



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

October 3, 2022

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 and on the City website at [www.ontarioca.gov/agendas/zoning](http://www.ontarioca.gov/agendas/zoning)

**PUBLIC HEARINGS**

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP22-012:** A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (Type 41 ABC License, On-Sale Beer & Wine – Eating Place), in conjunction to modify portions of the existing floor plan and expand the frontage of an existing 117-room hotel (Country Inn) by 1,020 square feet, on 2.34 acres of land located at 4674 East Ontario Mills Parkway, within the Ontario Mills Commerce Center North 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. This application introduces no new significant environmental impacts. 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; (APN:0238-041-36) **submitted by Y.W. Rising Drafting.**

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 29, 2022**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Administrative Assistant



# ZONING ADMINISTRATOR DECISION: CONDITIONAL USE PERMIT

October 3, 2022

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

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

**FILE NO.:** PCUP22-012

**DESCRIPTION:** A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer and wine (Type 41 ABC License), in conjunction with modifications to portions of the existing floor plan and expansion of the front of an existing 117-room hotel (Country Inn & Suites by Radisson) by 1,020 square feet, on 2.34 acres of land located at 4674 East Ontario Mills Parkway, within the Commercial/Office land use designation of the Ontario Mills Specific Plan (APN: 0238-041-36); **submitted by Y.W. Rising Drafting.**

## PART 1: BACKGROUND & ANALYSIS

Y.W. RISING DRAFTING, (herein after referred to as "Applicant") has filed an application requesting approval of a Conditional Use Permit, File No. PCUP11-012, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The project site is comprised of 2.34 acres of land located at 4674 East Ontario Mills Parkway, and is depicted in *Exhibit A: Aerial Photograph*, attached. The project site is located north of Interstate 10, west of Interstate 15, and south of the Ontario Mills Mall. 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:	Hotel (Existing)	MU (Mixed-Use)	Ontario Mills (California Commerce North Specific Plan)	Commercial / Office
North:	Ontario Mills Mall	MU (Mixed-Use)	Ontario Mills (California Commerce North Specific Plan)	Regional Commercial
South:	Carrington College / SJVC Private Career College	MU (Mixed-Use)	Ontario Mills (California Commerce North Specific Plan)	Commercial / Office
East:	Business Park	MU (Mixed-Use)	Ontario Mills (California Commerce North Specific Plan)	Commercial / Office
West:	Office Building	MU (Mixed-Use)	Ontario Mills (California Commerce North Specific Plan)	Commercial / Office

Prepared: AA 9/13/2022      Reviewed: LB 9/23/2022      Decision: [enter initial/date]

## PROJECT ANALYSIS:

(1) Background — In January 2007, the City Council approved a Conditional Use Permit (“CUP”) (File No. PCUP06-016) to establish a hotel use, in conjunction with a Development Plan (File No. PDEV 06-033) to construct a four-story, 117-room hotel (Country Inn & Suites by Radisson) totaling 73,484 square feet on the project site. The hotel development was completed in 2009.

(2) Proposed Use — The Applicant is requesting a Conditional Use Permit approval to establish alcoholic beverage sales, limited to beer and wine (Type 41 ABC license), for consumption on the premises, as a convenience to the hotel's overnight guests and their invitees. As a requirement of the Type 41 ABC license, the Applicant must maintain the licensed premises as a bona fide eating place, must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Alcoholic beverages are proposed to be sold from 6:30 a.m. to 10:00 p.m., daily.

(3) Operation — Country Inn & Suites consists of a 4-story, 117-room full-service hotel, and includes amenities such as a pool, fitness center, and dining area. The hotel is open 24-hours, 7 days a week, with a staff of 21 full-time and 5 part-time employees.

The hotel's first floor consists of a 1,072 square foot dining area, 15,933 square feet of meeting space, employee break room, exercise room, mechanical/elevator rooms, restrooms, lobby and 16-hotel suites. The second, third and fourth floors, feature the balance of hotel rooms (101-rooms), and space for laundry/linen storage, elevators, and emergency stairwells.

According to the Applicant, alcoholic beverages will be displayed for sale within the hotel dining area in a locked refrigerator, as well as within the giftshop, both located within the first floor. The existing dining area is currently 1,072 square feet, and is proposed to expand by 592 square feet, for a total of 1,664. The dining area is located north of the lounge/lobby area. The giftshop consists of 172 square feet, located south of the lounge/lobby area (see Exhibit C: First Floor Plan, attached).

The hotel's proposed floor plan modifications and building addition do not impact the previously analyzed parking requirements for the existing hotel, as the Development Code requires off-street parking for hotel's to be calculated based upon the number of guestrooms (one space for each guestroom). The number of guestrooms provided will not be affected by the proposed building modifications and addition; therefore, additional parking is not required. At the time of hotel approval by the City Council, 96 parking stalls were required, based upon a Parking Analysis prepared by Kunzman Associates, which sufficiently demonstrated that due to the expected occupancy rate for the hotel and based on a survey of similar hotels in the area, that the proposed 96 spaces would provide adequate parking for the hotel project. Additionally, the hotel project was required to provide a shared parking agreement with the adjacent office developments to the south and west, to accommodate the parking needs for the hotel during holidays and special events, when occupancy of the hotel may be at or near full capacity. Office development typically has a peak parking need during daytime hours on weekdays, whereas a hotel has peak parking demand overnight and on weekends. Therefore, no parking issues are anticipated.

(4) Land Use Compatibility — Conditional Use Permit review is performed in order to weigh a proposed use's compatibility with adjacent uses and identify and establish measures to mitigate any potential nuisance activities. The subject site is located within the Ontario Mills area,

which is considered to be an entertainment district. The serving of beer, and wine for consumption on the premises is a conditionally permitted use within the Commercial/Office land use designation of the Ontario Mills Specific Plan. Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use and the businesses within the immediate area will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other entertainment use allowed in the Specific Plan area.

(5) Concentration of Alcohol Business Licenses — The California Department of Alcoholic Beverage Control (“ABC”) is the State entity responsible for granting, renewing, and revocation of all alcoholic beverage licenses. ABC determines how many On-sale and Off-sale alcoholic beverage license types should be issued per Census Tract, based upon their population.

Country Inn & Suites by Radisson is located within Census Tract 21.09. The Census Tract is rectangular in shape and extends from Fourth Street to the north, to Interstate 10 to the south, to the Interstate 15 to the east, and to Archibald Avenue to the west (see Exhibit F: Census Tract 21.09, attached). ABC has determined that 5 On-sale and 4 Off-sale ABC licenses are allowed within this Census Tract (see Exhibit H: ABC Licenses Allowed, attached). Presently, there are ten Type 41 On-Sale ABC license and 11 Off-Sale licenses in the Census Tract. On the surface, it appears that the area is heavily concentrated with On-Sale licenses. However, the number of licenses allowed within a census tract is determined by the number of residents (population) within the tract. This tract is very large and is mainly developed with commercial/retail type developments and has large areas of vacant land. Therefore, it naturally has a lower number of allowed licenses than those tracts that are highly populated. In addition, the project site is located within a City recognized entertainment district. As an entertainment district, you will naturally find more establishments with an ABC license.

Furthermore, the hotel's alcoholic beverage service will operate in conjunction with a “Bona-Fide Public Eating Place;” therefore, the Ontario Police Department does not object to the granting of the requested Conditional Use Permit for a Type 41 On-Sale ABC License, provided all City and State rules, regulations, and conditions are met and followed by the establishment. Staff has placed specific conditions of approval on the Conditional Use Permit to ensure the safe operation of the business.

The Business and Professional Code grants authority to local governments to approve additional ABC licenses under certain terms, which includes making certain findings, having low crime levels, and implementation of mitigating measures (conditions of approval). As previously indicated, the subject site is located within a recognized entertainment district. Consequently, more ABC licenses than typical are present. Lastly, the Ontario Police Department has reviewed the Conditional Use Permit request and is recommending approval, subject to attached conditions (see Attachment A of this Decision).

**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 (“ONT 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. The Police Department has reviewed the request and its recommending approval. The Police Department does, however, request that conditions be placed on the application to provide for safer business operations. Some of the conditions include:

(1) 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) 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 restaurant 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.

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

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

(5) 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.

**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 October 3, 2022, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Andrew Arellano, Planning Intern, 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 the 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 types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

(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 ("AIA") for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Zoning Administrator has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Zoning Administrator, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Commercial/Office land use designation of the Ontario Mills 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 Type 41 On-sale ABC License use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Commercial / Office land use district of the Ontario Mills 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 Type 41 On-sale ABC License use will be located within the Mixed-Use land use district of the Policy Plan Land Use Map, and the Commercial / Office land use designation of the Ontario Mills 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 On-Sale of alcoholic beverages (Type 41 ABC License) in conjunction with the expansion of the Country Inn & Suites hotel, which is located within the Commercial/Office land use designation of the Ontario Mills Specific Plan and the Mixed-Use land use district of Policy Plan Land Use Map, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use, is consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Ontario Mills 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 Mills 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; and

(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 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 project site is not located within a high crime area. The Police Department has reviewed the application and is recommending approval subject to the attached conditions of approval. The use is consistent with the land use designation of Commercial / Office land use designation of the Ontario Mills Specific Plan, and other similar hotels in the area have also received approval of an On-Sale ABC license. The proposed use (Type 41 On-Sale ABC License) will be provided as a convenience to hotel guests that would like to purchase alcoholic beverages.



- *The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.* Building and Safety and Community Improvement have no record of outstanding violations on the project site.
- *The site is properly maintained, including building improvements, landscaping, and lighting.* The subject property has been and continues to be well maintained. No violations are on file.

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.

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APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

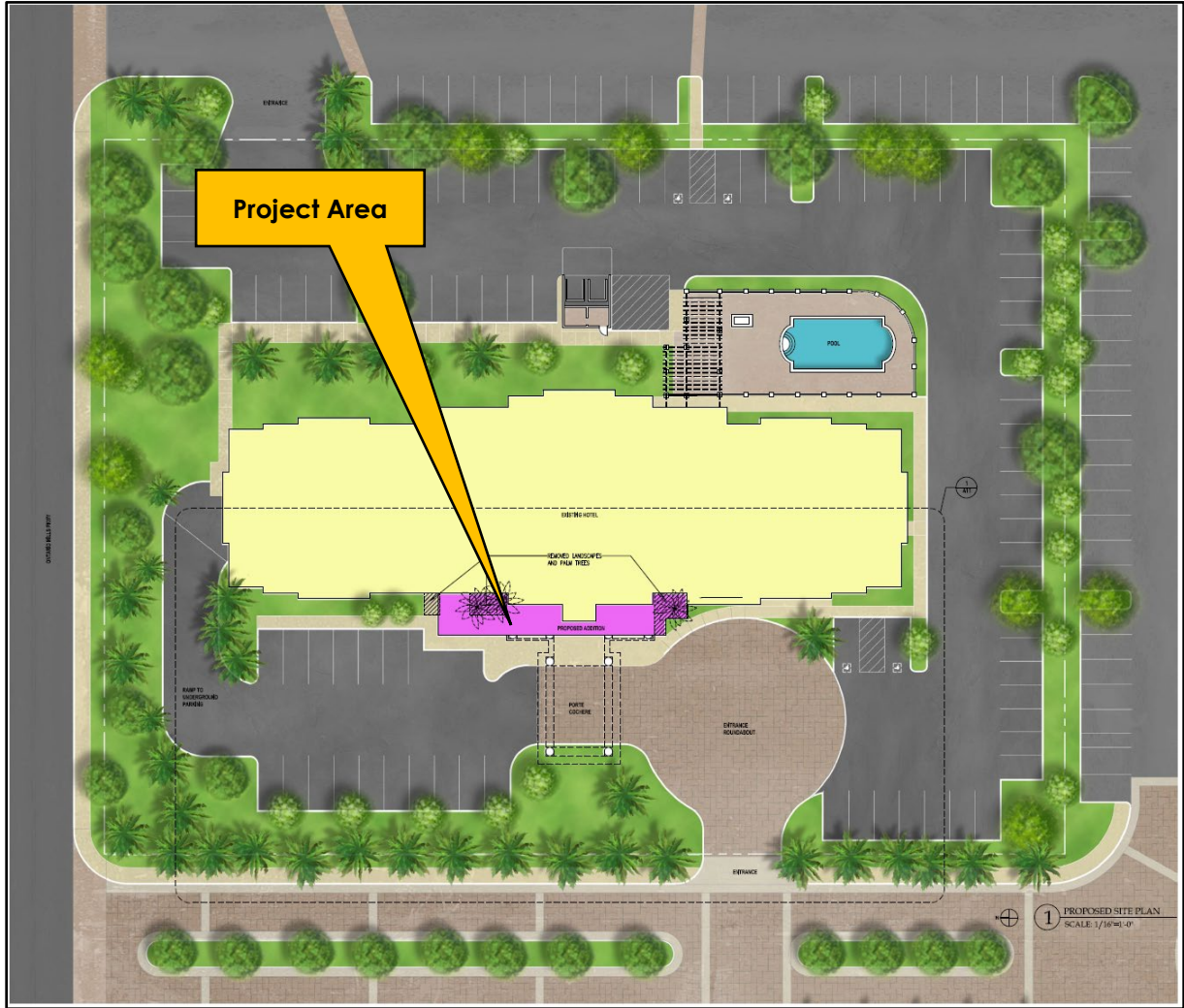
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Charles Mercier  
Zoning Administrator

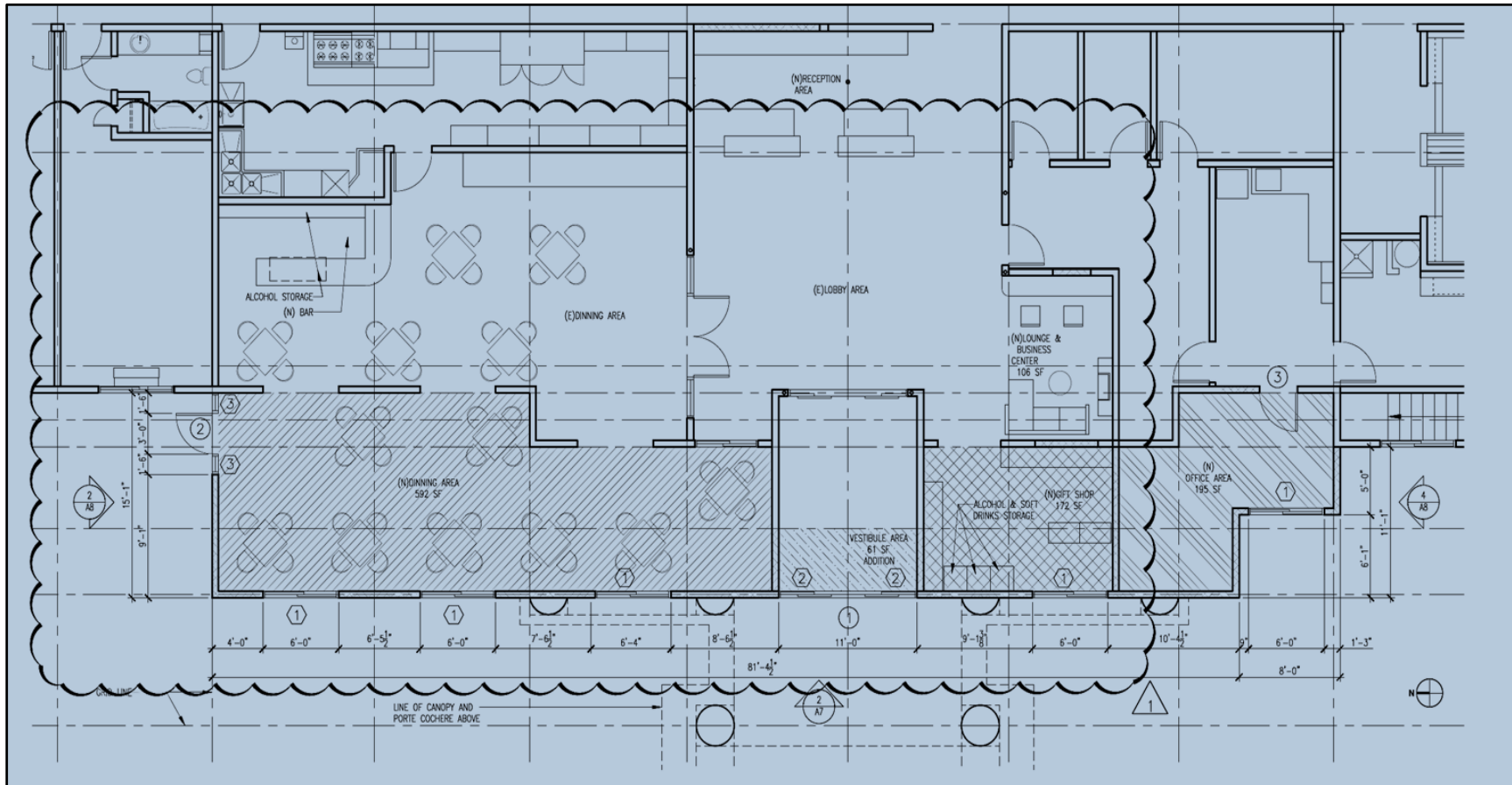
**Exhibit A: AERIAL PHOTOGRAPH**



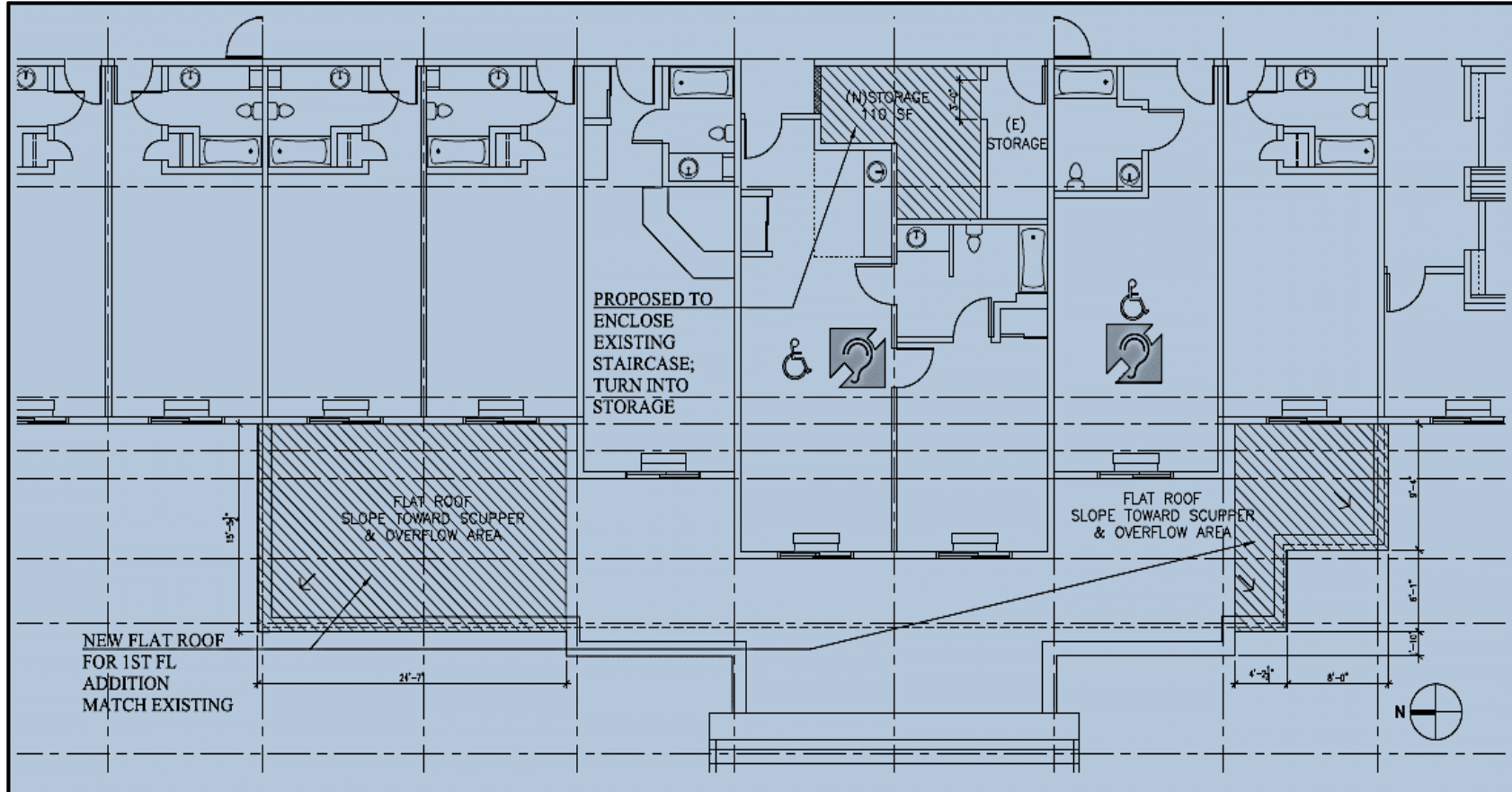
**Exhibit B: SITE PLAN**



**Exhibit C: FLOOR PLAN (1<sup>st</sup> Floor)**



**Exhibit D: FLOOR PLAN (2<sup>nd</sup> Floor)**



**Exhibit E: SITE PHOTOS - EXISTING CONDITION**



**EAST FACADE**



**SOUTH FACADE**



**WEST FACADE**



**NORTH FACADE**

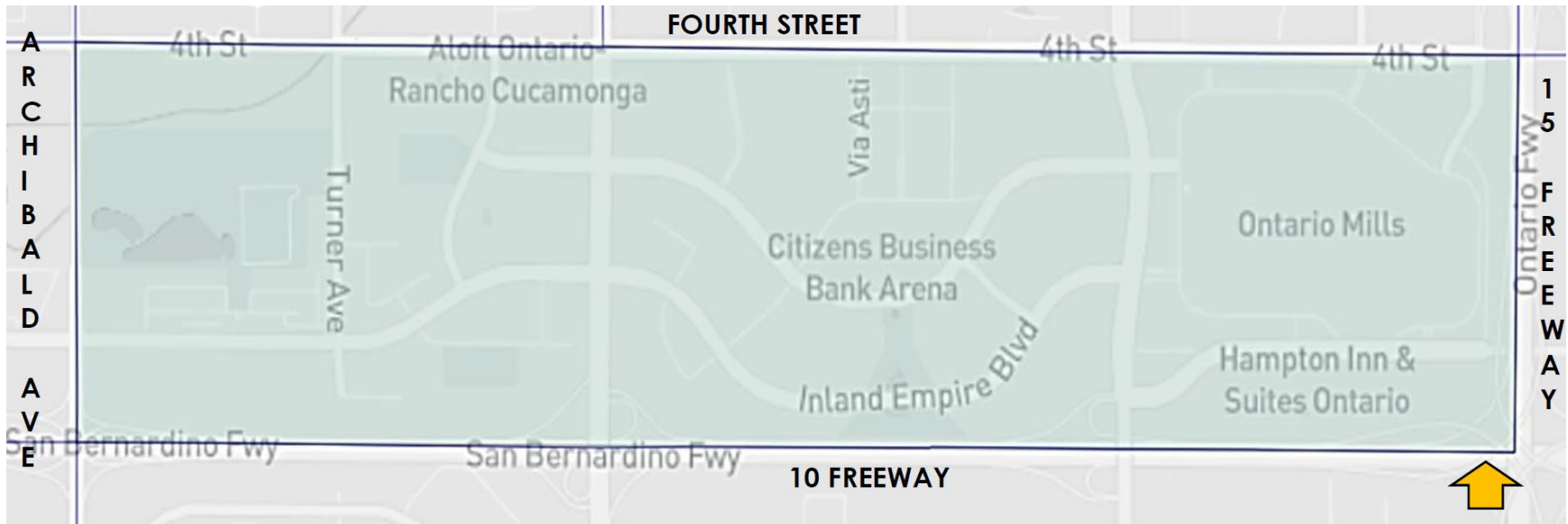


**MAIN ENTRANCE**



**LOBBY STAIR**

**Exhibit F: CENSUS TRACT 21.09 MAP**



### Exhibit G: TYPE 41 ABC LICENSES IN CENSUS TRACT

**Results for:** License Type

**County:** SAN BERNARDINO County  
**Census Tract:** 21.09

**Report Date:** Monday, September 19, 2022

Show  entries Search:

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
339389	ACTIVE	41	04/06/1998	12/31/2022	RUBIOS RESTAURANTS INC	980 ONTARIO MILLS DR, STE A, ONTARIO, CA 91764 Census Tract: 0021.09	RUBIOS FRESH MEXICAN GRILL 40	3607
381577	ACTIVE	41	11/26/2001	10/31/2022	BARRANCA MANAGEMENT INC	4451 ONTARIO MILLS PKWY, STE B, ONTARIO, CA 91764 Census Tract: 0021.09	CHOPSTICKS HOUSE	3607
435929	ACTIVE	41	03/22/2006	02/28/2023	CHO, JUNG OK	790 N ARCHIBALD AVE, STE B, ONTARIO, CA 91764-4648 Census Tract: 0021.09	JOEYS PIZZA NO 1	3607
478545	ACTIVE	41	07/29/2009	06/30/2023	OCHOA, ANA GUADALUPE	710 N ARCHIBALD AVE, STE B, ONTARIO, CA 91764-4642 Census Tract: 0021.09	LOS JALAPENOS 3	3607
536646	ACTIVE	41	12/10/2013	11/30/2022	MINATO RESTAURANT INC	701 N MILLIKEN AVE, STE D, ONTARIO, CA 91764-5018 Census Tract: 0021.09	LUXE BUFFET THE	3607
563764	ACTIVE	41	12/22/2015	11/30/2022	HPO LP	4760 E MILLS CIR, ONTARIO, CA 91764-5223 Census Tract: 0021.09	HYATT PLACE ONTARIO MILLS	3607
576800	ACTIVE	41	10/08/2018	09/30/2022	MANTRA RESTAURANTS II CORPORATION	990 ONTARIO MILLS DR, STE H, ONTARIO, CA 91764-5242 Census Tract: 0021.09	MANTRA INDIAN CUISINE	3607
578549	ACTIVE	41	04/28/2017	03/31/2023	BLAZE IE LLC	1 MILLS CIR, STE 1000, ONTARIO, CA 91764-5213 Census Tract: 0021.09	BLAZE FAST FIRED PIZZA	3607
595324	SUREND	41	12/31/2018	11/30/2022	BOILING WORLD INC	4431 ONTARIO MILLS PKWY, ONTARIO, CA 91764-5108 Census Tract: 0021.09	BOILING WORLD	3607
634605	ACTIVE	41	03/14/2022	02/28/2023	TAKE UR SEAT TOO	4275 CONCOURS DR, #130, ONTARIO, CA 91764 Census Tract: 0021.09	TAKE UR SEAT TOO	3607

Showing 1 to 10 of 10 entries Previous **1** Next



**Exhibit H: ABC LICENSES ALLOWED IN CENSUS TRACT**

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
 NUMBER OF LICENSES AUTHORIZED  
 BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN BERNARDINO	2,175,909	1216	1,429	19.07	11,611	9	8
SAN BERNARDINO	2,175,909	1216	1,429	19.08	5,106	4	3
SAN BERNARDINO	2,175,909	1216	1,429	19.09	2,869	2	2
SAN BERNARDINO	2,175,909	1216	1,429	19.10	2,231	1	1
SAN BERNARDINO	2,175,909	1216	1,429	19.11	5,583	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.11	4,058	3	2
SAN BERNARDINO	2,175,909	1216	1,429	20.13	4,120	3	2
SAN BERNARDINO	2,175,909	1216	1,429	20.14	4,770	3	3
SAN BERNARDINO	2,175,909	1216	1,429	20.15	4,749	3	3
SAN BERNARDINO	2,175,909	1216	1,429	20.16	3,787	3	2
SAN BERNARDINO	2,175,909	1216	1,429	20.17	5,686	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.18	5,240	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.19	4,816	3	3
SAN BERNARDINO	2,175,909	1216	1,429	20.21	5,252	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.23	5,314	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.25	5,079	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.27	5,598	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.28	5,507	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.29	5,860	4	4
SAN BERNARDINO	2,175,909	1216	1,429	20.31	6,318	5	4
SAN BERNARDINO	2,175,909	1216	1,429	20.35	7,441	6	5
SAN BERNARDINO	2,175,909	1216	1,429	20.37	7,729	6	5
SAN BERNARDINO	2,175,909	1216	1,429	20.38	5,598	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.39	5,997	4	4
SAN BERNARDINO	2,175,909	1216	1,429	20.40	5,159	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.41	5,179	4	3
SAN BERNARDINO	2,175,909	1216	1,429	20.42	2,553	2	1
SAN BERNARDINO	2,175,909	1216	1,429	20.43	6,295	5	4
SAN BERNARDINO	2,175,909	1216	1,429	20.44	4,696	3	3
SAN BERNARDINO	2,175,909	1216	1,429	20.45	2,799	2	1
SAN BERNARDINO	2,175,909	1216	1,429	20.46	6,865	5	4
SAN BERNARDINO	2,175,909	1216	1,429	20.47	3,682	3	2
SAN BERNARDINO	2,175,909	1216	1,429	20.48	3,950	3	2
SAN BERNARDINO	2,175,909	1216	1,429	20.49	3,207	2	2
SAN BERNARDINO	2,175,909	1216	1,429	20.50	5,760	4	4
SAN BERNARDINO	2,175,909	1216	1,429	20.51	5,149	4	3
SAN BERNARDINO	2,175,909	1216	1,429	21.01	4,379	3	3
SAN BERNARDINO	2,175,909	1216	1,429	21.03	4,681	3	3
SAN BERNARDINO	2,175,909	1216	1,429	21.05	5,402	4	3
SAN BERNARDINO	2,175,909	1216	1,429	21.07	5,212	4	3
SAN BERNARDINO	2,175,909	1216	1,429	21.09	6,303	5	4
SAN BERNARDINO	2,175,909	1216	1,429	21.11	4,066	3	2
SAN BERNARDINO	2,175,909	1216	1,429	21.12	3,347	2	2
SAN BERNARDINO	2,175,909	1216	1,429	22.04	6,141	5	4
SAN BERNARDINO	2,175,909	1216	1,429	22.06	6,654	5	4

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

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



# LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

**Date Prepared:** 9/13/2022  
**File No:** PCUP22-012  
**Related Files:** PDEV06-033, PCUP06-016

**Project Description:** A public hearing to consider a Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (Type 41 ABC License, On-Sale Beer & Wine – Eating Place), in conjunction to modify portions of the existing floor plan and expand the frontage of an existing 117-room hotel (Country Inn & Suites by Radisson) by 1,020 square feet, on 2.34 acres of land located at 4674 East Ontario Mills Parkway, within the Ontario Mills Commerce Center North Specific Plan (APN: 0238-041-36); **submitted by Y.W. Rising Drafting.**

**Prepared By:** Andrew R. Arellano, Planning Intern  
Phone: 909.395.2443 (direct)  
Email: aarellano@ontarioca.gov

A handwritten signature in black ink, appearing to read "A. Arellano", is written over the printed name and contact information.

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* can be obtained at ([ontarioca.gov](http://ontarioca.gov)), or may be obtained from the Planning Department or City Clerk/Records Management Department.

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

**2.1** Time Limits.

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

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

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

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

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

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

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

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

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

## **2.5** 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.

## **2.6** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines.

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

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

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

**2.7** 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.

**2.8** Additional Fees.

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

(b) 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.

**2.9** Additional Requirements.

(a) Applicant shall work with staff during the plan check process to replace removed landscaping and palm trees from the front of hotel, by providing large decorative potted plants with an irrigation system within key locations along the front of the hotel.



# CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM



**TO:** Andrew Arellano, Planning Intern

**FROM:** Officer Thomas Cho, C.E.T.

**DATE:** August 25, 2022

**SUBJECT:** FILE NO. PCUP22-012 – Country Inn & Suites 4674 Ontario Mills Pkwy, Ca 91764

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The Police Department is placing the following conditions:

### **RESTAURANT CONDITIONS**

1. A valid/current Alcohol Beverage Control (ABC) license to be posted in a conspicuous place inside of the premise.
2. Alcohol sales may occur between 6:30 A.M. to 10:00 P.M., seven days a week. Last call for alcohol service will be 9:30 P.M.
3. No alcohol sales or service to minors.
4. No sales or service to intoxicated patrons.
5. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
6. No Smoking inside of establishment is permitted.
7. No narcotic sales or usage on the premises at any time.
8. No self - serve alcohol displays allowed.
9. Employees engaged in serving alcohol beverages must be 21 years of age or older.

10. The applicant shall be responsible for maintaining premises free of graffiti to the premises over which the applicant has control and shall be responsible for its removal within 72 hours of its appearance or upon notice of its appearance to the applicant.
11. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
12. Applicant, security and all employees serving alcohol must attend an Alcohol Beverage Control (ABC) approved training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within three months of this dated conditional use permit. Proof of re-certification is required every 3 years.
13. Address to establishment must be illuminated for easy identification of safety personnel.
14. The parking lot lighting must provide adequate lighting from dusk to dawn.
15. Lighting within the establishment must be kept at a reasonable level as determined by city officials.
16. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
17. Restrooms must be kept free of graffiti.
18. No pool tables or amusement games are permitted inside the establishment.
19. Premise to be enrolled in City's no trespass program through crime prevention.

### **ENTERTAINMENT CONDITIONS**

1. There was no entertainment area designated on a plan check. Any entertainment will have to be approved by the Ontario Police Department prior to the event.

### **POOL AREA CONDITIONS**

1. Alcohol consumption by guest may occur between the hours of 6:30 A.M. to 10:00 P.M., seven days a week in the pool area. Last call for alcohol service will be 9:30 P.M.
2. Signs will be posted advising no glass containers allowed in the pool area.

### **PATIO CONDITIONS**

1. Patio walls need to be raised in height to a minimum of 5 feet using Plexiglas or solid block walls, which will allow the sales and consumption of alcohol in the patio area.



2. If the patio height requirements are not met, alcohol may only be served if monitored by a server or restaurant staff.
3. Patio exits must be gated and closed at all times. Emergency sounding devices and panic hardware must be installed on gates.
4. Outdoor tables shall not be removed or rearranged to increase occupancy.
5. No sounds emitted to the patio shall be heard outside of the patio area.

### **SECURITY CONDITIONS**

1. Events held in the meeting rooms with the possible attendance of 300 or more, involving live entertainment (ex. dancing, live musicians, concerts) and/ or alcohol beverages will require the applicant to contact the police department for officers to staff the event.
2. The police department will be given a two-week window, to have adequate time to determine how many police officers will be needed to staff an event.
3. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications to the security including, but not limited to, the addition of security guards, additional hours for security guards, and replacement of security guards with Ontario Police officers. The public hearing process shall be conducted in accordance with the requirements of the City's Development Code.
4. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment, if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. Security personnel used by the applicant will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).

### **ROOM SERVICE CONDITIONS**

1. Room service of alcohol sales may occur between the hours of 6:30 A.M. to 10:00 P.M., seven days a week. If applicable.
2. Employees engaged in the delivering of alcoholic beverages to rooms, must be 21 years of age. If applicable.

3. Sales and service of alcohol beverages will only be to room guests that are 21 and over and have a bona fide ID. If applicable.

Prior to opening, inspection of the premises will be conducted by the Ontario Police Department and the Ontario Planning Department.

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

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.

Any special event outside the scope of the Conditional Use Permit will require a TUP (Temporary Use Permit) which will be processed by the Planning Department and conditioned by the Ontario Police Department. (For example, a radio station promotion held at the hotel, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel, but a community service organization breakfast meeting would not be considered a special event and therefore would not require additional security.)

If alcohol related crimes at this location are higher than other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in violation of this CUP or has violated the laws of the State or City.

If you have any questions, please call Officer Thomas Cho at (909) 408-1671.