



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

November 1, 2021

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 HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-011**: A Conditional Use Permit to establish a 474-square-foot small collection recycling facility on 0.9 acre of land located at 1701 South Mountain Avenue within the CN (Neighborhood 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 Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-191-53) **submitted by Raul Perez Sosa.**

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, Gwen Berendsen, Administrative Assistant, 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 28, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Administrative Assistant



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

November 1, 2021

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

DECISION NO.: [insert #]

FILE NO.: PCUP21-011

DESCRIPTION: A Conditional Use Permit to establish a 474-square-foot small collection recycling facility on 0.9 acre of land located at 1701 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1014-191-53); **submitted by Raul Perez Sosa.**

PART 1: BACKGROUND & ANALYSIS

RAUL PEREZ SOSA, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-011, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 0.9-acre of land located at 1701 South Mountain Avenue, and is depicted in Exhibit A: Project Site, attached. The Project site is developed with a 5,980-square-foot grocery store that is centrally located along the eastern property line, with parking located to the north, south, and west sides of the building. Additionally, there is an existing 6-foot-high block wall that borders the Project site along its north, east, and south property lines. 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:	Grocery Store	NC- Neighborhood Commercial	CN - Neighborhood Commercial	N/A
North:	Single Family Residential	LDR – Low Density Residential (2.1 - 5.0 du/ac)	LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac)	N/A
South:	Commercial	Neighborhood Commercial	CN - Neighborhood Commercial	N/A
East:	Single Family Residential	LDR – Low Density Residential (2.1 - 5.0 du/ac)	LDR-5 (Low Density Residential - 2.1 to 5.0 du/ac)	N/A
West:	Multi-Family Residential	MDR – Medium Density Residential (11.1 - 25.0 du/ac)	MDR-18 (Medium Density Residential - 11.1 to 18.0 du/ac)	N/A

PROJECT ANALYSIS:

(1) Background— On June 10, 2021, the Applicant filed a Conditional Use Permit requesting approval to establish a 474-square-foot Small Collection Facility composed of a small

Prepared: LM - 10/25/2021	Reviewed: CM - 10/27/2021	Decision: [enter initial/date]
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kiosk structure (5' X 18') and two metal storage roll-off containers (8' X 24' each). The Development Code requires small collection recycling facilities to be established through a Conditional Use Permit, provided that it is an ancillary use and will operate in conjunction with a host-business at a fixed location and occupy a maximum area of 500 square feet. In addition, the proposed recycling facility is required to comply with the requirements of Development Code Section 5.03.340.B, which establishes specific standards for Small Collection Facilities. The host-business for the proposed facility is the Ontario's Farmer's Market located at 1701 South Mountain Avenue. The Applicant is establishing his first independently operated small collections facility (Valley Recycling's) and has contracted with Main Street Fibers to service the roll-off containers.

(2) Proposed Use — The proposed small collection facility will be located south of the existing market, within the parking area near the southeast corner of the site, approximately 56 feet from Mountain Avenue to the west, 38 feet from the existing market building to the north, 26 feet from the east property line, and 15 feet from the south property line (see Exhibit B: Site Plan and Exhibit C: Enlarged Site Plan, attached). The front of the proposed kiosk will face south, and the two recycling roll-off containers will be located at the rear of the kiosk, facing the existing market. The collection facility storefront will consist of a kiosk area, two removable recycling roll-off containers, and two attendants (see Exhibit D: Floor Plan, attached). Customers recycling items will be given vouchers, which are redeemable for cash at Ontario's Farmer's Market.

The Small Collections facility will be staffed from 9:00 AM to 7:00 PM, Monday through Sunday, with two site attendants who receive, weigh, and store the recycling materials without CRV (California Redemption Value). The site attendant will be responsible for sweeping and maintaining a dust-free and litter-free work area on a daily basis and will be responsible for the disposal of liquids within the leased parking lot area. Liquids will be placed into a plastic container and disposed of at an off-site location. The recycled material inside the roll-off containers and kiosk will be picked-up as needed.

The roll-off containers being proposed are constructed of durable, waterproof, and rustproof material and are completely enclosed. The containers will be required to be clearly marked and identify the types of recyclables that may be deposited and will also be required to display the name and telephone number of the owner and/or manager of the facility (see Exhibit E: Elevations, attached).

(3) Parking — The Project site was developed with a surplus of off-street parking spaces. The Development Code requires the existing market to provide 24 parking spaces and the site is striped with 41 parking spaces. The recycling facility will occupy eight parking spaces, reducing available parking to 33 spaces, maintaining a surplus of 9 parking spaces. The proposed collection facility will not create a deficiency in parking; therefore, no parking issues are anticipated.

(4) Land Use Compatibility — The purpose of a Conditional Use Permit review is to evaluate a proposed use's compatibility with adjacent uses, and to identify and establish measures to isolate and/or mitigate potential nuisance activities. The proposed recycling facility will provide customers with the convenience recycling post-consumer materials when shopping at the existing market. The location of the facility does not interfere with on-site vehicle or pedestrian circulation. Staff believes that the recommended conditions of approval and proposed on-site improvements to lighting and landscaping will sufficiently mitigate potential impacts associated with the proposed use, and that the existing uses within the immediate area will not be exposed to any impacts beyond those that would normally be associated within a commercial zone.

AIRPORT LAND USE COMPATIBILITY PLAN: This Project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan ("ALUCP"). 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 Ontario International Airport Land Use Compatibility Plan, 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 November 1, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Lorena Mejia, Senior 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 the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

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

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

(2) 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: Ontario International Airport Land Use Compatibility Plan ("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 Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), 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 ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the DAB, 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 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 CN (Neighborhood Commercial) zoning district, 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 small collections recycling facility land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the CN (Neighborhood Commercial) zoning district; 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 small collections recycling facility land use will be located within the Neighborhood Commercial land use district of the Policy Plan Land Use Map, and the CN (Neighborhood Commercial) zoning district. 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 small collections recycling facility land use is located with the Neighborhood Commercial land use district, and the CN (Neighborhood Commercial) zoning district, 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

(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 Development Code 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.

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 November 2021.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT SITE



Exhibit B: SITE PLAN

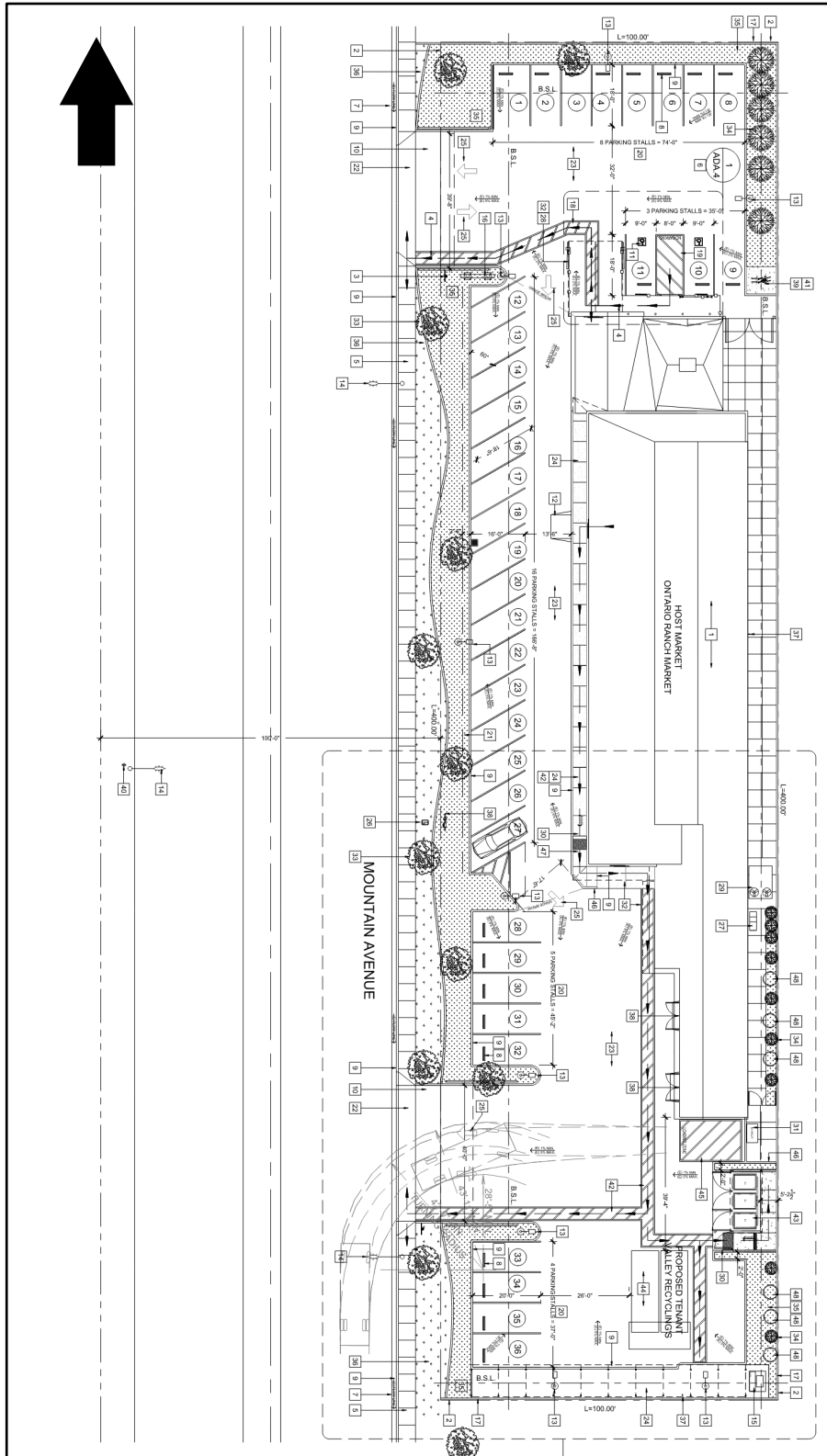


Exhibit C: ENLARGED SITE PLAN

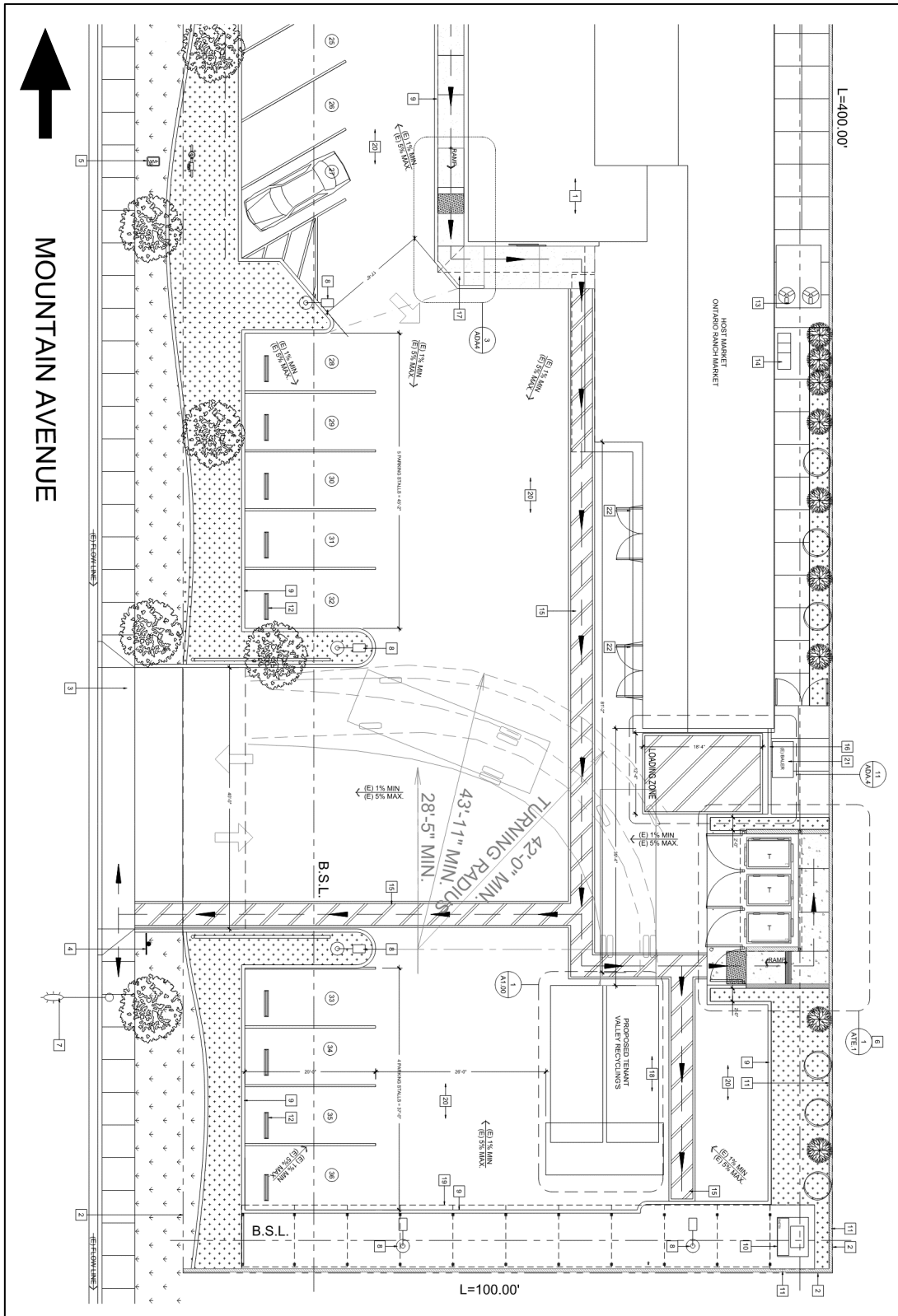


Exhibit D: FLOOR PLAN

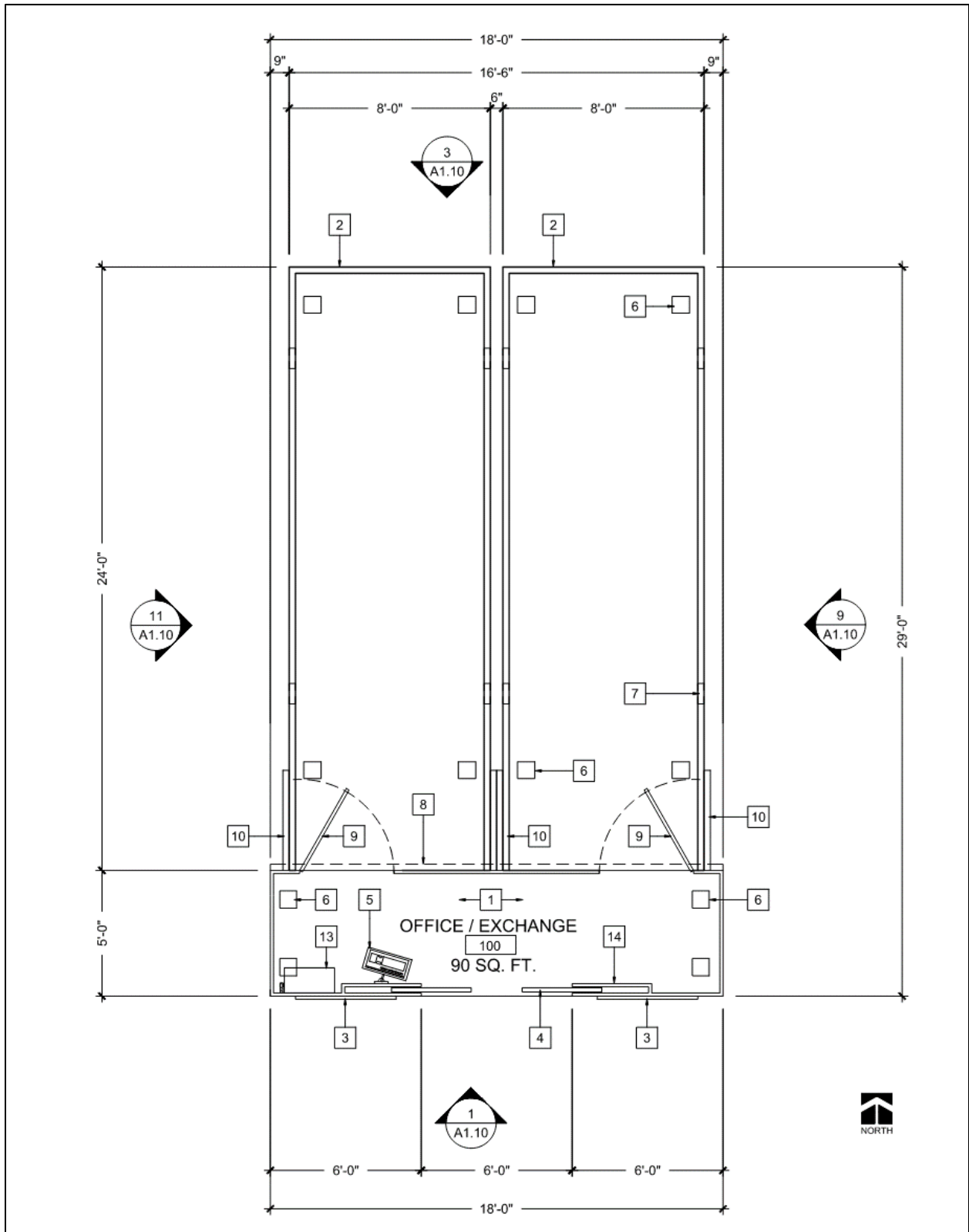


Exhibit E: ELEVATIONS

<p>RECYCLING FACILITY EXTERIOR ELEVATION</p> <p>SCALE: 1/4" = 1'-0"</p> <p>9</p>	<p>RECYCLING FACILITY FRONT ELEVATION</p> <p>SCALE: 1/4" = 1'-0"</p> <p>1</p>	<p>KEYNOTES</p> <ul style="list-style-type: none"> 1 BRIDE COLOR 18 X 18 X 1/2 ENCLOSED STEEL ROLL-OFF 2 OFFICE / EXCHANGE STRUCTURE, OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 3 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 4 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 5 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 6 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 7 WALL SHOWN PER O.A. RECEPTION VALUE PROGRAM AND EARTH WARE RECYCLING 8 BRIDE COLOR OF 7" STEEL SIDING DOOR 9 WALL MOUNTED STEEL SWIRE, WORK SPACE 10 STEEL WELDS BELOW 11 AREA OPENLY VENT 12 STEEL ROLL-OFF OFFICE / EXCHANGE STEEL DOORS 13 STEEL ROLL-OFF OFFICE / EXCHANGE STEEL DOORS 14 STEEL ROLL-OFF ENCLOSED CONTAINER, STEEL DOORS 15 ROOF TOP SOLAR PANEL 16 STEEL ROLL-OFF OFFICE / EXCHANGE INCLINE STEEL ANGLE 17 STEEL ROLL-OFF OFFICE / EXCHANGE INCLINE STEEL ANGLE 18 BATTERY AND SOLAR POWER INVERTER STEEL CABINET 19 STEEL DOOR LIFT / POCKET 20 STEEL DOOR LIFT / POCKET 21 STEEL DOOR LIFT / POCKET 22 STEEL DOOR LIFT / POCKET 23 SOLAR POWERED EXTERIOR LIGHTING <p>NOTE: ROLL-OFF STEEL OFFICE / EXCHANGE AND ENCLOSED CONTAINERS ARE INDICATED STANDARD CONTAINER STRUCTURES.</p>
<p>RECYCLING FACILITY EXTERIOR ELEVATION</p> <p>SCALE: 1/4" = 1'-0"</p> <p>11</p>	<p>RECYCLING FACILITY REAR ELEVATION</p> <p>SCALE: 1/4" = 1'-0"</p> <p>3</p>	<p>KEYNOTES</p> <ul style="list-style-type: none"> 1 BRIDE COLOR 18 X 18 X 1/2 ENCLOSED STEEL ROLL-OFF 2 OFFICE / EXCHANGE STRUCTURE, OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 3 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 4 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 5 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 6 OFFICE / EXCHANGE ROLL-OFF CONTAINER BELOCATED IN THE OFFICE / EXCHANGE AND OBTAINATION 7 WALL SHOWN PER O.A. RECEPTION VALUE PROGRAM AND EARTH WARE RECYCLING 8 BRIDE COLOR OF 7" STEEL SIDING DOOR 9 WALL MOUNTED STEEL SWIRE, WORK SPACE 10 STEEL WELDS BELOW 11 AREA OPENLY VENT 12 STEEL ROLL-OFF OFFICE / EXCHANGE STEEL DOORS 13 STEEL ROLL-OFF OFFICE / EXCHANGE STEEL DOORS 14 STEEL ROLL-OFF ENCLOSED CONTAINER, STEEL DOORS 15 ROOF TOP SOLAR PANEL 16 STEEL ROLL-OFF OFFICE / EXCHANGE INCLINE STEEL ANGLE 17 STEEL ROLL-OFF OFFICE / EXCHANGE INCLINE STEEL ANGLE 18 BATTERY AND SOLAR POWER INVERTER STEEL CABINET 19 STEEL DOOR LIFT / POCKET 20 STEEL DOOR LIFT / POCKET 21 STEEL DOOR LIFT / POCKET 22 STEEL DOOR LIFT / POCKET 23 SOLAR POWERED EXTERIOR LIGHTING <p>NOTE: ROLL-OFF STEEL OFFICE / EXCHANGE AND ENCLOSED CONTAINERS ARE INDICATED STANDARD CONTAINER STRUCTURES.</p>

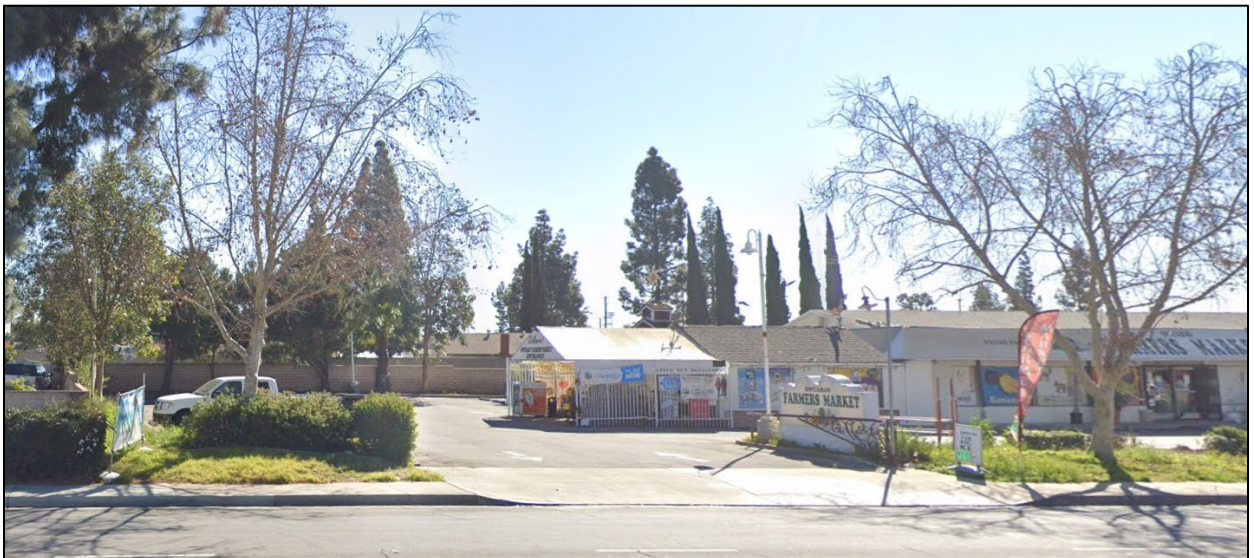
Exhibit F: SITE PHOTOS



Southern portion of the Project Site looking east from Mountain Avenue



Existing Market looking east from Mountain Avenue



Northern portion of the Project Site looking east from Mountain Avenue

**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: 11/1/2021

File No: PCUP21-011

Related Files: N/A

Project Description: A Conditional Use Permit to establish a 474-square-foot small collection recycling facility on 0.9 acre of land located at 1701 South Mountain Avenue within the CN (Neighborhood Commercial) zoning district (APN: 1014-191-53); **submitted by Raul Perez Sosa.**

Prepared By: Lorena Mejia, Senior Planner
Phone: 909.395.2276 (direct)
Email: lmejia@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 Environmental Review.

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

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

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

2.4 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.

2.5 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.

2.6 Small Collection Facility.

- (a)** The small collection facility shall be constructed and maintained with durable, waterproof and rustproof material, with fully enclosed materials storage containers.
- (b)** The small collection facility shall be clearly marked to identify the type of recyclables that may be deposited.
- (c)** The name and telephone number of the owner or manager, and the hours of operation of small collection facilities shall be posted on the facility.
- (d)** The small collection facility site and surrounding area shall be swept and maintained in a clean, litter free condition on a daily basis.
- (e)** The small collection facility shall not obstruct pedestrian or vehicular circulation.
- (f)** The small collection facility shall not operate power-driven sorting or consolidating equipment, such as crushers, shredders, balers, or other mechanized equipment.
- (g)** Use of the facility for deposit of solid waste or hazardous waste is prohibited.
- (h)** Operating hours of the small collection facility shall only be between the hours of 9:00AM and 7:00PM.
- (i)** Decorative potted plants shall be installed and maintained along the western portion of the small collection facility to screen the facility from Mountain Avenue.
- (j)** No outdoor storage is permitted.
- (k)** The exterior of the facility shall be painted consistent with the exterior color scheme of the existing market, to the satisfaction of the Zoning Administrator.
- (l)** Site improvements and a City of Ontario Business License application must be approved prior to the start of operating the business.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-011

Address: 1701 South Mountain Avenue

APN: 1014-191-53

Existing Land Use: Commercial Building - Market

Proposed Land Use: A CUP to establish a 474 SF small collection recycling facility

Site Acreage: 0.929 Proposed Structure Height: 13 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Denny Chen

Date: 8/17/2021

CD No.: 2021-036

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input 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>200 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, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
Matt Montieth, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Gabriel Gutierrez, Police Department
Mike Gerken, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department

FROM: Denny Chen, Associate Planner

DATE: June 18, 2021

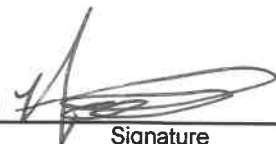
SUBJECT: FILE #: PCUP21-011 Finance Acct#:

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

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish a 474-square foot small collection facility on 0.929 acres of land located at 1701 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN(s): 1014-191-53).

- 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.

Engineering (Env) 
Department Signature

Engineering Assistant  7/12/2021
Title Date



CITY OF ONTARIO

MEMORANDUM

David

TO: Scott Murphy, Community Development Director
 Rudy Zeledon, Planning Director (Copy of memo only)
 Diane Ayala, Advanced Planning Division (Copy of memo only)
 Charity Hernandez, Economic Development
 Matt Montieth, Building Department
 Raymond Lee, Engineering Department
 Jamie Richardson, Landscape Planning Division
 Dennis Mejia, Municipal Utility Company
 Gabriel Gutierrez, Police Department
 Mike Gerken, Deputy Fire Chief/Fire Marshal
 Jay Bautista, T. E., Traffic/Transportation Manager
 Lorena Mejia, Airport Planning
 Eric Woosley, Engineering/NPDES
 Angela Magana, Community Improvement (Copy of memo only)
 Jimmy Chang, IPA Department

FROM: Denny Chen, Associate Planner

DATE: June 18, 2021

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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. — RESPOND TO OMUC COMMENTS

ENGINEERING-LAND

[Handwritten Signature]

ENGINEERING ASSISTANT 7.12.2021

Department

Signature

Title

Date



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Planning Department

FROM: Bill Lee, Police Department

DATE: June 29, 2021

SUBJECT: **PCUP21-011: A CONDITIONAL USE PERMIT TO ESTABLISH A 474-SQUARE FOOT RECYCLING COLLECTION FACILITY WITHIN THE EXISTING COMMERCIAL SHOPPING CENTER LOCATED AT 1701 S MOUNTAIN.**

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 and the California Business and Professions Code sections 21600 – 21610 apply. In addition, the Ontario Police Department is placing the following conditions on the establishment:

1. The location of the recycling center shall remain in the main parking lot of the shopping center in order to maintain natural surveillance.
2. No cash transactions are allowed.
3. Applicant must enter into an operating agreement with the anchor/host retail store (Ontario Farmers Market) located within the shopping center and provide a copy of said agreement to the Ontario Police Department.
4. The hours of operation must be consistent with the operating hours of the anchor/host retail store. Hours of operation that are shorter than the anchor/host retail store are permissible, but the Applicant may not operate while the anchor/host retail store is closed.
5. The collection of recyclable material shall be limited to aluminum cans and glass or plastic bottles.
6. Any structure or roll-off containers left on site overnight shall be secured with locking devices approved by the Police Department.
7. Any structure or container left on-site overnight must be painted so as to match the color palette of the shopping center.

8. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
9. Recyclable material shall only be stored in a permanent structure or roll-off container.
10. No materials shall be allowed to accumulate or be stored outside of any permanent structure or roll-off container at any time.
11. The Applicant shall not allow any personal belongings to be stored in or around the collection facility at any time.
12. No loitering shall be permitted.
13. The area surrounding and in between structures must be kept neat, clean, and free of trash and debris.
14. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.
15. Photometrics demonstrating the 1.0 foot candle minimum shall be provided to the Ontario Police Department.
16. The Applicant shall not store any vehicles at the location.

This CUP may be subject to review/revocation if business experiences recurring criminal activity or fails to comply with these conditions of approval.

The Applicant is invited to contact Officer Bill Lee at (909)408-1672 regarding any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

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

DATE: June 29, 2021

SUBJECT: PCUP21-011 A Conditional Use Permit to establish a 474-square foot small collection facility on 0.929 acres of land located at 1701 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN(s): 1014-191-53).

- 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



DATE: October 13, 2021
TO: David Zurita, Engineering
CC: Lorena Mejia/Denny Chen, Planning
FROM: Peter Tran, Utilities Engineering
SUBJECT: DPR #2 – Conditions of Approval (COA) - Utilities Comments (**#7961**)
PCUP21-011 (A Conditional Use Permit to establish a 474-square foot small recycling collection
PROJECT NO.: facility)

BRIEF DESCRIPTION

A Conditional Use Permit to establish a 474-square foot small collection facility on 0.929 acres of land located at 1701 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN(s): 1014-191-53).

THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

General Conditions: (Add following to Section 2.A of Engineering Department COA)

1. Standard Conditions of Approval: 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:

Integrated Waste Conditions: (Add following to Section 2.L of Engineering Department COA)

2. Trash Enclosure (TE): The TE is required to accommodate three 4-cy bins and provide three individual doors; each door is to access each bin.

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

CONDITIONS OF APPROVAL	
Sign Off	
	10/27/2021
Jamie Richardson, Sr. Landscape Planner	Date

Reviewer's Name: Jamie Richardson, Sr. Landscape Planner	Phone: (909) 395-2615
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D.A.B. File No.: PCUP21-011	Related Files:	Case Planner: Denny Chen/Lorena Mejia
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Project Name and Location: Recycling Collection Facility 1701 S Mountain Ave
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Applicant/Representative: Ausencio Ariza 211 W Emporia St. Ste. 109 Ontario, CA 92762
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<input checked="" type="checkbox"/>	A site plan (10/04/2021) 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 () has not been approved. Corrections noted below are required prior to DAB approval.

1. Install new bike rack outside of landscape planter and near store entry.
2. Contact property management to replace missing trees: 24" box size trees type shall match existing or consider low water trees for this climate such as : Eucalyptus Microtheca – Coolibah Tree, Brachychiton populneus, Bottle Tree, or Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistachia chinensis or similar. Provide, repair or replace tree irrigation tree bubblers to wet the entire root system until established.