



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

September 20, 2021

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

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All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-015**: A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-204-18) submitted by Eureka Restaurant Group LLC.

If you wish to appeal a decision of the Zoning Administrator, you must do so within ten (10) days of the Zoning Administrator action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Zoning Administrator in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

I, Gwen Berendsen, Administrative Assistant of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **September 16, 2021**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Administrative Assistant



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

September 20, 2021

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

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP21-015

**DESCRIPTION:** A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine, and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant (DBA: Eureka!), with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. (APN: 0210-204-18); **submitted by Eureka Restaurant Group LLC.**

## PART 1: BACKGROUND & ANALYSIS

EUREKA RESTAURANT GROUP, LLC, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP21-015, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The project site is comprised of 4.34 acres of land located at 900 North Via Piemonte, Suite 101, and is depicted in *Exhibit A: Project Location Map*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Element Hotel	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Special Use/Hotel (Urban Commercial)
North:	Residential	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Residential Over Retail (Urban Commercial)
South:	Citizens Business Bank Arena	MU (Mixed-Use)	Ontario Center Specific Plan	Urban Commercial
East:	Vacant	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Office (Urban Commercial)
West:	Office Commercial	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Office (Urban Commercial)

## PROJECT ANALYSIS:

(1) Background— On May 2017, the City Council approved a Conditional Use Permit (File No. PCUP16-023) in conjunction with a Development Plan (File No. PDEV16-050) to construct

Prepared: JA – 09/09/2021	Reviewed: CM -09/09/2021	Decision: [enter initial/date]
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and establish a 4-story, 131-room hotel (The Element Hotel by Westin) totaling 93,177 square feet on the Project site. The Development Plan approval included the construction of 3,603-square foot restaurant with a 1,093-square-foot patio for outdoor dining.

In February 2019, the Zoning Administrator approved a Conditional Use Permit (File No. PCUP18-038) to establish alcohol beverage sales in conjunction with The Element Hotel, allowing for a Type 70 on-sale general — restrictive service ABC license, which authorizes the sale or furnishing of beer, wine, and distilled spirits for consumption on the premises by the hotel's overnight guests and their invitees.

On August 12, 2021, the Applicant submitted a Conditional Use Permit application requesting to establish a restaurant (Eureka!) with alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47 (On-Sale General) ABC License) in conjunction with live entertainment on the above-described subject site.

(2) Proposed Use— Eureka! is proposed as a full-service restaurant that will serve beer, wine, and distilled spirits for consumption on the premises. The Applicant estimates that 65 percent of sales will come from food and 35 percent of sales from beer, wine, and spirits. To provide added convenience to guests, the off-sale of alcohol for take-out services will also be available. A selection of beer and/or wine will be offered with the purchase of food and off-sale alcohol, which is anticipated to make up less than one percent of total restaurant sales and is provided as a convenience for customers to enjoy the same quality of restaurant food and beverages at their homes.

Additionally, the restaurant will feature live entertainment, to include local rock and roll bands and DJ music on Thursdays, Fridays, and Saturdays, from 7:00 PM to 10:00 PM. The DJ will play different genres that will be rotated to provide a variety of music. There will be no dancing or dance floors proposed for the live entertainment areas.

Proposed business hours are Monday through Thursday, from 11:00 AM to 1:00 AM, Friday, from 10:00 AM to 1:00 AM, and Saturday and Sunday from 10:00 AM to 12:00 AM. The restaurant will operate with approximately 25 to 30 employees per shift, for a total of 90 employees.

The restaurant is divided into seven general areas, that include a dining and bar area; kitchen, cold storage, and beer and drink cooler areas; restrooms; live entertainment areas; and an outdoor patio area (a 1,093 square-foot patio area on the south side of the existing building). The indoor seating capacity is approximately 89 dining seats, 18 bar seats, and the outdoor seating capacity is approximately 75 outdoor dining seats (see Exhibit C—Floor Plan, attached).

The main entrance to the restaurant is located on the westerly side of the building, facing Via Piemonte. On-street parking for guest drop-off and pick-up is located along Via Piemonte, on the west side of the project site, near the main entrance of the restaurant and hotel. Parking for employees and guests are located to the north and east of the building.

(3) Parking— Per the Special Use/Hotel Development Regulations" and "Restaurant" parking standards specified in the Piemonte Overlay of the Ontario Center Specific Plan, the Project is required to provide 167 off-street parking spaces, at a ratio of one space per hotel room and 10 spaces for each 1,000 square feet of gross floor area. The Element Hotel was developed with 174 parking spaces. The application does not include the elimination of any parking spaces. The proposed Conditional Use Permit request is to provide an additional convenience to

restaurant patrons; therefore, staff believes that the proposed use will not adversely affect the parking demand for the existing hotel and proposed restaurant use.

(4) ABC License Concentrations — The California Department of Alcoholic Beverage Control (“ABC”) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and according to ABC, is over concentrated.

The Census Tract currently allows three on-sale and three-off sale licenses; however, there are currently 50 active on-sale licenses and 11 active off-sale within this census tract. The proposed location operates as a “Bona Fide Public Eating Place;” therefore, the Police Department does not object to allowing the proposed Type 47 ABC License, provided that all City and State Department of Alcohol Beverage Control rules, regulations, and conditions of approval are met and followed. In addition, the project site is not located in a high crime area and the property has no outstanding Building or Health Code Violations. As a result, staff has placed specific conditions of approval to ensure the safe operation of the business.

The Department of Alcoholic Beverage Control previously provided temporary Regulatory Relief measures to address the state of emergency throughout the state due to COVID-19, which included sales of alcoholic beverages for take-out services. The Eighth Notice of Regulatory Relief was implemented by the Department to support the alcoholic beverage industry in its efforts to slow the spread of the COVID-19 virus throughout California, while also assisting the industry in dealing with the economic challenges it faced as a result. The allowance for sales of alcoholic beverages for take-out services will temporarily remain in place until December 31, 2021. The applicant will be subject to the Regulatory Relief provisions and temporarily allowed to offer three premixed cocktail beverages for take-out services. The premixed cocktail beverages will be sold in single plastic bottles and sealed foil pouches (see Exhibit G – Premixed Cocktail Beverage Containers). The applicant will be required to provide Eureka! labeling and branding for the premixed cocktail beverage containers and continually work with the Police Department and the Department of Alcoholic Beverage Control.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of the proposed use with adjacent existing and proposed uses by identifying potential nuisance activities and establishing measures for appropriate mitigation accordingly. The project site is located within the Ontario Center Mixed Use Area that is intended to accommodate a mixture of entertainment, retail, office, and residential uses in an active, pedestrian oriented atmosphere. The restaurant is located on the first floor of The Element Hotel and will serve the immediate area including a five-story office building to the west and the Toyota Arena to the southwest.

Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential negative impacts that may be associated with the proposed use. Additionally, the nearby businesses within and surrounding The Element Hotel will not be exposed to any impacts resulting from alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant uses within the Ontario Center and surrounding areas. The Ontario Police Department has reviewed the Application and is recommending approval, subject to conditions.

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

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

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

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

## **PART 2: RECITALS**

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

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

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

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

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on September 20, 2021, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Lorena Mejia, Senior Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

### **PART 3: THE DECISION**

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

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

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines, which consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed use is located within an existing building and does not include any alterations or operational changes; and

(2) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(3) The determination of CEQA exemption reflects the independent judgment of the Zoning Administrator.

SECTION 2: Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.)

requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the ZA, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 3: Concluding Facts and Reasons. Based upon [1] the substantial evidence presented to the Zoning Administrator in the Background and Analysis of this Decision, [2] the oral information presented during the herein-referenced public hearing, and [3] the findings set forth in Sections 1 and 2, above, the Zoning Administrator hereby concludes as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district. The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed live entertainment and Type 47 ABC license in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan; and*

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed live entertainment and Type 47 ABC license in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining land use will be located within the MU (Mixed-Use) land use district of the Policy Plan Land Use Map, and the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and*

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development. The proposed live entertainment and Type 47 ABC license in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining land use is located*

within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Center Specific Plan; and

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

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

- *The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole.* The 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 total number of alcohol-related calls for service, between the period of September 9, 2020 to September 9, 2021, was 25 out of the 490 calls for service received within a half mile radius from the project site, which is five-percent and does not exceed 20 percent. The Police Department has reviewed the application and is recommending approval subject to the attached conditions of approval. The proposed use is consistent with the Ontario Center Specific Plan and other similar restaurant uses in the area. The use will be providing a convenience for restaurant patrons that would like to purchase alcoholic beverages with their meal(s).
- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* The building will require tenant improvements and will be in good operating condition prior to building occupancy and currently has no outstanding enforcement violations.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The project site is properly maintained, including building improvements, landscaping, and lighting. The Element Hotel, including the Eureka! restaurant site, is properly maintained, and serviced on a regular basis.

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



-or-

DENIES the Application.

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

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

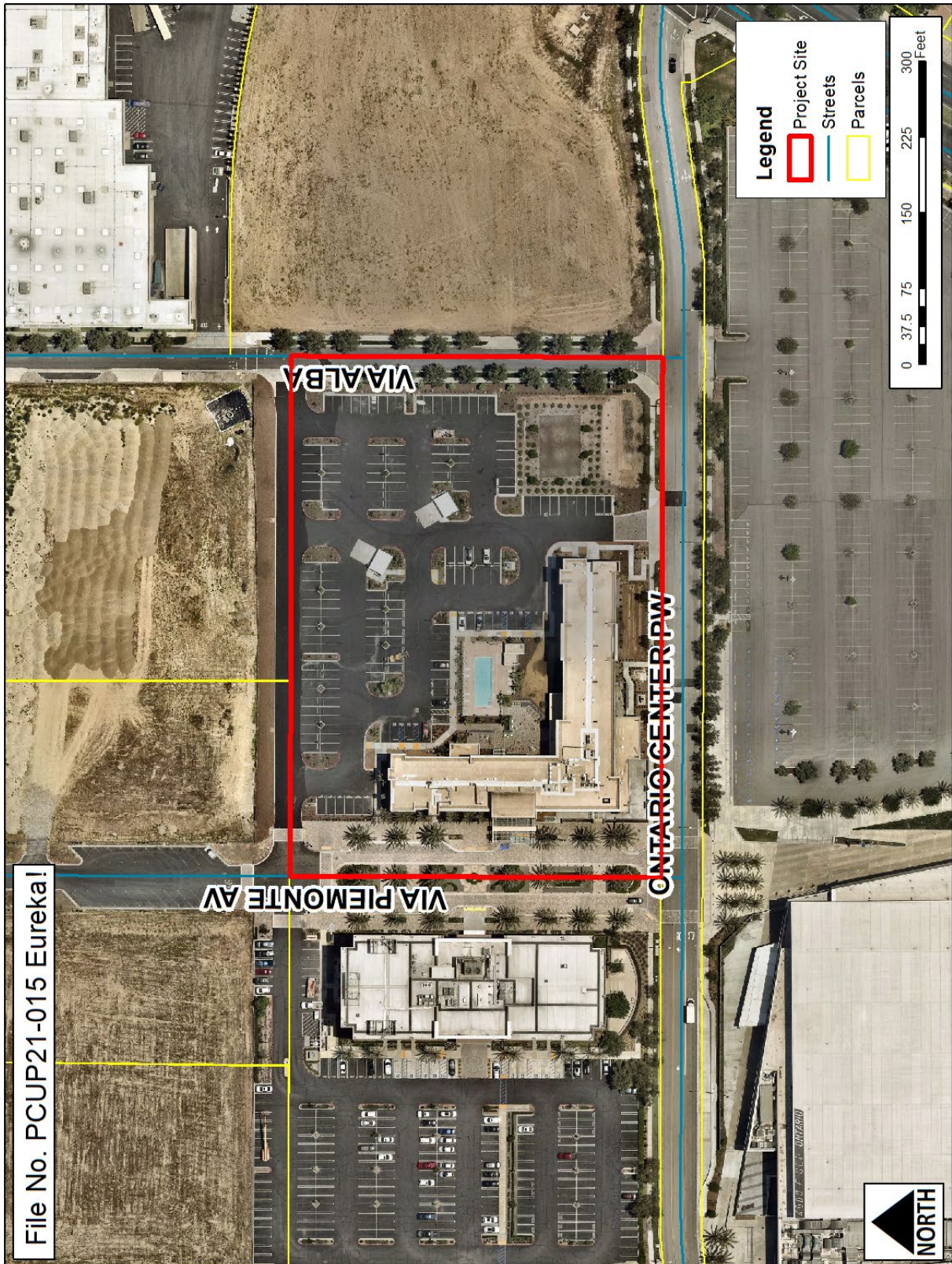
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APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

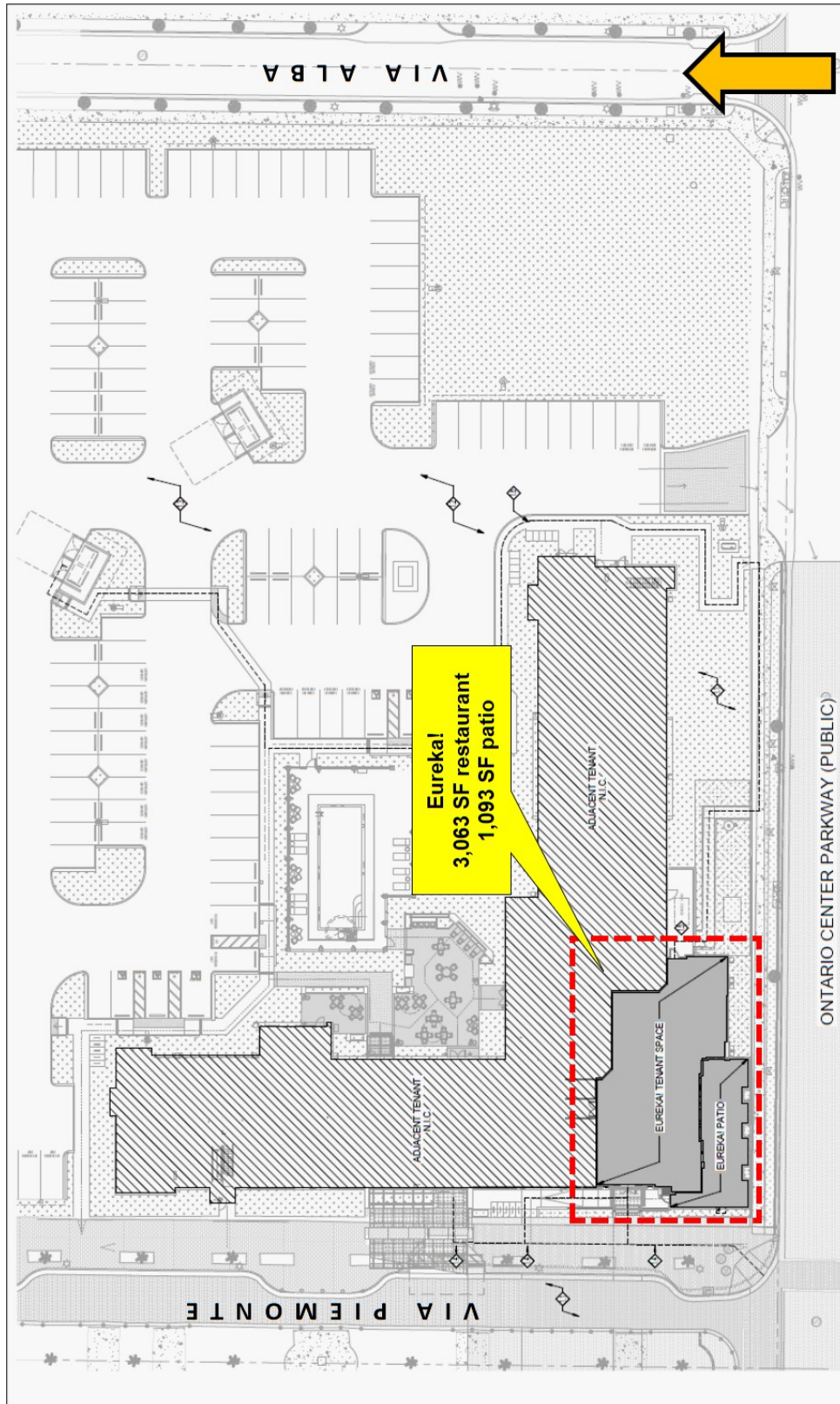
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Rudy Zeledon  
Zoning Administrator

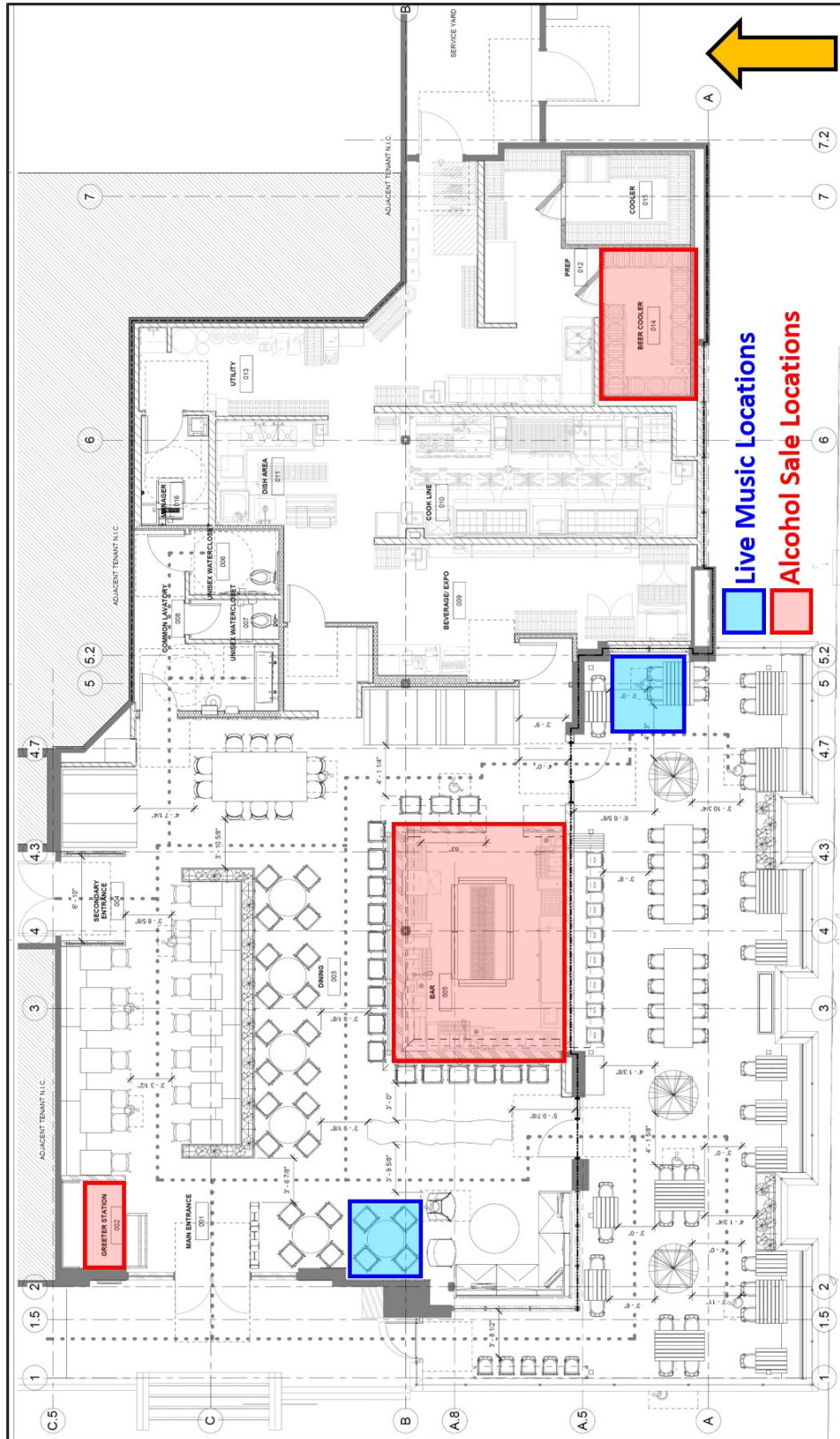
**Exhibit A: PROJECT LOCATION MAP**



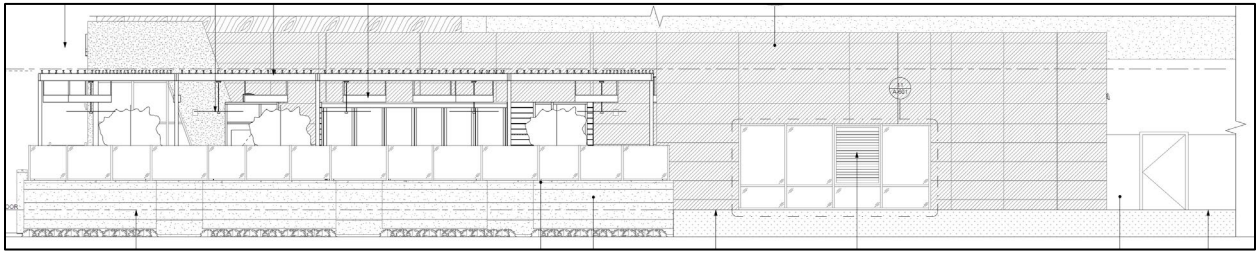
**Exhibit B: SITE PLAN**



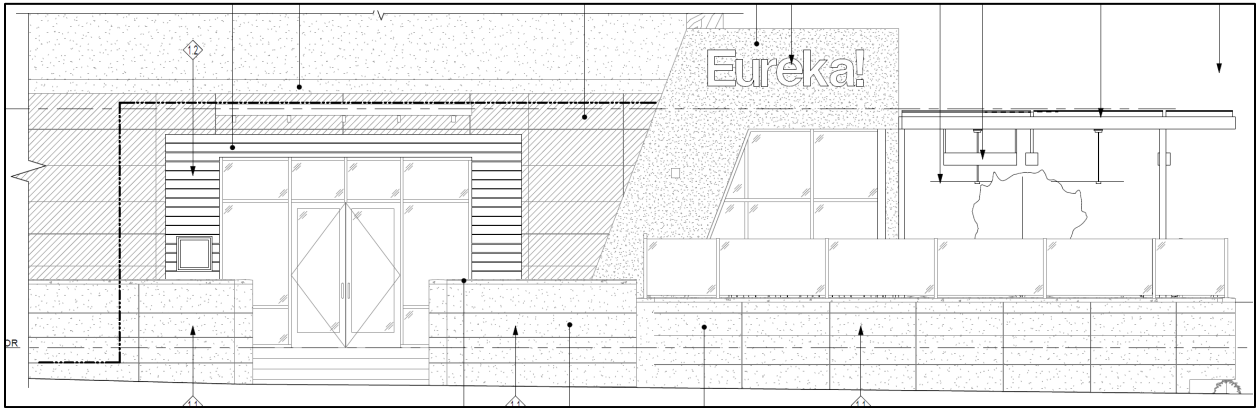
**Exhibit C: FLOOR PLAN**



**Exhibit D: ELEVATIONS**



*South Elevation*



*West Elevation*

**Exhibit E: ILLUSTRATIVE PHOTOS**



*Perspective view facing northeast*



*Interior perspective view of outdoor patio*

**Exhibit E: ILLUSTRATIVE PHOTOS (continued)**



*Interior perspective view southwest*

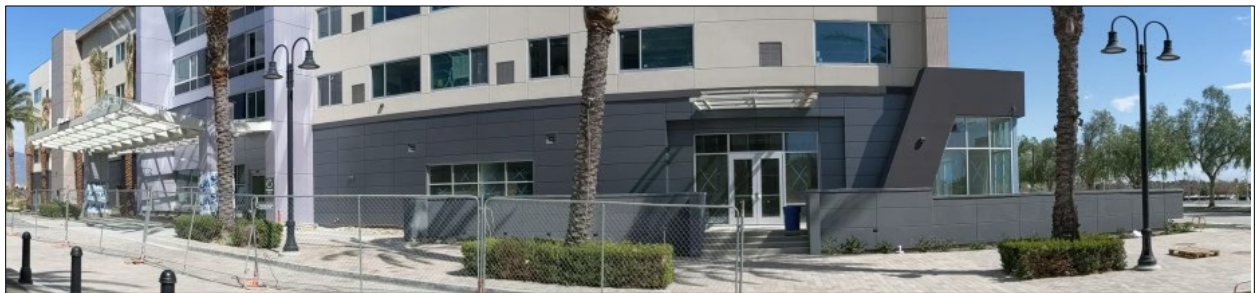


*Interior perspective view facing east (towards bar on the right of photo)*

**Exhibit F: SITE PHOTOS**



*South Elevation*



*West Elevation*



### Exhibit G: PREMIXED COCKTAIL BEVERAGE CONTAINERS



32 OZ BEER BAG 



Item number: 1201833  
Supplier: Rp & Associates  
Supplier number: RP32GROWLERBAG  
Case pack: 100/CS

 \$89.79 per case  
Item is stocked at your assigned DC.

**ADD** 

Specifications Description

General description: Growler Bag  
Capacity: 32 oz  
Color: Clear  
Product height: 14"  
Maximum diameter: 6"

BOTTLE SQR 16 OZ TALL PET W/BLK LID 



Item number: 1209345  
Supplier: Buccaneer Brokerage  
Supplier number: BUC-16OZPET-TALLSQ-BLK  
Case pack: 86/CS

 \$46.10 per case  
Item is stocked at your assigned DC.

**ADD** 

Specifications

General description: Bottle With Lid  
Capacity: 16 oz  
Material: PET  
Color: Clear

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

*(Department Reports containing conditions of approval follow this page)*



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

## ***Planning Department Land Development Division Conditions of Approval***

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**Meeting Date:** September 20, 2021  
**File No:** PCUP21-015  
**Related Files:** PDEV16-050, PCUP16-023, PCUP19-038

**Project Description:** A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan. (APN: 0210-204-18); **submitted by Eureka Restaurant Group LLC.**

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

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

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

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

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

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

**(a)** All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

**2.3** Landscaping.

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

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

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

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

**2.4** Parking, Circulation and Access.

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

(b) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(c) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

**2.5** Site Lighting.

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

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

**2.6** Mechanical and Rooftop Equipment.

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

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

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

**2.8** Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.0 (Sign Regulations).

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

**2.10** Alcoholic Beverage Sales—General.

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

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

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

**(d)** Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

**(e)** The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

**(f)** In the event that security problems occur as a result of the approved subject use and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the subject premises, during such hours and in such number as requested by the Police Department.

**(g)** The licensee shall attend a LEAD (Licensee Education on Alcohol and Drugs) training secession sponsored by the State of California Department of Alcoholic Beverage Control, within 6 months following commencement of the approved use.

**(h)** A clearly legible copy of the herein-listed conditions of approval shall be posted at all times at a prominent place in the interior of the premises.

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

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

**2.11** 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.

**2.12** Environmental Review.

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

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

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

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

**2.13** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**2.14** Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County

Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

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

**2.15** Additional Requirements.

(a) All applicable Conditions of Approval from other City departments shall be met and addressed by the applicant.

(b) A City Business License must be reviewed and approved by the Ontario Planning Department prior to operation of business with sales of alcohol.



**CITY OF ONTARIO**  
**MEMORANDUM**  
*“Excellence Through Teamwork”*



**TO:** Jeanie Aguilo, Associate Planner

**FROM:** Thomas Cho, Police Officer, Alcohol and Tobacco Enforcement

**DATE:** September 13, 2021

**SUBJECT:** FILE NO. PCUP21-015 – EUREKA  
900 VIA PIEMONTE SUITE 101, ONTARIO, CA 91764

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This location has applied for a type 47 On-Sale General Liquor License for a Bona Fide Public Eating Place located within Census Tract No. 21.09. According to the Department of Alcohol Beverage Control (ABC), three (3) on-sale licenses are allowed within this tract, there are currently fifty (50). The census tract is currently over-concentrated. However, this census tract is considered an entertainment district by the City of Ontario, which allows for exceptions. The Police Department neither approves or denies conditional use permits. However, due to the above circumstances, it is recommended the applicant obtain the ABC license through the State ABC office prior to moving forward. On approval by the planning department, the location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Ontario Police Department:

**ABC CONDITIONS**

1. Alcohol sales will be from 11:00 A.M. to 12:00 A.M., Monday thru Thursday. Last call for alcohol shall be made by 11:15 P.M. and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from the tables/patrons at 12:00 A.M.
2. Alcohol sales will be from 10:00 A.M. to 01:00 A.M., Friday and Saturday. Last call for alcohol shall be made by 12:15 A.M. and alcohol sales must cease by 12:30 A.M. All alcohol shall be removed from the tables/patrons at 01:00 A.M.
3. Alcohol sales will be from 10:00 A.M. to 12:00 A.M., on Sunday. Last call for alcohol shall be made by 11:15 P.M. and alcohol sales must cease by 11:30 P.M. All alcohol shall be removed from the tables/patrons at 12:00 A.M.
4. At least 51% of sales at the establishment shall be food.



5. No sales of alcoholic beverages to minors.
6. The seating around the interior bar area not to exceed eighteen (18) chairs as indicated on the purposed plan.
7. The seating around the exterior bar area (patio area) not to exceed eight (8) chairs as indicated on the purposed plan.
8. No sales to obviously intoxicated patrons.
9. The business is required to have in place a driver's license and/or ID card reading device.
10. No drug paraphernalia to be sold at any time.
11. The practice known as Bottle Service will not be allowed.
12. No self-serve alcohol displays allowed.
13. Off-sale of alcoholic beverages of cans or bottle must be sealed as defined by ABC regulations.
14. Eureka must have distinct labeling on all off-sale products, identifying Eureka as the seller.
15. No off-sale of alcoholic beverages without the purchase of a bona fide meal as defined by ABC regulations.
16. Off-sale of alcoholic beverages will be limited to two (2) single servings (12oz beer / 187ml wine each) per bona fide meal purchased.
17. Signs must be posted at all exits (including patio exits) stating no alcohol beyond this point.
18. No more than 25% of window space may be used for advertisements. If advertisements are placed on the windows, they must be below two feet on the window and/or above 6 feet on the window to allow clear visibility into and out from the business.
19. Smoking is not permitted inside of the establishment or on the patio areas. This includes electronic nicotine delivery devices.
20. There will be no narcotic sales or usage on the premises at any time.
21. Employees engaged in alcohol preparation and service shall be at least 21 years of age.
22. 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 the Ontario Police Department. This is required within six months of this dated

conditional use permit and proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.

23. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
24. Address to the establishment must be plainly visible to the front for easy identification by safety personnel.
25. Restrooms must be kept free of graffiti. Any damage to restroom doors must be repaired within 24 hours and the doors must remain locked during hours of non-operation.
26. The parking lot is required to have adequate lighting (minimum 1-foot candle) from dusk to dawn. All exterior walkways and footpaths will require a minimum of 0.5-foot candle. All exterior and parking lot shall be on a photo sensor. Photometrics shall be submitted to the Ontario Police Department CET unit prior to approval.
27. 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 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.
28. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
29. The applicant, and all employees, shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant.
30. 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).
31. The applicant will be responsible for keeping the grounds of the business clean from debris.
32. Any special event outside the scope of the Conditional Use Permit will require a Temporary Use Permit (TUP), which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the restaurant, a car show, or an OUTDOOR event with alcoholic beverages would be a special event, requiring a TUP.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Ontario Police Department within a reasonable

time frame, but not less than 15 days prior to the event, to determine the necessity for a TUP.

33. Camping as defined by Ontario Municipal Code 5-23.02 will not be allowed on the premises.

## **PATIO CONDITIONS**

1. Patio fencing must be a minimum height of 5 feet. The patio must be see-through, decorative fencing, which allows visibility into and out from the patio to the parking lot and adjacent businesses/walkways. It will be the responsibility of the applicant and all employees at the location to monitor the area and ensure drinks are not leaving the patio area or being given to minors.
2. The patio area will be for customers only.
3. The patio area will be routinely monitored by an employee. Empty alcoholic containers will be removed from the patio area in a timely manner.
4. Patio exits must always be gated and closed.
5. The patio exits will have a sign posted, in clear view, stating, "No alcohol beyond this point."
6. Landscaping within the applicant's control shall be maintained in the following manner. All shrubbery shall be trimmed to a height of three feet or lower. All tree canopies shall be trimmed to a height of no lower than six feet. This landscaping shall be on a regular maintenance plan to ensure clear visibility is maintained between the height of three feet and six feet throughout the location.
7. In the event the patio is utilized for criminal activity or becomes a focal point of calls for service at the location, the police department and/or planning department may require the hedges surrounding the patio be completely removed. This stipulation will only be enforced if removing the hedges will reasonably contribute to a reduction in such crime or calls for service.

## **ENTERTAINMENT CONDITIONS**

1. No DJ's, dance floor or stage will be allowed.
2. The entertainment area must be designated on a plan check and will be the only area allowed for entertainment purposes. Live entertainment includes small local bands, both

indoor and on the outdoor patio. No gang-related entertainment will be allowed. Upon knowledge of an entertainer being linked to organized criminal activity or gang activity, the business will be required to cancel any related event. Designated live music/band area to be limited to two (2) locations as indicated on the original site plan.

3. All above forms of entertainment will only be permitted during regular business hours (hours of business shall not be extended for special events without a TUP).
4. Interior/exterior tables and chairs shall not be removed or rearranged to increase occupancy.
5. All entertainment will stop fifteen (30) minutes prior to closing.
6. All entertainment noise will be in accordance with the Ontario Municipal Code Sections 5-29.03 through sections 5-29.05. If the City of Ontario or Ontario Police Department receives complaints regarding noise levels at the location, further noise requirements may be imposed at the discretion of the City of Ontario and/or Ontario Police Department.
7. The business shall not utilize promoters or allow "Flyer Parties".
8. The business will not violate section 143.2 (Attire and Conduct), or section 143.3 (Entertainers and Conduct) of the California Code of Regulations, Title 4, Division 1.
9. All business operations, including entertainment at the location must comply with all other ordinances and requirements, including occupancy level deemed by the fire department.

## **SECURITY CONDITIONS**

1. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
4. If the business chooses to hire security personnel. The Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621

(security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.

5. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the restaurant area. A minimum of one camera will record the parking lot. A minimum of one camera will record each cash register. A minimum of one camera will record each entry/exit. Each camera will record at least 720p recording resolution levels and at least 15 frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Ontario Police Department upon request.

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 its sole discretion, request a revocation hearing if it determines that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

**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 will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.**

**The Police Department will conduct a review six months after commencement of business to determine whether additional conditions will be needed.**

**Please contact Officer Thomas Cho if you have any questions regarding this matter at (909) 408-1671.**

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP21-015

Address: 900 North Via Piemonte

APN: 0210-204-18

Existing Land Use: Hotel and Restuarant

Proposed Land Use: A CUP to establish live entertainment and alcoholic beverage sales (Type 47 ABC License) in conjunction with a 3,603 square foot restaurant (Eureka Burger)

Site Acreage: 4.34 Proposed Structure Height: Existing Building

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 8/17/2021

CD No.: 2021-043

PALU No.: n/a

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

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

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

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

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: \_\_\_\_\_



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
Matt Montieth, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department

# EXPEDITE

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: August 13, 2021

SUBJECT: FILE #: PCUP21-015

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by .

- Note:**
- Only DAB action is required
  - Both DAB and Planning Commission actions are required
  - Only Planning Commission action is required
  - DAB, Planning Commission and City Council actions are required
  - Only Zoning Administrator action is required

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan (APN: 0210-204-18).

- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.


Landscape Planning Division  
Department

*Rudy Zeledon*  
Signature

Associate Landscape Planner  
Title

8/25/21  
Date

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

<b>CONDITIONS OF APPROVAL</b>	
<b>Sign Off</b>	
	08/23/21
Philip Marino, Associate Landscape Planner	Date

Reviewer's Name: <b>Philip Marino, Associate Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: PCUP21-015	Related Files:	Case Planner: Jeanie Aguilo
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Project Name and Location: Westin Elements Hotel and Restaurant-Entertainment and Alcohol 900 Via Piemonte
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Applicant/Representative: Mark Fernandez <a href="mailto:mark@goldenpd.com">mark@goldenpd.com</a> 20025 E Country Hollow Dr. Walnut, CA 91789
--

<input checked="" type="checkbox"/>	<b>A site plan 08/13/21 meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.</b>
<input type="checkbox"/>	<b>A site plan () has not been approved. Corrections noted below are required prior to DAB approval.</b>





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Irene Aguilo, Associate Planner  
Planning Department

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

**DATE:** August 19, 2021

**SUBJECT:** PCUP21-015 A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premise consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Specific Plan (APN: 0210-204-18).

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

No comments

Report below.

1. Occupant must comply with all A-occupancy type requirements, such as, occupant load, exiting, emergency lighting, decorative materials to be fire resistive, etc.
2. Any changes or modifications affecting the fire sprinkler system and/or fire alarm system will require a plans submittal prior to any work being conducted.

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For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov](http://www.ontarioca.gov) , click on Fire Department and then on forms.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** David Zurita, ENGINEERING DEPARTMENT  
**FROM:** Celia Corral  
**DATE:** August 18, 2021  
**SUBJECT:** File No. PCUP21-015

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The Site Plan for this project is approved for DAB from the Environmental Section.



CITY OF ONTARIO  
MEMORANDUM

David

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
Matt Montieth, Building Department  
Raymond Lee, Engineering Department  
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Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department

**EXPEDITE**

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: August 13, 2021

SUBJECT: FILE #: PCUP21-015 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by .

- Note:
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  - Both DAB and Planning Commission actions are required
  - Only Planning Commission action is required
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  - Only Zoning Administrator action is required

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use district of the Piemonte Overlay area of the Ontario Center Specific Plan (APN: 0210-204-18).

- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

ENGINEERING - LAND  ENGINEERING ASSISTANT 8.17.2021

Department Signature Title Date



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Community Development Director  
 Rudy Zeledon, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 Matt Montieth, Building Department  
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 Eric Woosley, Engineering/NPDES  
 Angela Magana, Community Improvement (Copy of memo only)  
 Jimmy Chang, IPA Department

*Perry*

**EXPEDITE**

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: August 13, 2021

SUBJECT: FILE #: PCUP21-015

Finance Acct#:

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*Engineering*

*Perry Chavez*

*Assistant  
Eng.*

*8.17.21*

Department

Signature

Title

Date