



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

April 5, 2021

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

SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT CITY OF ONTARIO ZONING ADMINISTRATOR MEETINGS

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Zoning Administrator for the City of Ontario is required to limit in-person attendance at the upcoming Zoning Administrator meeting. Members of the public may utilize alternative measures established by the City of Ontario to view the Zoning Administrator meeting and/or to communicate your opinions to the Zoning Administrator. To view the meeting, please go to <http://www.ontarioca.gov/agendas/zoning> and follow the link on that webpage to view the meeting.

Members of the public who wish to provide comment on an item may do so in one of the following manners:

1. **EMAIL:** You can email comments to planningdirector@ontarioca.gov no later than 12:00 PM on the day of the meeting. All comments received by the deadline will be printed for Zoning Administrator consideration before action is taken on that matter. Please identify the agenda item that you wish to address in your comments. All written comments will be included in the record.
2. **TELEPHONE BEFORE THE MEETING:** You can call (909) 395-2036 no later than 12:00 PM on the day of the meeting and let them know that you would like to make a comment on an agenda item.

Any members of the public who require special assistance or a reasonable accommodation to participate in the meeting of the Zoning Administrator may contact Gwen Berendsen at (909) 395-2036 or planningdirector@ontarioca.gov at least 24 hours prior to the meeting.

All documents are available for public review at the City of Ontario Planning Department located at City Hall, 303 East "B" Street, Ontario, California by scheduling an appointment with the Planning Department by calling (909) 395-2036.

PUBLIC HEARING

- A. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP20-018:** A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises. The request includes rescinding File No. PCUP08-006, previously approved for a Type 47 ABC License (On Sale General), and establishing a Type 70 ABC License (On-Sale General Restrictive Service) in conjunction with an existing 82-room hotel (Comfort Inn) on 1.81 acres of land located at 3333 East Shelby Street, within the Garden Commercial land use district of the R.H. Wagner Properties Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-182-71) **submitted by Fine Hospitality Investment Group Inc. This item was continued from the March 15, 2021 meeting.**

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 **April 1, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.





ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

April 5, 2021

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

DECISION NO.: [insert #]

FILE NO.: PCUP20-018

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises. The request includes rescinding File No. PCUP08-006, previously approved for a Type 47 ABC License (On Sale General) and establishing a Type 70 ABC License (On-Sale General Restrictive Service) in conjunction with an existing 82-room hotel (Comfort Inn & Suites) on 1.81 acres of land located at 3333 East Shelby Street, within the Garden Commercial land use district of the R.H. Wagner Properties Specific Plan. (APN: 0210-182-71) **submitted by Fine Hospitality Investment Group Inc.**

PART 1: BACKGROUND & ANALYSIS

FINE HOSPITALITY INVESTMENT GROUP INC, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP20-018, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The project site is comprised of 1.81 acres of land located at 3333 East Shelby Street, and is depicted in *Exhibit A: Vicinity Map*, 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: | Hotel | Office Commercial | R.H. Wagner Properties Specific Plan | Garden Commercial |
| North: | Commercial/Office | Office Commercial | The Ontario Center | Garden Commercial |
| South: | Office | Office Commercial | The Ontario Center | Urban Commercial |
| East: | Ontario Fire Station No.8 | Public Facility | R.H. Wagner Properties Specific Plan s | Garden Commercial |
| West: | Contractor Office | Office Commercial | R.H. Wagner Properties Specific Plan | Garden Commercial |

PROJECT ANALYSIS:

(1) Background— The project site was developed in 2005 with a 3-story, 82-room hotel totaling 56,421 square feet. The hotel was constructed in an "L"-shaped configuration and situated on the southeast corner of the Project site, with parking to the north and west of the building and the main building entrance facing north.

On June 3, 2008 the Zoning Administrator approved a Conditional Use Permit (File No. PCUP08-006) allowing for the sale and on-site consumption of beer, wine, and distilled spirits (Type 47 ABC License), in conjunction with a restaurant operating within the Hotel. The California Department

| | | |
|-------------------------|-------------------------|--------------------------------|
| Prepared: LL/03.01.2021 | Reviewed: CM/03.31.2021 | Decision: [enter initial/date] |
|-------------------------|-------------------------|--------------------------------|

of Alcoholic Beverage Control's website presently shows the license as having an Active Status; however, the expiration date displayed is listed as January 31, 2021. The applicant has been conditioned to surrender its Type 47 ABC License, as the Hotel no longer complies with the guidelines of the License due to the discontinuation of the restaurant use within the Hotel. On December 18, 2020, the Applicant applied for a Conditional Use Permit to establish a Type 70 ABC License in conjunction with the hotel.

(2) Proposed Use — The Applicant is requesting approval of a Conditional Use Permit to establish alcoholic beverage sales in conjunction with the Comfort Inn & Suites Hotel. The Applicant has applied for a Type 70 on-sale general — restrictive service ABC license, which authorizes the sale of beer, wine, and distilled spirits for consumption on the premises for the Hotel's overnight guests and their invitees.

According to the California Department of Alcohol Beverage Control ("ABC"), a Type 70 ABC License: *"Authorizes the sale of beer and wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to suite-type hotels and motels, which exercise the license privileges for guests' complimentary happy hour. Minors are allowed on the premises."*

(3) Operation — The Comfort Inn & Suites includes amenities such as a pool, fitness center, sundry shop, and dining room. The hotel operates 24-hours, daily, with a staff of 5 full-time and 10 part-time employees. The first floor consists of 3,506 square feet and includes the dining room with bar, an outdoor patio, pool, sales office, general manager's office, storage room, employee break room, gym, restrooms, mechanical/elevator rooms, laundry room, the lobby area, sundry shop, and 20 hotel suites. The second and third floors consist of 62-hotel suites, a board room, laundry/linen storage, elevators, and stairwells. The hotel lobby will be open to the public from 6:00 a.m. until 10:00 p.m. After 10:00 p.m., the entrance will be restricted to guests and prospective guests only.

Alcoholic beverages will be displayed and sold at the 54 square foot bar area located within the dining room on the first floor. The dining room is generally utilized to serve complimentary breakfast every morning to patrons and remains open 24 hours a day. Alcoholic beverage sales would be restricted to the hours of 6:00 a.m. to 2:00 a.m., daily, and may be purchased from the dining room's bar or from the 50 square foot sundry shop located within the hotel's lobby area, adjacent to the reception desk. Alcoholic beverages must be stored within a locked refrigerator to be accessed and sold by staff that are 21 years of age and over.

Alcoholic beverages purchased at either the sundry shop or from the dining room bar may be consumed within the outdoor patio and pool areas. The 878 square foot outdoor patio can seat 60 patrons and is enclosed by a 5-foot high wall. The patio area can be accessed from the adjoining dining room, or by a hallway. Within the patio area, the Conditions of Approval will restrict alcoholic beverage consumption to the hours of 6:00 a.m. to 10:00 p.m., daily. The pool/spa area is 2,034 square feet in size and can be accessed through the main entrance between the hours of 9:00 a.m. and 10:00 p.m., by guests using a key fob. Additionally, there is an exit-only door that leads into the parking lot that guests cannot re-enter. Within the pool area, alcoholic beverages may only be consumed from plastic containers.

The hotel does not currently provide room service, but alcoholic beverages can be purchased and consumed in individual hotel rooms; however, alcoholic beverages are not allowed to be consumed within hotel hallways, near guest rooms. The Police Department has provided

Conditions of Approval for room service should the hotel wish to provide room service in the future, allowing alcoholic beverage sales between the hours of 6:00 a.m. and 12:00 a.m., daily.

(4) Alcoholic Beverage Control ("ABC") — The California Department of Alcoholic Beverage Control ("ABC") is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The Project site is located within Census Tract 21.09, which is over-concentrated with on-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 3 on-sale alcohol licenses, and there are currently 51 active on-sale alcoholic beverage licenses within Census Tract 21.09; however, Development Code Section 5.03.025.F.4 grants the Zoning Administrator the authority to make a determination of Public Convenience or Necessity ("PCN"), thereby allowing the issuance of additional ABC licenses within overconcentrated census tracts.

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime area is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. The immediate area (one-half mile radius of Project site) shall not exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 421 calls for service related to alcohol-related reports Citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public within the last 12 months. Within a one-half mile radius of the Project site, there were a total of 8 alcohol-related incidences in the past year, which amounts to 1.9 percent of alcohol-related incidences, which does not exceed the maximum 20 percent allowed by the Development Code for alcohol-related incidences near the CUP location. Therefore, in this case, the Zoning Administrator may make a PCN determination and grant the requested CUP.

(5) Parking – The existing project site provides a total of 88 on-site parking spaces. The application does not propose the addition of any building area to the existing facility, nor changes in operation; therefore, staff believes that the proposed alcoholic beverage sales will not adversely affect parking demand and no additional parking shall be required.

(6) Land Use Compatibility – The Conditional Use Permit review is performed in order to weigh a proposed use's compatibility with adjacent uses and identify and establish measures to mitigate any potential nuisance activities. The subject site is located in the Garden Commercial land use designation of the R.H. Wagner Properties Specific Plan. The serving of beer, wine, and distilled spirits for consumption on the premises is a conditionally permitted land use. Staff believes that the recommended Conditions of Approval will sufficiently mitigate potential impacts associated with the proposed activity and the businesses within the immediate area will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other land uses allowed in the immediate area. Furthermore, the Police Department is in support of the proposed CUP and has recommended Conditions of Approval to mitigate any potential concerns.

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").

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

PUBLIC NOTIFICATION: The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

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

PART 2: RECITALS

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("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 March 15, 2021 the Zoning Administrator continued the item to the April 5, 2021 Zoning Administrator Public Hearing date; and

WHEREAS, on April 5, 2021 the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) [insert planner name and title] presented the staff report on the proposed use, indicating the staff recommendation of [insert staff recommendation]. 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 of the CEQA Guidelines, which consists of Class 1, Existing Facilities; 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 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table

2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the 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:

(1) *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 Garden Commercial land use district of the R.H. Wagner Properties Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed ancillary ABC Type 70 license in conjunction with a transient lodging land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Garden Commercial land use district of the R.H. Wagner Properties Specific Plan; and

(2) *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 transient lodging land use will be located within the Office Commercial land use district of the Policy Plan Land Use Map, and the Garden Commercial land use district of the R.H. Wagner Properties Specific Plan. 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

(3) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.* The proposed ancillary ABC Type 70 license in conjunction with a transient lodging land use is located with the Office Commercial land use district, and the Garden Commercial land use district of the R.H. Wagner Properties Specific Plan, 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 and R.H. Wagner Properties Specific Plan; and

(4) *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 R.H. Wagner Properties Specific Plan 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; and

(5) 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 Garden Commercial land use designation of the R.H. Wagner Properties Specific Plan, and other similar hotels in the area have also received approval of an On-Sale ABC license. The proposed use will also be provided as a convenience to hotel guests 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 _____, 2021.

Rudy Zeledon
Zoning Administrator

Exhibit A: VICINITY MAP



Exhibit B: PROJECT SITE AERIAL



Exhibit C: FLOOR PLAN

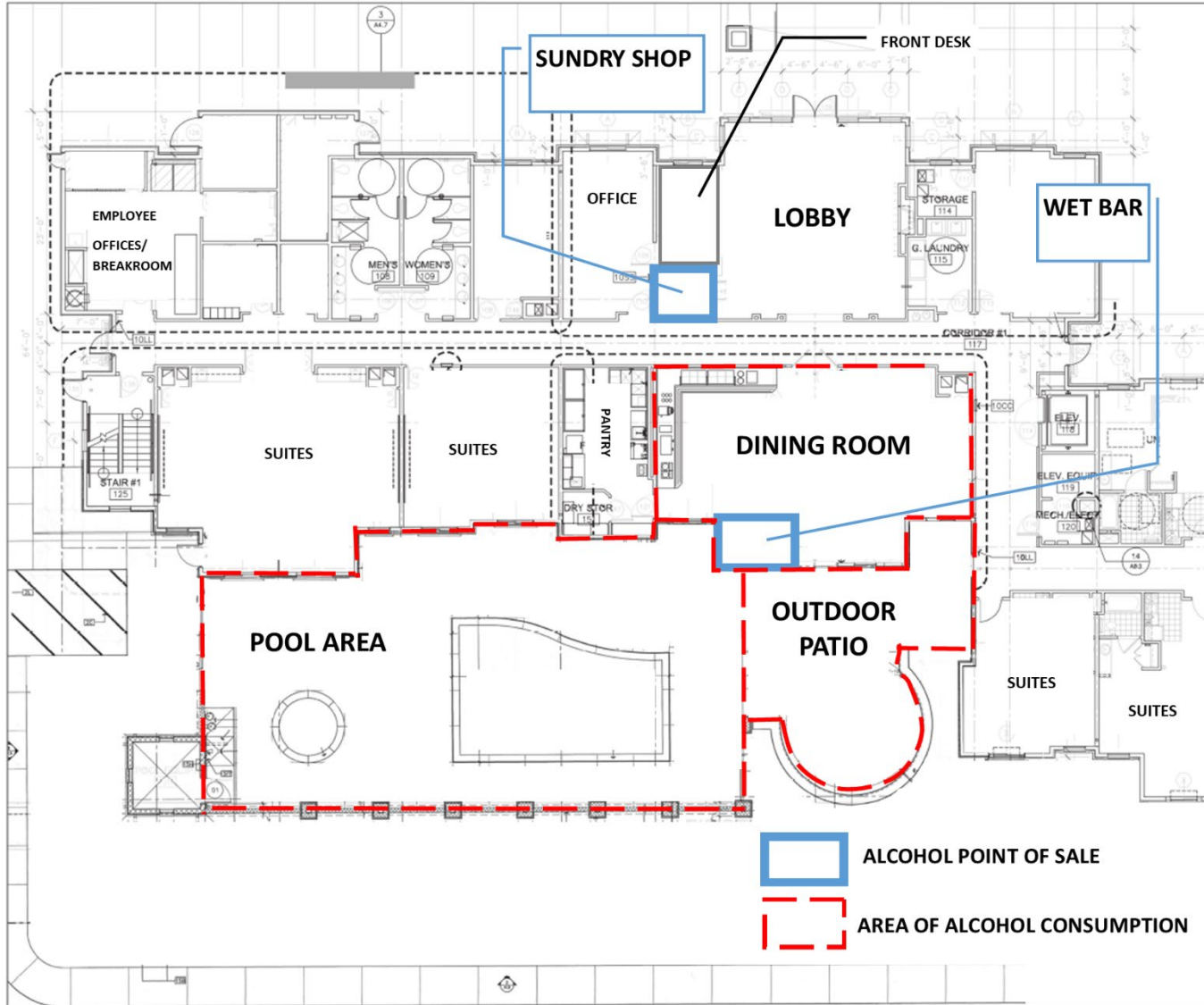


Exhibit D: SITE PHOTOS



Looking south towards Hotel main entrance



View of Sundry Shop within the Lobby

Exhibit D: SITE PHOTOS (CONTINUED)



View of the Wet Bar and Dining Room



View of Outdoor Patio

Exhibit D: SITE PHOTOS (CONTINUED)



View of the Pool Area

Attachment A: Department Reports (Conditions of Approval)

(Department Reports containing conditions of approval follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: April 5, 2021

File No: PCUP20-018

Related Files: PCUP08-006

Project Description: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises. The request includes rescinding File No. PCUP08-006, previously approved for a Type 47 ABC License (On Sale General) and establishing a Type 70 ABC License (On-Sale General Restrictive Service) in conjunction with an existing 82-room hotel (Comfort Inn) on 1.81 acres of land located at 3333 East Shelby Street, within the Garden Commercial land use district of the R.H. Wagner Properties Specific Plan. (APN: 0210-182-71) **submitted by Fine Hospitality Investment Group Inc.**

Prepared By: Larissa Lomen, Planning Intern
Phone: (909) 395-2443 (direct)
Email: llomen@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 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:

1.1 Time Limits.

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

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

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

1.4 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).

1.5 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.

1.6 Environmental Review.

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

1.7 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.

1.8 Additional Fees. Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

1.9 Additional Requirements. N/A



CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM



TO: Lorena Mejia, Senior Planner

FROM: Officer Rick Rees, CET

DATE: February 9, 2021

SUBJECT: FILE NO. PCUP20-018 – Comfort Inn & Suites 3333 E Shelby Street

The Police Department is placing the following conditions:

DINING ROOM/BAR

1. Alcohol sales may occur between 6:00 A.M. to 2:00 A.M., seven days a week.
2. No alcohol sales or service to minors.
3. No sales or service to intoxicated patrons.
4. No alcoholic beverages are to be sold, or removed from the establishment, for outside consumption.
5. No Smoking inside of the establishment is permitted.
6. No narcotic sales or usage on the premises at any time.
7. No self-serve alcohol displays allowed.
8. Employees engaged in serving alcohol beverages must be 21 years of age or older.
9. The applicant shall be responsible for maintaining the premises, and all property under the establishment's control, free of graffiti. The establishment shall be responsible for graffiti removal within 72 hours of its appearance, or upon notice of its appearance.

10. 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.
11. Applicant, management, security, and all employees serving alcohol must attend an Alcohol Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within three months of commencement of business under this dated conditional use permit. Proof of re-certification is required every 3 years.
12. Roof top numbers shall be installed on the flat part of the roof. The numbers shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted, and maintained, in reflective white paint on a flat black background, away from roof obstacles. The bottom of the numbers must face the street in which it belongs.
13. Address to the establishment must be illuminated for easy identification by safety personnel.
14. The parking lot lighting must provide adequate lighting from dusk to dawn.
15. Lighting within the establishment must be kept at a reasonable level as determined by city officials.
16. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
17. Restrooms must be kept free of graffiti.
18. No pool tables or amusement games are permitted inside the establishment.
19. A no trespass letter will be on file with the Police Department.

GIFT/SUNDRY SHOP CONDITIONS

1. Sundry shop alcohol sales may occur between the hours of 6:00 A.M. to 02:00 A.M., seven days a week.
2. Employees engaged in the sales of alcoholic beverages at the sundry shop, must be 21 years of age.
3. Sales and service of alcohol beverages will only be to room guests that are 21 and over and have a bona fide ID.
4. No self-service alcohol displays allowed.
5. Alcohol must be locked within the display when an employee is not present.

POOL AREA CONDITIONS

1. Alcohol consumption by guest may occur between the hours of 6:00 A.M. to 10:00 P.M., seven days a week in the pool area.
2. Alcoholic beverages may only be consumed out of plastic containers in the pool area.
3. Signs will be posted advising no glass containers allowed in the pool area.

PATIO CONDITIONS

1. Alcohol consumption by guest may occur between the hours of 6:00 A.M. to 10:00 P.M., seven days a week in the patio area.
2. Alcoholic beverages may only be consumed out of plastic containers in the patio area.
3. Signs will be posted advising no glass containers allowed in the patio area.
4. Patio walls need to be raised in height to a minimum of 5 feet using Plexiglas or solid block walls, which will allow the sales and consumption of alcohol in the patio area.
5. If the patio height requirements are not met, alcohol may only be served if monitored by a server or restaurant staff.
6. Patio and pool exits must be gated and closed at all times. Emergency sounding devices and panic hardware must be installed on gates.
7. Outdoor tables shall not be removed or rearranged to increase occupancy.
8. No sounds emitted to the patio shall be heard outside of the patio area.

SECURITY CONDITIONS

1. Events held in the meeting rooms with the possible attendance of 500 or more, involving live entertainment (ex. dancing, live musicians, concerts) and/ or alcohol beverages will require the applicant to contact the police department for officers to staff the event.
2. The police department will be given a three-week window, in order to have adequate time to determine how many police officers will be needed to staff an event.
3. 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 to the security including, but not limited to, the addition of security guards, 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.

4. 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 the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. Security personnel used by the applicant will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).

ROOM SERVICE CONDITIONS

1. Room service was not requested at the time of this application. However, it was noted the business may desire room service in the future. In the event the establishment begins room service, alcohol sales may occur between the hours of 6:00 A.M. to 12:00 A.M., seven days a week.
2. Employees engaged in the delivering of alcoholic beverages to rooms, must be 21 years of age.
3. Sales and service of alcohol beverages will only be to room guests that are 21 and over and have a bona fide ID.\
4. Alcohol is not allowed to be consumed in hotel hallways near guest rooms.

BANQUET/ CONFERENCE / BOARD ROOM CONDITIONS

At the time of this application, there is no banquet room, conference room, or board room, noted on the plans of approval. No alcohol service will be allowed in any other room, or area, except those mentioned within these conditions of approval. Any deviance from these conditions will require prior approval by the Ontario Planning Department via a Temporary Use Permit, or a revised Conditional Use Permit.

FINAL COMMENTS

Prior to opening/operating under the new conditions, inspection of the premises will be conducted by the Ontario Police Department and the Ontario Planning Department.

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

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.

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the hotel, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and therefore would not require additional security.)

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

If you have any questions please call Officer Rick Rees at (909) 408-1660.



CITY OF ONTARIO

MEMORANDUM

TO: Larissa Lomen, Administrative Intern
Planning Department

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

DATE: December 21, 2020

SUBJECT: PCUP20-018 A modification of Conditional Use Permit PCUP08-006 to change the alcohol license from a Type 47 to a Type 70 for Comfort Inn to allow alcoholic beverage sales, including beer, wine, distilled spirits for on-premise consumption in conjunction with an existing 56,421 square foot 82 room hotel on 1.81 acres of land located at 3333 Shelby St., within the Garden Commercial land use district of the Wagner Properties Specific Plan (APN(s): 0210-182-71). Related File(s): PCUP08-006.

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

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.



Pm

CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Official
Khoi Do, City Engineer
Jamie Richardson, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Gabriel Gutierrez, Police Department
Mike Gerken, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Robin Lucero, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

FROM: Larissa Lomen, Administrative Intern

DATE: December 18, 2020

SUBJECT: FILE #: PCUP20-018 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 Modification of Conditional Use Permit Modification PCUP08-006 to change the alcohol license from a Type 47 to a Type 70 for Comfort Inn to allow alcoholic beverage sales, including beer, wine, distilled spirits for on-premise consumption in conjunction with an existing 56,421-square foot 82-room hotel on 1.81 acres of land located at 3333 Shelby St, within the Garden Commercial land use district of the Wagner Properties Specific Plan (APN(s): 0210-182-71). Related File(s): PCUP08-006.

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.

Landscape Planning Div.
Department

Philip Moore
Signature

Associate Landscape Planner
Title

1/11/21
Date



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Community Development Director
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
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Eric Woosley, Engineering/NPDES
Robin Lucero, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

Nathan

FROM: Larissa Lomen, Administrative Intern

DATE: December 18, 2020

SUBJECT: FILE #: PCUP20-018

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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.

Engineering
Department

[Signature]
Signature

Engineering Assistant
Title

1/12/2021
Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP20-018
 Address: 3333 Shelby Street
 APN: 0210-182-71
 Existing Land Use: Hotel
 Proposed Land Use: CUP to modify a Type 47 to a Type 70 ABC license for Comfort Inn (56,421 SF 82 room hotel)
 Site Acreage: 1.81 Proposed Structure Height: Existing Building
 ONT-IAC Project Review: n/a
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Larissa Lomen
 Date: 1/06/2021
 CD No.: 2020-035
 PALU No.: n/a

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

| Safety | Noise Impact | Airspace Protection | Overflight Notification |
|---------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="radio"/> Zone 1 | <input type="radio"/> 75+ dB CNEL | <input type="checkbox"/> High Terrain Zone | <input type="checkbox"/> Avigation Easement Dedication |
| <input type="radio"/> Zone 1A | <input type="radio"/> 70 - 75 dB CNEL | <input checked="" type="checkbox"/> FAA Notification Surfaces | <input type="checkbox"/> Recorded Overflight Notification |
| <input type="radio"/> Zone 2 | <input type="checkbox"/> 65 - 70 dB CNEL | <input checked="" type="checkbox"/> Airspace Obstruction Surfaces | <input checked="" type="checkbox"/> Real Estate Transaction Disclosure |
| <input type="checkbox"/> Zone 3 | <input type="checkbox"/> 60 - 65 dB CNEL | <input type="checkbox"/> Airspace Avigation Easement Area | |
| <input type="radio"/> Zone 4 | | Allowable Height: 90 FT | |
| <input type="radio"/> Zone 5 | | | |

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent Consistent with Conditions Inconsistent

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

Airport Planner Signature: _____