

MONTHLY ACTIVITY REPORT—ACTIONS

Month of: March 2008

MARCH 3, 2008 DEVELOPMENT ADVISORY BOARD MEETING

ENVIRONMENTAL ASSESSMENT AND TENTATIVE SUBDIVISION MAP REVIEW FOR FILE NO. PMTT07-029

(PM 18826): A Tentative Parcel Map to subdivide 1.55 acres of land, currently developed with two commercial buildings, into three (3) parcels within the C3/M3 (Commercial Service/General Industrial) zoning districts, in the General Commercial and General Industrial general plan land use designation, generally located on the south side of Holt Boulevard, east of Brooks Street. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15315 (Minor Land Divisions): **Submitted by Albert & Florence Silverton** (APNs: 1011-141-32 & 33). Planning Commission action is required. Continued from the 2/20/2008 meeting.

Action: Continued to the /3/17/2008 meeting.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV08-003:

A Development Plan to construct one commercial building totaling 9,685 square feet and establish pads for the future construction of two restaurants totaling approximately 26,000 square feet and two multi-tenant retail buildings totaling approximately 53,034 square feet, located on the south side of Fourth Street, between Via Asti and Via Alba, within the Piemonte District of the Ontario Center Specific Plan. The environmental impacts of this project were reviewed in conjunction with an Addendum to Environmental Impact Report No. 88-2, certified on March 19, 1991. This application introduces no new significant environmental impacts. **Submitted by Panattoni Development Company, LLC** (APNs: 0210-204-12 through 15 & 20 through 23).

Action: Approved, subject to conditions.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT REVIEW FOR FILE NOS.

PDEV07-033, PCUP7-028, PCUP08-004: A Development Plan (File No. PDEV07-033) to construct an 8-story, 175-room Embassy Suites Hotel on 3.46 acres of land, in conjunction with a Conditional Use Permit (File No. PCUP07-028) to establish the hotel use and a Conditional Use Permit (File No. PCUP08-004) to allow the on-site sales of alcohol. The project is located along the southeast corner of Haven Avenue and I-10 Freeway within the Entertainment District of the Ontario Gateway Specific Plan. The environmental impacts for the project were reviewed under the Environmental Impact Report (EIR) prepared for File No. PSP05-005; **submitted by Embassy Suites Hotel** (APN: 210-212-51). Planning Commission action is required.

Action: Recommended Planning Commission approval, subject to conditions.

MARCH 3, 2008 ZONING ADMINISTRATOR MEETING

Meeting Cancelled

MARCH 4, 2008 CITY COUNCIL MEETING

AGREEMENT FOR PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE RICH HAVEN SPECIFIC PLAN LOCATED IN THE NEW MODEL COLONY AND APPROVAL OF BUDGET ADJUSTMENTS FOR PLANNING DEPARTMENT REVENUES AND EXPENDITURES / MICHAEL BRANDMAN ASSOCIATES:

Approve an agreement (on file in the Records Management Department) with Michael Brandman Associates, of Irvine, CA, to prepare a Subsequent Environmental Impact Report (SEIR) for The Rich Haven Specific Plan located in the New Model Colony (NMC) for \$159,300 plus a twenty percent contingency of \$31,860 for a total amount of \$191,160; approve the respective adjustments to budgeted revenues and expenditures, and authorize the City Manager to approve any future amendments and budget adjustments necessary to complete the SEIR.

Action: Approved.

MARCH 17, 2008 DEVELOPMENT ADVISORY BOARD MEETING

ENVIRONMENTAL ASSESSMENT AND TENTATIVE SUBDIVISION MAP REVIEW FOR FILE NO. PMTT07-029

(PM 18826): A Tentative Parcel Map to subdivide 1.55 acres of land, currently developed with two commercial buildings, into three (3) parcels within the C3/M3 (Commercial Service/General Industrial) zoning districts, in the General

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Commercial and General Industrial general plan land use designation, generally located on the south side of Holt Boulevard, east of Brooks Street. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15315 (Minor Land Divisions). **Submitted by Albert & Florence Silverton** (APNs: 1011-141-32 & 33). Planning Commission action is required. Continued from the 2/20/2008 and 3/3/2008 meetings.

Action: Recommended Planning Commission approval, subject to conditions.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV07-050, PCUP07-043, PCUP07-044 & PCUP07-045:

A Development Plan (File No. PDEV07-050) to construct a 36,324 square foot shopping center consisting of 4 retail/commercial buildings including a Fresh & Easy grocery store, a Walgreens pharmacy with a drive through, shops and a restaurant pad building with a drive through and 3 Conditional Use Permits (File Nos. PCUP07-043, PCUP07-044 and PCUP07-045) to allow a drive through for the restaurant pad within 300 feet of a residential zone, a drive through for the Walgreens pharmacy within 300 feet of a residential zone and to allow alcohol sales (Type 21-Off-Sale General) at the Fresh & Easy grocery store, project is proposed on 4.1 acres of land within the C3 (Commercial Service) zone, located adjacent to the southeast corner of Philadelphia Street and Euclid Avenue. The project is categorically exempt from environmental review pursuant to Section 15332 (In-Fill Development) of the State CEQA Guidelines. **Submitted by BB&M Development Group, LLC** (APN: 1051-081-02). Planning Commission action is required.

Action: Recommended Planning Commission approval, subject to conditions.

MARCH 17, 2008 ZONING ADMINISTRATOR MEETING

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP07-038:

A Conditional Use Permit to establish a religious assembly within an existing shopping center (Mission Plaza), within the C1 (Shopping Center Commercial) District, located at 832-836 South Mountain Avenue. The project is exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). **Submitted by Gracia Calvary Inc.** (APN: 1011-381-03).

Action: Approved, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP08-003:

A Conditional Use Permit to expand the on-site sales and consumption of beer and wine at a restaurant, with an existing ABC Type 41 license, located at 826 W. Mission Blvd., within the C3 (Commercial Service) zoning district. Staff has determined that this project is categorically exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA). **Submitted by Mariano Virgen** (APN: 1011-171-01).

Action: Approved, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REQUEST FOR FILE NO. PCUP08-005:

A Conditional Use Permit request for a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) license for La Victoria restaurant located 450 North Mountain Avenue within the C1 (Shopping Center Commercial) zoning designation. Staff has determined that the proposed project is categorically exempt from environmental review in accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines. **Submitted by Francisco Victoria** (APN: 1010-462-03).

Action: Approved, subject to conditions.

MARCH 18, 2008 CITY COUNCIL MEETING

FILE NO. PSPA07-007, AN AMENDMENT TO THE SUBAREA 29 SPECIFIC PLAN:

A public hearing to adopt a resolution approving File No. PSPA07-007, an Amendment to the Subarea 29 specific plan to change the land use designation of Planning Area 29 from Lane Loaded (3,150 square foot minimum lot size) to Lane Loaded (3,150 square foot minimum lot size) and Conventional Single-Family (4,000 to 5,000 square foot minimum lot sizes). Additionally, modifying the Development Standards for the conventional Single-Family land use designation as it pertains to garage setbacks, lot widths, and correcting minor text and graphic errors within the Specific Plan.

Action: Approved, subject to conditions.

MARCH 25, 2008 PLANNING COMMISSION MEETING

ENVIRONMENTAL ASSESSMENT AND ZONE CHANGE REVIEW FOR FILE NO. PZC07-003: A Zone Change request to amend the zoning designation from P1 (Off-Street Parking) to M3 (General Industrial) for 0.61 acres of land generally located south of Holt Boulevard, north of the terminus of Brooks Street, at 863 West Holt Boulevard. Staff is recommending the adoption of a Mitigated Negative Declaration of environmental effects for the project. **Submitted by Albert & Florence Silverton** (APNs: 1011-141-32 & 33). Continued from the 2/26/2008 meeting. City Council action is required.

Action: Recommended City Council approval.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE SUBDIVISION MAP REVIEW FOR FILE NO. PMTT07-029 (PM 18826): A Tentative Parcel Map (File No. PMTT07-029) to subdivide 1.55 acres of land currently developed with two commercial buildings, into three (3) parcels within the C3/M3 (Commercial Service/General Industrial) zoning districts, in the General Commercial and General Industrial general plan land use designation, generally located on the south of Holt Boulevard, north and south of the terminus of Brooks Street, at 863 West Holt Boulevard. The environmental impacts of the project were considered in conjunction with the Mitigated Negative Declaration prepared for File No. PZC07-003. All adopted mitigation measures of the related Mitigated Negative Declaration shall be a condition of project approval and are incorporated herein by reference. **Submitted by Albert & Florence Silverton** (APNs: 1011-141-32 & 33). Continued from the 2/26/2008 meeting.

Action: Approved, Subject to conditions.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV07-033, PCUP07-028 & PCUP08-004: A Development Plan (File No. PDEV07-033) to construct an 8-story, 175-room Embassy Suites Hotel on 3.46 acres of land, in conjunction with a Conditional Use Permit (File No. PCUP07-028) to establish the hotel use and a Conditional Use Permit (File No. PCUP08-004) to allow the on-site sale of alcohol beverages (Type 70). The project is located along the southeast corner of Haven Avenue and I-10 Freeway within the Entertainment District of the Ontario Gateway Specific Plan. The environmental impacts for the project were reviewed under the Environmental Impact Report (EIR) prepared for File No. PSP05-005. **Submitted by TGA Development & Engineering Inc.** (APN: 210-212-51). City Council action is required).

Action: Approved, subject to conditions.

ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV07-050, PCUP07-043, PCUP07-044 & PCUP07-045: A Development Plan (File No. PDEV07-050) to construct a 36,324 square foot shopping center consisting of four retail/commercial buildings, including a Fresh & Easy grocery store, a Walgreens pharmacy with a drive through, shops and a restaurant pad building with a drive thru, and three Conditional Use Permits (File Nos. PCUP07-043, PCUP07-044 and PCUP07-045) to allow a drive through for the restaurant pad within 300 feet of a residential zone, a drive through for the Walgreens pharmacy within 300 feet of a residential zone and to allow alcohol sales (Type 21-Off-Sale General) at the Fresh & Easy grocery store. The project is proposed on 4.1 acres of land within the C3 (Commercial Service) zone, located adjacent to the southeast corner of Philadelphia Street and Euclid Avenue. The project is categorically exempt from environmental review pursuant to Section 15332 (In-Fill Development) of the State CEQA Guidelines. **Submitted by BB&M Development Group, LLC** (APN: 1051-081-02).

Action: Approved, subject to conditions.

ENVIRONMENTAL ASSESSMENT AND VARIANCE REQUEST FOR FILE NO. PVAR08-001: A Variance request to increase the height of a commercial freeway sign from the permitted 45 feet to 55 feet, located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the C4 (Airport Related Services) zoning district. The environmental impacts of this project were previously reviewed in conjunction with a Mitigated Negative Declaration prepared for project File No. PDEV05-065 and adopted by the City Council on September 5, 2006. **Submitted by Eagle Signs** (APN: 0210-191-22).

Action: Approved, subject to conditions.

NOTICE OF SUSPENSION OF CONDITIONAL USE PERMIT NO. PCUP02-007 AND NOTICE OF COMMENCEMENT OF MODIFICATION/REVOCATION PROCEEDINGS PURSUANT TO ONTARIO MUNICIPAL CODE SECTION 9-1.0955:

A public hearing to consider possible actions to further regulate, through modification of conditions of approval, or revoke Conditional Use Permit No. PCUP02-007, previously approved for live entertainment in conjunction with a Type 47 Department of Alcoholic Beverage License for sale and on-premise consumption of alcoholic beverages and distilled spirits within a bona-fide restaurant (Dos Coronas Restaurant and Bar) located at 305 N. Mountain Avenue, within the C3 (Commercial Service) zoning district. Revocation may be considered due to certain nuisance activities and violations of the conditions of approval, which have taken place on the subject property, including, but not limited to, violations of the following conditions of Conditional Use Permit No. PCUP02-007 (Resolution No. PC07-152) – Section 3:

1. Condition "A" requiring the business establishment to at all times be maintained and operated in accordance with all laws and codes applicable to the establishment and use, including but not limited to the City of Ontario's Zoning Ordinance and the Uniform Building Code; and
2. Condition "D" requiring that a maximum of six (6) stools be permitted at the bar fixture at any given time; and
3. Condition "F" requiring that any and all signage, including permanent and temporary signage, obtain proper City approvals; and
4. Condition "H" requiring the installation of storefront windows facing Mountain Avenue to allow the interior activities to be seen from the street, on or before February 1; and
5. Condition "I" requiring that landscaping be installed in the parkway along Mountain Avenue and in front of the building on or before February 1; and
6. Condition "J" requiring the business operator to correct all items to be found in violation with regards to any and all public safety and/or public health issues; and
7. Condition "N" requiring the applicant to correct all violations identified in the Code Enforcement letter of December 6, 2007. Outstanding items include broken window glass in front of the building, electrical extension cords being used as permanent wiring, fire exit doors locked during business hours, fire exit doors are non-operational, fire exit signs are not illuminated, door jams to restrooms are broken, electrical panels are not labeled properly, fire extinguishers are blocked and not properly installed, excessive height in storage room, and outlet next to bar sink is not the correct type.
8. Condition "M" requiring all previously imposed conditions of approval, which do not conflict with the conditions in ZA Decision No. 2002-26 , to be fully complied with; and
9. Violation of approved Conditional Use Permit No. PCUP02-007 (ZA Decision No. 2002-26) as follows:
 - a. Part C (d) which states "a" (as in one) jukebox can be employed on the premises; and
 - b. Condition 4.5 requiring that the licensee attend a LEAD (Licensee Education on Alcohol and Drugs) training session sponsored by ABC within six (6) months of commencement of the approved use; and
 - c. Condition 4.6 requiring a clearly legible copy of the conditions to be posted at all times at a prominent place in the interior of the premises.

The project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines. **City Initiated** (APN: 1010-521-27).

Action: Continued to the 4/22/2008 meeting.



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