



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

February 23, 2022

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

All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764 and on the City website at www.ontarioca.gov/agendas/zoning

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-016**: A Conditional Use Permit to establish: [1] a Type 52 ABC License (Veteran's Club) for the sale of beer, wine, and distilled spirits for consumption on the licensed premises only to bona fide members of the licensed organization, their bona fide guests, and bona fide members of other veterans organizations; and [2] a Type 58 ABC License (Caterer's Permit) to cater alcoholic beverages off-site, for the American Legion Post No. 112, within an existing 4,081-square-foot building, on 0.76 acres of land located at 1400 South Vineyard Avenue, Suite A, within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0113-415-17) **submitted by American Legion Post No. 112.**

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 **February 18, 2022**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Administrative Assistant



ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

February 23, 2022

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

DECISION NO.: [insert #]

FILE NO.: PCUP21-016

DESCRIPTION: A Conditional Use Permit to establish a Type 52 ABC License (Veteran's Club) for the sale of beer, wine, and distilled spirits for consumption on the licensed premises only to bona fide members of the licensed organization (American Legion) and guests and a Type 58 ABC License (Caterer's Permit) to cater alcoholic beverages off-site, for American Legion Post No. 112, within an existing 4,081-square-foot building, on 0.76-acre of land located at 1400 South Vineyard Avenue, Suite A, within the IG (General Industrial) zoning district; (APN: 0113-415-17) **submitted by American Legion Post No. 112.**

PART 1: BACKGROUND & ANALYSIS

AMERICAN LEGION POST NO. 112, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-016, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

PROJECT SETTING: The Project site is comprised of 0.76-acre of land located at 1400 South Vineyard Avenue, Suite A, and is depicted in *Exhibit A: Project Site*, attached. Existing land uses and General Plan and zoning designations on and surrounding the Project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation
Site:	Vacant (Suite A) & Sign Company (Suite B – Not a Part of Project)	Industrial	IG (General Industrial)
North:	Wholesale (TLC Packaging Inc.)	Industrial	IG (General Industrial)
South:	Manufacturing (Monarc Industries)	Industrial	IG (General Industrial)
East:	Industrial Warehouse	Industrial	IG (General Industrial)
West:	Legal Non-Conforming Single-Family Residence	Industrial	IG (General Industrial)

PROJECT ANALYSIS:

(1) **Background** — The American Legion is considered one of the Nation's most influential patriotic organizations and was chartered by Congress in 1919 as a patriotic Veterans organization. Focusing on service to veterans, service members, and communities, the Legion currently has about 2.4 million members and over 13,000 posts worldwide. The American Legion's national headquarters is in Indianapolis and has a full-time staff of about 300 employees. The

Prepared: JA – 02/04/2022	Reviewed: CM – 2/17/2022	Decision: [enter initial/date]
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Legion has several standing national commissions and committees that work to develop programs, increase membership, and recruit volunteers.

American Legion Post No. 112 was established in 1920 within the City of Ontario and regular meetings were held initially at the Hotpoint Clubhouse. During the late 1920s, John S. Armstrong donated the Armstrong residence to the Legion to be used as a new clubhouse. The Armstrong residence was relocated from Euclid Avenue to 113 West E Street and was used as the clubhouse until 1953. In 1953, the American Legion constructed a 10,000 square-foot modern Mid-Century clubhouse located at 310 West Emporia Street that was designed by Jay Dewey Harnish of Harnish, Morgan and Causey. American Legion Post No. 112 utilized the clubhouse for over 50 years to host member events, programs and social gatherings including BBQs and Fish Frys with live entertainment.

On May 25, 2021, the Planning Commission approved a Certificate of Appropriateness (File No. PHP21-003) to demolish the historic Tier III American Legion building to accommodate the construction of the Emporia Family Housing Project – Phase 2 (Development Plan File No. PDEV21-008). The 50 unit multiple-family affordable housing project consisted of six parcels totaling 2.15 acres of land, which included the American Legion property. The Applicant volunteered to sell their property to allow for the new development and worked with the City to find a new suitable location.

A Land Use Determination (File No. PDET22-001) was completed, to establish whether a Civic and Social organization is similar to, and of no greater intensity than other allowed land uses with the IG (General Industrial) zoning district. The Zoning Administrator approved the application to allow the Civic and Social organization (American Legion Post No. 112) within the IG zoning district; however, required a Conditional Use Permit for any associated alcohol license. On September 7, 2021, the Applicant submitted a Conditional Use Permit to establish a Type 52 ABC License (Veteran's Club) allowing for the sale of beer, wine, and distilled spirits for consumption on the licensed premises, only to members of the licensed organization and their guests. In addition, the Applicant is requesting to establish a Type 58 ABC License (Caterer's Permit), permitting the Applicant to cater alcoholic beverages off-site.

(2) Proposed Use/Operation —American Legion Post No. 112 is a civic/social organization providing services to veterans, service members, and the community through events, programs, and social gatherings conducted at the Project site, including BBQs and Fish Frys. The organization is limited to members and their guests. On holidays such as Memorial Day, Independence Day, Labor Day, and Veterans Day, the American Legion will be open to the general public and a Temporary Use Permit will be required for any events taking place outside of the building. Civic/Social organizations are permitted a restaurant and live entertainment as ancillary activities, and alcoholic beverage sales (Type 52 ABC License) are allowed with an approved Conditional Use Permit. The American Legion is proposing to serve beer, wine, and distilled spirits for consumption on the premises to members of the organization and their guests. Catering services are also being proposed that include a Type 58 ABC license for alcoholic beverages sales to be served off-site.

The American Legion will continue to feature live entertainment at the proposed location, to include local live bands on Saturdays, from 5:00 PM to 8:00 PM. DJs (Disc Jockeys) and KJs (Karaoke Jockeys) will play different genres that will be rotated to provide a variety of music on evenings throughout the week during dinner service. There will be no dancing or dance floors proposed for the live entertainment areas.

Proposed business hours are:

- Monday through Tuesday, from 1:00 PM to 6:00 PM;
- Wednesday and Friday, from 1:00PM to 9:00PM;
- Thursday, from 1:00PM to 7:00PM;
- Saturday, from 1:00 PM to 8:00 PM; and
- Sunday, from 9:00 AM to 5:00 PM.

The Applicant has submitted interior tenant improvement plans for the 4,081-square-foot building suite. The suite will be divided into six general areas, that include two dining rooms, a bar area, kitchen, office, and restrooms. The indoor seating capacity is for 180 dining seats (see Exhibit C: Floor Plan, attached).

The main entrance to the American Legion is located on the north side of the building, facing Acacia Street. Parking for employees and guests are located to the north, east, and south of the building.

(3) Parking— The Project Site consists of one building with two suites totaling 7,972 square feet. Suite A will be occupied by the American Legion and Suite B is currently occupied by Signs of Success, a sign company. The Project has provided off-street parking pursuant to the “Professional/Technical Services” parking standards for the existing sign company, as specified in the Development Code. However, the Development Code does not provide off-street parking standards for the proposed Civic/Social organization (American Legion) land use. In order to analyze the parking demands for the American Legion, staff relied upon the “fraternal organization” parking ratio (one space for each 400 square feet of gross floor area) provided in the American Planning Association – Parking Standards PAS Report Number 510/511. There are a total of 32 parking spaces being provided on-site and a minimum of 26 parking spaces are required, exceeding the minimum parking requirements. Staff believes that sufficient parking will be provided on-site for both uses since they have differing daytime to afternoon/evening operating hours. Furthermore, the American Legion’s previous location was 10,000 square feet in size with 17 on-site parking spaces and did not encounter any parking shortage issues. Table 1 below, provides the off-street parking calculations for the proposed Project.

Table 1: On-Site Parking Summary Table

Bldg Suite	Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
A	Civic/Social Organization (Proposed Use – American Legion)	4,081 SF	1 space for each 400 SF (0.0025/SF) of gross floor area (GFA) per the American Planning Association Parking Standards, Planning Advisory Services (PAS) Report 510/511	10	32
B	Professional / Technical Services (Existing Sign Company “Signs of Success”– Not a Part of Project)	3,891 SF	4 spaces per 1,000 SF (0.004/SF) of gross floor area (GFA)	16	
TOTAL				26	32

(4) **ABC License Concentrations** — 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 18.03. According to the Department of Alcohol Beverage Control (ABC), Type 52 and 58 ABC Licenses are listed as “non-retail,” and are not counted for the purposes of tracking Census Tract Concentrations. The Police Department does not object to allowing the proposed Type 52 and 58 ABC Licenses, provided that all City and State Department of Alcohol Beverage Control rules, regulations, and conditions of approval are met and followed. In addition, the Project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

(5) **Land Use Compatibility** — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation, accordingly. The Project site is located within an industrial zone and is surrounded by industrial uses to the north, south, and east. Additionally, the nearby businesses within and surrounding the Project site will not be exposed to any impacts resulting from the ancillary use of alcoholic beverage sales and consumption beyond those that would normally be associated with any other similarly allowed land use within the same zoning district. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions. Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use.

AIRPORT LAND USE COMPATIBILITY PLAN: This Project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

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

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

CORRESPONDENCE: As of the preparation of this Decision, 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 February 23, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jeanie Irene Aguilo, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART 3: THE DECISION

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

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

(1) The Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of 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 of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes; 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:

(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 IG (General Industrial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed ancillary Type 52 and 58 ABC Licenses in conjunction with the*

American Legion land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines; 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 social/civic organization land use will be located within the Industrial land use district of the Policy Plan Land Use Map, and the IG (General Industrial) 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 civic/social organization land use is located with the Industrial land use district, and the IG (General Industrial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation, and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(d) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; and [iv] the Project will be in harmony with the surrounding area in which it is proposed to be located.

SECTION 4: Zoning Administrator Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the Zoning Administrator hereby APPROVES the Application subject to each and every condition set forth in the Department reports included as "Attachment A" of this Decision and incorporated herein by this reference.

SECTION 5: Indemnification. The Applicant shall agree to defend, indemnify, and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

APPROVED AND ADOPTED this _____ day of _____, 2022.

Rudy Zeledon
Zoning Administrator

Exhibit A: PROJECT SITE

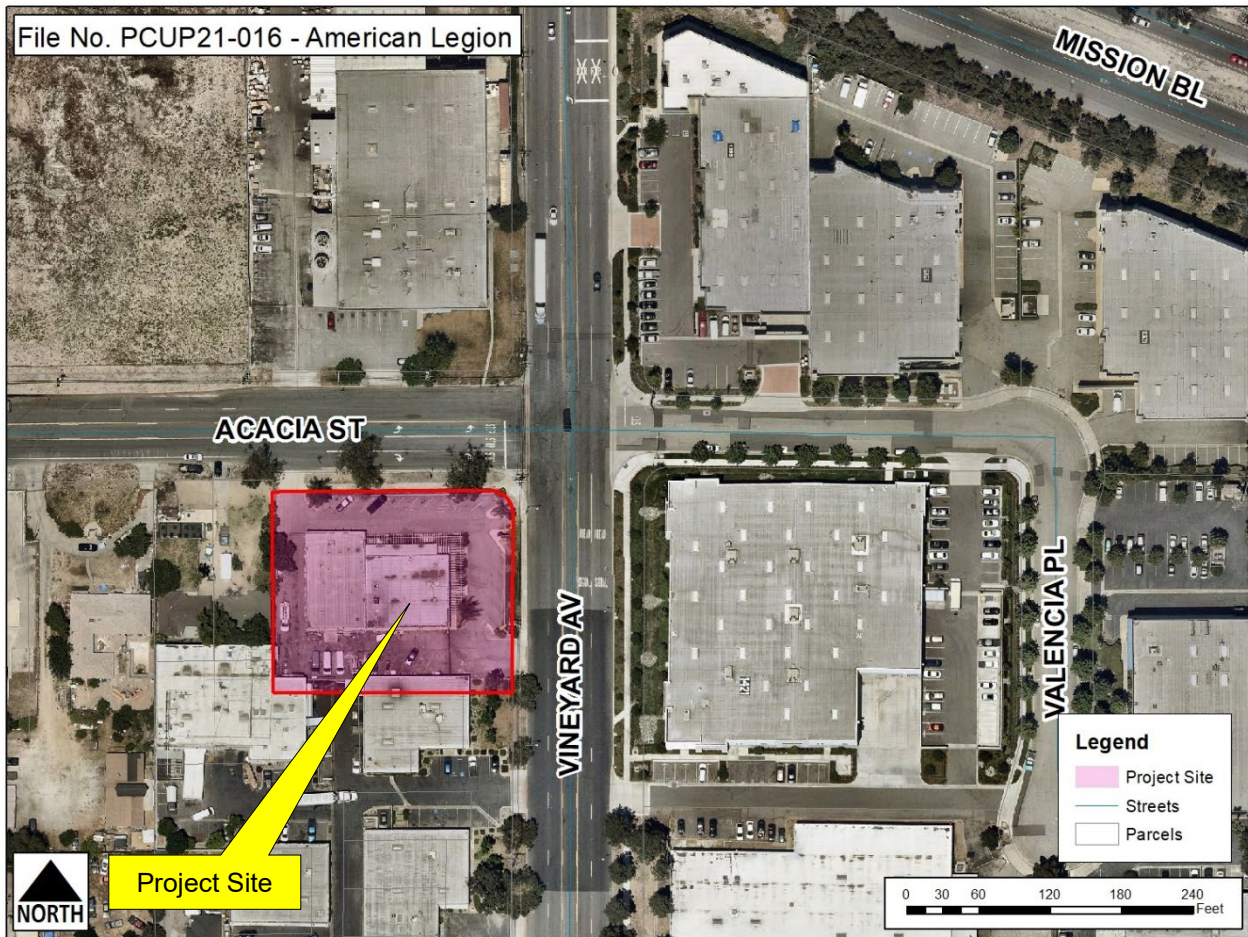


Exhibit B: SITE PLAN

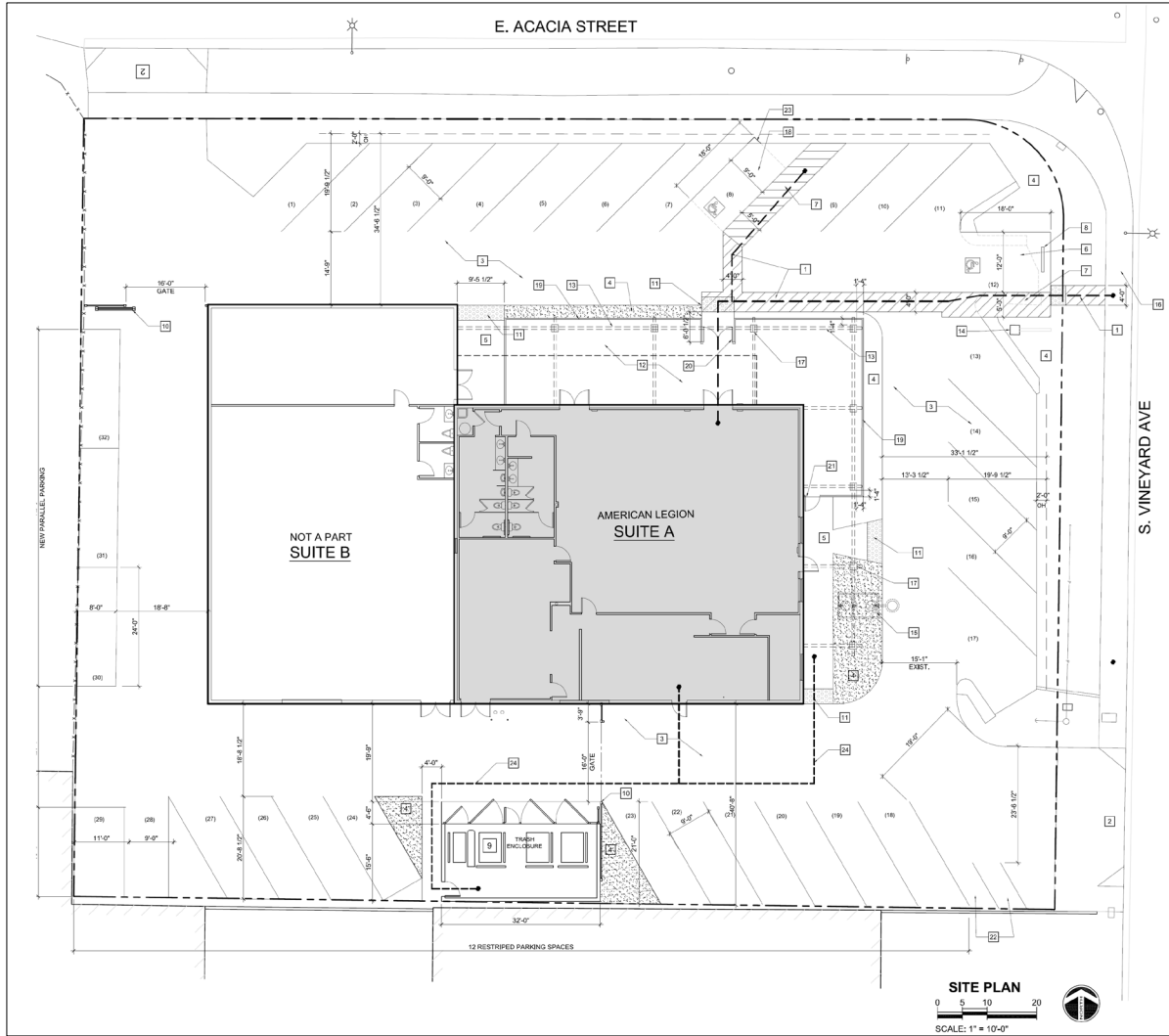


Exhibit D: SITE PHOTOS



Northern Elevation of Project Site facing west



Northern Elevation of Project Site facing east



Northeast portion of Project Site facing southwest

Exhibit D: SITE PHOTOS (continued)



East Elevation of Project Site facing towards Acacia Street



South portion of Project Site facing east

**Attachment A:
Department Reports (Conditions of Approval)**

(Department Reports containing conditions of approval follow this page)



LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

Date Prepared: 2/14/2022

File No: PCUP21-016

Project Description: A Conditional Use Permit to establish a Type 52 ABC License (Veteran's Club) for the sale of beer, wine, and distilled spirits for consumption on the licensed premises only to bona fide members of the licensed organization (American Legion) and guests and a Type 58 ABC License (Caterer's Permit) to cater alcoholic beverages off-site, for the American Legion Post No. 112, within an existing 4,081-square-foot building, on 0.76-acre of land located at 1400 South Vineyard Avenue, Suite A, within the IG (General Industrial) zoning district. (APN: 0113-415-17)

Prepared By: Jeanie Irene Aguilo, Associate Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

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

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

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

2.1 Time Limits.

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

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

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

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

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

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

2.3 Landscaping.

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

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

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

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

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

2.5 Parking, Circulation and Access.

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

(b) 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).

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

2.6 Site Lighting.

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

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

2.7 Mechanical and Rooftop Equipment.

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

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

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

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

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

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

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

2.12 Alcoholic Beverage Sales—Bars/Cocktail Lounges.

(a) All employees engaged in the sale or distribution of alcoholic beverages shall be 21 years of age or older.

(b) No person under the age of 21 shall be allowed on the subject premises, nor shall any person without proper, legal identification demonstrating that they are 21 years of age or older, be allowed on the subject premises. It shall be the responsibility of the permittee to check all persons entering the subject premises for proper, legal identification.

(c) A clearly legible sign not less than 7 inches by 11 inches in size, which reads "NO PERSONS UNDER 21 ALLOWED" 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.

2.13 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a “bona fide public eating place” as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

2.14 Environmental Review.

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

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

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

2.15 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.

2.16 Additional Fees.

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

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

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

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

2.17 Additional Requirements.

(a) Building and use shall comply with all Building and Safety requirements prior to opening for business.

(b) The conducting of any special event which is beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, shall require approval of a Temporary Use Permit by the City prior to commencement of that special event.



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario
Municipal Utilities Company and Information Technology & Management Services Department Conditions incorporated)

PROJECT ENGINEER: David Zurita, Engineering Assistant (909) 395-2155
PROJECT PLANNER: Jeanie Aguilo, Associate Planner (909) 395-2418
ZA MEETING DATE: Wednesday February 23, 2022

PROJECT NAME/DESCRIPTION: PCUP21-016 – A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits for consumption on the licensed premises only to bona fide members and guests of the American Legion Post Ontario No. 112 (Type 52 ABC License) and to cater alcoholic beverages off site (Type 58 ABC License) in conjunction with an existing 4,081-sqft building on 0.76 acres of land within the IG (General Industrial) zoning district.

LOCATION: 1400 S Vineyard Avenue Suite A (APN: 0113-415-17)

APPLICANT: Gutierrez Family Trust 2/26/1997

REVIEWED BY: 
Raymond Lee, P.E.
Assistant City Engineer 2/14/22
Date

APPROVED BY: 
Khoi Do, P.E.
City Engineer 2-14-22
Date

THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.

- 1. Potable Water:
 - a. Upgrade to current city standards:
 - i. The site is required to have a separate water service with a backflow device, currently, there is no backflow device for existing service and the irrigation service is connected to this water service. Abandon this service by shutting off the corporation stop at the existing public city water main and construct a new domestic water service with a backflow to current city standard.
 - ii. The site is required to install a separate irrigation service with backflow device per city's current standard.

2. Sewer:
 - a. Grease Interceptor: Construct a grease interceptor onsite and construct a separate sewer line connecting to the domestic waste downstream from the greaser interceptor.
3. Integrated Waste:
 - a. Trash Enclosure (TE): Construct a trash enclosure to accommodate three 4-yd bins with a solid roof along with a pedestrian walkway to comply with ADA requirements.
4. Apply for an Encroachment Permit for all improvements within the public right-of-way.

EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PCUP21-016

The following items are required to be included with the first plan check submittal:

1. **A copy of this check list**
2. **Payment of fee for Plan Checking**
3. **One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp**
4. **One (1) copy of project Conditions of Approval**
5. **Include a PDF (electronic submittal) of each required improvement plan at every submittal**
6. Two (2) sets of Domestic and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
7. Three (3) sets of Public Street improvement plan with street cross-sections
8. Three (3) sets of Public Street Light improvement plan
9. Three (3) sets of Signing and Striping improvement plan
10. Two (2) sets of the Site plan with proposed public street and utility improvements
11. Two (2) sets of Delta Revision Plans to Record Street, Street Light, and/or Signing & Striping Drawings which reflect the proposed public street improvements
12. Two (2) sets of Delta Revision Plans to Record Domestic Water, Recycled Water, and/or Sewer Drawings which reflect the installation of the proposed service laterals, and/or abandonment of unused existing service laterals
13. Three (3) sets of Wet Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
14. Two (2) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include AutoCAD electronic submittal)
15. Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP)

Project File No. PCUP21-016
Project Engineer: David Zurita
ZA Date: 02/23/2022

- 16. One (1) copy of Hydrology/Drainage study
- 17. One (1) copy of Soils/Geology report
- 18. Other: _____

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

CONDITIONS OF APPROVAL	
Sign Off	
	1/20/22
Jamie Richardson, Senior Landscape Planner	Date

Reviewer's Name: Jamie Richardson, Senior Landscape Planner	Phone: (909) 395-2615
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D.A.B. File No.: PCUP21-016	Related Files:	Case Planner: Jeanie Aguilo
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Project Name and Location: American Legion ABC License 1400 S Vineyard Ave
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Applicant/Representative: American Legion Post No. 112 Dick DuPlain duplane@aol.com 310 W. Emporia St. Ontario, CA 91761
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<input checked="" type="checkbox"/>	A site plan (12/21/2021) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input type="checkbox"/>	A site plan () has not been approved. Corrections noted below are required prior to DAB approval.

1. Street trees along Acacia Street shall be planted 30' on-center.
2. Confirm with OMUC if a dedicated irrigation meter is required; update plans.
3. Remove boiler plater fertilizer recommendations. A soils report is required, amendments shall be specified based on report. Add report to construction documents.
4. Call out the type of proposed irrigation system (dripline and pop-up stream spray; RainBird 5HB with PC Screens). Include preliminary MAWA calcs. Proposed water use must meet the water budget. Omit point to point emitters and details. Omit dripline loops around trees.
5. Provide landscape and irrigation plans for landscape renovations for new path of travel going through the existing landscape on Vineyard and for new wrought iron fence by suite A building entrance.
6. Show broad canopy shade trees in end island planters where missing (Quercus ilex or Pistache). Trees in parking lots shall be planted one for every four spaces.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-016

Address: 1400 S Vineyard Avenue

APN: 0113-415-17

Existing Land Use: Vacant Building

Proposed Land Use: CUP to establish an ancillary Type 52 ABC license with the American Legion

Site Acreage: 0.75 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: Jeanie Aguilo

Date: 12/23/2021

CD No.: 2021-057

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 checked="" 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 checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 FT +</u>	
<input type="radio"/> Zone 5			

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

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

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”



TO: Jeanie Aguilo, Associate Planner

FROM: Thomas Cho, Police Officer, CET

DATE: October 19, 2021

SUBJECT: PCUP21-016 – American Legion Post 112 – 1400 S Vineyard Ave.

American Legion Post 112 will be re-locating to the above location and will apply for a transfer of their existing Alcohol Beverage Control (ABC), Type 52 Veteran’s Club and Type 58 Caterer’s Permit. The business is located within Census Tract No. 18.03. According to the Department of Alcohol Beverage Control (ABC), this type of license is listed as “non-retail,” and is not counted for the purposes of tracking Census Tract Concentrations. The Police Department does not object to allowing the license.

The location must follow all federal, State, local, and Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Ontario Police Department:

ABC CONDITIONS

1. The hours permitted for alcohol service will be 06:00 a.m. to 02:00 a.m., Thursday through Tuesday.
2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15 a.m. All sales of alcohol shall be completed 30 minutes prior to closing, and not later than 01:30 a.m. All alcohol must be removed from tables/patrons at 01:45 a.m.
3. Alcohol consumption at the location will only be types of alcohol allowed in conjunction with the state issued ABC license type.
4. No sales or service of alcoholic beverages to minors.

5. No sales or service to obviously intoxicated patrons.
6. The business is required to have in place a driver's license and/or ID card reading device.
7. Beer, wine, and distilled spirits are allowed to be sold and consumed at the licensed premise per ABC license type 52.
8. No self-serve alcohol displays or machines.
9. No drug paraphernalia to be sold at any time.
10. No loitering shall be permitted on any property under the control of the applicant, this includes any property adjacent to the licensed premise.
11. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
12. There will be no narcotic sales or usage on the premises at any time.
13. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
14. Employees engaged in the sale of alcohol must be 21 years of age or older.
15. No more than 25% of window space may be used for advertisements. If advertisements are placed on the windows, they must be below two feet on the window and/or above 6 feet on the window to allow clear visibility into and out from the business.
16. Applicant, managers, and all employees must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six (6) months of this approved Conditional Use Permit (CUP), or within six (6) months of each employees' start date at the location. Proof of re-certification is required every three (3) years. This class is given free of charge by the Ontario Police Department or can be taken on-line through the state department of Alcohol Beverage Control (ABC).
17. Lighting within the establishment must be kept at a reasonable level for safe movement of patrons.
18. Emergency-only doors must be alarmed and always closed.
19. The address to the establishment must be illuminated, using a photo sensor, for easy identification by safety personnel.

20. Restrooms must be kept free of graffiti. Any damage to restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
21. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises. 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.
22. The applicant will be responsible for keeping the grounds of the business clean from debris.
23. Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP), which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the Post, a car show, or an outdoor event with alcoholic beverages would be a special event, requiring a TUP.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.
24. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.

PATIO CONDITIONS

1. Patio fencing must be a minimum height of 36 inches as proposed on the submitted plans. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. Due to the height of the proposed patio fencing, the fence does not prevent patrons from passing alcoholic drinks outside the licensed premises. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must be gated and always closed.

5. The patio exits will have a sign posted, in clear view, stating, “No alcohol beyond this point.”
6. Outdoor tables shall not be removed or rearranged to increase occupancy.
7. Landscaping within the applicant’s control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
8. In the event the patio is utilized for criminal activity or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

ENTERTAINMENT CONDITIONS

1. The entertainment area must be designated on a plan check and will be the only area allowed for entertainment purposes. Live entertainment includes Karaoke, DJ, and Live Bands. No gang-related entertainment will be allowed. Upon knowledge of an entertainer being linked to organized criminal activity or gang activity, the business will be required to cancel any related event.
2. All above forms of entertainment will only be permitted during regular business hours (hours of business shall not be extended for special events without a TUP).
3. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. The establishment will provide a minimum of one employee, or extra security guard, not part of the alcohol serving operation staff, to control and proactively monitor patrons inside the establishment during hours of entertainment (ex. Lounge Host, Bouncer).
4. Tables shall not be removed or rearranged to increase occupancy.
5. All entertainment will stop thirty (30) minutes prior to closing.
6. All entertainment noise will be in accordance with the Ontario Municipal Code Sections 5-29.03 through sections 5-29.05. Live bands will be allowed on Sunday-Thursday until 10:00 p.m. and Friday-Saturday until 11:45 p.m. If the City of Ontario or Ontario Police

Department receives complaints regarding noise levels at the location, further noise requirements may be imposed at the discretion of the City of Ontario and/or Ontario Police Department.

7. The business shall not utilize promoters or allow “Flyer Parties”.
8. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.
9. All business operations, including entertainment at the location must comply with all other ordinances and requirements, including occupancy level deemed by the fire department.

SECURITY CONDITIONS

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City’s development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment. The Code of Conduct will include a dress code and shall be utilized on days/nights of entertainment and special events.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the bar/restaurant area. A minimum of one camera will record the parking lot. A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. A minimum of one camera will record each patio. A minimum of one camera will record the bicycle racks. A minimum of one camera will record the exterior of the patio restroom area. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video

will be stored for a minimum of 30 days and made available to the Ontario Police Department upon request.

PARKING LOT CONDITIONS

The applicant will work with the property owner to install customer parking only signs. The signs will follow the guidelines set forth by California Vehicle Code Section 22658(a)(1).

California Vehicle Code 22658(a)(1): There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property. The sign may also indicate that a citation may also be issued for the violation.

CONCLUSION

If alcohol related crimes at this location are higher than four (4) 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 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 and/or its intent, or has violated applicable laws.

A copy of the listed conditions of approval must be always posted with your ABC license, in a prominent place, on 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.

The Police Department will conduct a review in six months of these submitted conditions and/or within six months of opening to determine whether additional conditions will be needed. These conditions would be in addition to any current conditions imposed by the Ontario Police Department, under this CUP or related file.

The Applicant is invited to contact Officer Cho at (909) 408-1671, with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Associate Planner
Planning Department

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

DATE: September 16, 2021

SUBJECT: PCUP21-016 American Legion CUP – Type 52 ABC License

- 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.