



CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

September 19, 2022

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

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

www.ontarioca.gov/agendas/zoning

PUBLIC HEARINGS

A. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-025: A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP10-016) to extend the hours of operation for El Pescador restaurant and establish a 744 square feet outdoor dining area, located at 636 North Euclid Avenue, within LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) 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;(APNS: 1048-361-01 1048-361-02 1048-361-03 1048-361-12) **submitted by Hunts Point Falls, LLC.**

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

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

I, 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 **September 15, 2022**, 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

September 19, 2022

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

DECISION NO.: [insert #]

FILE NO.: PCUP21-025

DESCRIPTION: A public hearing to consider a modification to a previously approved Conditional Use Permit (File No. PCUP10-016) to extend the hours of operation for El Pescador restaurant and establish a 744 square feet outdoor dining area, located at 636 North Euclid Avenue, within LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) zoning district 1048-361-01, 1048-61-02, 1048-61-03, 1048-61-12; **submitted by Hunts Point Falls, LLC.**

PART 1: BACKGROUND & ANALYSIS

HUNTS POINT FALLS, LLC, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-025, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 0.90 acres of land located at 636 N Euclid Avenue, and is depicted in *Exhibit A: Project Location*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Full-Service Restaurant	Downtown Mixed Use	MU-1 (Downtown Mixed Use) LUA-1 (Euclid Avenue Entertainment) District	Not Applicable
North:	Residential	Office/Commercial	OL (Low-Intensity Office)	Not Applicable
South:	Full-Service Restaurant	Downtown Mixed Use	MU-1 (Downtown Mixed Use) LUA-1 (Euclid Avenue Entertainment) District	Not Applicable
East:	Residential	Downtown Mixed Use	MU-1 (Downtown Mixed Use) LUA-1 (Euclid Avenue Entertainment) District	Not Applicable
West:	Residential/ Commercial	Downtown Mixed Use	MU-1 (Downtown Mixed Use) LUA-1 (Euclid Avenue Entertainment) District	Not Applicable

Prepared: RM 09/01/22	Reviewed: RZ 09/14/22	Decision: [enter initial/date]
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PROJECT ANALYSIS:

(1) Background — El Pescador is a restaurant chain located throughout Southern California, primarily serving Mexican cuisine specializing in seafood-style meals. There are currently two locations within the City of Ontario, one in the subject location and the second near the northwest corner of the CA-60 freeway and Mountain Avenue.

On February 1, 2007, El Pescador #16 was approved for a business license to operate as a full-service restaurant in the subject location. On June 8, 2007, the Zoning Administrator approved a Conditional Use Permit (CUP) (File No. PCUP06-039) for a Type 47 ABC License for On-Sale General – for Bona Fide Public Eating Place. On May 7, 2010, the Applicant filed a CUP Modification (File No. PCUP10-016) to establish live entertainment in conjunction with the existing restaurant. Live entertainment is restricted to Karaoke and DJs and is allowed in a fixed location within the bar area.

(2) Proposed Use — On December 23, 2021, the Applicant submitted a request to modify a previously approved Conditional Use Permit to extend the hours of operations from 8:00 A.M. to 12:00 A.M. Monday, Tuesday, Wednesday and 8:00 A.M. to 2:00 A.M. Thursday, Friday, Saturday, and Sunday. Current hours of operation are Monday through Thursday, 8:00 A.M. to 10:00 P.M.; Friday and Saturday, 8:00 A.M. to 12:00 A.M.; and Sunday, 7:00 A.M. to 11:00 P.M.

The 5,454 square foot restaurant is proposing tenant improvement to expand the existing floor area of the building (See *Exhibit C: Floor Plan*). The tenant improvement will consist of relocating and enlarging customer restrooms, redesigning the hot and cold kitchen areas, and relocating the trash enclosure outside the building footprint while also increasing the number of bins from one to three on the east side of the lot. In addition, the tenant improvements propose the removal of the existing raised planter along the exterior northwest, west, and southwest sides of the building to accommodate the construction of a new outdoor patio area, a customer waiting area, and an outdoor walkway (See *Exhibit D: Outdoor Area Plan*). The restaurant parking will be improved with new landscaping that includes additional trees, shrubs, and ground cover. The Project's landscape pallet incorporates a mixture of 36-inch box Chinese Pistache, 24-inch box Holly Oak, and 15-gallon Dragon Trees along with a variety of drought-tolerant use shrubs and groundcover. A condition of approval has been imposed on the project to require that a minimum 5-foot-wide landscape planter be constructed along the eastern property line of the east parking. The landscape planter will provide a landscaped buffer between the parking lot and the residential homes to the east.

The Project's land use is consistent with the LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) zoning district, which allows for land uses to provide vitality, amenities, and a range of entertainment land uses such as shopping, restaurants, outdoor dining, and cultural offerings. The modification to the Conditional Use Permit (File No. PCUP06-039) is required to allow and expand the sale of alcoholic beverages to the new proposed patio area and the change in the hours of operation. The proposed patio area, along the west side and southwest areas of the building, will total 744 square feet. The patio area will allow for additional restaurant seating. The patio area will be enclosed by a 3-foot brick wall (to match the building brick exterior) with 2-foot high clear tempered glass on top of the wall (See *Exhibit E: Elevations*). The new 242 square foot customer waiting area, at the northwest corner of the building, will provide a more convenient customer experience. The 247 square foot patio walkway area, along the south side of the building, will only be used by restaurant staff and customers who exit the patio to access the south parking lot. No alcoholic beverages will be allowed to be consumed in the patio walkway area.

The Police Department reviewed the proposed CUP modification and is in support of the modification subject to conditions of approval (See Attachment A: Department Reports (Conditions of Approval)) and subject to the following hours of operation:

- Monday through Wednesday alcohol sales may be from 8:00 A.M. to 12:00 A.M. Last call for alcohol shall be made by 11:15 P.M., and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from tables/patrons at 12:00 A.M.
- Thursday through Sunday alcohol sales may be from 8:00 A.M. to 2:00 A.M. Last call for alcohol shall be made by 1:15 A.M. and alcohol sales must cease by 1:30 A.M. All alcohol shall be removed from the tables/patrons at 2:00 A.M.

Staff has placed a conditional of approval requiring the proposed tenant improvements to be submitted, reviewed and approved by the City, prior to the commencement of the proposed CUP modification (new hours of operation and patio dining).

(3) Parking — Pursuant to the Development Code's Off-Street Parking Requirements, the Project is required to provide 64 parking spaces, at a ratio of 10 spaces per 1,000 SF of GFA (Gross Floor Area). Parking was calculated based on the Development Code's "Full-Service Restaurant" standard and the existing site was developed with 79 parking spaces. The Applicant has requested Conditional Use Permit approval with the intent to provide additional convenience to restaurant patrons; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing neighborhood.

(4) ABC License Concentrations — The Applicant currently has a Type 47 On-Sale General Liquor License for a Bona Fide Public Eating Place located within Census Tract No. 0014.00. According to the Department of Alcohol Beverage Control (ABC), two on-sale licenses are allowed within this census tract; there are currently eight active licenses. The census tract is currently over-concentrated; however, the Applicant has an existing license and is included in the eight licenses mentioned. Therefore, the requested extension to the hours of operation and outdoor dining area will not add to the overconcentration. The Police Department neither approves nor denies Conditional Use Permits; however, due to the above circumstances, the Police Department has recommended approval for the Applicant to expand their hours of operation and establish an outdoor dining area. On approval by the Zoning Administrator, the Applicant must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the Applicant shall follow the Police Department's Conditions of Approval as seen in Attachment A: Department Reports of this report.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing any necessary conditions of approval. The project site is located within the LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) zoning district. Additionally, the nearby businesses within and surrounding the project site will not be exposed to any impacts resulting from the ancillary use of alcoholic beverage sales and consumption beyond those that would normally be associated with any similarly allowed land use within the same zoning district. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions. Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use.

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, the 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 ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 19, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the Application, as follows:

(1) Assistant Planner Morales, 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 15331 (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. Furthermore, the Project is consistent with all of the following conditions:

a. 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

b. The area in which the Project is located is not environmentally sensitive; and

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

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

SECTION 2: 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 9, 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 Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the 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 LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) 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 Full-Service Restaurant land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Downtown Mixed Use land use 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 Full-Service Restaurant land use will be located within the Downtown Mixed Use land use district of the Policy Plan Land Use Map, and the LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) 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 Full-Service Restaurant land use is located with the Downtown Mixed Use land use

district, and the LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) 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 Policy Plan (General Plan) components of The Ontario Plan; and

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

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

- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole.* The Police Department has reviewed the Application and is recommending approval subject to the conditions of approval. The use is consistent with the LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) zoning district, and one similar restaurant in the area has also received approval for an On-Sale ABC license. The proposed use will also be provided as a convenience to restaurant patrons that would like to purchase alcoholic beverages.
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* Since the project site was developed, there have been no recorded Building or Health Code Violations.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The site is properly maintained, including the building, landscaping, and lighting. Additionally, department conditions of approval require the project site to be maintained and free of debris, litter, and graffiti.

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 _____, 20__.

Charles Mercier
Zoning Administrator

Exhibit A: PROJECT LOCATION

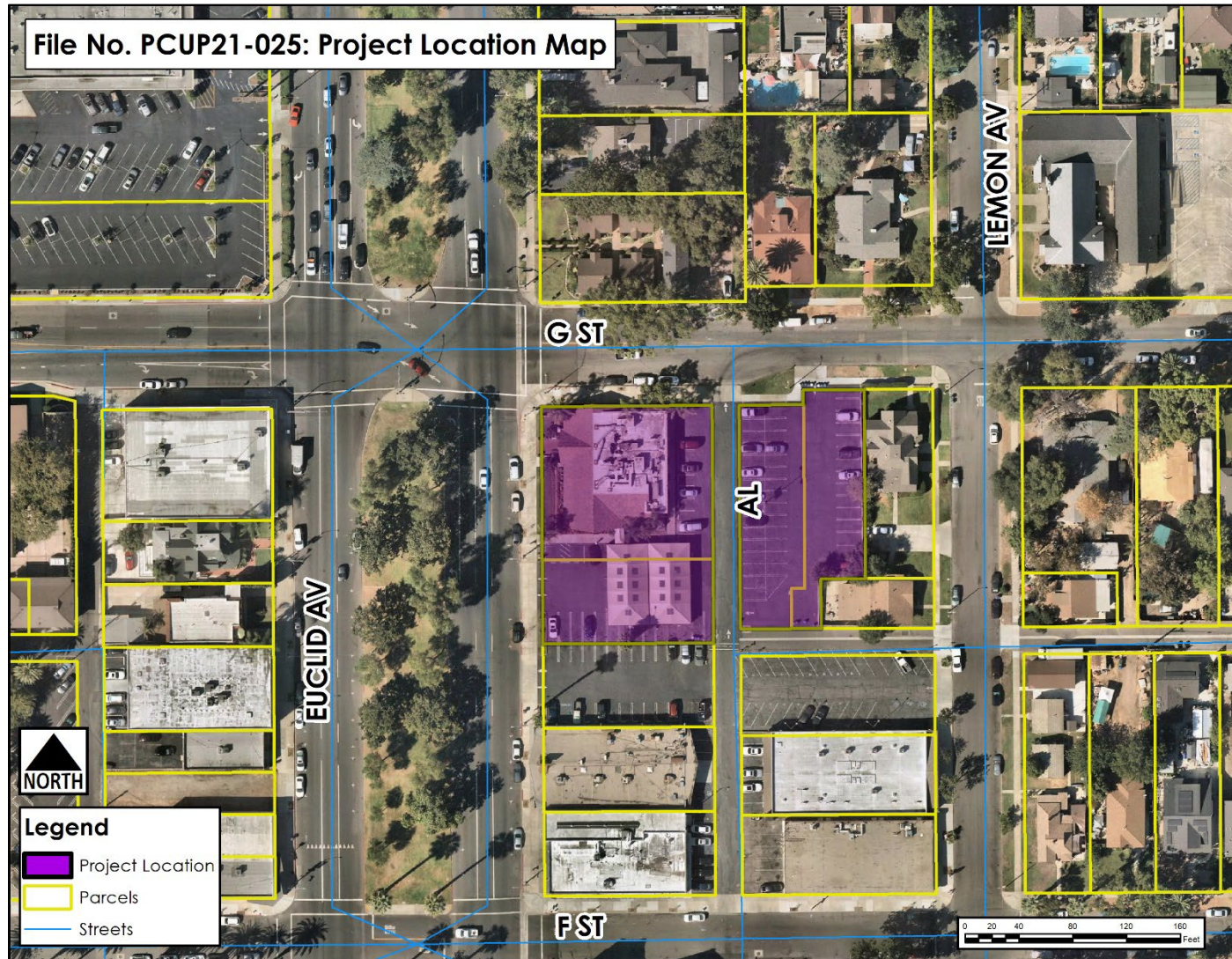


Exhibit B: SITE PLAN

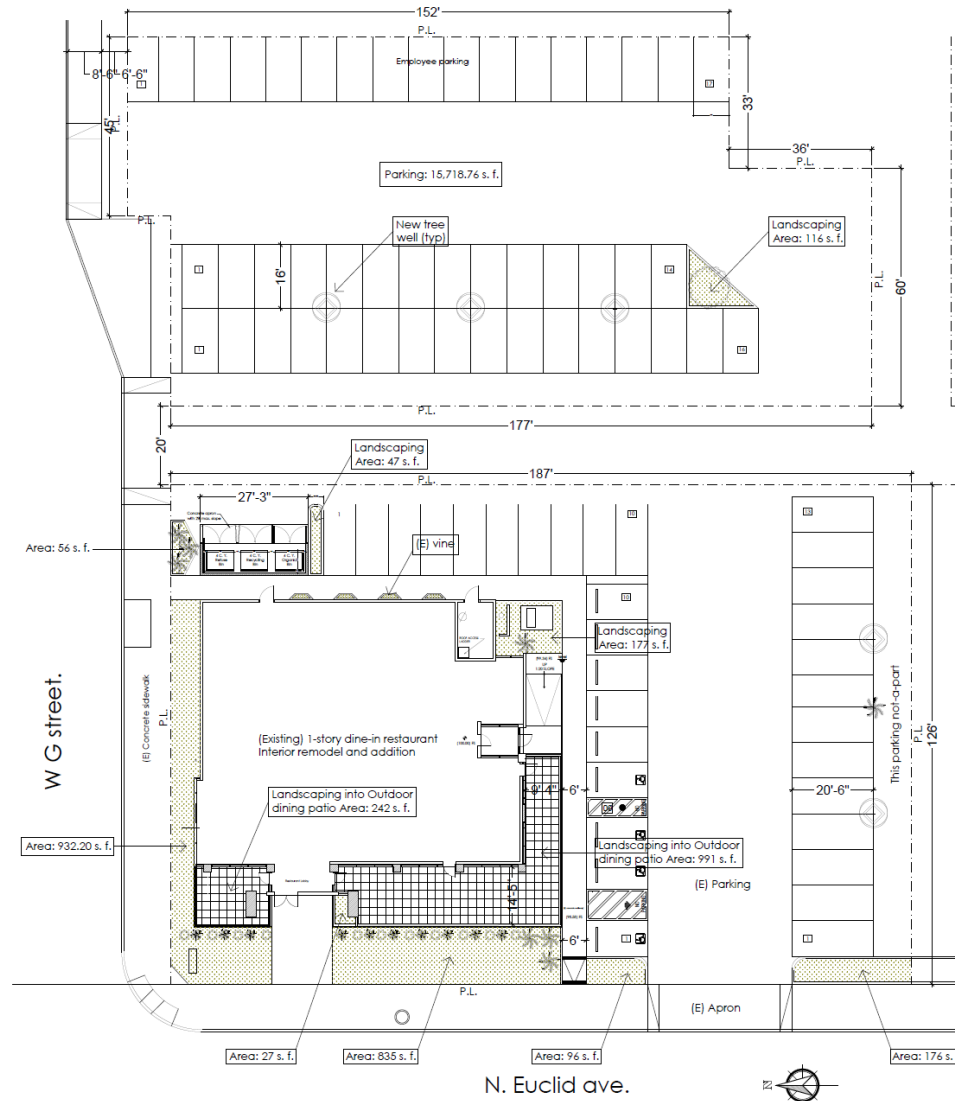


Exhibit C: FLOOR PLAN

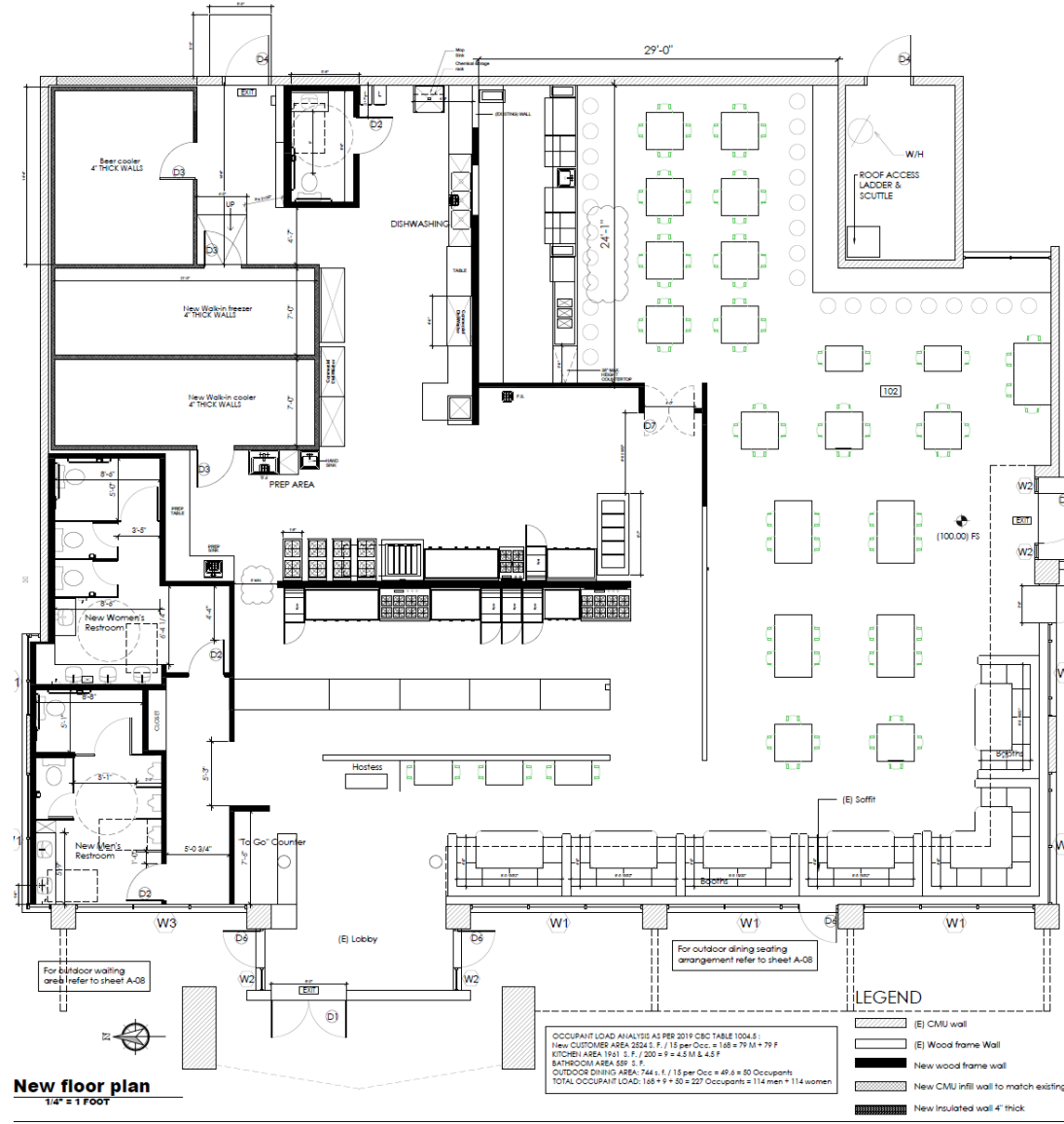


Exhibit D: OUTDOOR AREA PLAN

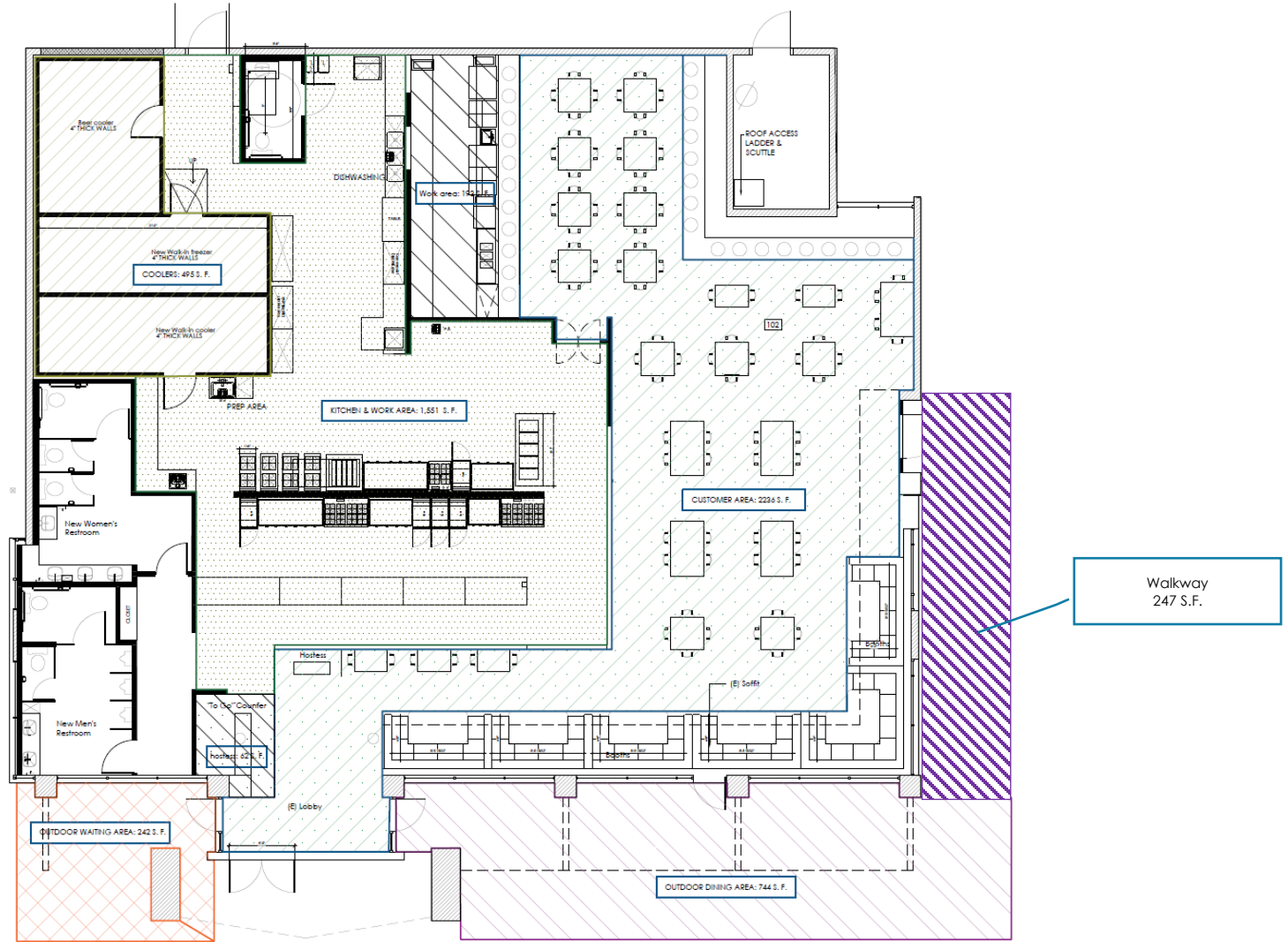


Exhibit E: ELEVATIONS

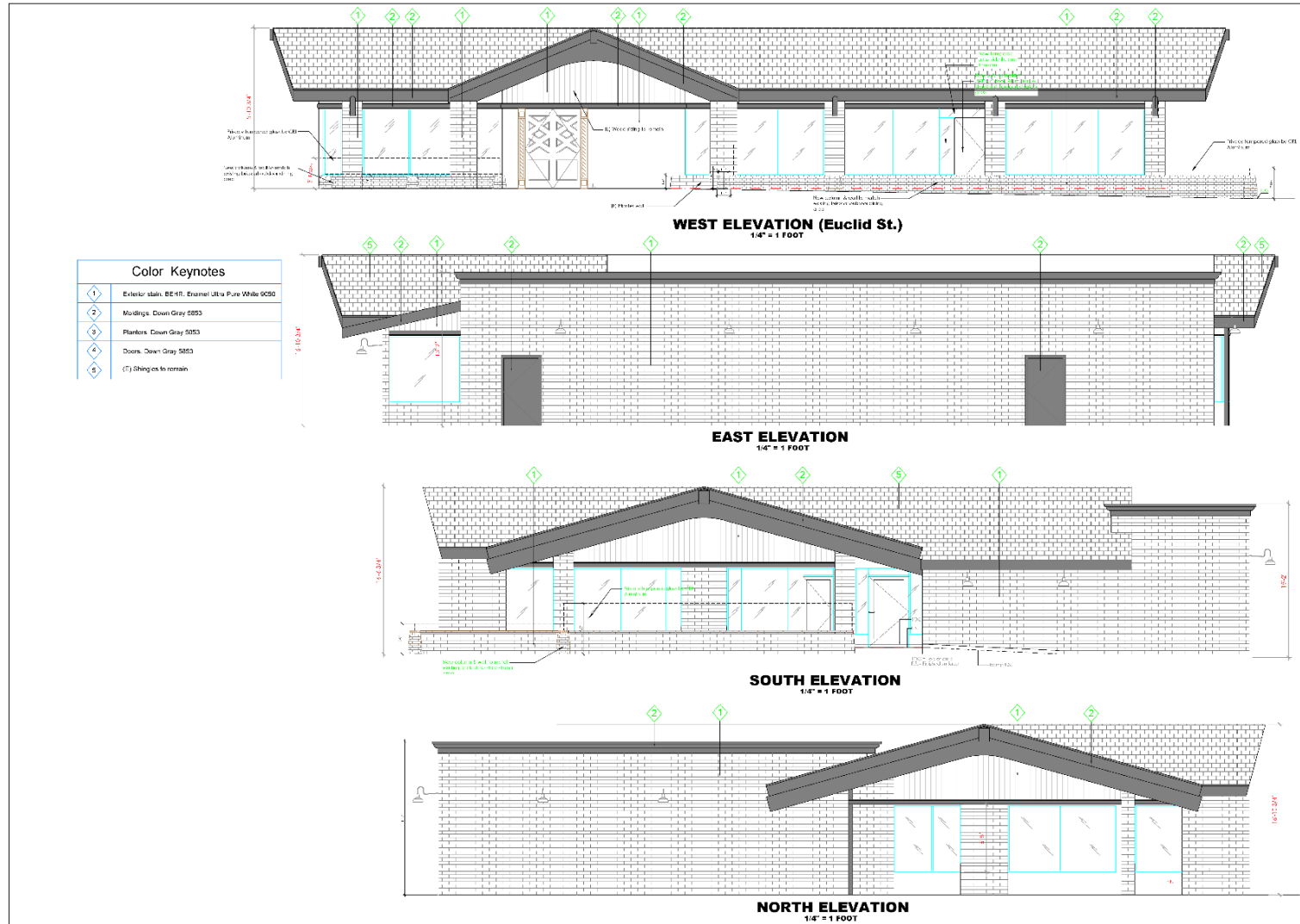


Exhibit F: SITE PHOTOS



Image 1: North Elevation



Image 2: Northwest Elevation



Image 3: South Elevation



Image 4: West Landscape Planter



Image 5: Southeast Elevation



Image 6: East Elevation

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 8/22/2022

File No: PCUP21-025

Project Description: A public hearing to consider a Modification to a previously approved Conditional Use Permit (File No. PCUP10-016) to extend the hours of operation for El Pescador restaurant and establish a 744 square feet outdoor dining area, located at 636 North Euclid Avenue, within LUA-1 (Euclid Avenue Entertainment Land Use Area) of the MU-1 (Downtown Mixed-Use) zoning district; submitted by Hunts Point Falls, LLC.; (APN(s): 1048-361-01 1048-361-02 1048-361-03 1048-361-12)); **submitted by Hunts Point Falls, LLC.**

Prepared By: Robert Morales, Assistant Planner
Phone: 909.395.2432 (direct)
Email: Rmorales@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

(a) All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape

and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

2.3 Landscaping.

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

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

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 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) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) 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.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

(d) Outdoor loading and storage areas shall be provided with gates that are view-obstructing by one of the following methods:

(i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or

(ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

2.7 Site Lighting.

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

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.8 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

2.10 Signs.

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

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

2.12 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:

(i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

(iv) This tract is part of a Landscape Maintenance District. The homeowner(s) will be assessed through their property taxes for the continuing maintenance of the district.

2.13 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.

2.14 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.

2.15 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 all of the following conditions:

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

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

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

2.16 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.

2.17 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check,

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

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

2.18 Additional Requirements.

(a) All Conditions of Approvals from File Nos. PCUP06-039 and PCUP10-016 are enforced.

(b) Alcohol sales shall be from 8:00 A.M. to 12:00 A.M., Monday through Wednesday. Last call for alcohol shall be made by 11:15 P.M., and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from tables/patrons at 12:00 A.M.

(c) Alcohol sales shall be from 8:00 A.M. to 2:00 A.M., Thursday through Sunday. Last call for alcohol shall be made by 1:15 A.M. and alcohol sales must cease by 1:30 A.M. All alcohol shall be removed from the tables/patrons at 2:00 A.M.

(d) All unpermitted structures located on site shall be removed within thirty (30) days after the Decision is signed by the Zoning Administrator.

(e) All unpermitted signs located on site shall be removed. The applicant will be required to submit a sign plan(s) for all proposed signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and Downtown Sign Guidelines. All work is to be completed and will be subject to site inspection.

(f) Live entertainment music limited to DJs and Karaoke is permitted; however, the sound emitted from the premises shall not be audible outside the interior walls of the business establishment and outdoor patio area.

(g) Pursuant to the previously imposed condition, under File No. PCUP06-039, a minimum 5-foot-wide landscape planter shall be constructed along the eastern property line of the parking lot (adjacent to the residential development) to provide a buffer from the parking lot. All work is to be completed prior to the commence of the modification to Conditional Use Permit and will be subject to site inspection.

(h) The Applicant will submit tenant improvement plans to the Building Department for City review and approved prior to the commencement of the proposed CUP modification, which includes the use of the proposed patio area. All work is to be approved by City staff and will be subject to site inspection.

(i) All Conditions of Approval from all other commenting City agencies and departments shall be complied with.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Robert Morales, Assistant Planner

FROM: Savannah Thompson, C.E.T. Unit Officer

DATE: March 24, 2022

SUBJECT: FILE NO. PCUP21-025– EL PESCADOR RESTAURANT
636 NORTH EUCLID AVENUE

The Police Department is placing the following conditions:

RESTAURANT/ BAR CONDITIONS

1. Alcohol sales will be from 08:00 A.M. to 12:00 A.M., Monday through Wednesday. Last call for alcohol shall be made by 11:15 P.M., and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from tables/patrons at 12:00 A.M.
2. Alcohol sales will be from 08:00 A.M. to 02:00 A.M., Thursday through Sunday. Last call for alcohol shall be made by 01:15 A.M. and alcohol sales must cease by 01:30 A.M. All alcohol shall be removed from the tables/patrons at 02:00 A.M.
3. At least 51% of sales at the establishment shall be food.
4. No sales or service of alcoholic beverages to minors.
5. No sales or service to obviously intoxicated patrons.
6. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
7. No smoking inside of establishment is permitted.
8. There will be no narcotic sales or usage on the premises at any time.
9. All restaurant employees **servicing alcohol** must be **18** years or older.

10. The seating around the interior bar area must not exceed eleven (11) chairs as indicated on the purpose plan.
11. Employees engaged in servicing alcohol inside the bar area must be 21 years of age or older.
12. The business is required to have in place a driver's license and/or ID card reading device.
13. The practice known as Bottle Service will not be allowed
14. Lighting within the establishment must be kept at a reasonable level as determined by city officials.
15. No self-serve alcohol displays allowed.
16. No off-sale of any alcoholic beverages will be permitted.
17. Food sales and service must be available for sale at all times. A menu will be submitted for review.
18. Back door must be alarmed and closed at all times.
19. Address to establishment must be illuminated for easy identification of safety personnel.
20. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
21. Signs must be posted at all exits (including patio exits) stating no alcohol beyond this point.
22. No more than 25% of window space may be used for advertisements. If advertisements are placed on the windows, they must be below two feet on the window and/or above 6 feet on the window to allow clear visibility into and out from the business.
23. 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.
24. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to

the Ontario Police Department CET unit prior to approval. As required by City of Ontario's Planning Department.

25. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.
26. Restrooms must be kept free of graffiti. Any damage to the restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
27. 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.
28. No Juke Boxes will be allowed in the premises.
29. No arcade video game machines will be allowed in the premises.
30. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
31. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, signs must be posted reference same.
32. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
33. A no trespass letter will be on file with the Police Department.
34. 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).
35. The applicant will be responsible for keeping the grounds of the business clean from debris.
36. Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP), 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, a car show, or an OUTDOOR event with alcoholic beverages would be a special event, requiring a TUP.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.

PATIO DINING CONDITIONS

1. Patio fencing must be a minimum height of 3 feet. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. The seating in the patio area must not exceed eleven (11) tables with four (4) chairs at each table as indicated on the purpose plan.
5. Patio exits must always be gated and closed.
6. The patio exits will have a sign posted, in clear view, stating, "No alcohol beyond this point."
7. Landscaping within the applicant's control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
8. In the event the patio is utilized for criminal activity or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

ENTERTAINMENT CONDITIONS

1. During entertainment hours of 08:00 PM to 02:00 AM, the location shall not exceed a noise level of 65dBA per section 9-1.3305 of the Ontario Development Code.

2. The entertainment area must be designated on a plan check and will be the only area allowed for entertainment purposes. DJ and live entertainment include small local bands, both indoor and on the outdoor patio. No gang-related entertainment will be allowed. Upon knowledge of an entertainer being linked to organized criminal activity or gang activity, the business will be required to cancel any related event. Designated live music/band area to be limited to two (2) locations as indicated on the original site plan. The location shall not exceed a noise level of 65dBA per section 9-1.3305 of the Ontario Development Code.
3. Interior/exterior tables shall not be removed or rearranged to increase occupancy, which has been approved on plans submitted with this conditional use permit.
4. No dance floor or stage will be allowed.
5. All above forms of entertainment will only be permitted during regular business hours (hours of business shall not be extended for special events without a TUP).
6. All entertainment will stop thirty (30) minutes prior to closing.
7. The business shall not utilize promoters or allow "Flyer Parties".
8. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.
9. All business operations, including entertainment at the location must comply with all other ordinances and requirements, including occupancy level deemed by the fire department.

SECURITY CONDITIONS

1. 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.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
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.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the restaurant area. A minimum of one camera will record the parking lot (if applicable). A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. Each camera will record at least 720p recording resolution levels and at least 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 14 days and made available to the Ontario Police Department upon request.

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 its sole discretion, request a revocation hearing if it determines that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

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 six months after commencement of business to determine whether additional conditions will be needed or existing conditions revised.

Please contact Officer Savannah Thompson if you have any questions regarding this matter at (909) 408-1125.



CITY OF ONTARIO

MEMORANDUM

TO: Robert Morales, Assistant Planner
Planning Department

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

DATE: January 27, 2022

SUBJECT: PCUP21-025 A Modification to Conditional Use Permit PCUP10-016 to extend hours of operation for El Pescador located within the LUA-1 of MU-1 at 636 N Euclid Ave: APN 1048-361-01

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

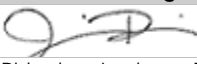
No comments

Report below.

1. If existing: any changes or modifications affecting the fire sprinkler system and/or fire alarm system will require a plans submittal prior to any work being conducted.
2. Any changes or modifications to the kitchen hood/ansul system, including relocation of kitchen cooking equipment, will require a plans submittal prior to any work being conducted.
3. Location must meet all requirements of a Place of Assembly.

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

CONDITIONS OF APPROVAL	
Sign Off	
	07/28/2022
Jamie Richardson, Landscape Planner	Date

Reviewer's Name: Jamie Richardson, Landscape Planner	Phone: (909) 395-2615
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D.A.B. File No.: PCUP21-025	Related Files:	Case Planner: Robert Morales
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Project Name and Location: El Pescador 636 Euclid Ave.
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Applicant/Representative: L.A. Drafting Building Design Studio (562) 622-8997 Ladraft@aol.com 8615 E. Florence Ave., 203 Downey, CA 90240
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<input checked="" type="checkbox"/>	A site plan (6/21/2022) meets the Standard Conditions for New Development and has been approved considering that the following conditions below be met.
<input type="checkbox"/>	A site plan (dated) has not been approved. Corrections noted below are required before DAB approval.

Previous comments 2/7/2022

1. An arborist report and tree inventory for existing trees, including genus, species, trunk diameter, canopy width, and condition, will be required. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings, or on-site tree planting. Add tree protection notes on construction and demo plans to protect trees to remain. Replacement and mitigation for removed trees shall equal the trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Existing trees shall be protected in place. A tree inventory shall be submitted to this department for review and approval if tree removal is requested.
3. Parkway tree locations shall be shown on plans. Parkway trees are to be 30' apart; provide street trees where missing. Show and note a 10' total space, 5' clearance each side of the tree from any utility or hardscape, including water, sewer, drain lines, driveways, and 10' clear from street lights. The approved street tree for G Street show the Fraxinus a. oxycarpa.
4. Provide end island planters at exiting parking spaces to protect vehicles and include required parking lot trees.
5. Contact this department for inspection when construction is completed.
6. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. Landscape construction documents shall be submitted during plan check. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO MEMORANDUM



DATE: August 5, 2022
TO: Raymond Lee, Engineering Department
CC: Robert Morales, Planning Department
FROM: Heather Young, Utilities Engineering Department
Christy Stevens, Utilities Engineering Department
SUBJECT: DPR#3 - Utilities Conditions of Approval (COA) (#8568)
PROJECT NO.: PCUP21-025

BRIEF DESCRIPTION:

A Modification to Conditional Use Permit PCUP10-016 to extend the hours of operation for El Pescador located within the LUA-1 of MU-1 at 636 N Euclid Ave; APN: 1048-361-01.

THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

CONDITIONS OF APPROVAL: *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

PCUP21-025 Conditions:

1. Standard Conditions of Approval: Project shall comply with the requirements 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, or as amended or superseded by Council Resolution.

Tenant Improvement Conditions:

1. Standard Conditions of Approval: Project shall comply with the requirements 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, or as amended or superseded by Council Resolution; as well as project-specific conditions/requirements as outlined below.

Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:

Potable Water Conditions: The Applicant shall comply with the following:

2. Division of Drinking Water (DDW) Separation Requirements and California Code of Regulations (CCR) § 64572 Compliance: All DDW Separation Requirements under CCR § 64572 must be met.
 - a. Minimum Separations (and Alignment Requirements) for Conveyances running Parallel to Potable Water Mains, Services, Laterals, and Conveyances (services, meters, fire hydrants, blowoff, air vacs, etc.):
 - i. **At least 10 feet horizontally from and one foot vertically above, any parallel pipeline conveying Sewer or Fluid Fuels. [CCR §64572(a)]**

- ii. At least 4 feet horizontally from, and one foot vertically above, any parallel pipeline conveying Recycled Water, Storm Drainage, or Raw Ground Water. [CCR §64572(b) & CCR §64572(c)]
 - b. Minimum Separations (and Alignment Requirements) for Conveyances Crossing Potable Water Mains, Services, Laterals and Conveyances: [CCR §64572(d)]
 - i. Potable Water Conveyances shall cross no less than 45-degrees to and at least one foot above any pipeline conveying Sewer, Fluid Fuels, Recycled Water, Storm Drainage, Raw Ground Water, or Private Water.
 - ii. No connection joints shall be made in the Potable Water Conveyance within eight horizontal feet of crossing the non-potable conveyance.
 - c. Other Minimum Separations for Potable Water Mains, Services, Laterals and Conveyances [CCR §64572(f)]:
 - i. 100 horizontal feet of the nearest edge of any sanitary landfill, wastewater disposal pond, or hazardous waste disposal site.
 - ii. 25 horizontal feet of the nearest edge of any cesspool, septic tank, sewage leach field, or seepage pit.
 - iii. 25 horizontal feet of the nearest edge of any underground hazardous material storage tank.
 - iv. 25 horizontal feet of the nearest edge of any facilities for storm water retention, storm water infiltration, bioswale, or groundwater recharge site.
 - d. If unable to meet DDW Separation Requirements, submit for review and approval a DDW Waiver, explaining the reason for the waiver and proposing a mitigation measure for the State to consider in their review of the waiver. The waiver would be required during plan check.
3. Irrigation Service: The landscape irrigation uses shall have a separate irrigation water service and meter with backflow prevention device connected to the Public Potable Water System separate from the domestic water uses and the onsite plumbing systems shall be also separate from each other.

Sewer Conditions: The Applicant shall comply with the following:

- 4. Sewer Lateral: The Project's sewer lateral shall meet current City Standards and have a manhole or cleanout (depending on the lateral size per City Standard Drawing No. 2003) located at the back of the property line.
- 5. Grease Interceptor:
 - a. The grease interceptor shall be located on private property and not in the public alley. The location of the grease interceptor shall be at a minimum of 10' horizontally away from the potable water main in the public alley and comply with DDW Separation Requirements.
 - b. The grease interceptor shall have a sample box located downstream of the grease interceptor.
 - c. The onsite building plumbing shall be designed and constructed in such a way that the domestic waste lines are separate from the grease waste lines. All domestic wastewater from restrooms, showers, drinking fountains, and condensate shall be kept separate from the food service wastewater until the food service wastewater has passed through the grease interceptor and sample box. The domestic waste line shall be connected downstream of the sample box.
- 6. The following will be required to be submitted to the OMUC Environmental Programs with the first submittal of interior plumbing plans for a building permit:
 The Restaurant Owner shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (https://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/fse_wastewater_permit_application_fillable.pdf). Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as grease interceptors or clarifiers. For wastewater permit application questions, please contact:

Michael Birmelin, Environmental Programs Manager
omucenvironmental@ontarioca.gov
 Phone: (909) 395-2661