

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-06

HEARING DATE: June 17, 2013

DECISION DATE: **June 24, 2013**

FILE NO.: PCUP13-006

SUBJECT: A Conditional Use Permit to establish a religious assembly use at the northeast corner of Archibald Avenue and Inland Empire Boulevard, at 730 North Archibald Avenue, within the Garden Commercial land use designation of the Ontario Festival Specific Plan.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

FORTALEZA PARA EL ALMA, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: A Conditional Use Permit to establish a new religious assembly use within the existing Airport Gateway Plaza commercial center, located at the northeast corner of Archibald Avenue and Inland Empire Boulevard, at 730 North Archibald Avenue, within the Garden Commercial land use designation of the Ontario Festival Specific Plan.

(b) TOP Policy Plan Land Use Map Designation: Mixed Use (Inland Empire Corridor)

(c) Zoning Designation: Ontario Festival Specific Plan (Garden Commercial)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	OS (Open Space)	Flood Control
South:	C3 (Commercial Service)	Fueling Station / Convenience Market
East:	Ontario Festival SP	Residential (Under Construction)
West:	Meredith SP	Fueling Station / Fast Food Restaurants

(e) Site Area: 1.03-acre parcel of a 5.64-acre commercial center.

(f) Assessor's Parcel No.: 0110-431-11

(g) Project Analysis: A new religious assembly use (Fortaleza Para El Alma) is proposing to establish within an approximate 4,500 square-foot tenant space, identified as suite "E" in the Airport Gateway Plaza commercial center, located at 720 North Archibald Avenue (**Exhibit A: Aerial Map & Exhibit B: Site Plan**). The assembly area is approximately 1,000 square-feet in area and the balance of the tenant space will be used for office and storage (**Exhibit C: Floor Plan**). General operations include three assembly services per week, Wednesday and Friday from 7:00pm to 9:00pm and Sunday from 10:00am to 2:00pm. Three to five employees/volunteers will occupy the space throughout the week to help manage the business (**Exhibit D: Site Photos**).

As submitted, the Conditional Use Permit application describes an additional "service to the community", which includes food distribution (**Exhibit E: Project Description**). Fortaleza Para El Alma established a partnership with "Help the Children" foundation, whereby group members would pickup donated food items from the foundation, assemble into bags, and distribute the bags onsite to needy community members. No food storage or collection was proposed at the project site. However, twice per month, this food distribution process was proposed. It was anticipated that approximately 30-40 people would receive this service each time. During the Conditional Use Permit review process, a number of concerns were raised regarding food distribution, which could potentially impact the other tenants in the commercial center. After considering the potential impacts, the applicant decided to remove the food distribution portion of their operations.

Although the entire commercial center includes shared parking, the parcel associated with the project site, which includes suites "A" – "E", contains 51 parking spaces. Pursuant to Ontario Development Code, Article 30: *Parking and Loading Requirements*, the category of Religious (Church) use, is parked at 1 parking space per 4 fixed seats or 1 parking space per 40 square-feet of assembly area (when fixed seats are not provided). The assembly area will utilize movable chairs, rather than fixed seats. As a result, based upon the 1,000 square-foot assembly area, 25 parking spaces are required to support the use. The total floor area of suites "A" – "D" when combined, roughly equates to the floor area of suite "E". The assembly use requires approximately a proportional half of the parking spaces, with the remaining spaces available for the other tenants. There is an adequate amount of available parking spaces to support the use.

(h) Land Use Compatibility: The intent of a CUP application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. The City of Ontario's Development Code describes a CUP as the following: § Sec. 9-1.0900: *Purposes and Authorization* – Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located,

and operated compatibly with uses on adjoining properties and in the surrounding area. Approval of a CUP first requires making certain findings, which show that the proposed use is consistent with all City of Ontario development codes, land uses and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a CUP is discretionary in nature.

The religious assembly use is located within the Garden Commercial land use designation of the Ontario Festival Specific Plan. Within this designation, religious assembly uses are a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses and residents within the surrounding area will not be exposed to any impacts resulting from the proposed use beyond those that would normally be associated with any other use similarly allowed within the same land use designation.

(i) 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. The Planning Department supports the proposed use and requests that the Zoning Administrator impose each Department's recommended conditions of approval on the proposed use, which are designed to mitigate anticipated impacts related to the use.

(j) 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.

(k) 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 B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, On the 17th day of June, 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) John Earle Hildebrand III, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the attached conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Marisol Carrillo, the applicant, explained the business operation and spoke in favor of the application.
- (c) The Zoning Administrator, Scott Murphy, asked the applicant how many current members are part of the congregation. The applicant responded by stating there are approximately 75-80 members and that they are anticipating growth to 100 members.
- (d) Mr. Murphy inquired about the parking and whether each parcel within the center stood on its own for parking. Mr. Hildebrand responded that each parcel is set up as a stand-alone parcel and the parking provided on the subject property is sufficient to meet the needs of the church and adjacent retail uses.
- (e) 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 C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

- (a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.
- (b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby concludes as follows:
 - (1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The religious assembly use lies within the Garden Commercial land use designation of the Ontario Festival Specific Plan.
 - (2) Religious assemblies are allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a

manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. The religious assembly use will be operated in accord with the Ontario Development Code and the use meets the objectives and purposes as required in Article 9: Conditional Use Permits and Article 16: *Commercial and Professional Districts (AP, NC, C1, C2, C3, & C4)* of the Ontario Development Code.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. The religious assembly use will not create a new significant source of traffic nor negatively impact the surrounding circulation system.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The religious assembly use is consistent with the allowed uses in the Ontario Festival Specific Plan as well as the Ontario Development Code.

(c) The Zoning Administrator hereby finds and determines that 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.

(d) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section § 15301 (Existing Facilities) of the State CEQA Guidelines.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves **File No. PCUP13-006**, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this 24th day of June, 2013.


Scott Murphy
Deputy Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

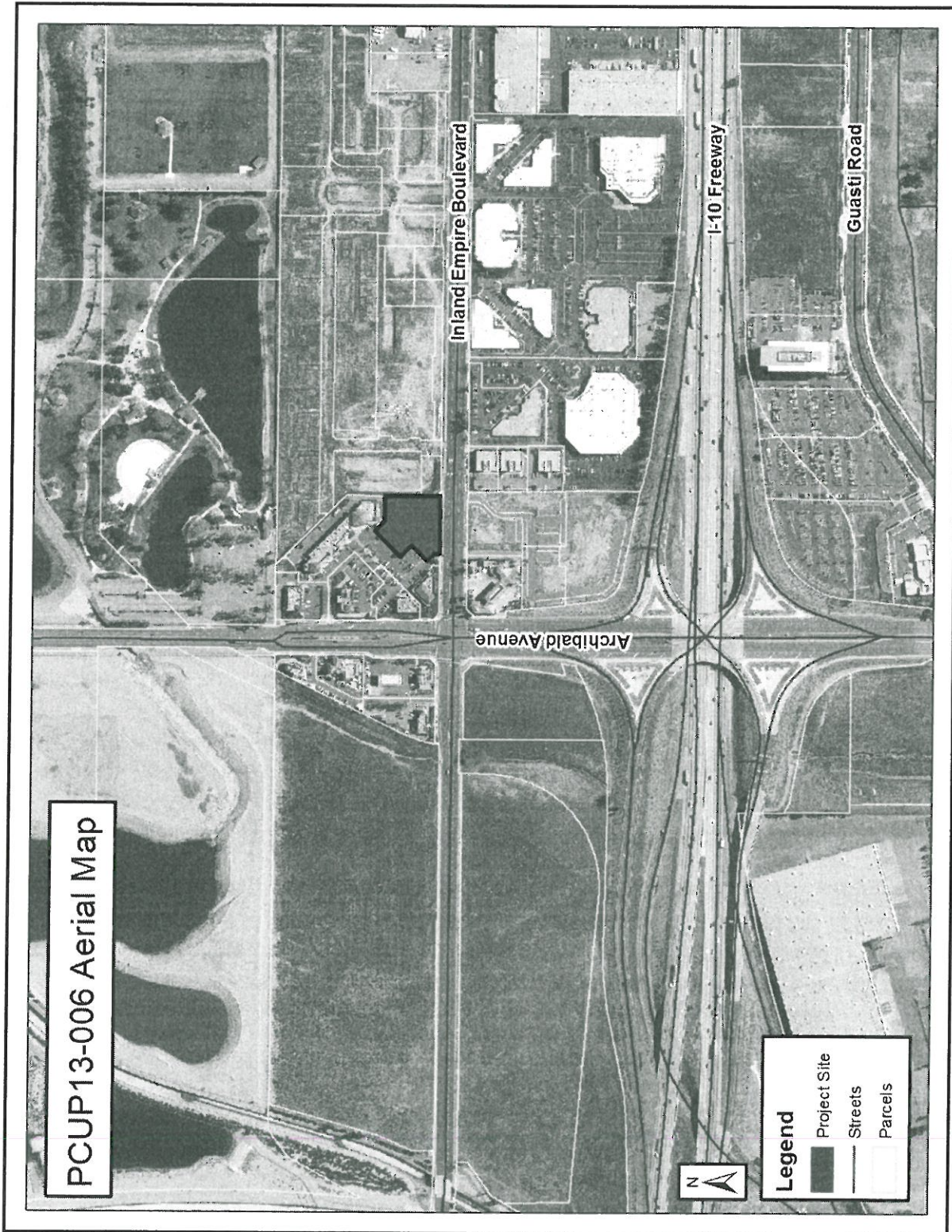


Exhibit B: Site Plan

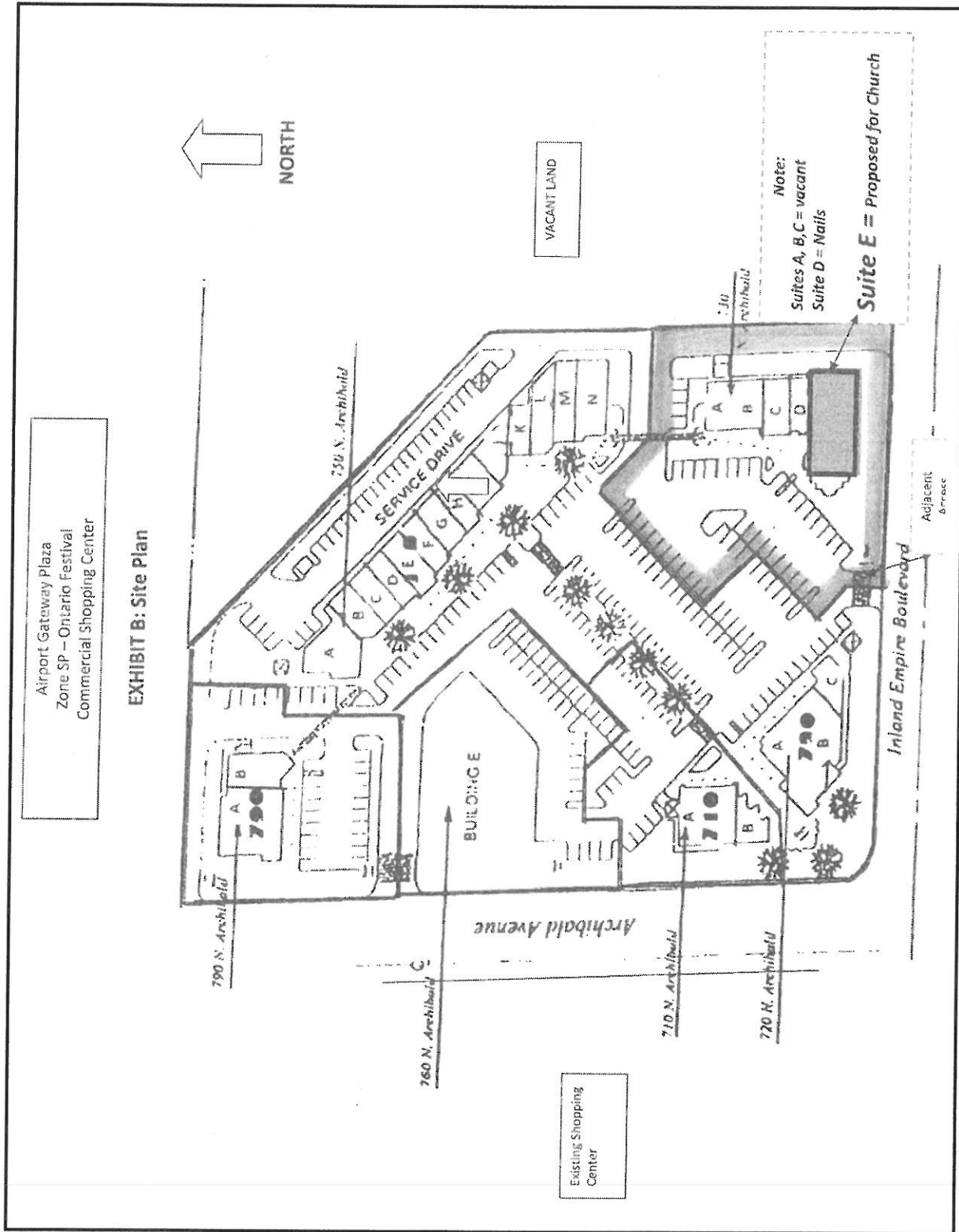


Exhibit C: Floor Plan

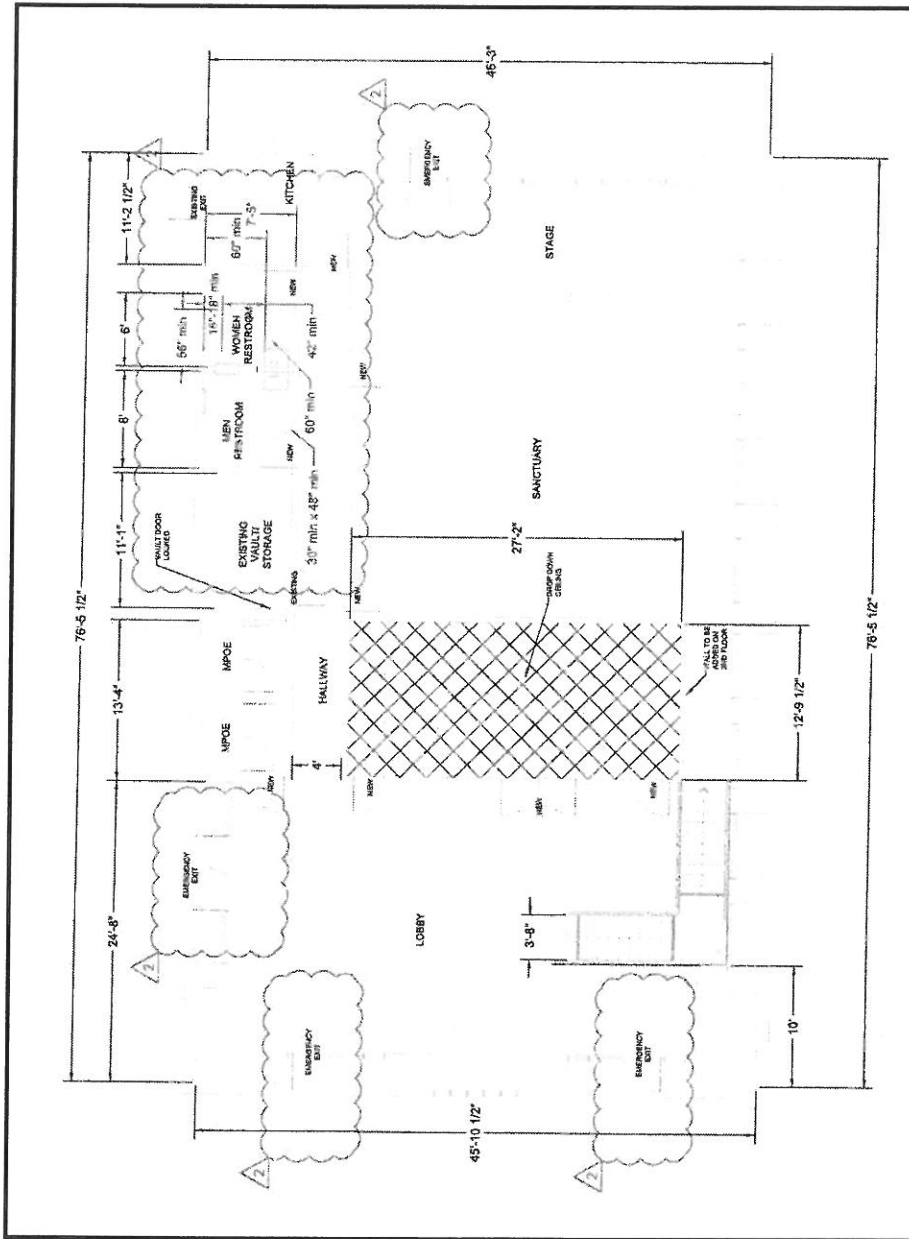
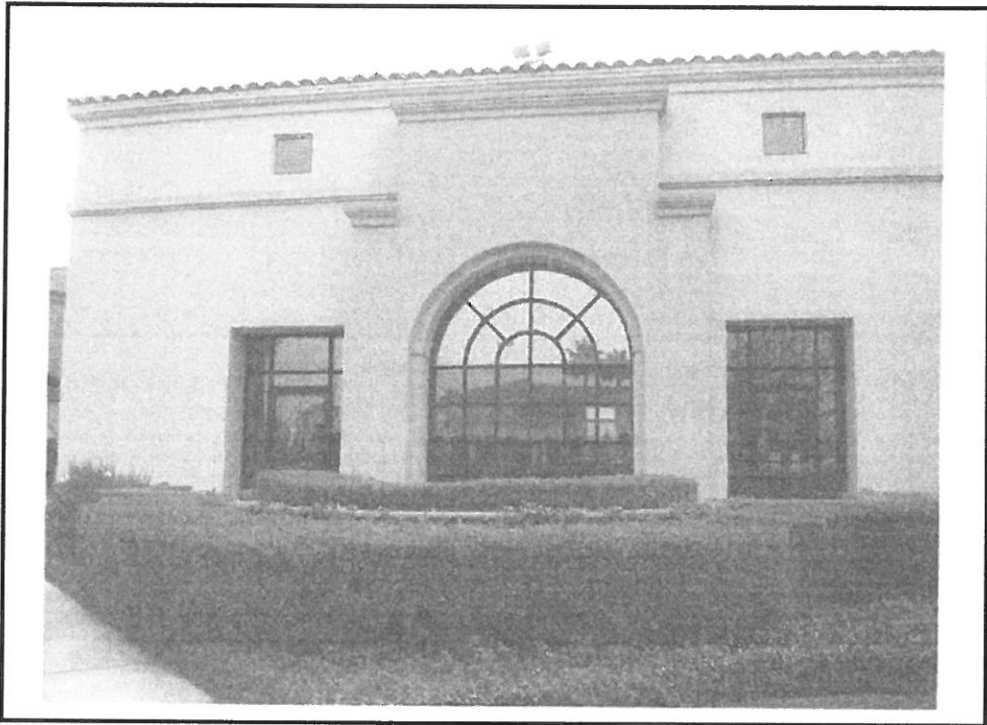
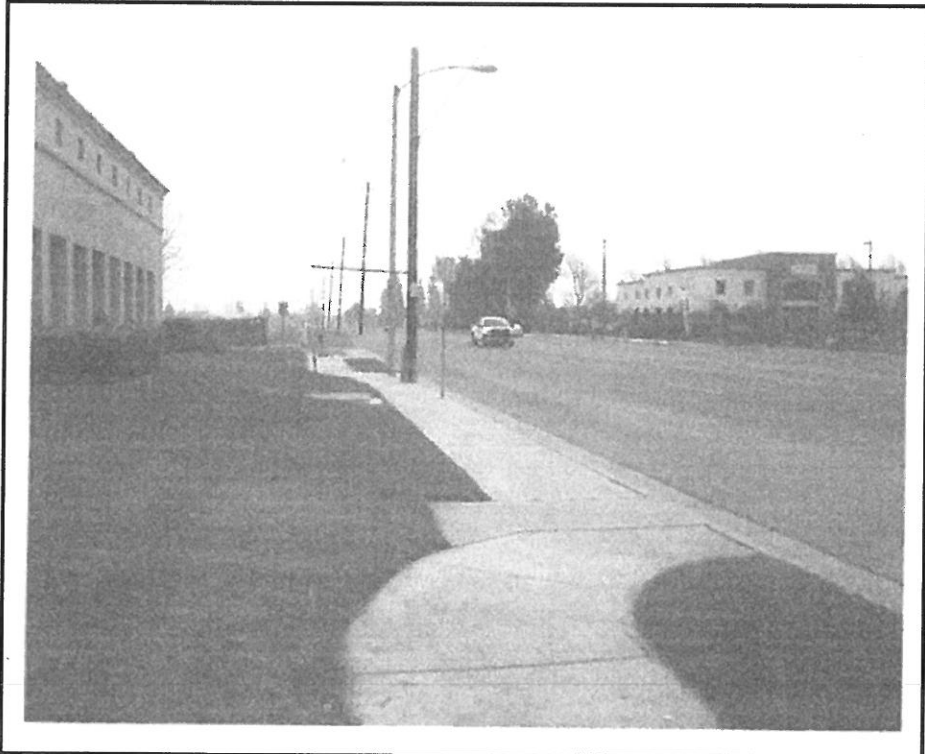


Exhibit D: Site Photos

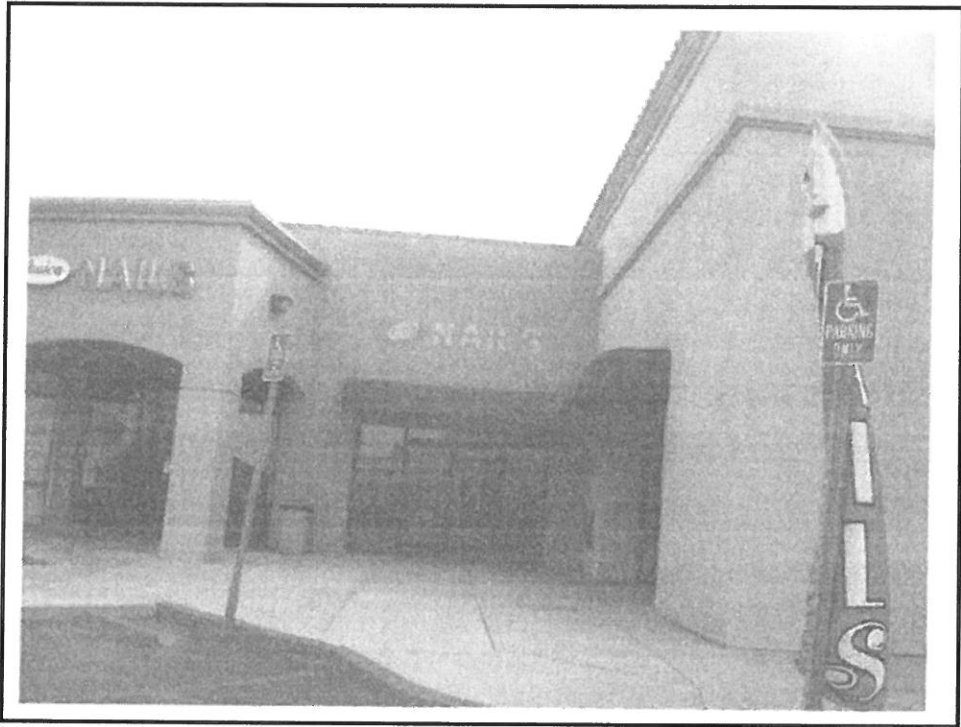


South Elevation – Facing Inland Empire Boulevard



South Elevation – Looking East Along Inland Empire Boulevard

Exhibit D: Site Photos (Continued)



West Elevation – Front Entrance of Project Tenant Space

Exhibit E: Project Description (Submitted by Applicant)



March 20, 2013

Project Description

To whom it may concern:

A Conditional Use Permit (CUP) to establish a new religious assembly facility within an existing commercial building located near the northeast corner of Archibald Avenue and Inland Empire Boulevard, at 730 N. Archibald Avenue, Suite E. This site known as Airport Gateway Plaza is surrounded on the west side by an existing shopping center which includes a Baker's restaurant AM/PM, Arco gas station, Wienerschnitzel and a Starbucks, on the north by the Cucamonga-Guasti Regional Park, on the east is vacant land and to the south a Mobile Gas Station (Exhibit A: Aerial view attachment).

Fortaleza Para El Alma's hours of operations consist of three services per week, Wednesday and Friday 7:00 pm to 9:30 pm, and Sunday from 10:00 am to 2:00 pm. For administrative duties wherein only three to five volunteers will occupy the building during regular business hours Monday through Friday, at the moment with a part-time basis, less than 20 hours per week. Saturday hours will be from 12:00 to 3:00 for worship practice which consist of 5 volunteers. Every other Wednesday (twice per month) there is a "service to the community" which consists of obtaining groceries that same morning, preparing grocery bags and providing them to the community. This service is consistent with the above mentioned hours of operation. There is a record of 30 to 40 people that come and receive this service we provide to the community. There is no need for storage of any groceries since it is picked up and given away same day.

The proposed sanctuary will consist of approximately 1,000 sq ft where we will use movable chairs for our congregation. (see New Floorplan). No changes will be made to the second floor will remain as is (see E Floorplan). There are 51 parking spaces available, wherein according to Article 30: Parking and Loading Requirements we would require to provide 25 parking spaces which is well over spaces available.

**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: 06/17/2013

FILE NO.: PCUP13-006

SUBJECT: A Conditional Use Permit to establish a religious assembly use at the northeast corner of Archibald Avenue and Inland Empire Boulevard, at 730 North Archibald Avenue, within the Garden Commercial land use designation of the Ontario Festival Specific Plan.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- LANDSCAPING

- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CONDITIONS OF APPROVAL

DATE: 06/17/2013

FILE NO.: PCUP13-006

SUBJECT: A Conditional Use Permit to establish a religious assembly use at the northeast corner of Archibald Avenue and Inland Empire Boulevard, at 730 North Archibald Avenue, within the Garden Commercial land use designation of the Ontario Festival Specific Plan.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.0 ASSEMBLY USE

- 2.1 Although the previous tenant of the building was a bank, there may be Building and Fire codes related to assembly uses that need to be met. Work with Ontario's Building and Fire Departments to ensure their requirements are met, prior to conducting any services.

3.0 GRAFFITI REMOVAL

- 3.1 The building shall remain free of graffiti. It is the applicant's responsibility to ensure that all graffiti is removed within 48-hours.

4.0 ENVIRONMENTAL REVIEW

- 4.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 4.2 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.

City of Ontario Memorandum

TO: PLANNING DEPARTMENT, John Hildebrand
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 3, 2013
SUBJECT: PCUP13-006

The plan **does not** adequately address the departmental concerns.

The following conditions must be met prior to scheduling for Development Advisory Board:

1. Building to meet current handicap requirements.
2. Change of use from B to A-3 occupancy requires building to meet A-3 requirements.
3. Plans need to show use of all areas.
4. Plans do not show or match area of work. Existing to new lay-out.

cc: File

KS: kb



CITY OF ONTARIO

MEMORANDUM

TO: John Hildebrand
Planning Department

FROM: Michelle Starkey, Fire Safety Specialist
Bureau of Fire Prevention

DATE: April 3, 2013

SUBJECT: PCUP13-006 – A Conditional Use Permit (CUP) application to establish a religious assembly (Fortaleza Para El Alma Church) located on 1.03 acres of developed land, within the Garden Commerical-1 land use designation of the Ontario Festival Specific Plan, generally located on the northeast corner of Inland Empire Blvd. and Archibald Ave., at 730 North Archibald Ave., Ste “E” (APN: 0110-431-11)

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

1. All fire detection and/or protection systems/equipment shall be serviced and maintained in accordance with the California Fire Code and NFPA Standards.
2. Hand-portable fire extinguishers are required to be installed PRIOR to occupancy. Contact the Bureau of Fire Prevention during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
3. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on front and the rear of the building. Said numbers shall contrast with their background.
4. Facility shall not exceed the maximum occupant load as determined by the Ontario Building Department and/or Ontario Fire Department. Maximum occupant load sign to be placed in a visible location.
5. All exit doors, aisles and corridors shall remain unobstructed at all times.
6. Exit doors to be equipped with panic hardware in assembly type occupancies.

7. Exit signs and emergency lighting shall be in working order and equipped with battery back-up.
8. All tenant improvements are subject to Fire Department review and approval.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-07

HEARING DATE: June 17, 2013

DECISION DATE: **June 24, 2013**

FILE NO.: PCUP13-008

SUBJECT: A Conditional Use Permit to establish a religious assembly use at the southeast corner of "C" Street and Palm Avenue, at 215 West "C" Street, within the C2 (Central Business District) zone.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

UNITED CHRISTIAN CHURCH OF HACIENDA HEIGHTS, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: A Conditional Use Permit to establish a religious assembly use within an existing building formerly occupied by the YMCA, located at the southeast corner of "C" Street and Palm Avenue, at 215 West "C" Street, within the C2 (Central Business District) zone.

(b) TOP Policy Plan Land Use Map Designation: Mixed Use (Downtown)

(c) Zoning Designation: C2 (Central Business District)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	C2 (Central Business District)	Commercial and Residential
South:	C2 (Central Business District)	Commercial
East:	C2 (Central Business District)	Commercial
West:	R2 (Multi-Family Residential)	Residential

(e) Site Area: 1.02 acres

(f) Assessor's Parcel No(s).: 1048-56-201

(g) Project Analysis: The United Christian Church of Hacienda Heights, DBA Great Commission Church International (“GCCCI”), proposes to establish a new religious assembly use within the existing building located at 215 West “C” Street, formerly occupied by the Young Men’s Christian Association (“YMCA”) (**Exhibit A: Aerial Map**). The site contains an approximate 18,850 square-foot building (**Exhibit B: Site Plan**), including the ground floor and basement, where approximately 2,500 square-feet is dedicated as the main assembly area (**Exhibit C: Floor Plan**). Services include general religious meetings, bible studies, children’s Sunday school, and youth ministries. The primary meetings will occur on Fridays from 6:00pm to 10:00pm, and Saturdays and Sundays starting at 8:30am with additional smaller gatherings and activities throughout the week. Approximately ten staff members will be onsite throughout the week to manage the general operations of GCCCI and maintain the facility.

As part of GCCCI’s services, they will host an annual fund raiser/food drive, taking place during the winter holidays. The funds and supplies, which are donated, will be given to local charities. No long-term storage of food or supplies will occur at the facility and distribution will occur off-site. Should the fund raising event occur outside, a Temporary Use Permit will first be required to be approved (**Exhibit H: Food Drive**).

The site includes 50 onsite parking spaces. There are additional street parking spaces along each of the three building street frontages, including 9 on Laurel Avenue, 13 on “C” Street, and 10 on Palm Avenue. Additionally, there is a public parking lot at the northeast corner of “C” Street and Laurel Avenue, containing 57 parking spaces and another public parking lot near the southeast corner of “C” Street and Laurel Avenue, containing 24 parking spaces. Both public parking lots are owned by the City of Ontario (**Exhibit G: Parking Plan**). At full capacity, GCCCI is anticipating approximately 160 members in attendance. Pursuant to Ontario Development Code, Article 30: *Parking and Loading Requirements*, the category of Religious (Church) use, is parked at 1 parking space per 4 fixed seats or 1 parking space per 40 square-feet of assembly area (when fixed seats are not provided). The assembly area will utilize movable chairs, rather than fixed seats. As a result, based upon the approximate 2,500 square-foot assembly area, 63 parking spaces are required to support the use. In conjunction with the two off-site public parking lots, street parking, and on-site parking, there are a sufficient number of parking spaces, per Development Code. Additionally, the times of the services are generally offset from the regular commercial/retail operating hours in the surrounding area. As a result, there will not be a conflict with the shared public parking spaces.

The facility has a historic designation of “Eligible”. As a result, this Conditional Use Permit has the following Condition of Approval imposed in addition to the standard conditions:

A Certificate of Appropriateness is required for any exterior alteration, addition, restoration, rehabilitation, or remodeling of a Historical Resource. This building is included in the City’s inventory of historic resources and is defined as a Historical Resource per Article 26, Historic Preservation Ordinance of the Ontario Development Code.

(h) Land Use Compatibility: The intent of a CUP application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. The City of Ontario's Development Code describes a CUP as the following: § Sec. 9-1.0900: *Purposes and Authorization* – Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Approval of a CUP first requires making certain findings, which show that the proposed use is consistent with all City of Ontario development codes, land uses and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a CUP is discretionary in nature.

The religious assembly use is located within the C2 (Central Business District) zoning designation. Within this designation, religious assembly uses are a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses and residents within the surrounding area, will not be exposed to any impacts resulting from the proposed use beyond those that would normally be associated with any other use similarly allowed within the same zoning district.

(i) 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. The Planning Department supports the proposed use and requests that the Zoning Administrator impose each Department's recommended conditions of approval on the proposed use, which are designed to mitigate anticipated impacts related to the use.

(j) 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.

(k) 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 B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, On the 17th day of June 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) John Earle Hildebrand III, *Associate Planner*, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the attached conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Tim Wang, representing the applicant, explained the business operation and spoke in favor of the application.
- (c) The Zoning Administrator, Scott Murphy, asked Tim Wang how many members the congregation currently included. Tim Wang responded that they will have 160 people maximum.
- (d) The Zoning Administrator asked the applicant to be respectful and "good neighbors" to the surrounding uses, specifically to the adjacent residential area, as it relates to parking and noise. Tim Wang agreed to work with the members to utilize the adjacent parking areas when needed and minimize impacts to the residents.
- (e) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.
- (f) Mr. Murphy reviewed the Downtown Parking Model and found, assuming the church use of the subject property, the parking demand never exceeded 70% of the available parking for the block. Furthermore, the church's hours of operation tend to be offset from those of nearby commercial, office, and medical uses.

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

PART C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

- (a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby concludes as follows:

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The religious assembly use lies within the C2 (Central Business District) land use designation.

(2) Religious assemblies are allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. The religious assembly use will be operated in accord with the Ontario Development Code and the use meets the objectives and purposes as required in Article 9: Conditional Use Permits and Article 16: *Commercial and Professional Districts (AP, NC, C1, C2, C3, & C4)* of the Ontario Development Code.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. The religious assembly use will not create a significant source of new traffic, nor negatively impact the surrounding circulation system.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The religious assembly use is consistent with uses allowed in the C2 (Central Business District) as well as the Ontario Development Code.

(c) The Zoning Administrator hereby finds and determines that 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.

(d) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section § 15301 (Existing Facilities) of the State CEQA Guidelines.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-008, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this 24th day of June, 2013.



Scott Murphy
Deputy Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

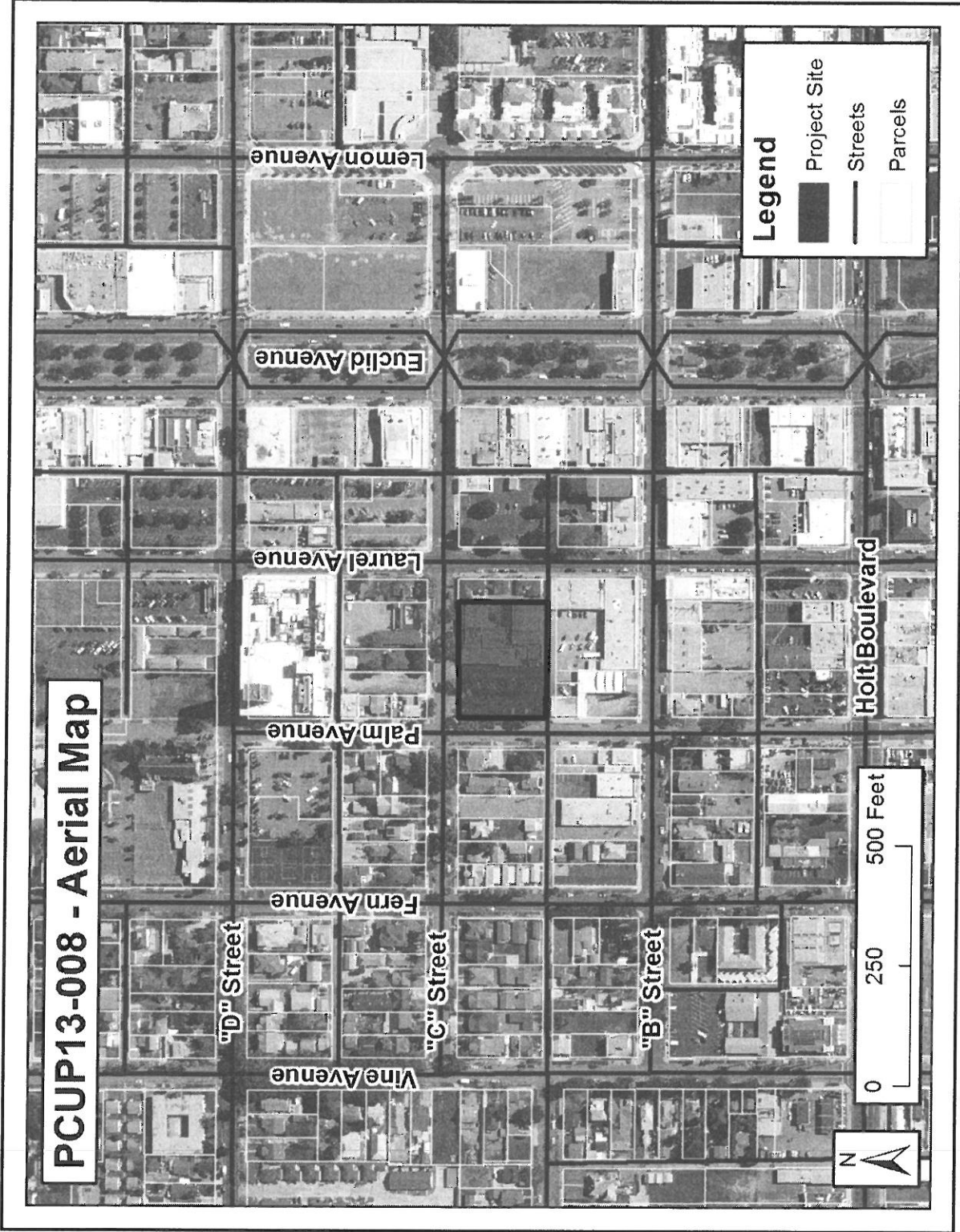


Exhibit B: Site Plan

EXTERIOR FEATURES
Conditional User Permit Application
215 West C Street Ontario, CA 91762
Parcel# 1048-562-01

Exit Driveway
Entrance Driveway
2 Handicapped Parking Spaces
Side Entrance
Main Entrance
Refuse Disposal

N Palm Ave
W C St
W C St
W C St
N Laurel Ave
250 N Palm

Notes

1. Due to the building's Historical Preservation Eligible status, applicant intends to make no exterior modifications to the facility other than restore, minor repair and replace damaged windows, woodwork, lighting, fixtures, paintings, & etc.
2. Only exterior modification planned is to replace the signage from previous owners.

Exhibit C: Floor Plan (1st Floor)

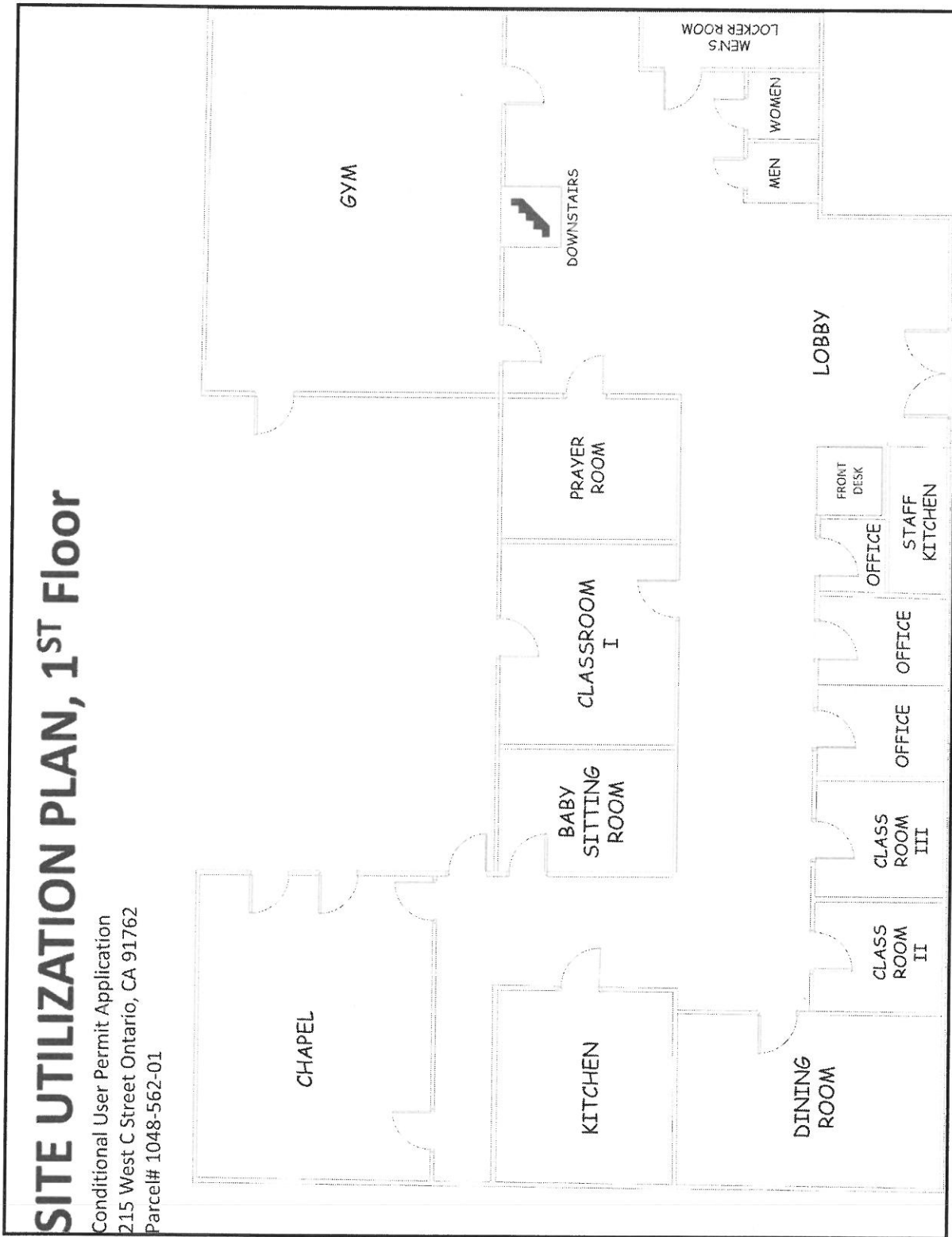


Exhibit D: Floor Plan (Basement)

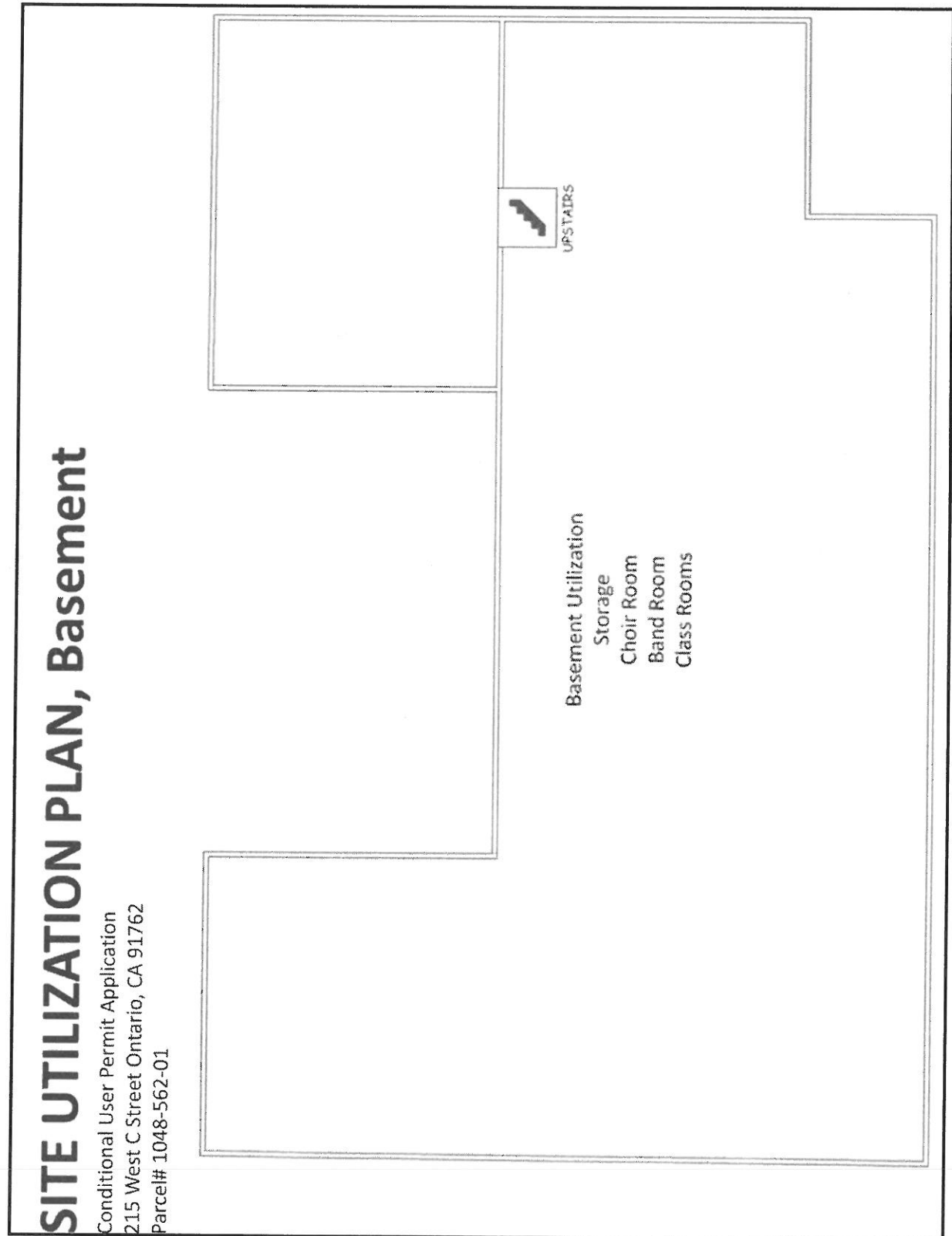
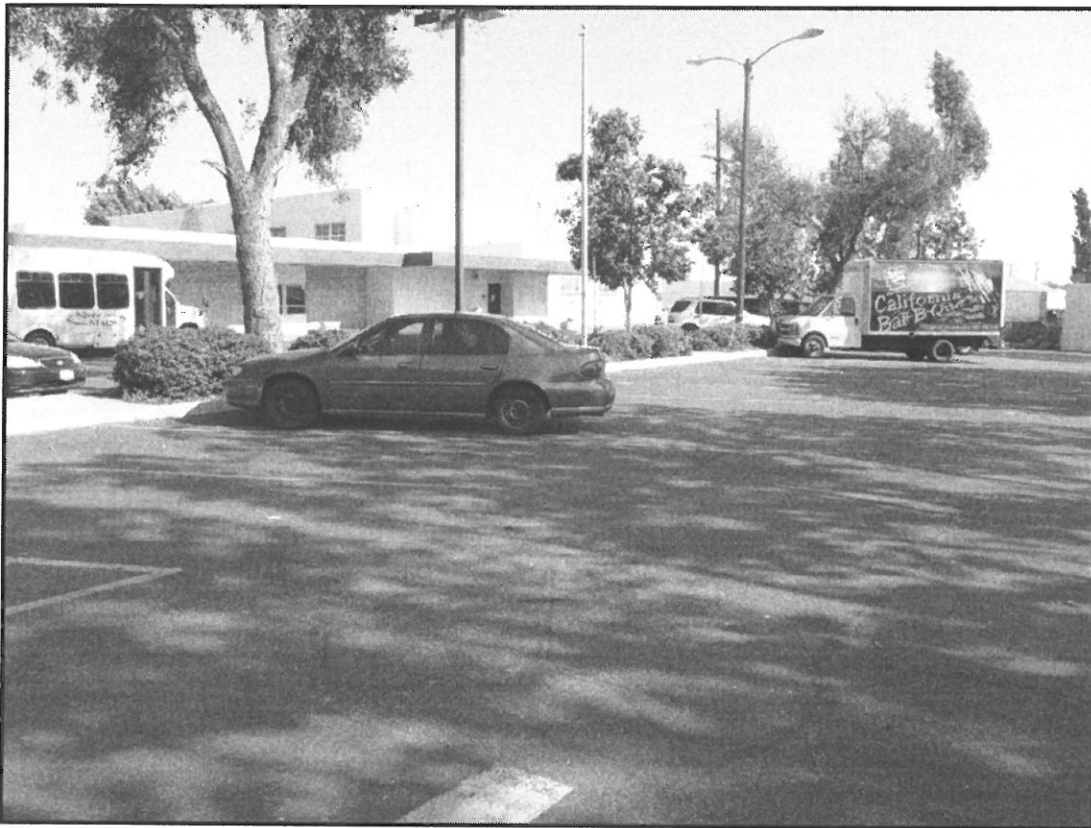


Exhibit E: Site Photos

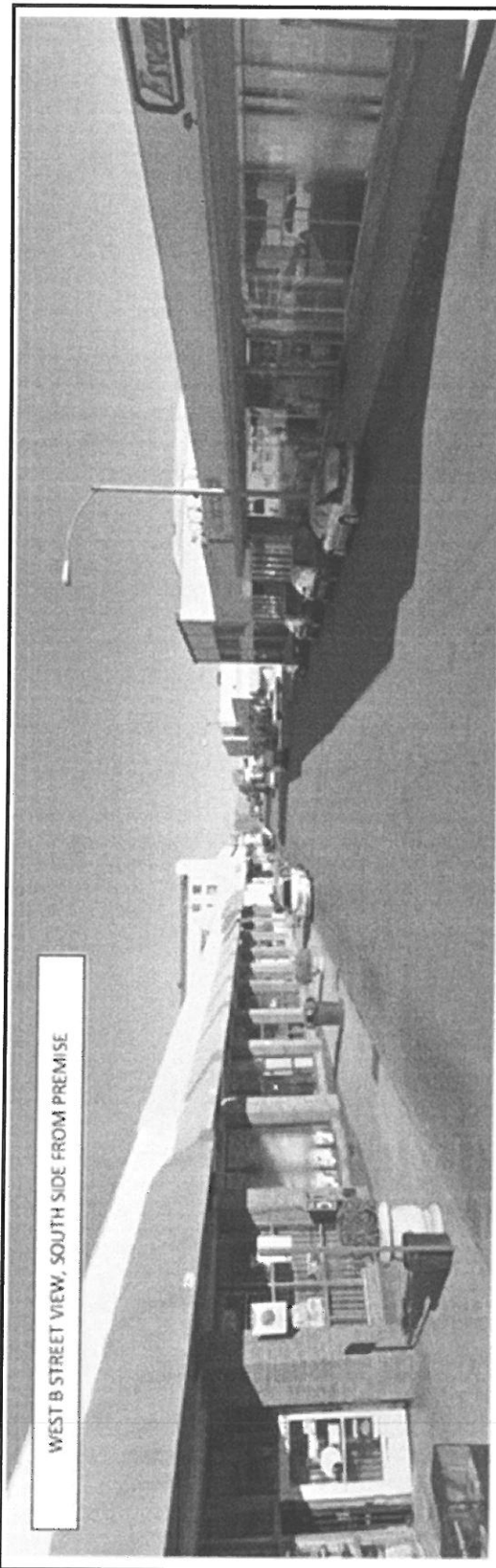


Parking Lot – Facing Front Entrance

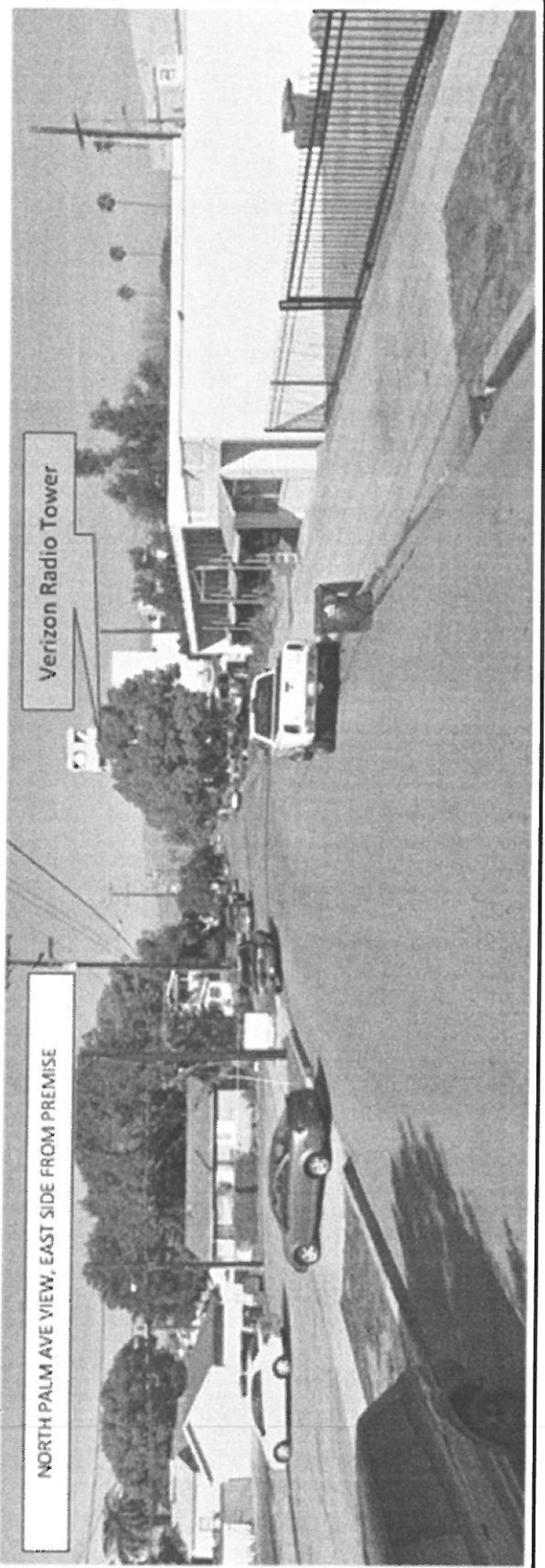


Patio Gazebo

Exhibit E: Site Photos (Continued)



WEST B STREET VIEW, SOUTH SIDE FROM PREMISE



Verizon Radio Tower

NORTH PALM AVE VIEW, EAST SIDE FROM PREMISE

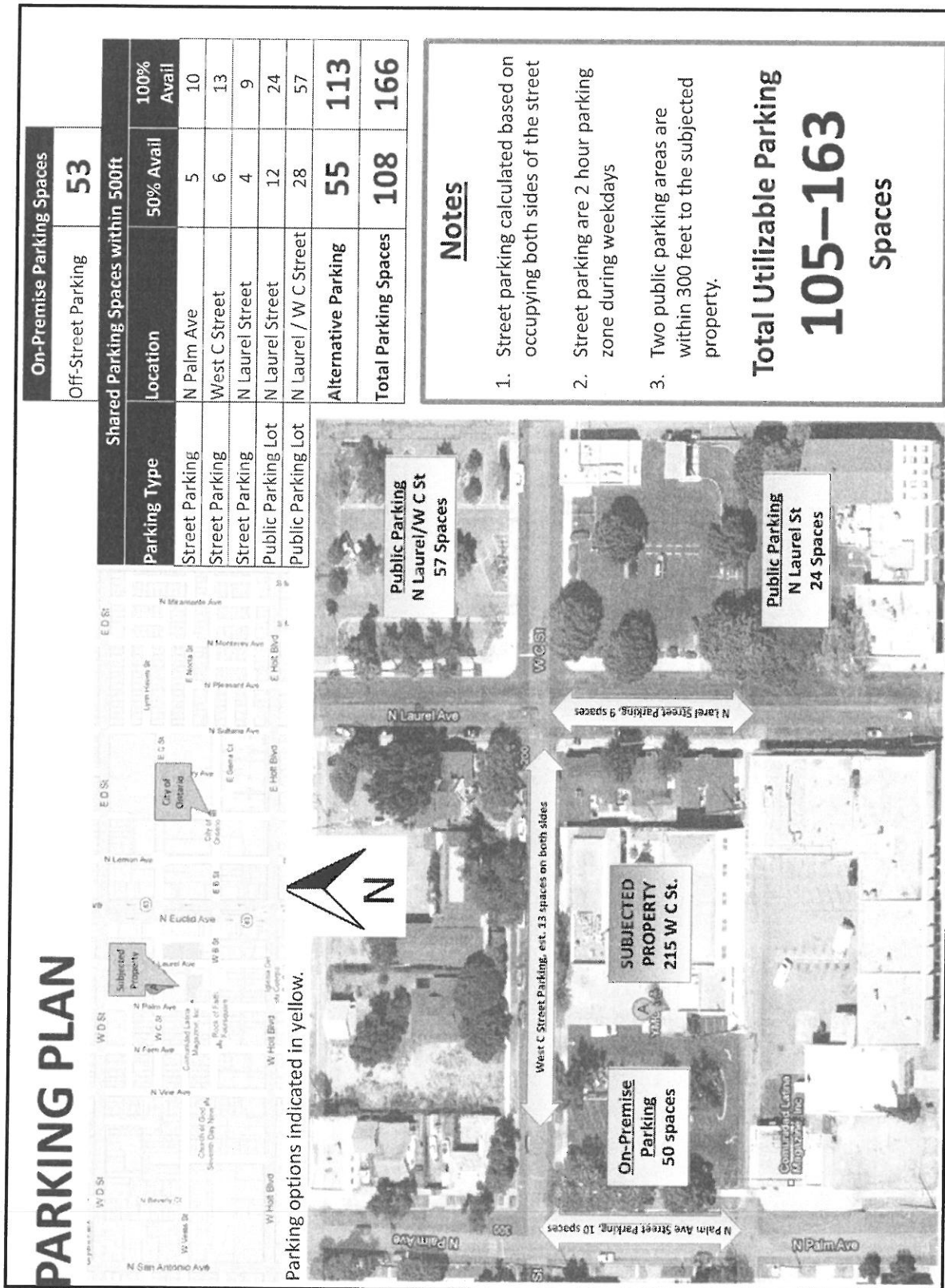
Exhibit F: Project Description (Submitted by Applicant)

PROJECT DESCRIPTION

Conditional User Permit Application
215 West C Street Ontario, CA 91762
Parcel# 1048-562-01

- **Owner Information**
 - United Christian Church of Hacienda Heights, DBA Great Commission Church International, a non-profit, non-denominational, Christian evangelical church organization
 - Frederic Chen, Senior Pastor
- **Planned Services**
 - Christian Sunday Services, Children's Sunday Schools, Youth Ministries, Adult Bible Studies, outreach programs, and small groups that are open to public.
- **Hours of Operation**
 - 8:30am until 10:00pm depending on various programs conducted on site
- **Number of On-site Staff**
 - Average 10 Staff on premise consisting pastor, missionaries, administration staff, and volunteer workers
 - Estimated 160 max occupancy at one time

Exhibit G: Parking Plan (Submitted by Applicant)



On-Premise Parking Spaces	
Off-Street Parking	53
Shared Parking Spaces within 500ft	
Parking Type	Location
Street Parking	N Palm Ave
Street Parking	West C Street
Street Parking	N Laurel Street
Public Parking Lot	N Laurel Street
Public Parking Lot	N Laurel / W C Street
Alternative Parking	55
Total Parking Spaces	108
50% Avail	54
100% Avail	108

Notes

1. Street parking calculated based on occupying both sides of the street
2. Street parking are 2 hour parking zone during weekdays
3. Two public parking areas are within 300 feet to the subjected property.

**Total Utilizable Parking
 105-163
 Spaces**

Parking options indicated in yellow.

Exhibit H: Food Drive (Applicant Statement)



國際大使命教會
GREAT COMMISSION CHURCH INTERNATIONAL
16152 Gale Avenue, Hacienda Heights, CA 91745 USA
Tel: (626) 961-1659 Fax: (626) 369-6245 www.ucchh.org
主任牧師：陳勝利 Senior Pastor: Rev. Dr. Frederic Chen



June 06th, 2013

Hi John sorry for the delayed response.

The "food drive" stated in the condition use permit application is referring one of the the many planned activities considered by the applicant contingent upon city's approval of having such activity on site without additional provisions, permits or licensure.

The stated "food drive" is an once a year outreach event during the holiday seasons. The activity comprises distribution of goods donated from church members including canned food, clothing, and household utility items. The goods will be distributed to the local shelters and/or other charity originations. No fresh food nor prepared food will be made or stored on the subjected premise. The food items collected are limited to canned or in sealed packages with clearly marked expiry date stamp.

There's no plan to open the facility to the general public nor become a facility to assist the needy.

Regards,

Great Commission Church International

**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: 06/17/2013

FILE NO.: PCUP13-008

SUBJECT: A Conditional Use Permit to establish a religious assembly use at the southeast corner of "C" Street and Palm Avenue, at 215 West "C" Street, within the C2 (Central Business District) zone.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- LANDSCAPING

- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CONDITIONS OF APPROVAL

DATE: 06/17/2013

FILE NO.: PCUP13-008

SUBJECT: A Conditional Use Permit to establish a religious assembly use at the southeast corner of "C" Street and Palm Avenue, at 215 West "C" Street, within the C2 (Central Business District) zone.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.0 ASSEMBLY USE

- 2.1 Although the previous tenant of the building was the YMCA, there may be Building and Fire codes related to assembly uses that need to be met. Work with Ontario's Building and Fire Departments to ensure their requirements are met, prior to conducting any services.

3.0 HISTORIC STATUS

- 3.1 A Certificate of Appropriateness is required for any exterior alteration, addition, restoration, rehabilitation, or remodeling of a Historical Resource. This building is included in the City's inventory of historic resources and is defined as a Historical Resource per Article 26, Historic Preservation Ordinance of the Ontario Development Code.

4.0 SIGNAGE

- 4.1 Individual sign plans (3 copies) for the project shall be submitted for separate review and approval to the Planning and Building Departments prior to installation. (See Downtown Ontario Design Guidelines for signage standards).

5.0 GRAFFITI REMOVAL

- 5.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti ("graffiti attracting surfaces").
- 5.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or "painting over" graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 5.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

6.0 SITE LIGHTING

- 6.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 6.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.

- 6.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps, ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

7.0 ENVIRONMENTAL REVIEW

- 7.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 7.2 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.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: John Hildebrand, Planning Department

FROM: Scott Melendrez, Police Department

DATE: May 10, 2013

SUBJECT: FILE NUMBER PCUP13-008 A Conditional Use Permit to establish a religious assembly, located at the southeast corner of “C” Street and Palm Avenue, at 215 West “C” Street

THE POLICE DEPARTMENT IS REQUIRING THE FOLLOWING CONDITIONS FOR APPROVAL ON THIS PROJECT:

- 1) All exterior/parking lot lighting shall be repaired and maintained in proper working order and shall provide a minimum of one foot-candle in all areas.
- 2) All trees shall be properly trimmed to eliminate obstruction of parking lot lighting. Recommended undertrim height is 7’ except where such trimming may damage the health and/or aesthetic appearance of the tree.
- 3) All shrubs shall be trimmed and maintained to a height not to exceed 3’.
- 4) Building alarm, if installed and operational, shall be registered with the Police Department and shall have a blue rooftop light as per the Standard Conditions of Approval.
- 5) Rooftop shall have address numbers as described in the Standard Conditions of Approval.
- 6) Applicant shall demonstrate that parking is sufficient for the expected number of staff, volunteers and participants.

The Applicant is invited to call Scott Melendrez at (909) 395-2292 regarding any questions or concerns regarding these conditions.

City of Ontario Memorandum

TO: PLANNING DEPARTMENT, John Hildebrand
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 23, 2013
SUBJECT: PCUP13-008

The plan **does not** adequately address the departmental concerns.

The following conditions must be met prior to scheduling for Development Advisory Board:

1. Complete interior floor plans required showing: uses, square footage, exit, and restrooms.

cc: File

KS:kb

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	5/17/13 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PCUP13-008	Related Files:	Case Planner: John Hildebrand
---------------------------------------	----------------	---

Project Name and Location:
**Religious Assembly
 215 West C Street**

Applicant/Representative:
**Tim Wang
 16152 Gale Avenue
 Hacienda heights, CA 91745**

<input type="checkbox"/>	A site plan (dated) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input checked="" type="checkbox"/>	A site plan (dated 4/22/13) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Provide a site plan showing the building entry, parking lot, sidewalks, planters and parkways.
2. Note for contractor to verify shrubs and trees are in good condition and irrigation is in good working order or repair or replace damaged or missing.
3. Replace missing street trees with 24" box sizes:
 6 trees on C Street – Cinnamomum camphora
 3 trees on Palm Ave – Cinnamomum camphora
4. Replace parking lot trees where they are missing with Tristania conferta or other appropriate tree.
5. Repair or replace existing irrigation where ineffective or not functioning. All irrigation must provide 100% coverage with no run off or overspray.



CITY OF ONTARIO

MEMORANDUM

TO: John Hildebrand

FROM: Jim Heenan, Fire Safety Specialist
Bureau of Fire Prevention

DATE: May 2, 2013

SUBJECT: PCUP113-008 A Conditional Use Permit to establish a religious assembly, located at the southeast corner of "C" street and Palm Ave, at 215 West C Street, within the (C2) use within the (central business commercial) zoning district

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

No comments

Report below.

1. The site utilization plan does not provide a scale or dimensions of the building or individual rooms. To determine if the described 160 total occupancy is accurate, measurements must be provided. Seating arrangements and basement layout will also determine occupant.
2. Please provide information in regard to equipment to be used in the kitchen, A Commercial kitchen hood system is required in accordance with 2010 CFC section 609.
3. Exit signs shall be required as outlined in 2010 California Fire Code Section 1011.
4. Fire Extinguishers shall be provided in accordance with 2010 California Fire Code 906.1.
5. Decorative materials and furnishings shall be in accordance with those outlined Section 801 of the 2010 California Fire Code.
6. Required exit accesses, exits, or exit discharges shall be continually maintained free from obstructions for full instant use in case of fire or other when the areas served are occupied. As outlined in 2010 California Fire Code Section 1011.
7. Existing sprinkler system must be serviced and maintained, including 5 year certification and annual flow testing as required by Section 903 of the 2010 California Fire Code. Prior to occupancy.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



CITY OF ONTARIO
MEMORANDUM

ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL

(Traffic/Transportation Division and Municipal Utilities Agency, and Environmental Section Conditions incorporated)

DATE: 06.05.2013 (1st review)

PROJECT PLANNER: John Hildebrand, Planning Department

PROJECT: PCUP13-008, a Conditional Use Permit to establish a religious assembly, located at the southeast corner of "C" Street and Palm Avenue, at 215 West "C" Street within the C2 (Central Business District) Zone.

APN: 1048-562-01

LOCATION: 215 West "C" Street

PROJECT ENGINEER: Miguel Sotomayor, Engineering Department

ENGINEERING DEPARTMENT HAS CONDITIONS FOR THE MOST RECENT SUBMITTAL OF THE ABOVE REFERENCED SITE.

1. Replace damaged driveway approaches and adjacent curb along the property frontage of C Street per city standard.

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-08

HEARING DATE: June 17, 2013

DECISION DATE: July 2, 2013

FILE NO.: PCUP13-007

SUBJECT: A Conditional Use Permit (CUP) Modification to PCUP09-034, to expand live music, DJ, and alcohol sales (Type 47 ABC license) for Tequila Bar & Grill restaurant, generally located on the northeast corner of Riverside Drive and Vineyard Avenue, at 1919 E. Riverside Drive, within the C1 (Neighborhood Commercial) zoning district. (APN: 113-564-28).

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

ONTARIO CAL TRADING, INC (DBA TEQUILA BAR & GRILL), herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: A request for a Conditional Use Permit (CUP) Modification to PCUP09-034, to expand live music, DJ, and alcohol sales (Type 47 ABC license) for Tequila Bar & Grill restaurant, generally located on the northeast corner of Riverside Drive and Vineyard Avenue, at 1919 E. Riverside Drive, within the C1 (Neighborhood Commercial) zoning district. The subject application revises a Conditional Use Permit (File No. PCUP09-034) previously approved on the project site, which allows for dancing and live entertainment

(b) General Plan Designation: General Commercial

(c) Zoning Designation: C1 (Shopping Center Commercial)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	R1	Single-Family Residential
South:	SP(AG)	Vacant
East:	R1	Single-Family Residential
West:	R3	Mobile Home Park

(e) Site Area: 0.15 acres

(f) Assessor's Parcel No(s): 0113-564-28

(g) Project Analysis:

(1) *Project Setting*. The project site is a 0.15 acre parcel generally located at the northeast corner of Riverside Drive and Vineyard Avenue, within the Vineyard Village Shopping Center (see Exhibit A—Site Plan, attached). The site is developed with an approximate 6,577 square foot building, which has been improved for use as a full service restaurant, with seating for approximately 200 patrons. The building includes a 1,652 square foot kitchen and 3,898 square feet of dining area. The balance of the building (1,027 square feet) includes restrooms and storage facilities.

Uses surrounding the Vineyard Village Shopping Center are characterized by single-family residential to the north and east, which directly adjoin the shopping center, and as mobile home park to the west, across Vineyard Avenue. Vacant property to the south, across Riverside Drive, is designated for future low-density residential development.

(2) *Background*. On March 3, 2003, Cardenas Markets, Inc., was granted a Conditional Use Permit, File No. PCUP02-043, allowing alcoholic beverage sales (Type 47 ABC license), including beer, wine and distilled spirits, for on-site consumption in conjunction with a bona fide eating establishment (Type 47 ABC license – *On-Sale General for a Bona Fide Public Eating Place*). Under the terms of the Conditional Use Permit, the facility was prohibited from offering live entertainment and operating hours were restricted to 8:00 AM to 10:00 PM, nightly.

On January 6, 2006, El Zarape Mexican Restaurant was granted Conditional Use Permit approval, File No. PCUP05-033, allowing live entertainment, including a maximum five-member band, karaoke and a DJ hosting recorded music, in conjunction with the previously permitted alcoholic beverage sales. Furthermore, the hours of operation were allowed to be extended to 12:00 AM, nightly.

On February 17, 2010, Ontario Cal Trading dba Carlos and Charlie's was granted Conditional Use Permit approval File No. PCUP09-034 allowing dancing in conjunction with the previously approved alcoholic beverage sales and live entertainment, and had also requested the hours of operation to be expanded to 7:00 AM to 2:00 AM the following day, daily. To facilitate dancing, the building layout was modified to accommodate a 643 square foot dance floor at the southwest corner of the building (see Exhibit "C" and "D"—Floor Plan and Enlarged Floor Plan (Existing), attached), which was enclosed by guardrails to prevent the overflow of dancers into dining areas and designated paths-of-travel. In addition, the adjacent DJ area was expanded to 99 square feet in area.

The Applicant is now requesting Conditional Use Permit approval to expand live music, DJ, and alcohol sales (Type 47 ABC license). To facilitate additional live entertainment, the current building layout will be modified to accommodate a 388

square foot dance floor at the northeast corner of the building (see Exhibit “E”—Enlarged Floor Plan (Proposed, attached), which will be enclosed by guardrails to prevent the overflow of dancers into dining areas and designated paths-of-travel. In addition, the adjacent DJ area will be expanded to 32 square feet in area.

(3) *Off-Street Parking and Circulation.* The Vineyard Village Shopping Center has direct access from both Vineyard Avenue and Riverside Drive. A total of 66 parking stalls are required for the subject restaurant and 73 parking stalls have been provided within close proximity to the restaurant. The shopping center has 260 reciprocal parking stalls and is adequately parked to accommodate the proposed use. Therefore, staff believes that the proposed uses will not adversely affect the parking demand within the center.

(4) *Concentration of Alcoholic Beverage Licenses.* The State of California Department of Alcoholic Beverage Control (ABC) is the controlling State entity responsible for the granting, renewal and revocation of all alcoholic beverage licenses. ABC determines how many on-sale and off-sale alcohol license types should be issued per Census Tract, based upon their populations. Census Tract 18.09, which contains the project site, is bounded by the Pomona Freeway (SR-60) to the north, Archibald Avenue to the east, Riverside Drive to the south and Euclid Avenue to the west. ABC has determined that Census Tract 18.09 can support 3 on-sale licenses. A review of the online ABC permit query system indicates that Census Tract 18.09 currently contains 6 active on-sale ABC licenses, including the applicant.

The Police Department has indicated that the surrounding vicinity is not a high police service call area for alcohol-related issues. Furthermore, although an overconcentration of ABC licenses currently exists within Census Tract 18.09, the requested ABC license would not result in an increase in the number of licenses within the census tract, as the Applicant currently holds a Type 47 license.

(5) *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 resulting from the use. The subject site is located in the C1 (Shopping Center Commercial) zoning district. The serving of beer, wine and distilled spirits for consumption on the premises is a conditionally permitted land use, as are live entertainment and dancing.

(6) *Airport Land Use Compatibility Plan Consistency.* The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be an existing land use and is not subject to the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

In review of the subject application, staff’s primary concern is related to the necessity for on-site security during evening hours, which is a result of the combined uses of alcoholic beverage sales, live entertainment and dancing. Neighborhood residents have echoed this concern during several previous neighborhood meetings

conducted over the past 10 years, which were held as a result of various previously proposed Conditional Use Permit applications that affected the project site.

To mitigate security concerns, the Applicant has been required to provide a minimum of two security guards within the facility and two armed security guards within parking areas. Additionally, should unexpected security issues occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications to security requirements, including, but not limited to, additional security guards, additional hours for security guards and/or replacement of security guards with Ontario Police officers.

Should the Applicant desire to conduct events beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, a Temporary Use Permit must first be obtained from the City. At the time of Temporary Use Permit review, appropriate security measures would be imposed.

Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed uses. Additionally, the nearby residents and businesses within the shopping center will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption, live entertainment and dancing beyond those that would normally be associated with any other use similarly allowed commercial land use.

(7) *City Department Review.* All City departments have 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 Decision preparation, recommended conditions of approval were provided from the Planning, Police, and Public Facilities Development Departments. The Planning Department supports the proposed uses and requests the Zoning Administrator impose the Department's recommended conditions of approval on the proposed use, which are designed to mitigate anticipated impacts related to alcoholic beverage sales, live entertainment and dancing. The Planning Department's report, containing recommended conditions of approval is attached and begins on page 14 of this Decision.

The Police Department supports the proposed use and has requested the Zoning Administrator impose the Department's recommended conditions of approval on the proposed use, which are designed to mitigate anticipated issues related to alcoholic beverage sales, live entertainment and dancing. The Police Department's report, containing recommended conditions of approval, is attached and begins on page 17 of this Decision.

The Public Facilities Development Department has required verification of all landscape areas in the adjacent parking lot planter islands to each have one shade tree in good health, the installation of missing street trees, shrubs and groundcover, and regular landscape maintenance. The Department's recommended conditions of approval begin on page 23 of this decision.

(h) 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.

(i) 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 B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, On the seventeenth day of June 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Jeanie Irene Aguilo, Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Scott Murphy, Deputy Zoning Administrator, asked if there have been any complaints received about the operations since the current applicant has taken over occupancy.

(c) Ms. Aguilo referred the question to the applicant.

(d) Mr. Murphy asked about the requirement for security.

(e) Corporal Alvarez stated because the business is expanding we are requiring additional security. The Police Department did an analysis on the location and eleven calls for service were placed in the past from the owner. If the business uses their secondary location then additional security is required.

(f) Winter A. Boone, owner, Tequila Bar and Grill, explained the business operation and spoke in favor of the application. Ms. Boone indicated that they have made significant improvements to the property, including interior sound attenuation and dual glazed windows, to minimize noise impacts to surrounding properties.

(g) Mr. Murphy indicated that while 10 of the 11 calls for service were made by the restaurant owner, it showed that they were being proactive in handling problems rather than allowing them to escalate..

(h) Chris Hook, Head of Security, Tequila Bar and Grill, appeared and spoke.

(i) Pauline Gonzalez, 1924 Merion Drive, Ontario, appeared and spoke. She stated her concerns of safety and noise from this particular business and gave Mr. Murphy a letter from the surrounding residences of the business. Mr. Murphy asked how recent she has experienced the noise concern. Ms. Gonzalez answered within the last 2 months.

(j) Mr. Murphy stated to Ms. Gonzalez that she may contact the Planning Department with concerns. The Planning Department is responsible for monitoring all Conditional Use Permits and if applicants are in violation of their conditions, the matter can be scheduled for a public hearing before the Planning Commission, additional conditions may be imposed or, in case of severe violations, the Conditional Use Permit can be revoked.

(k) Ms. Boone, stated she is concerned about the calls from the residences. They have installed double-paned windows to help with noise levels. She indicated that another business within the center was performing live entertainment and she notified the Police Department immediately. She believes this was the cause of many of the residents' concerns. Mr. Murphy asked how far security patrols the area. Mr. Hook answered they patrol the entire site with the exception of the 7-11 site. Mr. Murphy asked if they could have concurrent parties in both rooms. Ms. Boone answered yes.

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

(m) Mr. Murphy stated he is concerned about having two banquets occur simultaneously and the music that is played loudly from various cars in the parking lot. However, the increase in security as well as additional tenant improvements made by the applicant help to mitigate those concerns.

(n) During the public hearing, testimony was provided that several calls for service for loud music had been reported by the adjacent residents. In reviewing the Police Department reporting information, there have been five calls for service for loud music from the subject property. Three of these calls were placed by the applicant as a result of another business conducting live entertainment without proper approvals. Two other calls were placed from the adjacent residents. All five of the calls were placed between

January and June 2012. This was about the time the applicant made sound attenuation improvements to the building. There have been no recorded calls for service over the past year.

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

PART C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby concludes as follows:

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The proposed alcoholic beverage sales, live entertainment and dancing lie within the C1 (Shopping Center Commercial) zoning district.

(2) Alcoholic beverage sales, live entertainment and dancing are allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

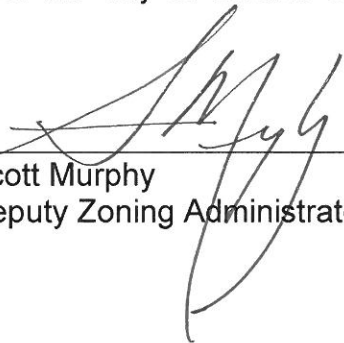
(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-007, subject to the conditions of approval attached hereto and incorporated herein by this reference.

(e) This Decision shall supersede Zoning Administrator Decision No. 2003-07 (File No. PCUP02-034), Zoning Administrator Decision No. 2005-30 (File No. PCUP05-033), and Zoning Administrator Decision No. 2010-04 (File No. PCUP09-034), and all conditions of approval applicable thereto.



APPROVED by the Zoning Administrator of the City of Ontario on this second day of July, 2013.



Scott Murphy
Deputy Zoning Administrator

EXHIBIT "A"—LOCATION MAP/AERIAL PHOTOGRAPH

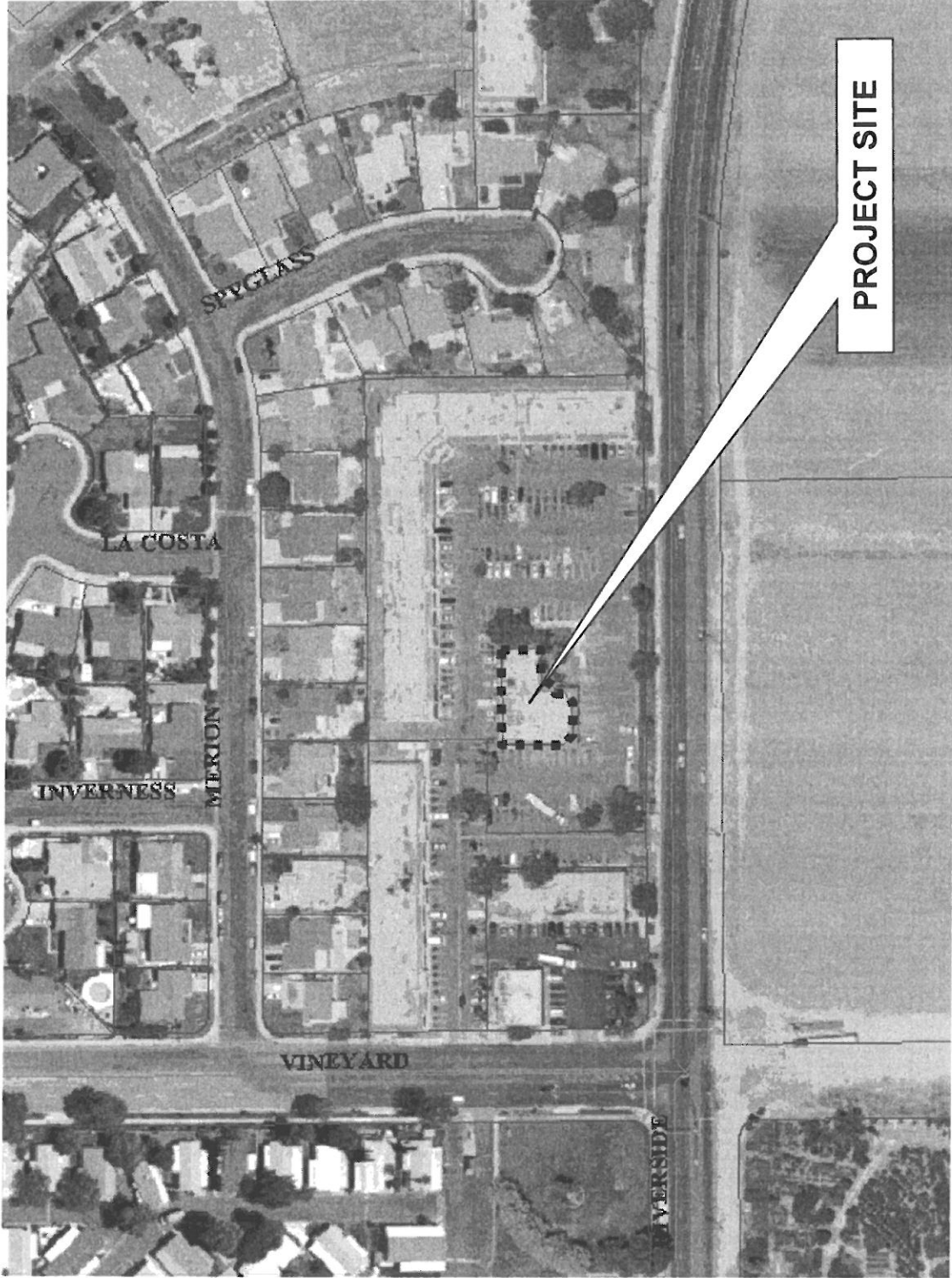


EXHIBIT "B"—SITE PLAN

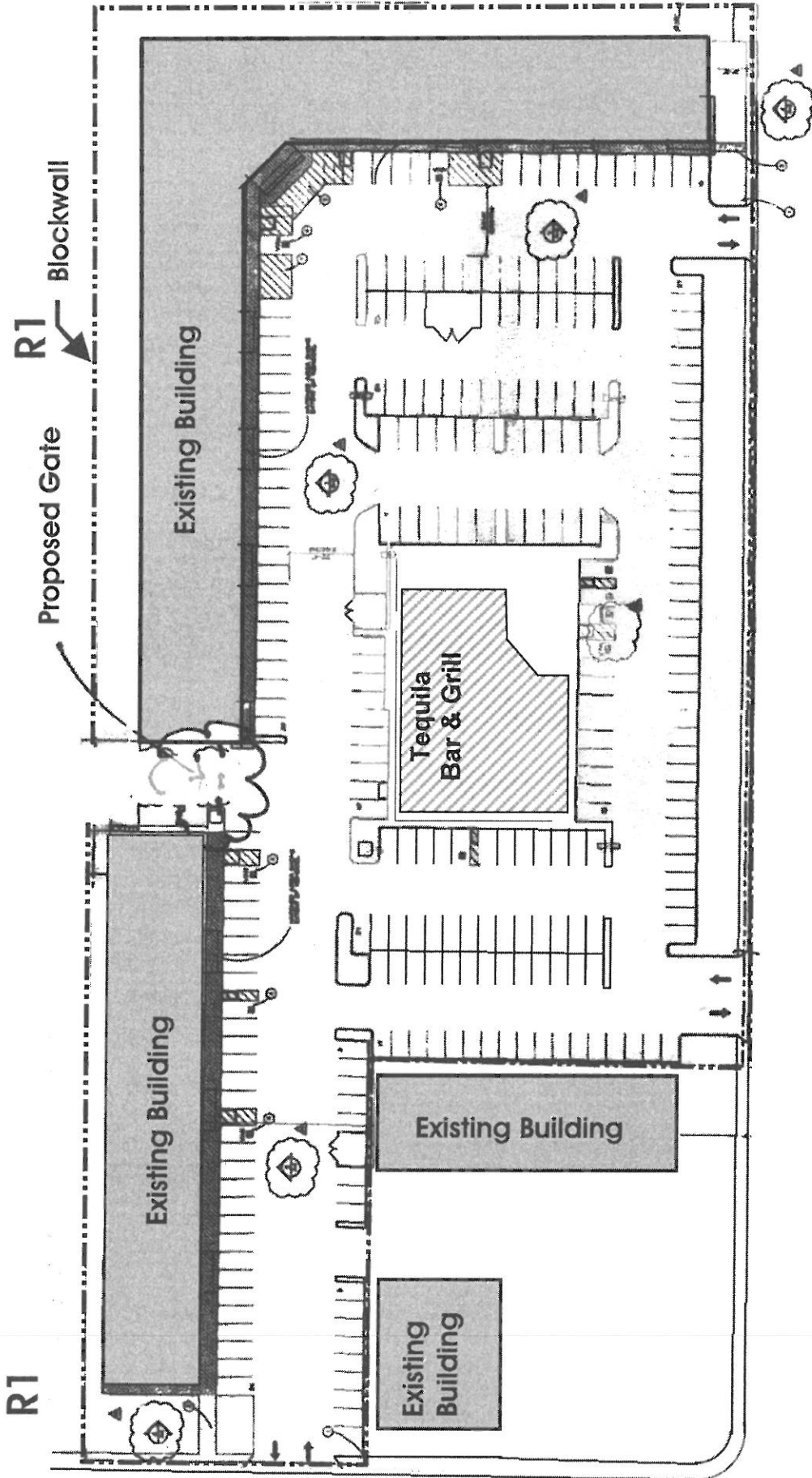


EXHIBIT "C"—FLOOR PLAN

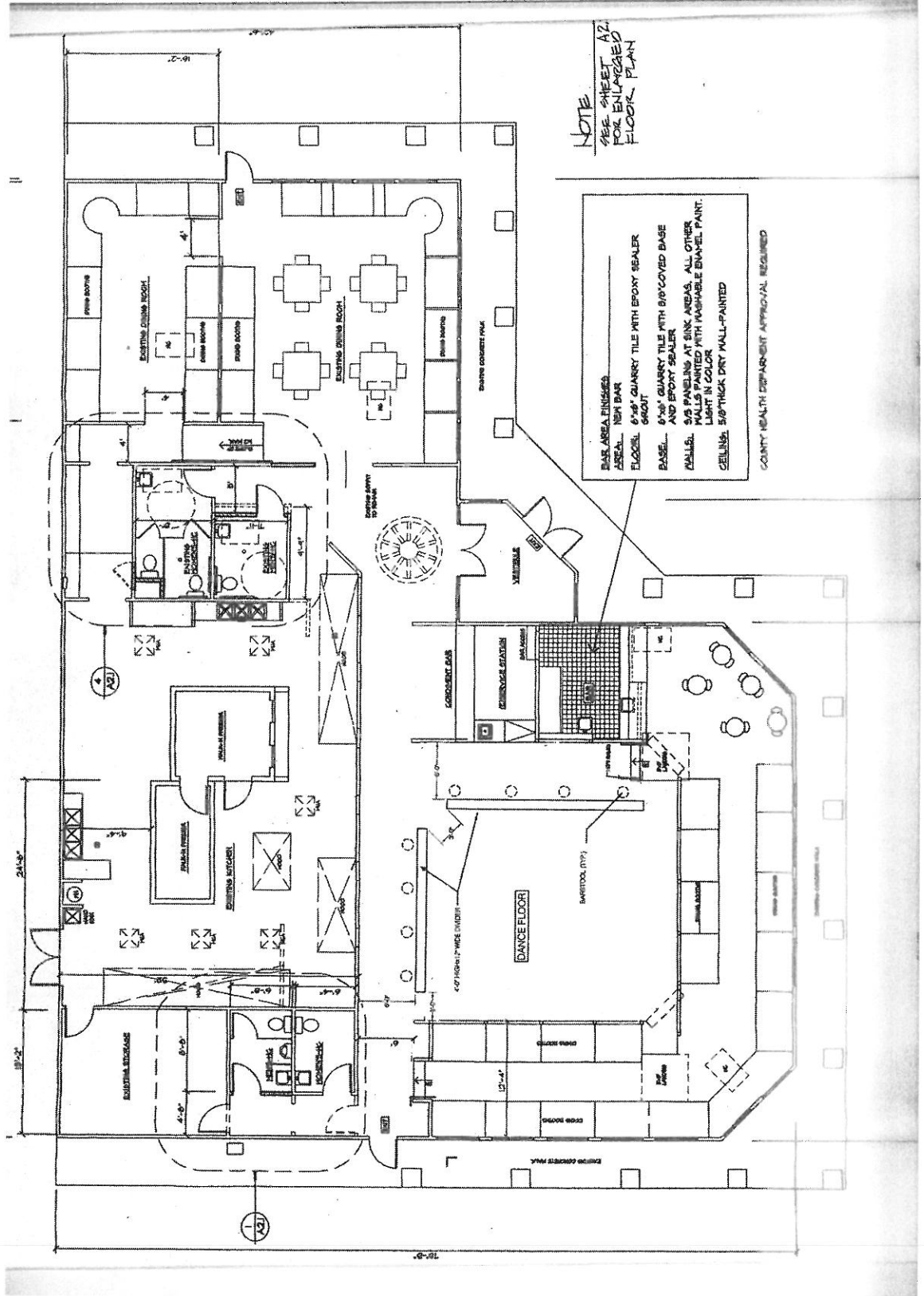


EXHIBIT "D"—ENLARGED FLOOR PLAN (EXISTING)

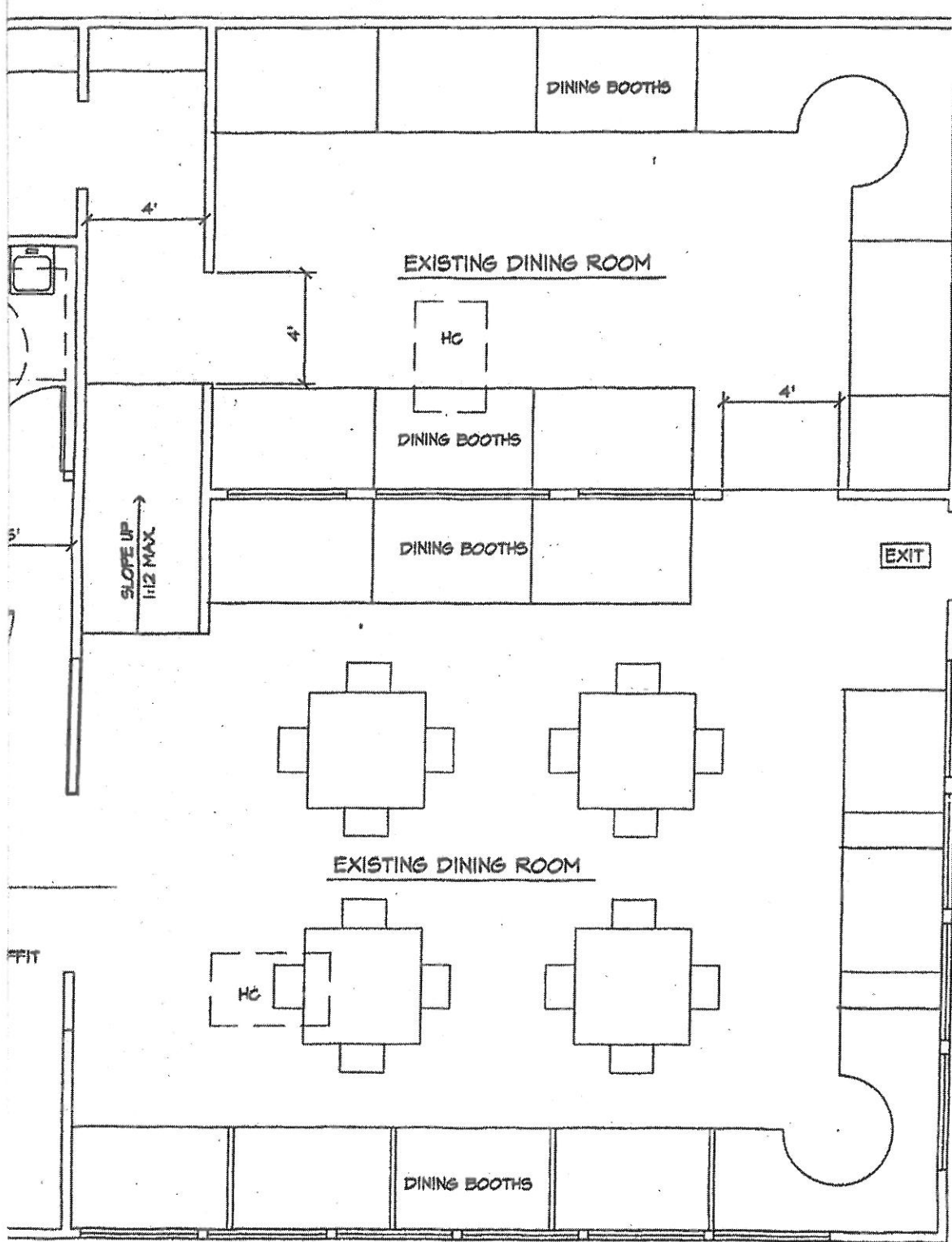
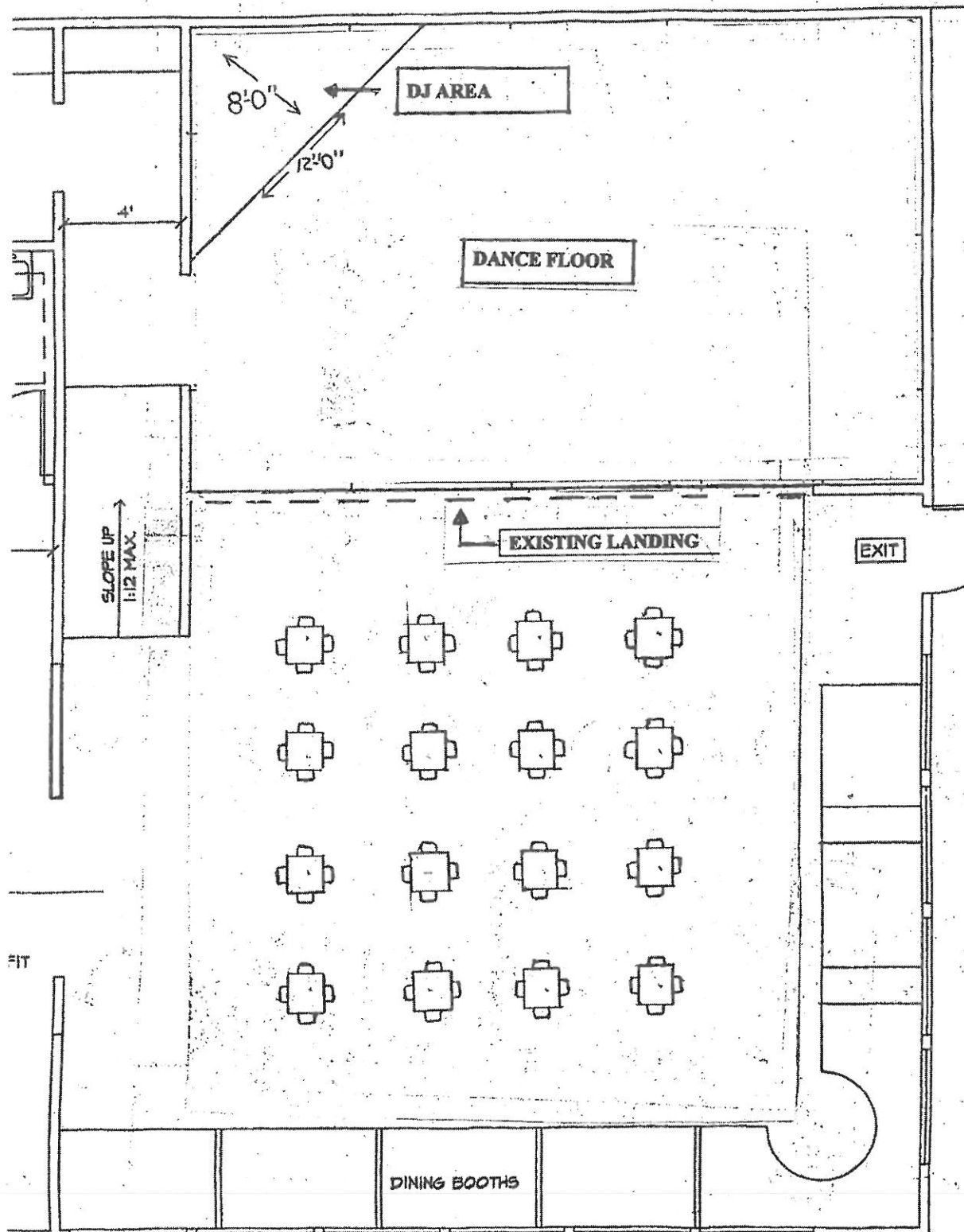


EXHIBIT "E"—ENLARGED FLOOR PLAN (PROPOSED)



**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: June 7, 2013

FILE NO.: PCUP13-007

SUBJECT: A Conditional Use Permit (CUP) Modification to PCUP09-034, to expand live music, DJ, and alcohol sales (Type 47 ABC license) for Tequila Bar & Grill restaurant, generally located on the northeast corner of Riverside Drive and Vineyard Avenue, at 1919 E. Riverside Drive, within the C1 (Neighborhood Commercial) zoning district.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- PUBLIC FACILITIES

- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD
REVITALIZATION
- OTHER: _____



CITY OF ONTARIO

MEMORANDUM

PLANNING DEPARTMENT CONDITIONS OF APPROVAL

DATE: June 7, 2013

FILE NO.: PCUP13-007

SUBJECT: A Conditional Use Permit (CUP) Modification to PCUP09-034, to expand live music, DJ, and alcohol sales (Type 47 ABC license) for Tequila Bar & Grill restaurant, generally located on the northeast corner of Riverside Drive and Vineyard Avenue, at 1919 E. Riverside Drive, within the C1 (Neighborhood Commercial) zoning district.

1.0 TIME LIMIT

- 1.1 Conditional Use Permit approval shall become null and void one (1) year following the effective date of application approval, unless the approved use has commenced. This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.0 GENERAL REQUIREMENTS

- 2.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 2.2 The use shall be operated in full conformance with the plans, description and requirements of the Conditional Use Permit on file with the City. Any variations from or changes in the approved plans or land use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.
- 2.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided in reports/memorandums contained herein.
- 2.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.

- 2.5 Should the use for which conditional use permit approval has been granted ceases to exist or is suspended for ninety (90) or more consecutive days, such permit shall be deemed null and void.
- 2.6 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

3.0 PARKING AND CIRCULATION

- 3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Restaurant	6,577	One space for each 100 square feet of gross floor area	66
TOTAL			66

4.0 GRAFFITI REMOVAL

- 4.1 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.2 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 ALCOHOLIC BEVERAGE SALES

- 5.1 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.
- 5.2 One (1) year following commencement of the approved use, the Planning Department may, at its discretion, conduct a review of the approved use and may prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with

- the conditions of approval. Such status report shall contain a police report regarding calls for service to the subject premises during the prior one (1) 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.
- 5.3 Signs shall comply with all City of Ontario sign regulations. No more than 25% 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.
- 5.4 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.
- 5.5 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.
- 5.6 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 six (6) months of commencement of the approved use.
- 5.7 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.
- 5.8 All employees engaged in the sale or distribution of alcoholic beverages shall be 21 years of age or older.
- 5.9 The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code § 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.
- 5.10 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% of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment shall provide the City of Ontario with an annual audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

- 5.11 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.

6.0 LIVE ENTERTAINMENT AND DANCING

- 6.1 Live entertainment shall be restricted to a maximum five-member band, karaoke and DJ-hosted recorded music.
- 6.2 Tables shall not be rearranged so as to allow for additional are for dancing or live entertainment activities.
- 6.3 Amplified music shall be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.

7.0 ENVIRONMENTAL REVIEW

- 7.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 7.2 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.

8.0 ADDITIONAL REQUIREMENTS

- 8.1 Hours of operation shall be limited to 7:00 AM to 2:00 AM of the following day, daily.
- 8.2 Should the Applicant desire to conduct events beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, a Temporary Use Permit must first be obtained from the City.
- 8.3 All signage, including, but not limited to freestanding signs, wall signs, and temporary signs, shall meet the sign requirements set forth in the Ontario Development Code, Article 31: Signs.



CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"



TO: Jeanie Aguilo, Planner

FROM: Fred Alvarez, ABC Corporal

DATE: May 13, 2013

SUBJECT: FILE NO. PCUP13-007 – TEQUILA BAR & GRILL
1919 E. RIVERSIDE DRIVE

The Police Department is placing the following conditions:

RESTAURANT CONDITIONS

1. Hours of restaurant will be 7:00 A.M. to 2:00 A.M. daily. Last call for alcohol will be made at 1:15 A.M.
2. No sales or service of alcoholic beverages to minors.
3. No sales or service to obviously intoxicated patrons.
4. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
5. No smoking inside of establishment is permitted.
6. There will be no narcotic sales or usage on the premises at any time.
7. All restaurant employees servng alcohol must be 21 years or older.
8. Lighting within the establishment must be kept at a reasonable level for safe movement of patrons as determined by city officials.
9. Food sales and service must be available for sale at all times. A menu will be submitted for review.
10. Back door must be alarmed and closed at all times.

11. Address to establishment must be illuminated for easy identification of safety personnel.
12. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
13. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
14. Restrooms must be kept free of graffiti.
15. No Juke Boxes will be allowed in the premises.
16. No arcade video game machines will be allowed in the premises.
17. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
18. The applicant will be responsible for maintaining premises free of graffiti and litter over which the applicant has control and shall be responsible for its removal within 72 hours of its appearance or upon notice of its appearance to the applicant.
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, signs must be posted reference same
20. Applicant, 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 six months of this dated conditional use permit. Proof of re-certification is required every 3 years.
21. The location is required to have a written policy for employees to follow and sign reference alcohol sales and entertainment.
22. A no trespass letter will be on file with the Police Department.

ENTERTAINMENT CONDITIONS

1. During entertainment hours of 10:00 PM to 2:00 AM, the location shall not exceed a noise level of 65dBA per section 9-1.3305 of the Ontario Development Code.
2. An entertainment area must be designated on a plan check and that area will only be allowed for entertainment purposes. (dance area, live entertainment, DJ)
3. Entertainment promoters and DJ's will be required to meet the police department prior to them being used for any entertainment in the establishment.

4. Karaoke will be permitted the same hours of the restaurant, 7 days a week.
5. DJ/band will only to be allowed to set up on the area designated on the plan check as the DJ Area.
6. Tables shall not be removed or rearranged to increase occupancy, which has been approved on plans submitted with this conditional use permit.
7. The business is required to use driver license and/or ID card reading devices and wristbands on nights of entertainment.
8. Cover charge to patrons will be allowed 7 days a week, so long as the security conditions are met.
9. The dance area inside the restaurant shall be contained within a 643 square foot area. The dance area must have a rail guard at the boundaries to limit patrons from overflowing into the dining area.

SECURITY CONDITIONS

1. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. A total of four security guards at the above business location is required. Two armed security guards in the parking lot area to patrol and proactively monitor patrons. Two security guards at the front doors to check ID's and enforce the code of conduct.
2. The establishment will provide two internal security staff or security guards not part of restaurant or alcohol serving operation staff, to control and proactively monitor patrons inside the establishment. (ex. Lounge Host, Bouncer)
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, 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.
4. A Code of Conduct will be required to be used and posted at all public entrances of the establishment. Code of Conduct will include a dress code and shall be utilized on nights of entertainment and special events.
5. During nights of entertainment wristbands will be issued to patrons 21 and over after being checked for bone fide identification.
6. 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.

7. Security personnel will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).

BANQUET/ OVER-FLOW DINING ROOM CONDITIONS

1. The banquet/over-flow dining room will be available for events from 7:00 AM. to 1 A.M.
2. Events held in the banquet room will be required to have a signed agreement stating what type of event, estimated amount of people attending, food to be served, and type of entertainment. It will also state the amount of security guards that will be needed for this event.
3. During entertainment hours of 10:00 PM to 1:00 AM, the location shall not exceed a noise level of 65dBA per section 9-1.3305 of the Ontario Development Code.
4. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
5. Entertainment permitted will be DJ, bands limited to 5 pieces, and recorded music.
6. Evening banquets will require a minimum of two additional security officers in the parking lot during the events if security guards are not already present.
7. A minimum of two security guards or Ontario Police Officers will be required for banquet room events that have entertainment and alcohol consumption at the event. (ex. DJ, dancing, live musicians)
8. Security personnel will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).
9. Applicant will notify the on-call watch commander (at the Police Department) the day of the event and give the time the event will start and the estimated time it will end. Also the estimated number of expected guests to attend.
10. Nightly entertainment in the banquet room will be allowed as secondary dance area, with the addition of two security guards and one armed security guard. Two guards will be stationed by the banquet room entrance and one armed security guard in the parking lot.

PATIO CONDITIONS

1. Patio walls needs to be a minimum height of 5 feet using Plexiglas, to prevent patrons from passing alcohol drinks to minors.

2. Patio exits must be gated and closed at all times. Emergency sounding device and panic hardware must be installed on gates.
3. Outdoor tables shall not be removed or rearranged to increase occupancy.
4. No sounds emitted to patio shall be heard outside of the patio area.

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 restaurant, 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 are the intent of this action.

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

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the opening of the restaurant with the conditional use permit.

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

If you have any questions please call Fred Alvarez at (909) 395-2845.

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
<i>Carolyn Bell</i> Carolyn Bell, Sr. Landscape Planner	5/7/13 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PCUP13-007	Related Files:	Case Planner: Jeanie Agullo
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Project Name and Location:
 Tequila Bar and Grill
 1919 East Riverside Drive

Applicant/Representative:
 Ontario Cal Trading Inc./ Winter A. Boone
 7494 Wake Forest Dr
 Corona, CA 92880

<input checked="" type="checkbox"/>	A site plan (dated 4/15/13) 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 (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Verify all landscape areas in the adjacent parking lot planter islands each have 1 shade tree in good health. Replace if missing or dead with 1-24" box size tree each to match existing parking lot trees or typical such as *Tristania conferta* or *Ulmus parvifolia*. Remove a 36" diameter of lawn at tree trunks and add 1" layer of mulch.

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-09

HEARING DATE: June 17, 2013

DECISION DATE: June 27, 2013

FILE NO.: PCUP13-009

SUBJECT: A Conditional Use Permit to establish Alcoholic Beverage Sales (Type 21-Off-Sale General) at the Dollar General store, located at the southwest corner of Holt Boulevard and Bon View Avenue, at 844 East Holt Boulevard, within the C3/M3 (Commercial Service/General Industrial) zoning designations (APN: 1049-101-39).

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

DOLGEN CALIFORNIA, LLC #14136, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: A Conditional Use Permit to establish Alcoholic Beverage Sales (Type 21-Off-Sale General) at the Dollar General store, located at the southwest corner of Holt Boulevard and Bon View Avenue, at 844 East Holt Boulevard, within the C3/M3 (Commercial Service/General Industrial) zoning designations.

(b) General Plan Designation: General Commercial

(c) Zoning Designation: C3/M3 (Commercial Service/General Industrial)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	C3	Commercial Service
South:	M3	General Industrial
East:	C3/M1	Commercial Service/Limited Industrial
West:	C3	Commercial Service

(e) Site Area: 1.5 Acres

(f) Assessor's Parcel No(s): 1049-101-39

(g) Project Analysis:

(1) *Project Setting.* The project site is a 1.5 acre parcel generally located at the southwest corner of Holt Boulevard and Bon View Avenue, at 844 East Holt Boulevard (see Exhibit A—Location Map/Aerial Photograph, attached). The site is currently a vacant and surrounded by developed properties, including general retail and industrial uses. The property is owned by the City of Ontario and the applicant has entered into a Disposition and Development Agreement (DDA) with the City for transfer of property ownership and certain development requirements. Uses surrounding the Dollar General are characterized by retail services to the north, east and west, and industrial to the south, across Emporia Street.

(2) *Background.* On January 23, 2013, the applicant was granted a Development Plan approval, File No. PDEV12-017, for construction of a 13,000 square foot building for Dollar General, along with full site improvements (see Exhibit B—Site Plan, attached). When constructed, hours of operation will be 7 days per week, from 6:00AM to 11:00PM.

The Applicant is now requesting Conditional Use Permit approval to sell beer, wine, and distilled spirits (Type 21 Off-Sale General) for offsite consumption within the 13,000 square foot grocery and variety retail store. Hours of operation for alcohol sales will follow regular store hours, 7 days per week, from 6:00AM to 11:00PM. On average, there will be 10 to 15 employees per shift.

The area of the store devoted to alcoholic beverage sales will be incidental to the grocery and general merchandise sales, accounting for only 5 percent of the store's gross floor area, and will be contained within a central location at northeast corner of the building (see Exhibit C—Enlarged Site Plan, attached). All beer, wine coolers, and malt liquor products will be sold in manufacturer-packaged multiple-unit quantities. In addition, the applicant has stated that there will be no "airline" size liquor sold on site, and surveillance cameras will be located throughout the sales area, as well as within product storage areas. Furthermore, all employees are required to go through corporate training for alcohol sales and must input the purchaser's date of birth into the cash register to complete any alcoholic beverage sales transaction.

(3) *Off-Street Parking and Circulation.* The Dollar General Shopping Center has direct access from Holt Boulevard, Bon View Avenue, and Emporia Street. A total of 52 parking stalls are required for the subject site and 59 parking stalls have been provided. Staff believes that the proposed use will not adversely affect the parking demand within the area.

(4) *Concentration of Alcoholic Beverage Licenses.* The State of California Department of Alcoholic Beverage Control (ABC) is the controlling State entity responsible for the granting, renewal and revocation of all alcoholic beverage licenses. ABC determines how many on-sale and off-sale alcohol license types should be issued per Census Tract, based upon their populations. Census Tract 16, which contains the project site, is bounded by the Holt Boulevard to the north, Haven Avenue to the east,

Mission to the south and Benson Avenue to the west. A review of the online ABC permit query system indicates that Census Tract 16 currently contains 13 active off-sale ABC licenses. Due to the fact that alcoholic beverage sales will not exceed 5 percent of gross floor area, the alcoholic beverage sales will be incidental to the retail store sales and will not have an adverse affect on the Census Tract residents, as the alcoholic beverage sales is being provided as a convenience to store patrons, along with the grocery items and general merchandise offered for sale.

(5) *Public Convenience or Necessity.* The sale of alcohol beverages shall require of a Conditional Use Permit (CUP). In areas with an over-concentration of off-premise license, the City desires to strike a balance between the number of off-premise licenses and the convenience of store customers. As a result, consideration to approve a CUP may be given to the businesses wishing to obtain an off-premise license in over-concentrated areas that comply with the following criteria:

- (i) The retailer must occupy at leased 12,000 square feet of gross floor area.
- (ii) No more than 10% of the floor area may be devoted to alcohol beverage display;
- (iii) At least 10% of the floor are must be devoted to food sales;
- (iv) If location of the proposed business is within a high crime area, which is defined as the Police Department calls for service to alcohol-related incidences of 20% greater than the average number reported for the City as a whole, the hearing body may use that fact in denying the application or the Public Convenience and Necessity finding required for ABC;
- (v) The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity; and
- (vi) The site is properly maintained, including building improvements, landscaping, and lighting.

(6) *Airport Land Use Compatibility Plan.* The project site is located within the Airport Influence Area of Ontario International Airport and has been evaluated and is consistent with the policies and criteria set forth within the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(7) *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 resulting from the use. The subject site is located in the C3/M3 (Commercial Service/General Industrial) zoning district. The serving of beer, wine and distilled spirits for consumption on the premises is a conditionally permitted land use.

Should the Applicant desire to conduct events beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, a Temporary Use Permit must first be obtained from the City. At the time of Temporary Use Permit review, appropriate security measures would be imposed.

Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed uses. Additionally, the nearby residents and businesses within the shopping center will not be exposed to any impacts resulting from the alcoholic beverage sales beyond those that would normally be associated with any other similarly allowed commercial land use.

(8) *City Department Review.* All City departments have 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 Decision preparation, recommended conditions of approval were provided from the Planning and Police Departments. The Planning Department supports the proposed use and requests the Zoning Administrator impose the recommended departmental conditions of approval attached to this Decision, which are designed to mitigate anticipated impacts related to the alcoholic beverage sales. The Planning Department conditions of approval is attached, beginning on page 10 of this Decision.

The Police Department supports the proposed use and has requested the Zoning Administrator impose the Department's recommended conditions of approval on the proposed use, which are designed to mitigate anticipated issues related to the proposed alcoholic beverage sales. The Police Department's report containing the recommended conditions of approval is attached and begins on page 14 of this Decision.

(h) 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.

(i) 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 B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, on the seventeenth day of June 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Jeanie Irene Aguilo, Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Scott Murphy, Deputy Zoning Administrator, questioned how many off sale licenses are allowed in this area. Ms. Aguilo responded that four were permitted within the census tract. Mr. Murphy asked if this tract was over-concentrated of off-sale licenses. Corporal Alvarez stated this census tract is one where the boundaries were changed with the 2010 Census, resulting in the over-concentration.
- (c) Steve Rawlings, representing the applicant, explained the business operation and spoke in favor of the application.
- (d) There being no one else to offer testimony regarding the application, the Deputy Zoning Administrator closed the public hearing.

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

PART C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

- (a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.
- (b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby concludes as follows:
 - (1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The proposed alcoholic beverage sales are within the C3/M3 (Commercial Service/General Industrial) zoning districts.
 - (2) Alcoholic beverage sales are allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community. The alcoholic beverage sales will be incidental to the retail store sales and

will not have an adverse affect on the Census Tract residents, as the alcoholic beverage sales is being provided as a convenience to store patrons, along with the grocery items and general merchandise offered for sale.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning districts within which the site is located.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

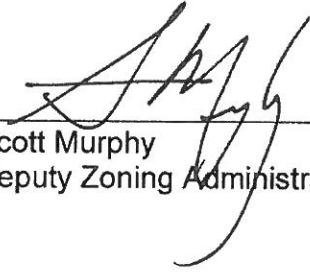
(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15332 (In-Fill Development Projects) of the State CEQA Guidelines.

(d) The Zoning Administrator finds that the application proposes the sale of alcoholic beverages for off-site consumption in a census tract that is over-concentrated. Further, the Zoning Administrator finds that the sale of alcoholic beverages is ancillary to the primary use of the property (retail sales of merchandise), the site is not located within a high crime area, is consistent with Ordinance No. 2943, and is necessary for the public convenience and necessity.

(e) Based upon the findings and conclusions set forth in Parts A, B, C, and D above, the Zoning Administrator hereby approves File No. PCUP13-009, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this 27th day of June 2013.

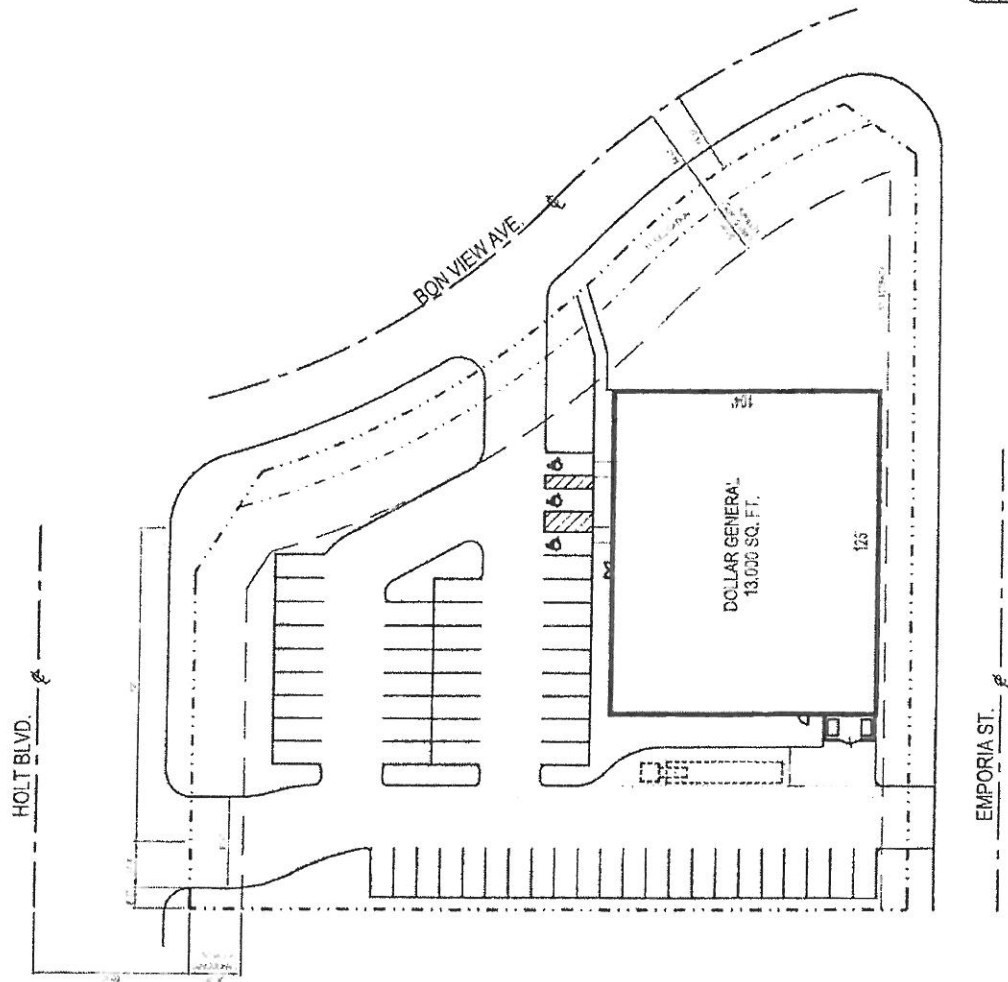


Scott Murphy
Deputy Zoning Administrator

EXHIBIT "A"—LOCATION MAP/AERIAL PHOTOGRAPH



EXHIBIT "B"—SITE PLAN



**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: June 17, 2013

FILE NO.: PCUP13-009

SUBJECT: A Conditional Use Permit to establish Alcoholic Beverage Sales (Type 21-Off-Sale General) at the Dollar General store, located at the southwest corner of Holt Boulevard and Bon View Avenue, at 844 East Holt Boulevard, within the C3/M3 (Commercial Service/General Industrial) zoning designations.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- | | |
|--|---|
| <input checked="" type="checkbox"/> PLANNING | <input checked="" type="checkbox"/> POLICE |
| <input type="checkbox"/> ENGINEERING | <input type="checkbox"/> FIRE |
| <input type="checkbox"/> UTILITIES/SOLID WASTE | <input type="checkbox"/> REDEVELOPMENT AGENCY |
| <input type="checkbox"/> PUBLIC FACILITIES | <input type="checkbox"/> HOUSING & NEIGHBORHOOD
REVITALIZATION |
| <input type="checkbox"/> BUILDING | <input type="checkbox"/> OTHER: _____ |



CITY OF ONTARIO

MEMORANDUM

PLANNING DEPARTMENT CONDITIONS OF APPROVAL

DATE: June 17, 2013

FILE NO.: PCUP13-009

SUBJECT: A Conditional Use Permit to establish Alcoholic Beverage Sales (Type 21-Off-Sale General) at the Dollar General store, located at the southwest corner of Holt Boulevard and Bon View Avenue, at 844 East Holt Boulevard, within the C3/M3 (Commercial Service/General Industrial) zoning designations.

1.0 TIME LIMIT

1.1 Conditional Use Permit approval shall become null and void one (1) year following the effective date of application approval, unless the approved use has commenced. This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.0 GENERAL REQUIREMENTS

2.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.

2.2 The use shall be operated in full conformance with the plans, description and requirements of the Conditional Use Permit on file with the City. Any variations from or changes in the approved plans or land use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.

2.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided in reports/memorandums contained herein.

2.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.

- 2.5 Should the use for which conditional use permit approval has been granted ceases to exist or is suspended for ninety (90) or more consecutive days, such permit shall be deemed null and void.
- 2.6 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

3.0 PARKING AND CIRCULATION

- 3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Retail Store	13,000	One space for each 1250 square feet of gross floor area	52
TOTAL			52

4.0 GRAFFITI REMOVAL

- 4.1 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or "painting over" graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.2 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 ALCOHOLIC BEVERAGE SALES

- 5.1 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.
- 5.2 One year following commencement of the approved use, the Planning Department may, at its discretion, conduct a review of the approved use and may prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with

the conditions of approval. Such status report shall contain a police report regarding calls for service to the subject premises during the prior one (1) 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.

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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 of commencement of the approved use. Proof of recertification is required every 3 years.
- 5.7 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.
- 5.8 All employees engaged in the sale or distribution of alcoholic beverages shall be 21 years of age or older.

6.0 ENVIRONMENTAL REVIEW

- 6.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15332 (In-Fill Development Projects) of the State CEQA Guidelines.
- 6.2 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.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 Hours of operation shall be limited to 6:00AM to 11:00PM, daily.
- 7.2 Should the Applicant desire to conduct events beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, a Temporary Use Permit must first be obtained from the City.
- 7.3 For the duration of the Conditional Use Permit, a minimum of 10 percent of the gross floor area of the retail store shall be devoted to food sales.



CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"



TO: Jeanie Irene Aguilo, Planning Intern
FROM: Fred Alvarez, ABC Corporal
DATE: May 30, 2013
SUBJECT: FILE NO. PCUP13-009 – DOLLAR GENERAL
834 E. Holt Avenue

The Police Department is placing the following conditions:

ABC CONDITIONS

1. Sales of alcohol will occur between the hours of 6:00 a.m. to 11:00 p.m. daily.
2. If store hours go beyond or before the hours of alcohol sales indicated above, devices must be installed to lock up/secure alcohol product accessibility to customers.
3. No sales or service to minors.
4. No sales or service to intoxicated patrons.
5. No open alcohol beverages in the establishment.
6. No single can or bottle sales of malt based liquor allowed must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
7. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs is permitted unless otherwise permitted by City ordinance or written policy.
8. No single bottle sales of distilled spirits smaller than 375 ml in size.
9. The clerk will hand distilled spirits to the customer from behind the counter or lock up area.

10. All alcohol sales must be placed in a plastic bag before leaving the store.
11. The business is required to have and use driver license and/or ID card reading devices.
12. Employees engaged in the sales of alcohol must be 18 years of age or older.
13. No drug paraphernalia to be sold at any time.
14. No smoking inside of establishment is permitted.
15. There will be no narcotic sales or usage on the premises at any time.
16. No more than 25% of advertisements allowed on the windows of the business.
17. No warm beer displays by the front door.
18. The applicant shall be responsible for maintaining premises free of graffiti and area adjacent to the premises over which the applicant has control. The applicant is responsible for the removal of the graffiti within 72 hours of its appearance or upon notice of its appearance.
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
20. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
21. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
22. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
23. The applicant shall modify or equip the public telephones inside or adjacent to the establishment to prevent incoming calls.
24. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years.
25. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.

26. Security personnel used by the establishment will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (OMC - security regulations).
27. A no trespass letter will be on file with the Police Department.

TOBACCO CONDITIONS

1. No tobacco sales to anyone under 18 years of age.
2. Retailers must post age of sale warning signs at each register.
3. Customers may not help themselves to cigarettes.
4. Tobacco products must be stored behind the counter under lock and key.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in packaging containing less than 0.60 ounces are prohibited.
7. The distribution of free or nominal-cost tobacco products or coupons is prohibited.
8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.
9. No more than one-third of the square footage of windows and glass doors of an alcohol retailer may have signs of any sort, including tobacco.
10. Employees must attend a STAKE ACT class provided by the San Bernardino County Health Department. Proof of re-certification is required every 3 years.

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 are the intent of this action.

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

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

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

If you have any questions please call Officer Fred Alvarez at (909) 395-2845 or Officer Sturgis at (909) 395-2001 ext. 4773.