

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-029

HEARING DATE: November 16, 2015

DECISION DATE: November 23, 2015

FILE NO.: PCUP15-022

SUBJECT: A request for Conditional Use Permit approval to establish alcohol beverage sales, including beer and wine (Type 41 ABC license) for on premise consumption in conjunction with a 2,976 square foot restaurant in an existing commercial building located at 231 North Euclid Avenue, within the C2 (Central Business Commercial) Zoning District (APN: 1048-565-05).

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

YEAST N' FLOUR, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP15-022, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 0.146 acres of land located at 231 North Euclid Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. The project site is generally located on the west side of North Euclid Avenue bound by West B Street to the south and West C Street to the north. The existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Vacant	Mixed Use	C2 (Central Business Commercial)
<i>North</i>	Commercial Retail	Mixed Use	C2 (Central Business Commercial)
<i>South</i>	Commercial Retail	Mixed Use	C2 (Central Business Commercial)
<i>East</i>	Park (<i>Ontario Town Square</i>)	Mixed Use/Open Space	PUD (Planned Unit Development)
<i>West</i>	Parking Lot	Mixed Use	C2 (Central Business Commercial)

Approved By: _____
Senior Planner

(b) Project Analysis:

(1) Background— The 2,976 square foot tenant space is located on the ground floor of a 2-story, brick commercial building, also known as the “Masonic Hall Building,” a designated local landmark. The second story of the Masonic Hall Building is currently vacant and will not be occupied by the applicant. In October of 2015 building permits were issued for a tenant improvement to convert the existing ground floor into a restaurant use. Construction for the tenant improvements are currently underway. Article 26, Historic Preservation Ordinance of the Ontario Development Code, requires approval of a Certificate of Appropriateness for any exterior alteration of an historical resource. At this time, the applicant is not proposing any exterior work with this application.

(2) Proposed Use— The Applicant is requesting a Conditional Use Permit to establish a restaurant with alcohol beverage sales of beer and wine for on premise consumption. The applicant has filed with the State of California Alcohol Beverage Control (ABC) for the issuance of a Type 41 license, which upon issuance, will allow the sale of beer and wine within the confines of the building in conjunction with a restaurant operation. A Type 41 ABC license is defined by the State Department of ABC as a restaurant authorized to sell beer and wine for consumption on the licenses premises and is required to meet the following requirements:

- *Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes);*
- *Must operate and maintain the licensed premises as a bona fide eating place;*
- *Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises; and*
- *Is allowed to have minors on the premises.*

The applicant is required to obtain issuance of their Type 41 ABC license from the California Department of ABC prior to serving any alcohol on site.

The Applicant occupies a 2,976 square foot space (*Exhibit B: Floor Plan*) in a two story building within the Masonic Hall building. The Applicant’s proposed floor plan includes an indoor dining area, a kitchen/serving area and the remaining area is devoted to restrooms and hallways. Primary access to the restaurant will be from the North Euclid Avenue entrance with secondary access from the rear alley and parking lot. The restaurant will include a “Make Your Own Pizza” menu and a salad menu, with alcohol sales of beer and wine. The proposed floor plan provides seating for up to 77 patrons. Daily hours of operation are proposed from 9:00 a.m. to 12:00 a.m. The total number of employees at this location will be 8 and approximately 4 employees will be at the location during any given shift.

(3) Parking— As established in the Ontario Development Code, a full service restaurant use requires 1 parking stall per 100 square feet of gross floor area. Staff determined that 30 parking stalls were required for the project. Since the project site is

situated within the downtown area and on-site parking is not attainable, the Ontario Development Code allows for staff to conduct parking analysis using the Downtown Ontario Parking Model. The Parking Model specifically evaluates each block within the downtown at maximum build out, and provides an estimate of parking availability (on-site and street parking combined), from 6 a.m. to 12 a.m., with shared parking as the premise.

Based on the existing land uses calculated in the Model, staff determined that Block 44 (project site) had adequate parking to accommodate the restaurant use. Evaluation of Block 44 through the Parking Model found that with the proposed use at maximum capacity (10:00 a.m. – 5:00 p.m.), 96 percent of the available parking (121 total) in the block would be utilized. After 5:00 p.m., the Parking Model indicated that there was no less than 7 percent parking availability. The peak lunch and dinner hours (12:00 p.m.-2:00 p.m. and 6:00 p.m. to 8:00 p.m.) are when parking will be most utilized, all other hours show between 26 percent and 87 percent parking availability. Therefore, staff has determined that based upon the Downtown Ontario Parking Model, sufficient parking exists to support the proposed use. The tables below illustrate available parking for Block 44 with the proposed use.

Available Public Parking with Proposed Use – Day Hours (10:00 a.m. – 5:00 p.m.)

Available Public Parking	10 a.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.	3 p.m.	4 p.m.	5 p.m.
Block 44	68	54	21	14	5	35	32	41

Available Public Parking with Proposed Use – Evening Hours (5:00 p.m. – 12:00 a.m.)

Available Public Parking	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.	12 a.m.
Block 44	26	8	18	82	96	101	106

(4) ABC License Concentrations — The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity which grants, renews, and revokes all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The project site is located within Census Tract 14, which is located entirely within the City of Ontario. The Census Tract is generally bordered by H Street to the north, Sultana Avenue to the east, Main Street to the south and Vine Avenue to the west.

This location has applied for a Type 41 On-Sale Beer and Wine license located within Census Tract 14. According to the Department of Alcoholic Beverage Control (ABC), two on-sale licenses are allowed within this tract, and there are currently nine. This location will operate as a “Bona Fide Public Eating Place,” and the Police Department does not

object to allowing the license. The location must follow all Department of Alcoholic Beverage Control laws, rules and conditions.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The subject site is located in the C2 (Central Business Commercial) Zoning district within the downtown. The proposed restaurant with a Type 41 (On-sale Beer & Wine-Eating Place) ABC license is a conditionally permitted land use. The Ontario Plan (TOP) identifies Downtown as a Focused Growth Area. The downtown is envisioned as an intensive mixed-use area of retail, office and residential to help guide economic and development activity in the downtown. New restaurants within the downtown provide much needed dining and entertainment opportunities to downtown residents and visitors. The proposed restaurant is located on Euclid Avenue which is developed with various retail, office, banks and residential (mixed-use) uses. A restaurant use is compatible with the surrounding land uses and will help to attract people to support the surrounding uses.

Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use because the adjacent land uses are compatible with the proposed use.

(c) Airport Land Use Compatibility Plan: This 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. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(d) 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.

(e) 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.

(f) 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 November 16, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Elly Antuna, Assistant Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval.
- (b) Following staff's presentation, the Zoning Administrator opened the public hearing.
- (c) The Zoning Administrator asked for clarification regarding the condition requiring camera surveillance of the City owned parking lot. Eric Quinones representing the Police Department responded that mounting the camera on the building and pointing it at the parking lot would be acceptable.
- (d) Michael Faheem, the applicant/representing the applicant, explained the business operation and spoke in favor of the application. The applicant stated he had read through and understood the conditions.
- (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 finds as follows:

(1) The proposed location of the requested Conditional Use Permit, and the proposed conditions under which it will be operated or maintained, will be consistent with the Policy Plan component of The Ontario 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 restaurant in conjunction with the proposed on-site sale and consumption of beer and wine (Type 41 ABC License) is located within the C2 (Central Business Commercial) zoning district and will be subject to all conditions contained in the attached Conditions of Approval of this report.

(2) The proposed restaurant (Yeast N' Flour) in conjunction with the proposed on-site sale and consumption of beer and wine (Type 41 ABC License) is 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. In addition, the Police Department has also reviewed the application and they are in support of the application subject to the attached conditions of approval.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located. The use will be operated in accordance with the Ontario Development Code and the use meets the objectives and purposes as required in the C2 (Central Business Commercial) zoning district.

(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. No substantial amounts of new traffic will be created as a result of the use. In addition, a sufficient amount of parking will be provided.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The use is consistent with the uses allowed within the C2 (Central Business Commercial) zone.

(6) For On-Sale alcoholic beverage license types located within over concentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity ("PCN") findings:

(i) The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The application was reviewed by the Ontario Police Department and it was determined that the project site is not located within a high crime area as it relates to alcohol related incidents. The

use is consistent with the C2 (Central Business Commercial) zone and other similar uses in the area. The use will be providing a convenience for those individuals that would like to purchase alcoholic beverages when they dine in the restaurant.

(ii) The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.

(iii) The site is properly maintained, including building improvements, landscaping, and lighting.


(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 Section 15301 (Existing Facilities) of the State CEQA Guidelines.

(d) 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.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP15-022, 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 23rd day of November 2015.



Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Floor Plan

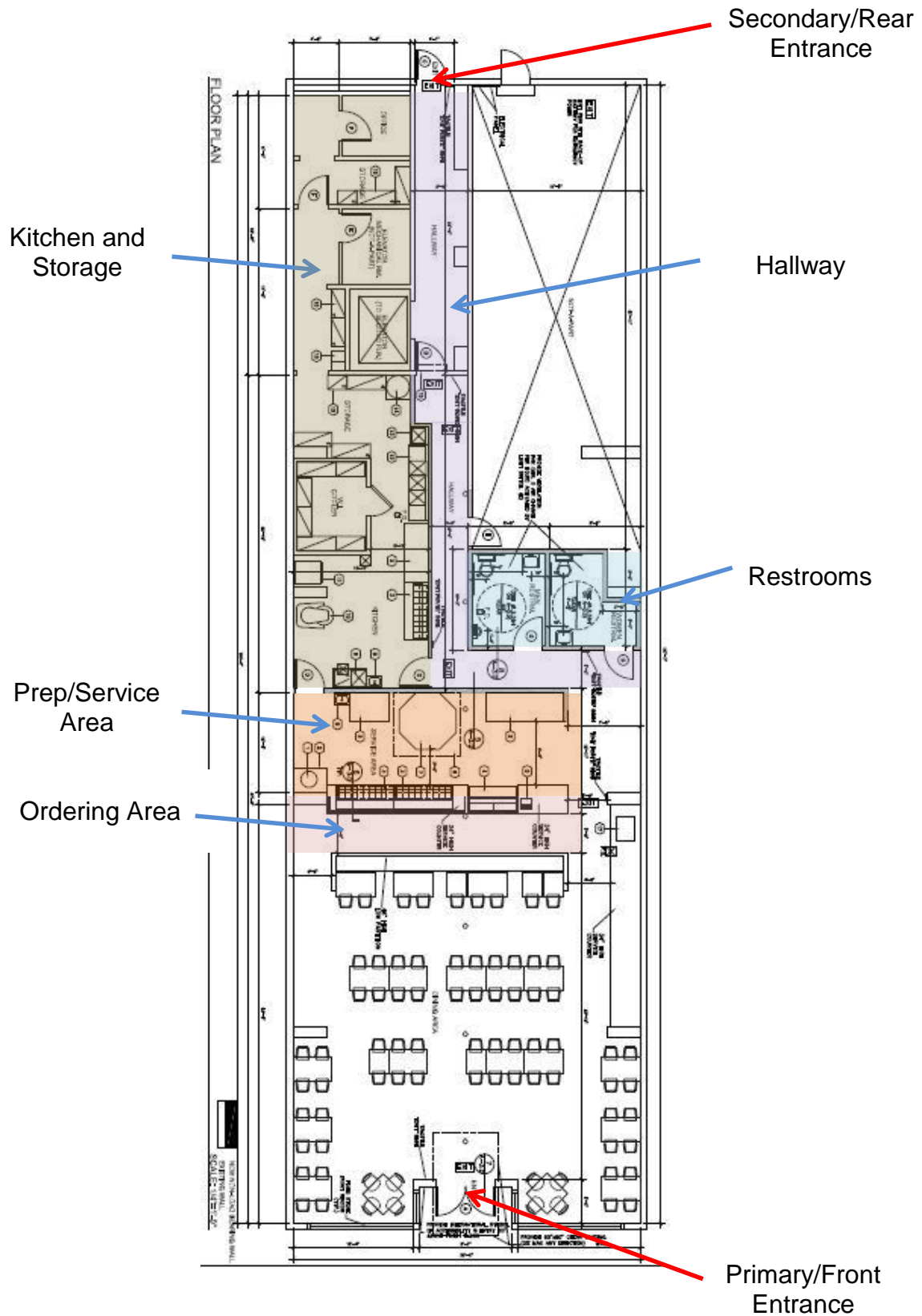


Exhibit C: Site Photos



Front of Building (East Elevation)



**Rear Public Parking Lot
(View from Laurel Avenue)**



Rear of Building (West Elevation)

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

DATE: November 10, 2015

FILE NO.: PCUP15-022

SUBJECT: A request for Conditional Use Permit approval to establish alcohol beverage sales, including beer and wine (Type 41 ABC license) for on premise consumption in conjunction with a 2,976 square foot restaurant in an existing commercial building located at 231 North Euclid Avenue, within the C2 (Central Business Commercial) Zoning District (APN: 1048-565-05)

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 type="checkbox"/> ECONOMIC DEVELOPMENT |
| <input type="checkbox"/> LANDSCAPING DIVISION | <input type="checkbox"/> HOUSING |
| <input type="checkbox"/> ENGINEERING | <input type="checkbox"/> FIRE |
| <input checked="" type="checkbox"/> UTILITIES/SOLID WASTE | <input checked="" type="checkbox"/> POLICE |
| <input type="checkbox"/> BUILDING | |



Planning Department Conditions of Approval

Prepared: November 9, 2015

File No: PCUP15-022

Project Description: A request for Conditional Use Permit approval to establish alcohol beverage sales, including beer and wine (Type 41 ABC license) for on premise consumption in conjunction with a 2,976 square foot restaurant in an existing commercial building located at 231 North Euclid Avenue, within the C2 (Central Business Commercial) Zoning District (APN: 1048-565-05); **submitted by: Yeast N' Flour**

Prepared by: Elly Antuna, Assistant Planner

Phone: (909) 395-2036; **Email:** zantuna@ci.ontario.ca.us; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

The above-described Project shall comply with the following conditions of approval:

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 be first reviewed and approved by the Zoning Administrator prior to commencement of the changes.

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 **Special Conditions of Approval.** In addition to the *General Requirements* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Hours of Operation.

(a) The hours of operation will be 9:00 a.m. to 12:00 a.m. Monday through Sunday

2.2 Parking, Circulation and Access.

(a) The project shall provide 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:

Use	Ares (In SF)	Parking Ratio	Parking Spaces Required
Restaurant	2,976	One space for each 100 sq-ft of gross floor area	30

2.3 Site Lighting.

(a) Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.

2.4 Loading and Outdoor Storage Areas.

(a) Areas designated for off-street parking, loading, required access drives and maneuvering areas shall not be used for the outdoor storage of materials.

2.5 Trash Enclosures.

(a) All refuse shall be stored in an appropriate refuse container per City Standards.

2.6 Signs.

(a) The location, quantity, size, and design of all signage shall, including but not limited to wall, pedestrian, rear and window signs, comply with the Ontario Development Code pursuant to the zoning district for which the project site is located within and the Downtown Ontario Design Guidelines.

(b) 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.

(c) View obscuring material that is applied to any window, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.

2.7 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

(b) The business shall be operated in strict compliance with the rules, regulations and orders of the State of California Department of Alcoholic Beverage Control. Failure to comply with this requirement shall be deemed just cause for revocation of conditional use permit approval.

(c) Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

(d) The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency, to permit deliveries, or to allow secondary access for patrons from the rear parking lot.

(e) 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.

(f) The licensee shall attend a LEAD (Licensee Education on Alcohol and Drugs) training secession sponsored by the State of California Department of

Alcoholic Beverage Control, within 6 months following commencement of the approved use.

(g) 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.

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

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

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

2.8 Alcoholic Beverage Sales—Restaurants.

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

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

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

2.9 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the

Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines.

2.10 Additional Fees.

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

2.11 Additional Requirements.

(a) Building and use shall comply with all Building and Safety requirements, including but not limited to a sizable grease interceptor, prior to opening for business.

(b) All loading required to conduct business operations shall occur at the rear entrance.

(c) A Certificate of Appropriateness is required for any exterior alteration, addition, restoration, rehabilitation, or remodeling of an Historical Resource. Refer to Article 26, Historic Preservation Ordinance of the Ontario Development Code. This building is a designated local landmark and is defined as an Historical Resource.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”

TO: Zulema Antuna, Planning Department

FROM: Eric Quinones, Police Officer/COPS Unit/ABC Detail

DATE: November 3, 2015

SUBJECT: PCUP15-022 – Yeast N’ Flour.
231 N. Euclid Avenue, Ontario, CA 91762

This location has applied for a type 41 On-Sale Beer and Wine license located within Census Tract No. 14.00. According to the Department of Alcoholic Beverage Control (ABC), two on-sale licenses are allowed within this tract, and there are currently nine. This location will operate as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing the license. The location must follow all Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

1. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM.
2. The business shall maintain the ability to make substantial meals until last call. A limited menu will be permitted after 9:00PM.
3. Distilled spirits are not allowed on the premises, except for cooking purposes (Restaurants may possess brandy, rum, or liqueurs for cooking purposes only, B&P 25607).
4. No sales to minors.
5. No sales to obviously intoxicated patrons.
6. No self-serve alcohol displays allowed.
7. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.

8. No Smoking inside of establishment is permitted, including any type of electronic nicotine delivery device.
9. There will be no narcotic sales or usage on the premises at any time.
10. No arcade video game machines will be allowed in the premises.
11. No pool tables or amusement games permitted inside the establishment.
12. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
13. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years. This class is given free of charge by the Ontario Police Department.
14. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
15. The address to the establishment must be illuminated for easy identification of safety personnel.
16. 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.
17. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
18. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
20. The restaurant manager shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business.
(Business and Professions Code Section 23788.5, Rules 57.5 and 57.6)

SECURITY CONDITIONS

1. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. This type of entertainment is not allowed at this business, therefore security is not required.
2. 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 Conditional Use Permit. Modifications may include requiring security guards, 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.
3. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
4. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment, if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. In the event security personnel are required, they will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.
6. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Patio area, a minimum of one camera will record the parking lot, and a minimum of one camera will record the interior. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

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, or 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 restaurant will be allowed to sell alcoholic beverages with the conditional use permit.

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.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Police Department within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary 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 Quinones at (909) 395-2812.



CITY OF ONTARIO **MEMORANDUM**

Date: 10/29/2015, 2015
To: Arij Baddour, Engineering Department
From: Jeff Krizek, Utilities Engineering Division
Subject: DAB1 - Utilities Comments (#4101)
Project No.: PCUP15-022 – TI Restraurant with ABC License – 231 N Euclid Avenue

Conditions of Approval

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not to limited to possibly including: having the onsite sewer plumbed to have the Sanitary Sewer Wastewater (such as restrooms) leave the building/unit separate from the Process Wastewater; and, installing a monitoring manhole, or clarifier, or grease interceptor on onsite sewer line for the Process Water Discharge.