification to the fire sprinkler system or fire alarm system will require a plans submittal to the Ontario Fire Department. This also includes the addition or deletion of walls that may change the coverage area.
2. Must comply with all requirements of a Place of Assembly (example: exiting, panic hardware, occupant load posted, etc.).

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

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Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: March 01, 2023

SUBJECT: FILE #: PCUP23-005 Finance Acct#:

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- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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Landscape Planning Division
Department

Signature

Sr. Landscape Architect
Title

4/3/2023
Date

Item A - 31 of 32

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV21-013 & PCUP23-005

Address: SEC of Haven Ave and 4th Street

APN: Multiple parcels

Existing Land Use: Vacant

Proposed Land Use: Commercial Shopping Center - 6 buildings totaling 85,583 SF and CUP for Type 21 ABC License for Stater Bros. Markets

Site Acreage: 13.46 Proposed Structure Height: 42 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: 8/11/2023

CD No.: 2021-022 Rev. 1

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