



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

October 15, 2018

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

PUBLIC HEARING

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP18-027:** A Conditional Use Permit (File No. PCUP18-027) request to establish a Type 41 ABC license (On-Sale Beer and Wine – Eating Place) in conjunction with a 2,160 square foot restaurant (Mariscos Laguna Azul) on 0.9 acres of land, located at 1635 East Fourth Street within the HDR-45 (High Density Residential) and ICC Overlay (Interim Community Commercial) zoning district. 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. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: 110-183-03 & 110-183-04) **submitted by Shawn Michelle Miller.**

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 **October 11, 2018**, 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

October 15, 2018

DECISION NO.: [insert #]

FILE NO.: PCUP18-027

DESCRIPTION: A Conditional Use Permit (File No. PCUP18-027) request to establish a Type 41 ABC license (On-Sale Beer and Wine – Eating Place) in conjunction with a 2,160 square foot restaurant (Mariscos Laguna Azul) on 0.9 acres of land, located at 1635 East Fourth Street within the HDR-45 (High Density Residential) and ICC Overlay (Interim Community Commercial) zoning district. (APNs: 110-183-03 & 110-183-04) **submitted by Shawn Michelle Miller**

PART I: BACKGROUND & ANALYSIS

SHAWN MICHELLE MILLER, (herein after referred to as “Applicant”) has filed an application requesting Conditional Use Permit approval for File No. PCUP18-027, 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 0.8 acres of land located at 1635 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>	Commercial - Restaurant	High Density Residential (25.1 – 45 du / ac)	HDR-45 (High Density Residential) & ICC (Interim Community Commercial)	N/A
<i>North</i>	Multi-Family Residential	High Density Residential (25.1 – 45 du / ac)	HDR-45 (High Density Residential)	N/A
<i>South</i>	Commercial – Shopping Center	General Commercial (0.4 FAR)	CC (Community Commercial)	N/A
<i>East</i>	Commercial - Motel	High Density Residential (25.1 – 45 du / ac)	HDR-45 (High Density Residential) & ICC (Interim Community Commercial)	N/A

Prepared: LA 9/27/2018	Reviewed: RZ 10/04/2018	Decision: [enter initial/date]
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	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
West	Commercial - Restaurant	High Density Residential (25.1 – 45 du / ac)	HDR-45 (High Density Residential) & ICC (Interim Community Commercial)	N/A

(2) Project Analysis:

(a) Background — The project site was developed in 1977 as one project site consisting of two drive-thru fast food restaurants for Carl’s Jr. and Taco de Carlos. The two stand-alone drive-thru fast food restaurants are centrally located on the site and have a shared drive aisle between the buildings (**see Exhibit B: Site Plan**). The Carl’s Jr. Restaurant remains in operation today, while the project site building has been vacant for a while and has previously been occupied by several other tenant’s including a Del Taco and most recently a donut shop.

On July 6, 2018, the applicant obtained a business license to establish a Mexican seafood restaurant, Mariscos Laguna Azul and submitted a Conditional Use Permit application requesting approval of a Type 41 ABC license (On-Sale Beer and Wine for Bona Fide Public Eating Place). Although, a business license for the restaurant has been obtained the business has not commenced operating since tenant improvements are necessary for the proposed restaurant use. The applicant is presently working on plans for building tenant improvements (**see Exhibit D: Site Photos**).

(b) Proposed Use — As previously stated, the Conditional Use Permit is for a Type 41 ABC license in conjunction with a 2,160 square foot Mexican seafood restaurant. They will employ a total of 5 employees and operate 7 days a week, Monday through Saturday 10:00 a.m. to 10:00 p.m. and on Sunday 10:00 a.m. to 9:00 p.m. The applicant is not proposing to utilize the drive-thru lane for its operation at this time, however, the drive-thru will remain in place to be utilized at a future time. In the interim, the drive-thru lane will be required to remain closed. The drive-thru entrance and exit will be closed off with freestanding decorative pots and planters to prevent access. The restaurant’s main entrance is located on the south side of the building, facing the parking lot. The restaurant space is divided into five general areas (**see Exhibit C: Floor Plan**) that include a:

- Dining Area and counter
- Kitchen
- Walk in Storage, Refrigerator and Freezer
- Offices and employee break room
- Restrooms

The Police Department has reviewed the proposed application and is recommending approval subject to operating conditions of approval that are attached to this report. The

conditions of approval require that the business maintain the ability to provide a full menu until last call for alcohol service and the last call for alcohol will be 45 minutes prior to closing.

(c) Parking — According to the Ontario Development Code, the project is required to provide a total 22 parking spaces, at a ratio of 10 spaces per 1,000 SF of GFA (Gross Floor Area). A total of 30 parking spaces are currently provided. The application does not include the elimination of any parking spaces. Additionally, the restaurant is existing, and the proposed Conditional Use Permit request is to provide an additional convenience to restaurant patrons; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing site.

(d) Concentration of Alcoholic Business Licenses — The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity which grants, renews, and revokes 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 13.08, which is located entirely within the City of Ontario. The 13.08 Census Tract is bounded by Sixth Street to the north, the I-10 Interstate Freeway to the south, Vineyard Avenue to the east, and Baker Avenue to the west. ABC currently allows for four On-Sale licenses within Census Tract 13.08, but as of September 2018 there are currently three active On-Sale licenses (**see Exhibit E: ABC License Concentration**).

The addition of the proposed Type 41 ABC license, will increase the total of active On-Sale Licenses from three to four within Census Tract 13.08. Therefore, the addition of the Type 41 ABC license will meet the number of four allowable On-Sale licenses within Census Tract 13.08.

(e) Land Use Compatibility — The Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site was developed in 1977 and has been historically utilized for a fast food restaurant and related sale of food/restaurant uses and is surrounded by other commercial uses to the east, south and west. There are other restaurant uses located within the immediate area and an addition of an ancillary Type 41 ABC license in conjunction with a restaurant use is consistent with surrounding uses. Furthermore, the Police Department has reviewed this application and has not found the surrounding area to be within a high call area for alcohol related issues. As a result the Police Department has approved the use with conditions of approval.

(f) Recommendation — Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Furthermore, staff believes that the nearby businesses within and surrounding area will not be exposed to any significant impacts resulting from

the alcoholic beverage sales and consumption beyond those that would normally be associated with any other use within the surrounding area.

(3) Airport Land Use Compatibility Plan: This 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.

(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, 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 (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; and

WHEREAS, on October 15, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

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

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART III: THE DECISION

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

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

(2) Based upon 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 Type 41 ABC license (On-Sale Beer and Wine – Eating Place) in conjunction with a 2,160 square foot restaurant (Mariscos Laguna Azul) will be located at 1635 East Fourth Street, which is within the HDR-45 (High Density Residential) zoning district and Interim Community Commercial overlay (ICC). The proposed use will be consistent with the City of Ontario Development Code and its objectives and purposes, the objectives and purposes, and development standards and guidelines of the HDR-45 (High Density Residential) zoning district and Interim Community Commercial overlay (ICC). The project site was developed for restaurant uses and the proposed Type 41 ABC license will provide an additional convenience for patrons of the restaurant.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 41 ABC license (On-Sale Beer and Wine – Eating Place) in conjunction with a 2,160 square foot restaurant (Mariscos Laguna Azul) will be located at 1635 East Fourth Street. The Policy Plan Land Use Plan designates the project site for High Density Residential (25.1 – 45 du/ac) land uses. However, the project site is located within ICC Overlay District that allows for the interim uses of existing commercial buildings consistent with the CC (Community Commercial) zoning district. The proposed restaurant use is allowed to continue since it is located within the ICC overlay, while at the same time preserving the City’s long term vision for the development of high density residential projects. Therefore, 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.

(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.* With approval of the Conditional Use Permit, the proposed use will be consistent with the uses allowed within the High Density Residential (25.1 – 45 du/ac) and Interim Community Commercial overlay (ICC) zones which intend to provide a variety of uses to serve residents and businesses within the surrounding neighborhood and community. The proposed Type 41 ABC license (On-Sale Beer and Wine – Eating Place) in conjunction with a restaurant will provide an additional convenience for patrons.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* The project site is located within Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) and the proposed use is consistent with the policies and criteria of the plan.

(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 project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community. In addition, the Police Department has also reviewed the application and are in support of the application subject to the attached conditions of approval.

(f) 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 (*Class 1, Existing Facilities*) of the State CEQA Guidelines.

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

(h) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-027, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this [insert day] day of October, 2018.

Cathy Wahlstrom
Zoning Administrator

**Exhibit A: Aerial Photograph
1635 East Fourth Street**



Exhibit B: Site Plan

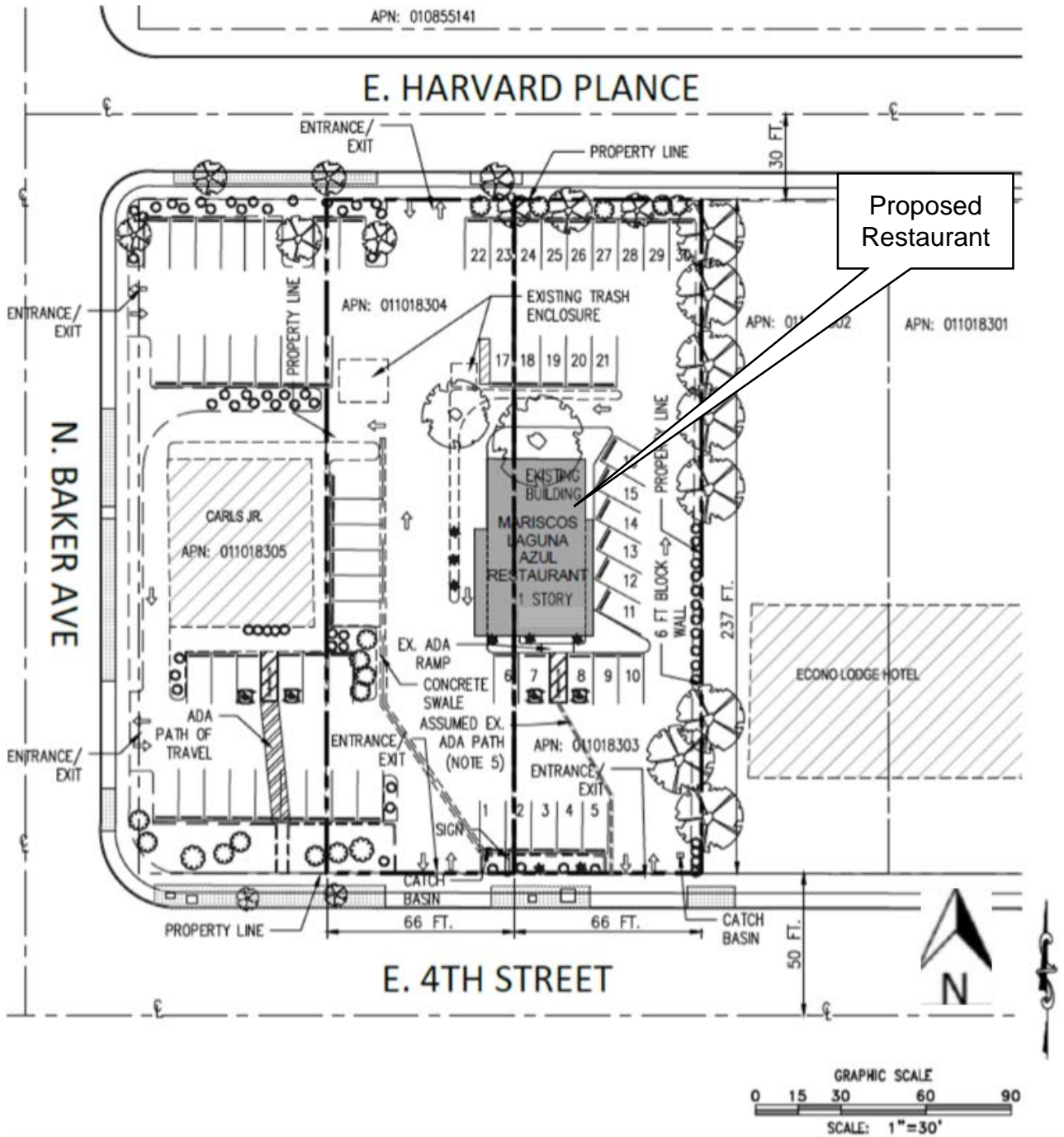


Exhibit C: Floor Plan

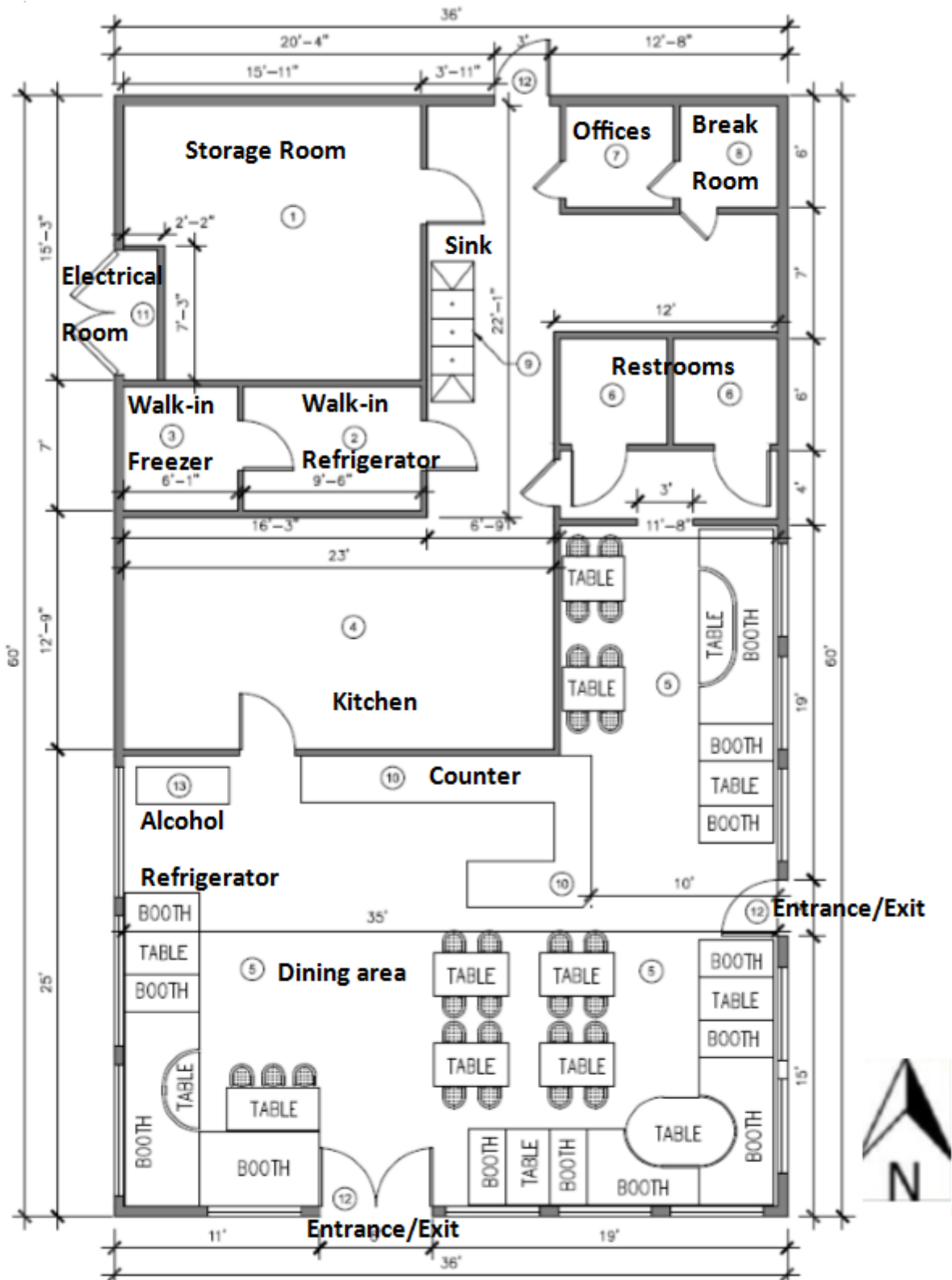


Exhibit D: Site Photos



View of the Southwest corner of existing building and main entrance



View of the northeast corner of building and existing drive-thru location



View of the northwest corner of the building and existing drive thru and shared access aisle with adjoining property

Exhibit E: ABC License Concentration





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: October 15, 2018

File No: PCUP18-027

Project Description: A Conditional Use Permit (File No. PCUP18-027) request to establish a Type 41 ABC license (On-Sale Beer and Wine – Eating Place) in conjunction with a 2,160 square foot restaurant (Mariscos Laguna Azul) on 0.9 acres of land, located at 1635 East Fourth Street within the HDR-45 (High Density Residential) and ICC Overlay (Interim Community Commercial) zoning district. (APNs: 110-183-03 & 110-183-04) **submitted by Shawn Michelle Miller**

Prepared By: Lorenzo Alvarez, Planning Intern
Phone: 909.395.2413 (direct)
Email: Lalvarez@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) 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.

(b) 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).

(b) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

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

2.7 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 considered 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 Alcoholic Beverage Sales—Restaurants.

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

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

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

2.10 Environmental Review.

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

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

(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) Any proposed tenant improvement plans (grease interceptor) shall be submitted to the Building department and approved by all applicable departments prior to commencement of use.

(b) The drive-thru area shall be landscaped with decorative pots and planters configured to block access of the drive-thru exit and entrance if the restaurant use will be not be utilizing the drive-thru.

(c) All applicable Conditions of Approval from other City departments shall be required to be met and followed.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Lorena Mejia, Senior Planner

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

DATE: July 12th, 2018

**SUBJECT: FILE NO. PCUP18-027– MARISCOS LAGUNA AZUL RESTAURANT
1635 E. 4th ST., ONTARIO, CA 91764**

This location has applied for a type 41 On-Sale Beer and Wine located within Census Tract No. 13.08. According to the Department of Alcohol Beverage Control (ABC), four on-sale licenses are allowed within this tract, there are currently three. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing this conditional use permit. The location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

RESTAURANT CONDITIONS

1. Alcohol sales will be from 10:00 A.M. to 10:00 P.M. daily. Last call for alcohol shall be made 45 minutes prior to closing and no later than 09:15 P.M.
2. No sales to minors.
3. The restaurant will have no bar seating.
4. No sales to obviously intoxicated patrons.
5. No self-serve alcohol displays allowed.
6. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
7. Signs must be posted at all exits stating no alcohol beyond this point.
8. No smoking inside of the establishment is permitted, including any type of electronic nicotine delivery device.

9. There will be no narcotic sales or usage on the premises at any time.
10. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food as an incidental part of their overall duties. Bartenders and cocktail servers must be 21.
11. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. This is required within six months of this dated conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.
12. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
13. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
14. The parking lots under control of the applicant shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
15. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
16. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
17. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (Business and Professions Code Section 23788.5, Rules 57.5 and 57.6).

SECURITY CONDITIONS

1. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the bar/restaurant area. 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.

2. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example a radio station promotion held at the restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and therefore would not require security.) If security personnel are needed they will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.

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

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

Please contact Officer Erich Kemp if you have any questions regarding this matter at (909) 408-1922.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 10, 2018
SUBJECT: PCUP18-027

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

Conditions of Approval

1. Building plans and permits are required for all interior work.
2. The building is to be upgraded to meet ADA requirements.
3. The last permitted use was a donut shop in 1985.

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP18-027

Address: 1635 E Fourth Street

APN: 110-183-04 & 110-183-03

Existing Land Use: Commercial Building

Proposed Land Use: Conditional Use Permit to establish an ancillary Type 41 ABC license in conjunction with a restaurant

Site Acreage: 0.8 ac Proposed Structure Height: Existing Building

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia/Lorenzo Alvarez

Date: 7/31/18

CD No.: 2018-048

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="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>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: _____



CITY OF ONTARIO

MEMORANDUM

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

(Antonio)

FROM: Lorena Mejia, Senior Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-027

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 **Friday, July 20, 2018**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 - beer for on-premise consumption in conjunction with an existing 2,160 square foot commercial building on approximately 0.8 acres of land located at 1635 E Fourth St, within the HDR-45 zoning district (Interim Community Commercial overlay) (APNs: 11018304 and 11018303).

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.

Env Env *Steve Wilson* Eng Asst. 7/19/18
Department Signature Title Date



CITY OF ONTARIO MEMORANDUM

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

Antonio

FROM: Lorena Mejia, Senior Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-027

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Engineering
Department

[Signature]
Signature

Eng. Assistant
Title

08-09-18
Date



CITY OF ONTARIO MEMORANDUM

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 Lorena Mejia, Airport Planning
 Steve Wilson, Engineering/NPDES
 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department

FROM: Lorena Mejia, Senior Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-027

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Engineering
Traffic

Senior Associate
Civil Engineer

7/23/18

Department

Signature

Title

Date



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

ZA MEETING DATE: October 15th, 2018

PROJECT: PCUP18-027, a Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer (Type 41 ABC license), in conjunction with an existing 2,160 square foot restaurant (Restaurante de Mariscos Laguna Azul) on a 0.86-acre parcel of land.

APN: 0110-183-03 & -04

LOCATION: 1629 & 1635 East Fourth Street

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

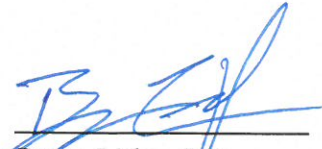
PROJECT PLANNER: Lorena Mejia, Senior Planner (909) 395-2276

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

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. The applicant/developer shall install a grease interceptor and any other pretreatment devices to the on-site sewer system per the latest City standards.
3. The applicant/developer or occupant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>.)
 - a. Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as a grease interceptor. For wastewater permit application questions, please contact:

Michael Birmelin, Environmental Programs Manager
omucenvironmental@ontarioca.gov
Phone: (909) 395-2687

Project File No. PCUP18-027
Project Engineer: Antonio Alejos
ZA Date: 10/15/18



Bryan Lirley, P.E.
Principal Engineer

9/25/18

Date



Khoi Do, P.E.
Assistant City Engineer

9/26/18

Date



CITY OF ONTARIO

MEMORANDUM

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

Clance

FROM: Lorena Mejia, Senior Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-027

Finance Acct#:

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 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
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 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Ad. Planning Department *Clarice Bend* Signature *Assoc. Planner* Title *7/24/18* Date



CITY OF ONTARIO

MEMORANDUM

TO: Lorena Mejia, Senior Planner
Planning Department

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

DATE: July 17, 2018

SUBJECT: PCUP18-027 A Conditional Use Permit to establish alcoholic beverage sales, including Type 41 – beer for on-premise consumption in conjunction with an existing 2,160 square foot commercial building on approximately 0.8 acres of land located at 1635 E Fourth St, within the HDR-45 zoning district (Interim Community Commercial overlay) (APNs: 11018304 and 11018303).

-
- 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

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Cathy Wahlstrom, Planning Director
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Jimmy Chang, IT Department

FROM: Lorena Mejia, Senior Planner

DATE: July 06, 2018

SUBJECT: FILE #: PCUP18-027

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

The plan does not adequately address the departmental concerns.

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

Landscape Planning Carolyn Bell Sr Landscape Architect
Department Signature Title Date 7/20/18

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

CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i>	7/20/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PCUP18-027	Related Files:	Case Planner: Lorena Mejia
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Project Name and Location: Mariscos Laguna Azul Restaurant 1635 East 4 th St

Applicant/Representative: Shawn Michelle Miller 1834 Northwestern Circle Colton, Ca 92324
--

<input checked="" type="checkbox"/>	A site plan (dated 7/6/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

1. Repair dead or damaged landscape including repair or replacement of the automatic irrigation systems to fully irrigate all landscape areas.
2. New landscape and irrigation shall meet all the requirements of the Landscape Development Standards including water efficient irrigation and landscaping.
3. Landscape and irrigation plans shall be submitted for review and approval if any on-site construction, staging or storage of material occurs or replacement of landscape or irrigation systems to comply with city standards.
4. Lawns not in recreation areas, shall be replaced with low water groundcovers, shrubs and shade trees.
5. Existing trees shall be protected in place. If tree removal is requested a landscape plan and tree inventory shall be submitted to this department for review and approval.
6. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>