



CITY OF ONTARIO ZONING ADMINISTRATOR AGENDA

November 18, 2024

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. PCUP24-019**: A public hearing to establish a Conditional Use Permit for a Type 21 ABC License (Off-Sale General) for the off-premises consumption of alcoholic beverages, within an existing 14,422 square-foot commercial building on 2.75-acres of land, located at 131 East Riverside Drive, Unit B, 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 (APN: 1051-614-03); **submitted by New Century Market 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, Angie Alvarez Cruz, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **November 14, 2024**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

(Office Specialist)



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

November 18, 2024

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

DECISION NO.: [insert #]

FILE NO.: PCUP24-019

DESCRIPTION: A public hearing to establish a Conditional Use Permit for a Type 21 ABC License (Off-Sale General) for the off-premises consumption of alcoholic beverages, within an existing 14,422 square-foot commercial building on 2.75-acres of land, located at 131 East Riverside Drive, Unit B, within the CN (Neighborhood Commercial) zoning district (APN: 1051-614-03); **submitted by New Century Market, LLC.**

PART 1: BACKGROUND & ANALYSIS

NEW CENTURY MARKET, LLC., (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP24-019, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 2.57-acres of land located at 131 East Riverside Drive, Unit B, and is depicted in *Exhibit A: Aerial Photograph*, attached. The Project site is part of an existing commercial shopping center, that is generally located along the northeast corner of Euclid Avenue and Riverside Drive. The Project site is surrounded to the west by Euclid Avenue, and beyond by a Home Depot store, to the north by single family residential development, to the east by a community of single-family homes, and to the south by Riverside Drive and beyond by agricultural fields. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

| | Existing Land Use | General Plan Designation | Zoning Designation | Specific Plan Land Use |
|--------|-------------------------------|--|--|------------------------|
| Site: | Commercial Shopping Center | Neighborhood Commercial | Neighborhood Commercial (CN) | N/A |
| North: | Single-Family Residential | Low Density Residential (2.1 to 5.0 du/ac) | LDR-5 (Low Density Residential) (2.1 to 5.0 du/ac) | N/A |
| South: | Commercial Center Parking Lot | Neighborhood Commercial | Neighborhood Commercial (CN) | N/A |
| East: | Single-Family Residential | Medium Density Residential (MDR- 11.1 to 25.0 du/ac) | MDR-18 (Medium Density Residential) (11.1 to 25.0 du/ac) | N/A |
| West: | Commercial | Neighborhood Commercial | Neighborhood Commercial (CN) | N/A |

Prepared: DH 11/5/2024

Reviewed: DE 11/14/2024

PROJECT ANALYSIS:

(1) Background — The Project site is part of a larger existing commercial shopping center that was developed in the 1980's (see Exhibit A: Project Location Map, attached). The existing commercial center is comprised of six parcels with a single-tenant building, two multi-tenant buildings, and three (3) vacant retail pads. The vacant pad situated to the east side of the center, was recently approved for the development of a self-storage facility. O'Reilly Auto Parts occupies the single-tenant building located towards the southeast portion of the center. The multi-tenant buildings that appear to be joined together are located towards the northwest portion of the center. They are occupied by an anchor retail store (Dollar Tree) and various other retail services that include a bakery shop, a donut shop, and a restaurant (El Chilito Mexican restaurant. The restaurant currently carries a Type 41 (On-Sale) ABC License (Beer & Wine – Eating Place).

The Applicant, New Century Market, is an Asian style specialty grocery store. The store will be the first store managed by the owners in America. The owner was previously the CEO of "Huitouke Supermarket" from 2010-2018, which is in Wenzhou Longwan, China. Prior to New Center Market occupying the subject building (November 30, 2023), the tenant space was previously occupied by Stater Brothers.

On August 7, 2024, the Applicant submitted a Conditional Use Permit Application (File No. PCUP24-019) requesting approval of a Type 21 ABC license (Off-Sale General) that allows for off-premises sales of beer, wine and distilled spirits within an existing 14,422 square-foot commercial building.

(2) Proposed Use — The Applicant is requesting approval of a Conditional Use Permit for a Type 21 ABC License (Off-Sale General) for off-premises consumption in conjunction with an existing 14,422 square-foot grocery market at 131 East Riverside Drive, Unit B. New Century Market, LLC. (New Century Market) is a market that currently occupies a tenant space within a multi-tenant commercial building. The market's floor plan is divided into seven (7) general areas: check out, retail, service, food refrigeration, storage, restrooms, and office (see Exhibit C: Floor Plan, attached). The proposed hours of operation are Monday through Sunday from 8 am to 10 pm. The market will operate with 20 employees on an as-needed basis, depending on need.

(3) Site Access/Parking — The Project site is located within an existing commercial center. The existing commercial shopping center was developed with shared parking and reciprocal access with the adjacent parcels. The Application does not propose the elimination of any parking stalls. Vehicular access to the project site will be taken from two driveways located along Euclid Avenue and two driveways located along Riverside Drive. Pedestrian access to the front of the tenant space is provided by a 5-foot-wide sidewalk/path of travel that runs along the south and west sides of the building. Staff believes that granting approval of the Conditional Use Permit will not adversely affect the parking demand within the existing commercial center. The proposed alcoholic beverage sales will be ancillary to the other grocery products that the market provides, and the sales of alcohol will provide convenience to its customers.

(4) ABC License Concentration — The California Department of Alcoholic Beverage Control ("ABC") is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their population. The Project site is located within Census Tract 18.04; and according to ABC, it is not over concentrated.

The ABC Census Tract currently allows four (4) Off-Sale alcohol beverage licenses in this census tract. According to ABC, there is only one active Off-Sale ABC license listed for the census tract. There is, however, El Chilito Mexican restaurant that currently carries a Type 41 (On-Sale) ABC license (Beer & Wine – Eating Place) within the same commercial shopping center.

The Project site is not located within a high crime area, and the property has no outstanding Building or Code violations. As a result, the Police Department does not object to the proposed Type 21 ABC License request, provided that all City and State Department of Alcohol Beverage Control rules, regulations, and conditions of approval are met and followed.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the health, safety, or general welfare of the public, or improvements in the surrounding vicinity. The Project is located within an area that conditionally permits off-premises sales of alcohol. New Century Market is located within an existing commercial center that includes Dollar Tree, a sit-down restaurant (El Chilito Mexican Restaurant), donut shop and various other service businesses (see Exhibit D: Site Photos, attached). Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Staff further believes that the businesses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with a neighborhood commercial market.

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 ("ONT ALUCP"). Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

PUBLIC NOTIFICATION: The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property

located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

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

PART 2: RECITALS

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

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

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

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

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

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

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

WHEREAS, on November 18, 2024, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Dora Harville, Administrative Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion, within 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 is not within an area that is 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: ONT ALUCP Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use

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

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

(a) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Neighborhood Commercial (CN) 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 Type 21 ABC license (Off-Sale General) for the off-premises consumption of alcoholic beverages within an existing 14,422 square-foot commercial building (market), will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Neighborhood Commercial (CN) 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 Type 21 ABC License (Off-Sale General) for the off-premises consumption of alcoholic beverages will operate in conjunction within an existing 14,422 square-foot market located within the Neighborhood Commercial (NC) land use district of the Policy Plan Land Use Map, and the Neighborhood Commercial (CN) 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 Type 21 ABC License (Off-Sale General) for the off-premises consumption of alcoholic beverages in conjunction within an existing 14,422 square-foot market, is located with the Neighborhood Commercial (NC) land use of the Policy Plan Land Use Map, and the Neighborhood Commercial (CN) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use is consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code. In addition, the proposed use will provide additional convenience to the patrons of the market; 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 18th day of November 2024.

Henry K. Noh
Zoning Administrator

Exhibit A: PROJECT LOCATION MAP



Exhibit B: SITE PLAN

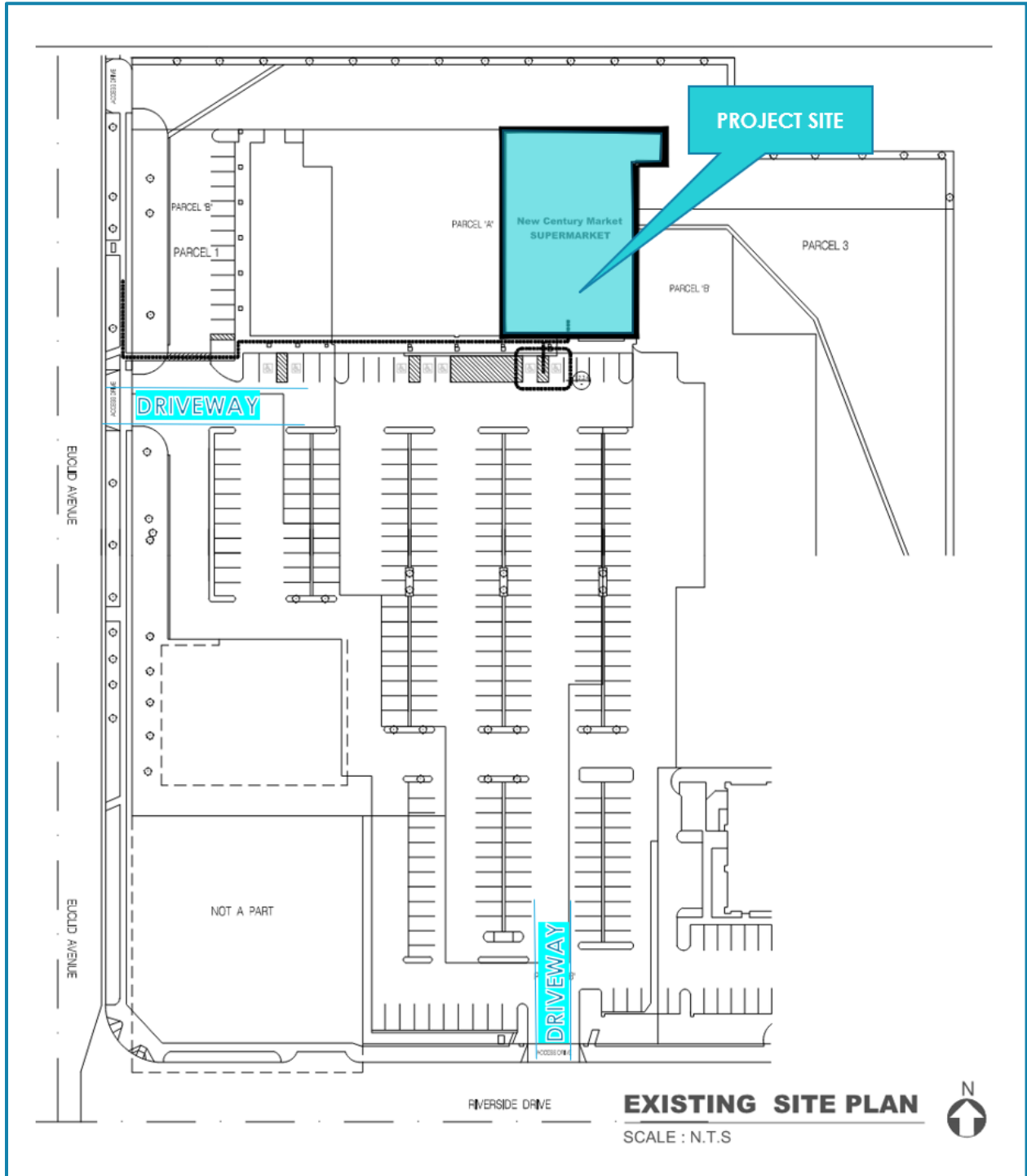


Exhibit C: FLOOR PLAN

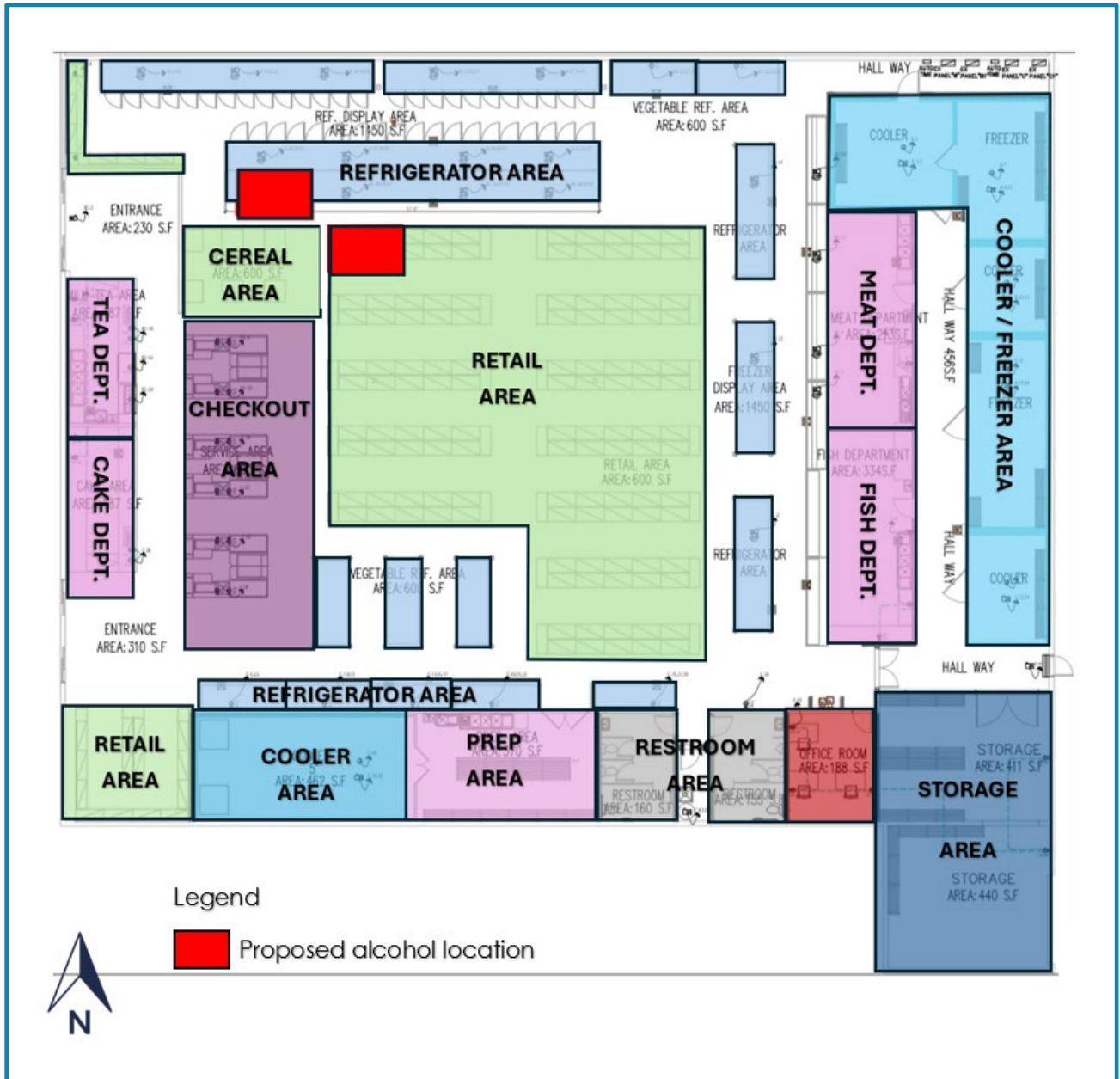


Exhibit D: SITE PHOTOS



Front of Store



View looking North from Riverside Drive



View Looking South From front of Store



View Looking East (Side of Building)

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)

Date Prepared: 11/5/2024

File No: PCUP24-019

Project Description: A public hearing to establish a Conditional Use Permit for a Type 21 ABC License (Off-Sale General) for the off-premises consumption of alcoholic beverages within an existing 14,422 square-foot commercial building on 2.75-acres of land, located at 131 East Riverside Drive, Unit B, within the CN (Neighborhood Commercial) zoning district (APN(s): 1051-614-03); **submitted by New Century Market, LLC.**

Prepared By: Dora Harville, Administrative Intern
Phone: 909.395.2426 (direct)
Email: dharville@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 the Alcoholic Beverage Sales use is property established and operating in accordance with local, State and Federal requirements, as applicable. 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 Landscaping.

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

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

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

(a) All walls and fences shall be free from vandalism and damage. Repairs must be made as soon as possible for safety and maintenance of the site.

2.4 Parking, Circulation and Access.

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

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

(c) 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.

(d) 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).

2.5 Site Lighting.

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

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

2.7 Signs.

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

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

2.9 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, this 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 a 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) If 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 in a prominent place in the interior of the premises.

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

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

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

2.10 Alcoholic Beverage Sales—Convenience Markets and Liquor Stores.

(a) A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES," shall be posted at

or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

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

2.12 Additional Fees.

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

2.13 Additional Requirements.

(a) The property ownership/management shall replace all dead or missing landscaping at the commercial center within three (3) months of approval and shall have a working sprinkler system on a timer.

(b) The property ownership/management shall make all repairs to the parking lot, to include but not limited to re-striping and slurry seal.

(c) The property ownership/management shall remove all graffiti in a timely manner.

(d) The property ownership/management shall make all necessary repairs to existing parking lot wheel stops and shall remove any exposed rebar.

(e) The Applicant shall make sure that the existing gate located at the rear of the building remains closed to prevent pedestrians from entering the area.



CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"



TO: Dora Harville, Administrative Intern

FROM: Denver Jones, Police Officer, CET Unit

DATE: August 27, 2024

SUBJECT: PCUP21-019 – NEW CENTURY MARKET – 131 E RIVERSIDE DR #B

The Ontario Police Department has researched the request for an off-site type 21 (general) alcohol license for New Century Market, located at 131 E Riverside Dr #B in the city of Ontario. The requested license is within census tract 18.04. The Department of Alcohol Beverage Control authorizes four (4) off-sale alcohol licenses. There is currently one (1) active off-sale alcohol licenses within census tract 18.04.

The Police Department does not object to allowing the license. It is recommended the applicant obtain the ABC license through the State ABC office prior to moving forward.

The Ontario Police Department does not approve or deny Conditional Use Permits or ABC licenses. The approval of PCUP21-019 is at the discretion of the City of Ontario Planning Department.

If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control and Ontario Police Department rules and conditions. If approved, the following conditions of approval shall be imposed by the Ontario Police Department:

ABC CONDITIONS

1. Hours of operation will be 08:00 a.m. to 10:00 p.m. daily.
2. Sales of alcohol will occur between the hours of 08:00 a.m. to 10:00 p.m. daily.
3. No sales or service to minors.
4. No sales or service to intoxicated patrons.

5. No open alcohol beverages in the establishment.
6. No alcohol sales through any pass-through type windows.
7. No drug paraphernalia will be sold at any time.
8. There will be no narcotic sales or usage on the premises at any time.
9. No warm beer displays by the front door or at check out stands.
10. No smoking is permitted inside of the establishment, including any type of electronic delivery device.
11. Single sale of beer, cans or bottles, will not be allowed, must be sold in 3-pack or larger quantities.
12. Wine shall not be sold in containers less than 750ml.
13. Wine coolers must be sold in four packs or larger quantities.
14. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
15. Employees engaged in the sales of alcohol must be 18 years of age or older.
16. Sales of alcohol beverages at self service checkout will stop transaction until a member of staff has looked at customers bona fide ID and confirmed they are 21yrs or older.
17. No more than 25% of window space at the business is allowed for advertisements. The business must maintain clear visibility through the window into the exterior of the business. Further, the interior must also be clearly visible from the exterior of the business.
18. Clear visibility must be maintained through the windows between two feet and six feet height. (Advertisements, décor, tinting, etc. must be no higher than two feet at the bottom of the window and no lower than six feet at the top of the window.)
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
20. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the

property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

21. The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
22. Trash enclosures shall remain locked at all times to prevent abnormal use of the area. The enclosure may be left unlocked on trash pickup days only; but, must be locked as soon as practical after the trash has been removed.
23. Any and all landscaping shall be maintained on a routine maintenance schedule. Shrubbery and foliage shall follow similar guidelines as the windows in reference to visibility. Shrubs shall be maintained no higher than two feet and foliage shall be maintained above six feet in height to allow clear visibility for all patrons and staff at the establishment.
24. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level. All lighting shall be converted to LED as soon as practical, but no later than one year from the issuance of this conditional use permit.
25. LED lighting will be required for all lighting fixtures. Optimal lighting for visibility and video color rendering is approximately 3400 degrees Kelvin. The lighting should be as close to 3400 degrees Kelvin as possible.
26. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
27. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
28. The applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.
29. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the main entrance, to monitor patrons entering and exiting. A minimum of one camera will record the register. A minimum of one camera will record the parking lot. Each camera will record at least 720p recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the police department upon request.
30. A no trespass letter will be on file with the Police Department.

TOBACCO CONDITIONS

1. The applicant does not wish to sell tobacco products or apply for a tobacco license; therefore, no tobacco products shall be sold.
2. If this should ever change, the applicant must contact The City of Ontario Planning Department for re-conditioning.

If alcohol related crimes at this location are higher than four other similar establishments in the overall City during any quarter, this Conditional Use Permit will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Ontario Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in the violation of this CUP or has violated applicable laws.

A copy of the listed conditions of approval must be posted with the ABC license at all times in a prominent place in the interior of the premises.

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

The Police Department will conduct a review six months after the commencement of business, to determine whether additional conditions will be needed. These conditions are in addition to any conditions imposed by the Ontario Police Department, under this CUP or related file.

The Applicant is invited to contact Officer D. Jones at (909) 408-1511 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Dora Harville, Administrative Intern
Planning Department

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

DATE: August 14, 2024

SUBJECT: PCUP24-019 A Conditional Use Permit to establish alcoholic beverage sales, including Type 21 – beer and wine for off-premises consumption in conjunction with an existing/proposed 14, 422 square-foot supermarket on 2.755 acres of land located at 131 East Riverside Drive Unit B, within the CN (Neighborhood Commercial) zoning district (APN: 1051-614-03).

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

1. Any modification to the fire sprinkler system or fire alarm system will require a plans submittal to the Ontario Fire Department. This also includes the addition or deletion of walls that may change the coverage area.

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

| | |
|--|----------|
|  | 09/06/24 |
| Ricardo Diaz Gutierrez, Associate Landscape Planner | Date |

| | |
|--|---------------------------------|
| Reviewer's Name: Ricardo Diaz, Associate Landscape Planner | Phone: (909) 395-2237 |
|--|---------------------------------|

| | | |
|--------------------------------|----------------|--------------------------------|
| D.A.B. File No.: PCUP24-019 | Related Files: | Case Planner: Dora Harville |
|--------------------------------|----------------|--------------------------------|

Project Name and Location:
 ABC for New Century Market
 131 E Riverside Dr

Applicant/Representative:
 Kewen Zhu, maggie980521@gmail.com
 6952 Calla Lily Dr., Unit 6
 Fontana, CA 92336

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A site plan (8/7/24) 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. |

1. Note landscapes shall be maintained by the property management association or maintenance personnel.
2. Contact property management to replace missing parking lot island trees: 1 at each parking island or row end. 24" box size trees type shall match existing or considered low water trees for this climate such as: Quercus ilex, Holly Oak, Ulmus 'True Green' Elm, Pistacia chinensis, or similar.
3. Contact this department for inspection when construction is completed.
4. Landscape and irrigation shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>



CITY OF ONTARIO

MEMORANDUM

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

FROM: Dora Harville, Administrative Intern

DATE: September 12, 2024

SUBJECT: FILE #: PCUP24-019 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 alcoholic beverage sales, including Type 21 – beer and wine for off-premises consumption in conjunction with an existing/a proposed 14,422 square-foot supermarket on 2.755 acres of land located at 131 East Riverside Drive Unit B, within the CN (Neighborhood Commercial) zoning district (APN: 1051-614-03).

- 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.

Planning - Landscape Division
Department

Ricardo Diaz
Signature

Associate Landscape Planner
Title

09/12/2024
Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Henry Noh, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
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Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Nathan Pino, Engineering
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

FROM: Dora Harville, Administrative Intern

DATE: August 07, 2024

SUBJECT: FILE #: PCUP24-019 1st Submittal Finance Acct#:

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

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

| | | | |
|-----------------------|----------------------|-------------------------------------|------------|
| ENG. Land Development | <i>Trevor Rivero</i> | Administrative Intern - Engineering | 09/05/2024 |
| Department | Signature | Title | Date |



CITY OF ONTARIO

MEMORANDUM

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

FROM: Dora Harville, Administrative Intern

DATE: August 07, 2024 (#10462)

SUBJECT: FILE #: PCUP24-019 1st Submittal 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

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

OMUC Utilities Engineering
Department

Peter Tran
Signature

Associate Engineer
Title

08/21/2024
Date

ptran@ontarioca.gov