



**Administrative Use Permit Application Form—  
Alcoholic Beverage Manufacturing, Alcoholic Beverage Sales for  
On-Premises Consumption, Cigar Lounge, and Live Entertainment  
within the Downtown Mixed Use District**

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

Dear Applicant:

In an effort to improve customer service and ensure development projects are processed as quickly as possible, the Planning Department finds it necessary to remind its clients that complete application submittals are crucial to the plan review process. In the past, accepting incomplete applications has led to errors and time delays at the end of the review process. I do not want this to happen to you.

Consequently, the Planning Department staff will only accept complete applications at time of submittal. All items requested by this application packet, along with the required filing fee, must be provided before the Planning Department counter staff can accept your application for filing. Please review all minimum requirements prior to submitting your application, as counter staff do not have the authority to waive any requirements.

Please remember that failure to provide all of the required plans and information will result in significant time delays in the processing of your application. If you have any questions regarding the necessity of any particular item required by this application packet, please feel free to contact the Planning Department counter supervisor to discuss your questions.

The Planning Department looks forward to a continued efficient and professional relationship with you in the future. If you have any questions, comments, or concerns regarding this matter, please feel free to contact the Planning Department at (909) 395-2036.

Respectfully,

A handwritten signature in blue ink, appearing to read "RZL", written over a horizontal line.

Rudy Zeledon  
Planning Director

**ATTENTION!**

The City of Ontario strives to provide you with efficient and effective service in a businesslike manner. We are committed to the principle that every interaction you have with the City must be based on honesty and integrity.

City employees are prohibited by law from soliciting or accepting money, services, or gifts of any kind in connection with the discharge of their duties.

If you are approached or are aware of any violation of this policy, please immediately contact any of the following:

Scott Ochoa, City Manager ..... (909) 395-2396 or [sochoa@ontarioca.gov](mailto:sochoa@ontarioca.gov)  
Mike Lorenz, Police Chief ..... (909) 395-2710 or [mlorenz@ontarioca.gov](mailto:mlorenz@ontarioca.gov)  
Ethics Line ..... (800) 500-0333



## Administrative Use Permit Application Form— Alcoholic Beverage Manufacturing, Alcoholic Beverage Sales for On-Premises Consumption, Cigar Lounge, and Live Entertainment within the Downtown Mixed Use District

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

### GENERAL INFORMATION

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant's Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### For Staff Use Only

File No.: \_\_\_\_\_

Submitted: \_\_\_\_\_

Rec'd By: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

☐ Cash ☐ Check (# \_\_\_\_\_)

☐ Credit Card

Receipt No.: \_\_\_\_\_

#### **Action:**

☐ Approved ☐ Denied

By: \_\_\_\_\_

Date: \_\_\_\_\_

### BUSINESS INFORMATION

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Contact Name & Title: \_\_\_\_\_

Contact Telephone No.: \_\_\_\_\_ Contact Email: \_\_\_\_\_

### LOCATION OF PROPOSED USE

Address: \_\_\_\_\_

Assessor Parcel No(s): \_\_\_\_\_

### TYPE OF ADMINISTRATIVE USE PERMIT REQUESTED

- ☐ Alcoholic Beverage Manufacturing (Downtown Mixed-Use District only)
- ☐ Alcoholic Beverage Sales for on-premises consumption (Downtown Mixed-Use District only)
- ☐ Cigar Lounge (Downtown Mixed-Use District only)
- ☐ Live Entertainment (Downtown Mixed-Use District only)

### **PROJECT DESCRIPTION**

Provide a detailed description of all aspects of the proposed use, activity and/or facility (attached additional pages if necessary): \_\_\_\_\_

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### **APPLICANT ACKNOWLEDGEMENT**

I, the undersigned, certify that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof, and state that the same is true and correct to the best of my knowledge and belief, and further certify that I shall comply with each and every condition of approval as stated herein.

Furthermore, I, the undersigned, 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 by 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.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name (print or type): \_\_\_\_\_

### **PROPERTY OWNER OR APPROVING AGENT ACKNOWLEDGEMENT**

I, the undersigned, certify and say that I am the ☐ owner, ☐ approving agent, for the property in the foregoing application, that I have read the foregoing application and know the content thereof, and agree to the filing of this application with the City of Ontario.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name (print or type): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Phone: \_\_\_\_\_

## **APPLICABLE DEVELOPMENT CODE REQUIREMENTS**

### **Section 5.03.023: Alcoholic Beverage Manufacturing**

The following regulations shall govern the establishment and operation of alcoholic beverage manufacturing uses and activities, as follows:

**A. Alcoholic Beverage Manufacturing in the MU-1 (Historic Downtown Mixed Use) Zoning District.** Alcoholic beverage manufacturing facilities established within the MU-1 zoning district shall comply with the following:

1. Land use approval shall be subject to the approval of an Administrative Use Permit pursuant to the requirements of Section 4.03.015 (Administrative Use Permits) of this Development Code.
2. The GFA of an alcoholic beverage manufacturing facility shall be less than 10,000 SF.
3. An alcoholic beverage manufacturer shall not be permitted unless the licensed alcoholic beverage manufacturer also sells alcoholic beverages to consumers for consumption on the premises, within a tasting room that complies with Subsection D of this Section, or in a bona fide restaurant that is located on the licensed premises, or at a bona fide restaurant that is contiguous to the licensed premises.
4. No video, electronic or other amusement devices or games shall be permitted.
5. Outdoor storage in conjunction with an alcoholic beverage manufacturer shall be prohibited.

**B. Sewer Study May Be Required for Alcoholic Beverage Manufacturers in the MU-1 (Historic Downtown Mixed Use) Zoning District.** Prior to the issuance of a building permit for the installation of alcoholic beverage manufacturing equipment in the MU-1 zoning district, if deemed necessary by Ontario Municipal Utilities Company (OMUC) General Manager, a sewer study, including an identification of appropriate measures to mitigate sewer deficiencies, shall be prepared as follows:

1. The sewer study shall be prepared by a registered professional civil engineer in the State of California and submitted for consideration and approval by OMUC. The alcoholic beverage manufacturer shall be responsible for the implementation of all mitigation measures recommended in the sewer study, including the construction of new sewer facilities.
2. Prior to and as a condition of the operation of an alcoholic beverage manufacturing use, the alcoholic beverage manufacturer shall implement all mitigation measures recommended by the sewer study to the satisfaction of the Ontario Municipal Utilities Company General Manager and the City Engineer.

**C. Conditional Use Permit Required for Tasting Rooms in the IL (Light Industrial), IG (General Industrial) and IH (Heavy Industrial) Zoning Districts.** Within the IL, IG and IH zoning districts, the establishment of a tasting room in conjunction with an alcoholic beverage manufacturer shall require the approval of a Conditional Use Permit pursuant to the requirements of Section 4.02.015 (Conditional Use Permits) of this Development Code. Tasting rooms shall be designed in compliance with the requirements of Subsection D of this Section.

**D. Tasting Rooms Not to Exceed 1,000 SF Unless Otherwise Permitted by a Conditional Use Permit.** A tasting room shall not exceed 1,000 SF in area, except that within the MU-1 zoning district, tasting rooms in excess of 1,000 SF may be permitted by Conditional Use Permit approval. The tasting room floor area shall include any indoor area within the alcoholic beverage manufacturing licensed premises where alcoholic beverages are consumed, including any bar and seating areas, but shall exclude restrooms serving the tasting room and any outdoor patio areas. Outdoor patio areas may be permitted, provided they are not located in any required parking space or access way, and do not exceed 1,000 SF in total area.

**E. Use of Grain Silos.** A grain silo may be located outside of a building occupied by an alcoholic beverage manufacturing use, which shall comply with the following:

1. The grain silo shall not be located in any required parking space, driveway or drive aisle, or situated so as to adversely affect the pedestrian path of travel.
2. One sign identifying the alcoholic beverage manufacturing use may be placed on the grain silo, having a maximum area of 9 SF. The silo sign is permitted in addition to any wall signs or monument signs allowed pursuant to Table 8.01-1 (Sign Regulation Matrix) of this Development Code.

- F. Outdoor Utility Equipment Shall Be Completely Screened.** Outdoor utility equipment associated with an alcoholic beverage manufacturing use shall be completely screened from public view.
- G. Property Shall Be Permanently Maintained.** The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within 24 hours from the time of occurrence.
- H. Roof-Mounted or Ground-Mounted Mechanical Equipment Shall Be Completely Screened.** Any proposed roof-mounted or ground-mounted mechanical equipment shall be completely screened from public view. Equipment screening information shall be specifically shown on the plans submitted for building permit issuance.
- I. Security Plan Required.** A security plan, in a form satisfactory to the Ontario Police Department, shall be submitted to and approved by the Police Chief prior to building permit issuance. The security plan shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding land uses and the neighborhood in general, by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.
- J. On-Site Lighting Required to Provide a Safe and Secure Environment.** Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings occupied by an alcoholic beverage manufacturing use shall be provided with enough lighting to illuminate and make clearly visible, the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness, and shall provide a safe and secure environment for all persons, property, and vehicles on and around the premises.
- K. Admission Fee, Cover Charge, and Minimum Purchase Requirements.** It shall be unlawful to require the payment of an admission fee or cover charge or require a minimum purchase.
- L. Alcoholic Beverage Signs Required.** Signs shall be posted inside the business, near the exit door, which states "NO ALCOHOLIC BEVERAGES ALLOWED BEYOND THIS POINT."
- M. Maximum Occupancy Load Shall Not Be Exceeded.** The number of persons shall not exceed the maximum occupancy load as determined by the Ontario Fire Department. Signs indicating the maximum occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.
- N. No Live Entertainment or Dancing Permitted without First Obtaining Conditional Use Permit Approval.** There shall be no live entertainment or dancing permitted on the alcoholic beverage manufacturer's licensed premises at any time, without first obtaining approval for the activities pursuant to the requirements of this Development Code.
- O. Display of Alcoholic Beverages.** The display of alcoholic beverages shall not be located outside of a building or within 5 FT of any public entrance to the building.
- P. Alcoholic Beverages Distributed By Competing Alcoholic Beverage Manufacturers Shall Not Be Served.** An alcoholic beverage manufacturer shall not serve brands of alcoholic beverages distributed by a competing alcoholic beverage manufacturer. The alcoholic beverages served shall be limited to the products that are authorized to be sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.

#### **Section 5.03.025: Alcoholic Beverage Sales**

- A. Purpose.** The purpose of this Section is to establish standards governing the establishment and operation of alcoholic beverage sales within the City.
- B. Applicability.**
- 1. Conditional Use Permit Required.**
    - a.** The retail sale of alcoholic beverages, whether intended for consumption on or off the premises wherein the beverage is sold, shall require the approval of a Conditional Use Permit pursuant to Development Code Section 4.02.015 (Conditional Use Permit), or the approval of an Administrative Use Permit pursuant to Development Code Section 4.03.015 (Administrative Use Permits), as applicable, prior to the establishment of the use, excepting temporary alcoholic beverage sales allowed by Paragraph B.2, of this Section.

**b.** The violation of any provision of this Section shall be grounds for, and may result in, the modification or revocation of such Conditional Use Permit by the City, pursuant to Division 2.05 (City Initiated Modification or Revocation) of this Development Code.

**c.** A Conditional Use Permit and/or Administrative Use Permit for alcoholic beverage sales may be granted only in conjunction with, and shall be ancillary to, those legally established land uses identified in Subsections D (Alcoholic Beverage Sales for Consumption on the Premises) and E (Alcoholic Beverage Sales for Consumption off the Premises) of this Section.

**2.** Alcoholic Beverage Sales and/or Tasting in Conjunction with a Temporary Activity. Temporary alcoholic beverage sales and/or tasting may be allowed, provided an Administrative Use Permit issued pursuant to Section 4.03.015 (Administrative Use Permit) of this Development Code is first obtained prior to the establishment of the temporary activity, and the temporary activity is in full compliance with Subsection D (Temporary Alcoholic Beverage Sales) of Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures) of this Division.

**3.** Undue Concentration of Alcoholic Beverage Licenses within a Census Tract. A Conditional Use Permit for the retail sale of alcoholic beverages shall not be issued for a business located within a census tract that has been determined to contain an undue concentration of alcoholic beverage licenses, as defined in BPC Section 23958.4, unless a determination of public convenience or necessity is made by the Reviewing Authority pursuant to Subsection F (Public Convenience or Necessity Determination) of this Section.

**C. Compliance with State of California Department of Alcoholic Beverage Control (ABC) Regulations.** Any business engaging in the retail sales of alcoholic beverages shall first obtain the appropriate retail license from ABC, and shall operate such business in strict compliance with the Alcoholic Beverage Control Act (commencing with BPC Section 23000 et seq.), and all applicable ABC rules, regulations, and orders.

**D. Alcoholic Beverage Sales for Consumption on the Premises (On-Sale Alcoholic Beverage Sales).** On-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption on the premises in which they are sold. Typical uses include, but are not limited to, bars, brew pubs, nightclubs, wine bars, and restaurants that serve alcoholic beverages. Establishments engaged in on-sale alcoholic beverage sales shall comply with the following:

**1.** Conditional Use Permit approval shall be required for an on-sale alcoholic beverage sales activity, and/or for the on premise tasting of any alcoholic beverage in conjunction with a legally established, and ABC-licensed wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, except that within the MU-1 (Historic Downtown Mixed Use) zoning district, Administrative Use Permit approval shall be obtained from the City prior to establishing an on-sale alcoholic beverage sales use or activity.

**2.** Any business engaged in on-sale alcoholic beverage sales or on premise tasting of any alcoholic beverage in conjunction with a legally established, and ABC-licensed, wine grower, beer manufacturer, brandy manufacturer, or distilled spirits manufacturer, shall not allow any alcoholic beverage to be consumed outside of the enclosed building, except within an outdoor area that has been designed to be separated from direct public contact/access by a wall, fence or other barrier acceptable to the City. The design of said outdoor area and required wall, fence or other barrier shall be subject to review and approval by the Planning Director and Police Chief.

**E. Alcoholic Beverage Sales for Consumption off the Premises (Off-Sale Alcoholic Beverage Sales).** Off-sale alcoholic beverage sales comprises establishments properly licensed by the Department of Alcoholic Beverage Control of the State of California (ABC), which sell alcoholic beverages of varying types, as allowed by the type of ABC license held by the establishment, for consumption off the premises in which they are sold. Typical uses include, but are not limited to, convenience stores, grocery stores, and liquor stores.

Establishments engaged in off-sale alcoholic beverage sales shall comply with the following:

**1.** Conditional Use Permit approval shall be required for off-sale alcoholic beverage sales.

**2.** Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverage sales shall comply with all of the following conditions pursuant to BPC Section 23790.5:

**Administrative Use Permit Application Form —  
Alcoholic Beverage Manufacturing, Sales, Cigar Lounge and Live Entertainment**

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- a. No beer or wine shall be displayed within 5 FT of the cash register or the front door unless it is in a permanently affixed cooler.
  - b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands;
  - c. No sale of alcoholic beverages shall be made from a drive-up window;
  - d. No display or sale of beer or wine shall be made from an ice tub;
  - e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows; and
  - f. Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age.
- 3. The on-premises consumption of an alcoholic beverage shall be prohibited.

**F. Public Convenience or Necessity Determination.** BPC Section 23958.4 provides that the City shall have authority to review a retail alcoholic beverage license application proposed within an area having an “undue concentration” (high density of alcoholic beverage sales locations) of licenses; determine whether public convenience or necessity would be served by license issuance; and inform ABC of the determination.

1. Purpose. The purpose of this Subsection is to establish a procedure by which the public convenience or necessity may be determined, as provided by State law, and establish the criteria by which the determination shall be made.

2. Applicability. In considering a Conditional Use Permit or Administrative Use Permit (as applicable) application for alcoholic beverage sales, it shall be the responsibility of the Reviewing Authority prescribed by Table 2.02-1 (Review Matrix) of this Development Code, to make a determination of public convenience or necessity, if required pursuant to this Subsection.

3. Determining Public Convenience or Necessity for On-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of on-sale ABC licenses, whether the public convenience or necessity would be served by an ABC license issuance shall be determined as follows:

a. Alcoholic Beverage License Issuance in Conjunction with a Bona Fide Restaurant. The issuance of an alcoholic beverage license in conjunction with a bona fide restaurant is hereby deemed to be provided as convenience to business patrons. The Reviewing Authority shall, therefore, establish that the public convenience would be served by the issuance of an ABC license in such cases.;

b. All Other On-Sale Alcoholic Beverage Licenses. For all other on-sale alcoholic beverage licenses, the Approving Authority shall determine whether public convenience or necessity would be served by ABC license issuance on a case-by-case basis, upon a thorough review of the facts pertaining to the proposed use.

4. Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales Licenses. Within a census tract having an undue concentration of off-sale ABC licenses, the City desires to strike a balance between the number of off-sale ABC licenses and the convenience of business patrons. Consequently, the Approving Authority is hereby granted authority to make determinations of public convenience and necessity, and shall rely upon the following factors in making such determinations:

a. The proposed retail alcohol license is not located within a high crime area, which is 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), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

b. The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high



**Administrative Use Permit Application Form —  
Alcoholic Beverage Manufacturing, Sales, Cigar Lounge and Live Entertainment**

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schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

**c.** The anticipated amount (percentage) of retail sales to be derived from alcoholic beverages is clearly incidental to the primary land use, making-up no more than one-third of anticipated gross retail sales;

**d.** If the business for which the retail alcoholic beverage license application is proposed is a grocery store, it shall contain at least 12,000 SF of GFA;

**e.** No more than 10 percent of the retail business' GFA shall be devoted to alcoholic beverage display and sale;

**f.** At least 10 percent of the retail business' GFA shall be devoted to food display and sales. (Note: Food preparation areas shall not be counted toward the food sales floor area calculation); and

**g.** The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

**5.** Criteria for Determining Public Convenience or Necessity for Off-Sale Alcoholic Beverage Sales in Conjunction with Alcoholic Beverage Manufacturing Uses. Within a census tract having an undue concentration of off-sale ABC licenses, the Reviewing Authority is hereby granted authority to make determinations of public convenience and necessity for off-sale alcoholic beverage sales in conjunction with an alcoholic beverage manufacturing uses, and shall rely upon the following factors in making such determinations:

**a.** The proposed alcoholic beverage manufacturing use is not located within a high crime area, which is 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), including, but not limited to, disturbing the peace, public intoxication, assault and battery, prostitution, vandalism, graffiti, loitering, pan-handling, all BPC violations, drug violations, and driving while intoxicated or under the influence;

**b.** The proposed retail alcohol license is not located within close proximity (600 FT or less, as measured in a straight line from any point along the outer boundaries of the building GFA containing the business) of an existing or proposed residential or sensitive land use (as provided in BPC Section 23789), including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate;

**c.** The retail sales of alcoholic beverages is ancillary to the primary alcoholic beverage manufacturing use; and

**d.** The building or property wherein the proposed business is located has no outstanding building or health code violations, is not an active Code Enforcement Department case, and complies with applicable Development Code regulations, including, but not limited to, property maintenance, building improvements, off-street parking (design and number of spaces provided), and landscape and lighting improvements.

**Section 5.03.245: Hookah Establishments, Smoking/Vaping Lounges, and Smoking/Vaping Retailers**

The following standards shall govern the establishment and operation of hookah establishments:

**A. Purpose.** The purpose of this Section is to help mitigate negative impacts associated with smoking and vaping uses, in order to serve the public health, safety, and welfare of City residence, and City businesses and their patrons. Furthermore, this Section is specifically intended to reduce the impact of smoking and vaping uses on minors, as an abundance of such uses increases the potential for minors to associate smoking and vaping with a normative lifestyle.

**B. Applicability.** All smoking and vaping businesses throughout the City shall comply with the regulations and requirements of this Section.

**C. Definitions.** For the purposes of this Section, the words or phrases listed below, in correct alphabetical order, shall have the meanings hereafter specified:

**1.** Electronic Cigarette (E-Cigarette). An electronic device, which is typically batteryoperated, designed to deliver a nicotine-based liquid, or other substance, that is vaporized and then inhaled (called "vaping"), simulating the experience of smoking tobacco. Such devices are manufactured to resemble traditional tobacco cigarettes, cigars, pipes, or even everyday items, such as pens or USB memory sticks. The term includes any such device manufactured, distributed, marketed, or sold as an electronic cigarette or e-cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed physician.

**2.** Hookah Establishments. Any facility or location whose business operation, whether a primary or accessory use, is characterized as a commercial establishment where patrons gather to share in the smoking of flavored tobacco (shisha) from a communal hookah, including but not limited to establishments known variously as a hookah lounge or bar, or shisha bar or den, including smoking cigars or establishing cigar bars.

**3.** Hookah. A single or multi-stemmed instrument for smoking flavored tobacco (or shisha), whose vapor or smoke is passed through a water basin before inhalation.

**4.** Smoking/Vaping Lounge. Any facility or location whose business operation, whether a primary or accessory use, is characterized by the sale, offering, and/or preparation of smoking tobacco, electronic cigarettes, or similar products, including but not limited to establishments known variously as smoking lounges, and vaping lounges, excluding cigars and cigar bars.

**5.** Smoking/Vaping Retailer. A smoke shop, tobacco store, electronic cigarette retailer, or any other retail business where more than 25 percent of the gross floor area is dedicated to the sale of tobacco or tobacco products, electronic cigarettes, or related products, for consumption off the premises.

**D. Operating Requirements.** Hookah establishments, smoking/vaping lounges, and smoking/vaping retailers shall comply with the following operating standards:

**1.** Hookah Establishments. The following standards shall govern the establishment and operation of hookah establishments:

**a.** A hookah establishment may be established within an outside patio area that is open to the sky, either: [i] as a standalone establishment, [ii] in conjunction with a sit-down restaurant, or [iii] in conjunction with an ABC-licensed bona fide eating establishment.

**b.** A hookah establishment shall not be established in conjunction with live entertainment.

**c.** A hookah establishment shall not be established in conjunction with a bar or nightclub.

**d.** A hookah establishment shall operate in compliance with all applicable State laws and regulations pertaining to smoking facilities (limitation on numbers of paid staff shall meet CAL-OSHA requirements for air filtration and circulation and meet fire standards for smoking lounges).

**e.** A hookah establishment shall dispose of ash and coals pursuant to the requirements of the Ontario Fire Department.

**f.** A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate.

**g.** A hookah establishment shall be located a minimum of 1,000 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other hookah establishment, or a smoking/vaping lounge or smoking/vaping retailer.

**2.** Smoking/Vaping Lounges. The establishment and operation of smoking/vaping lounges shall be prohibited, excepting hookah establishments established pursuant to Paragraph D.1 (Hookah Establishments) of this Section.

**3.** Smoking/Vaping Retailers. The following standards shall govern the establishment and operation of smoking/vaping retailers:

**a.** A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any residentially zoned property or sensitive land use, including residential land uses within mixed use developments, hospitals and other healthcare facilities; senior citizen care facilities; preschools; daycare facilities; public or private elementary, middle (junior high) or high schools; public parks; recreation centers; sports parks; or any similar facility where minors (persons under 18 years of age) regularly congregate; and

**b.** A smoking/vaping retailer shall be located a minimum of 1,320 FT, as measured in a straight line from any point along the outer boundaries of the property or lease space containing the use, from any other smoking/vaping retailer, or a hookah establishment.

**c.** No smoking/vaping shall be permitted in conjunction a smoking/vaping retailer.

#### **Section 5.03.257: Live Entertainment**

The following standards shall govern the establishment and operation of live entertainment facilities:

**A.** No person, firm, partnership, corporation, company, or non-profit or charitable organization shall conduct any entertainment, without first making application to the City and obtaining a Conditional Use Permit or Administrative Use Permit, as applicable, to do so, nor shall any person conduct the same during the time while a permit to do so is revoked.

**B.** Any modifications or revisions to the live entertainment provided under a Conditional Use Permit or Administrative Use Permit shall require City approval.



## Administrative Use Permit Application Form— Minimum Filing Requirements, Plan Preparation Guidelines, and Minimum Plan Contents Checklist

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

### ALCOHOLIC BEVERAGE MANUFACTURING, ALCOHOLIC BEVERAGE SALES FOR ON-PREMISES CONSUMPTION, CIGAR LOUNGE, AND/OR LIVE ENTERTAINMENT

#### MINIMUM FILING REQUIREMENTS

The minimum requirements for filing an Administrative Use Permit application for Alcoholic Beverage Sales and/or Live Entertainment within the Downtown Mixed Use District are listed below. An application that does not include the following plans and information will not be accepted for processing:

- ☐ Completed *Application Form* and filing fees.
- ☐ The project description shall include a complete description of the proposed use, including, but not limited to, services proposed, hours of operation, number of employees, number of seats provided, etc.
- ☐ Five complete sets of plans, including a site plan and floor plan(s). Exterior building elevations are also required if exterior changes to the existing building exterior are proposed. *(Note: Refer to the Plan Preparation Guidelines & Minimum Plan Contents Checklist for the minimum plan preparation requirements.)* Each set shall be stapled together as a single package and folded to 8½"X11".
- ☐ Photographs of the site and building interior and exterior.
- ☐ Any other plans or information that the Planning Director deems necessary to facilitate processing of the application.
- ☐ Application filing fee: \$517.00 (cash, credit card, or check payable to "City of Ontario")

#### PLAN PREPARATION GUIDELINES

**Plans not conforming to the following guidelines will not be accepted for processing:**

- ☐ All plans shall be drawn on uniform sheets, which should not exceed 11" X 17".
- ☐ Date of plan preparation and/or revisions (if any).
- ☐ All plans/maps shall be clearly labeled with sheet title, applicant name, and project location.
- ☐ All plans shall be folded to 8½" X 11".
- ☐ All plans shall be clear and legible.

#### MINIMUM PLAN CONTENTS

**Site Plan:** The site plan shall be drawn to an engineering scale or architectural scale, with the scale clearly labeled on the plan, and shall include the following minimum information:

- ☐ Name and address of applicant.
- ☐ North arrow oriented towards the top of the sheet and a legend identifying any symbols.
- ☐ Property lines and dimensions.
- ☐ Plan needs to call out/illustrate paths of travel.
- ☐ Location of existing and proposed buildings and structures.
- ☐ Parking layout, including stall size and location, back-up areas and drives, driveway approaches, curb cuts, pedestrian access, utility vehicle access and secondary access points (if deemed necessary).
- ☐ Handicap parking spaces.
- ☐ Loading zones.
- ☐ Location, height, and composition of walls and fences (existing and proposed).
- ☐ Location of refuse areas (trash enclosure)..
- ☐ Location of any outdoor storage areas.
- ☐ Setback distances, yards, and building separations.
- ☐ Landscape areas (shaded).
- ☐ A tabular summary, including the following information:
  - (1) Site area (in acres or square feet)
  - (2) Total building/unit floor area (in square feet);
  - (3) Required and proposed number of parking spaces (including handicapped accessible spaces).

**Floor Plan:** Floor plans shall be drawn to an architectural scale no smaller than 1/16"=1'-0" and shall include the interior layout and dimensions of all rooms and open areas.

**Exterior Building Elevations:** Exterior building elevations are required only if exterior changes to the existing building exterior are proposed. Building elevations shall be of sufficient size to show architectural detail and, generally, shall be drawn to an architectural scale no smaller than 1/16"=1'-0". The building elevations shall include the following minimum information:

- ☐ Illustrative elevations of all sides of the building proposed to be changed or altered.
- ☐ All building materials (existing and proposed) labeled on each building elevations.
- ☐ Proposed building colors labeled on each sheet of the elevations.
- ☐ Heights of all structures.
- ☐ Conceptual sign locations, sizes and type.
- ☐ Screening treatment for HVAC units (include a cross section if necessary).