



CITY OF ONTARIO  
**ZONING ADMINISTRATOR**  
AGENDA

June 4, 2018

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. PCUP18-010**: A Conditional Use Permit request to establish alcohol beverage sales for a Type 70 ABC license (On-Sale General Restrictive Service), in conjunction with a 126-room Marriott Springhill Suites hotel on 3.5 acres, under construction at 3595 E. Guasti Road, within the Entertainment zoning district of the Ontario Gateway 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: 210-212-58) **submitted by S. S. Heritage Inn of Ontario, 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, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **May 31, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

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# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

June 4, 2018

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

**FILE NO.:** PCUP18-010

**DESCRIPTION:** A Conditional Use Permit request to establish alcohol beverage sales for a Type 70 ABC license (On-Sale General Restrictive Service), in conjunction with a 126-room Marriott Springhill Suites hotel on 3.5 acres, under construction at 3595 E. Guasti Road, within the Entertainment zoning district of the Ontario Gateway Specific Plan (APN: 210-212-58); **submitted by S. S. Heritage Inn of Ontario, LLC.**

## PART I: BACKGROUND & ANALYSIS

S. S. HERIGATE INN OF ONTARIO, LLC., (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-010, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**(1) Project Setting:** The project site is comprised of 3.5 acres of land located at 3595 E. Guasti Road, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Hotel	Office Commercial	Ontario Gateway Specific Plan	Entertainment
<i>North</i>	Vacant Land	Office Commercial	Ontario Gateway Specific Plan	Office I
<i>South</i>	Vacant Land	Office Commercial	Ontario Gateway Specific Plan	Mix-Use
<i>East</i>	Embassy Suites Hotel	Office Commercial	Ontario Gateway Specific Plan	Auto
<i>West</i>	Vacant Land	Office Commercial	Centrelake Specific Plan	Commercial/Hotel

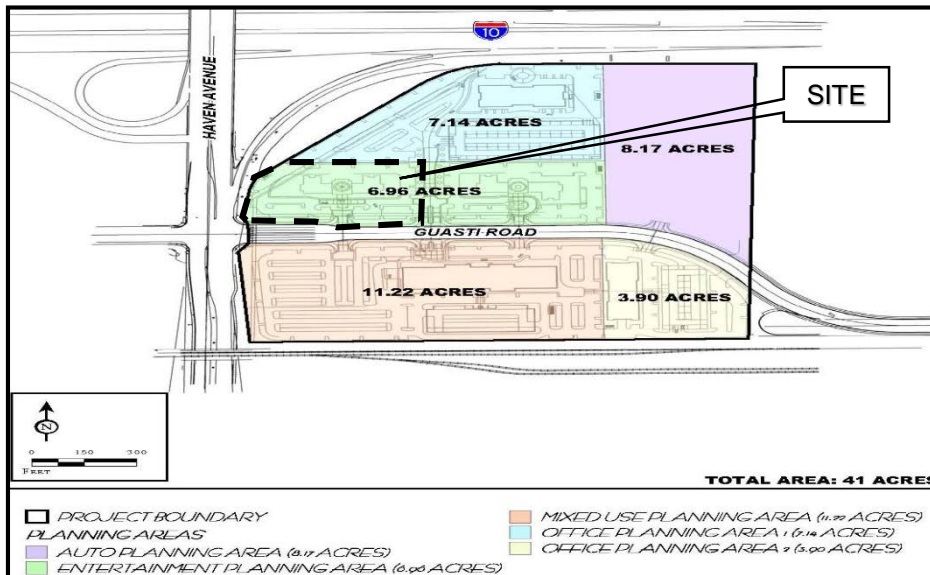
### **(2) Project Analysis:**

Background — In June of 2007, the City Council approved the Ontario Gateway Specific Plan. The approved specific plan established standards, regulations and design guidelines under which development would occur on the 41 acres. The Specific Plan established five land use designations. The designations are: Mixed Use, Office I, Office

Prepared: LB 5/09/18	Reviewed: RZ 5/23/18	Decision: [enter initial/date]
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II, Auto, and Entertainment (6.96 acres). The proposed project area is located within the Entertainment land use designation. The approved Specific Plan will allow for the potential development of the following:

- One (200 bed) hospital
- One 10-story, 250,000 sq. ft. office building
- Two hotels (Embassy Suites & Marriott Springhill Suites)
- One auto dealership (Mercedes Benz)
- One 3-story, 75,000 sq. ft. flex/medical office; and
- Three parking structures



**Exhibit B: Ontario Gateway Specific Plan Land Use Plan**

On April 4, 2016 the City approved a Development Plan (File No. PDEV15-036) to construct a 68, 230 square foot, 126-room, Springhill Suites Hotel. The hotel is currently under development at the subject location.

On March 2, 2018 the applicant submitted the proposed Conditional Use Permit (CUP) application, requesting approval to establish alcohol beverage sales for a Type 70 ABC license (On-Sale General Restrictive Service) at the subject location.

**Project Request**—The applicant is requesting Conditional Use Permit approval to establish alcohol beverage sales for a Type 70 ABC license (On-Sale General Restrictive Service) in conjunction with a 72,468 square foot, 126-room, Marriott Springhill Suites Hotel. The hotel will serve its guests a continental breakfast on weekdays from 6:30 a.m. to 9 a.m., and 7 a.m. to 9:30 a.m. on weekends. The hotel will operate 24-hours daily with a staff of 10 full-time and 20 part-time.

According to the Department of Alcohol Beverage Control's (ABC), a Type 70 ABC license:

*“Authorizes the sale of beer and wine and distilled spirits for consumption on the premises to the establishment’s overnight transient occupancy guests or their invitees. This license is normally issued to suite-type hotels and motels, which exercise the license privileges for guests’ complimentary happy hour. Minors are allowed on the premises.”*

The hotels first floor consists of 2,057 square feet of meeting space, an outdoor patio, sales office, employee break room, exercise room, The Corner Market (convenience store), lounge area, mechanical/elevator rooms, food preparation area, restrooms, laundry room, continental buffet area, network/executive area, general manager’s office, lobby and 20-hotel suites.

The second, third and fourth floors, feature the rest of the hotel suites (106-rooms) and space for laundry/linen storage, elevators, and emergency stairwells.

According to the applicant, alcohol will only be displayed for sale within the Corner Market, located within the first floor. The Corner Market is a convenience store that is approximately 10’ x 10’ in size, and located along the southeast corner of the lounge/lobby area. Alcohol will be sold from 6 a.m. to 2 a.m. daily. Alcohol service will not be provided to the individual hotel rooms. The introduction of alcohol sales at this location as an ancillary service to the existing hotel will not intensify the land use, as it is being provided as a convenience to patrons.

In accordance with the Ontario Gateway Specific Plan parking requirements, the hotel will be required to provide a total of 126 parking spaces when the project is completed. Therefore, no parking issues are anticipated.

**ABC License Concentration** — 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 alcohol license types should be issued per Census Tract, based upon their population.

Springhill Suites is located within Census Tract 127. ABC has determined that 3 On-Sale and 2 Off-Sale ABC licenses are allowed within Census Tract 127. Presently, there are 6 active On-Sale and 8 Off-Sale licenses (**see Table 1: Existing & Allowed ABC Licenses**). Census Tract 127 is one of the larger Census Tracts, is bounded to the north by the I-10 freeway, to the south by portions of the 60-freeway, Riverside Drive, and the San Bernardino/Riverside County line, to the east by Etiwanda Avenue, and to the west by portions of Archibald and Haven Avenue.

The hotel operates like a “Bona-Fide Public Eating Place,” therefore, the Police Department does not object to allowing the Type 70 ABC license, provided all City and State Department of Alcohol Beverage Control rules, regulations, and conditions are met and followed. In addition, all new alcohol beverage serving facilities are required to have their employees attend a L.E.A.D. training class, which is offered by the City of Ontario Police Department, at no cost. Furthermore, the project site is not located in a high crime area. If approved, Marriott Springhill Suites will join Embassy Suites located next door (to the east), and other hotels in the City, in providing alcohol service.

Allowed Licenses	Active Licenses
On-Sale: 3	On-Sale: 6
Off-Sale: 2	Off-Sale: 8
Pending Licenses	1 On-Sale

**Table 1: Existing & Allowed ABC Licenses**

On the surface, it appears that the project area will be heavily concentrated with On-Sale licenses. However, the number of licenses allowed within a Census Tract is determined by the number of residents within the tract. This Census Tract is quite large and is largely developed with commercial and industrial uses. Thus, it naturally has a lower number of allowable licenses than those tracts which are highly populated. In addition, the over-concentration of ABC licenses in the subject tract is a result of the high number of bona-fide eating establishments and hotels in and around the area. Staff does not believe the high number of licenses within the tract to be a significant detriment to the surrounding community, as they represent bona-fide eating establishments and hotels where the sale of alcohol is ancillary to the primary use.

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 mitigation measures. As indicated, the subject site is located within an Entertainment land use designation. Therefore, more ABC licenses than typical are present. Lastly, the Ontario Police Department has reviewed the Conditional Use Permit request and is also recommending approval subject to conditions.

**Land Use Compatibility**— The intent of Conditional Use Permit reviews is to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public, health, safety, or welfare, to uses, properties or improvements in the vicinity.

Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses in the surrounding

area. The hotel is located within an area that conditionally permits alcohol sales. The hotel is adjacent to other land uses such as Embassy Suites with an approved ABC license. Embassy Suites was approved in 2008 with a Type 70 ABC license. Staff believes that the existing uses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with a hotel. Staff believes that the existing hotel and its floor plans have been designed adequately to support the proposed ABC license. Staff also believes that the ABC license request will complement existing and future developments within the Ontario Gateway Specific Plan, and will also provide a needed service.

**Police Department Review**—The Police Department has reviewed the application and has indicated that the surrounding area is not located within a high call area for alcohol related issues. As a result, the Police Department is in support of the application, subject to the attached conditions of approval.

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

**(4) 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.

**(5) 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.

**(6) 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 II: RECITALS***

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part I, above; 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 consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, 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; and

WHEREAS, on June 4, 2018, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Luis E. Batres, Senior Planner, presented the staff report on the proposed use, indicating the staff recommendation of approving the project subject to conditions. 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 III: THE DECISION**

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

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

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds 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 Development Code and zoning district within which the site is located. The proposed Conditional Use Permit will be located at 3595 E. Guasti Road, which is designated as an Entertainment zoning district. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the Entertainment zoning district. With approval of the CUP, the project meets the intent of the Specific Plan, as the Entertainment District serves as a focal point for the community and provides entertainment-based uses to both nearby residents and visitors to the area.

(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 conditional use permit will be located at 3595 E. Guasti Road, which the Policy Plan Master Land Use Plan designates for Office Commercial land use. The proposed land use is clearly consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of hotel land uses in the area of the project site. As the project aims to provide added convenience to an already well-established use, the project meets the intent of the Vision, Policy Plan and City Council Priorities.

(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 subject property is located within the Entertainment land use designation, and the use is a permitted use subject to a Conditional Use Permit. Therefore, if approved, the site will be in compliance with the underlying zone. Per the Specific Plan, the area is intended to be used as a focal point for both the community and the region, and the project site already includes an existing Hotel (Embassy Suites) with an ABC license. The Entertainment land use was established to draw patrons to the area by providing an added benefit and convenience to the community. Therefore, by approving the proposed Conditional Use for a Type 70 ABC license, it would further the Specific Plan's goals.

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

(e) *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



project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health, and safety of the surrounding community. In addition, the Police Department has reviewed the proposed application and they are in support of the application subject to the attached conditions of approval.

(f) *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 Police Department has reviewed the application and is recommending approval subject to the conditions of approval. The use is consistent with the Entertainment land use designation of the Ontario Gateway Specific Plan and other similar hotels like Embassy Suites in the area have also received approval of an On-Sale ABC license. The proposed use will also provide a convenience for hotel patrons that would like to purchase alcohol beverages.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The subject property is currently under development, so everything on the site will be new when the use is established.

- The site is properly maintained, including building improvements, landscaping, and lighting. The subject property is currently under development, so everything on the site will be new when the hotel is completed.

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

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

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-010, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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APPROVED AND ADOPTED this [insert day] day of [insert month & year].

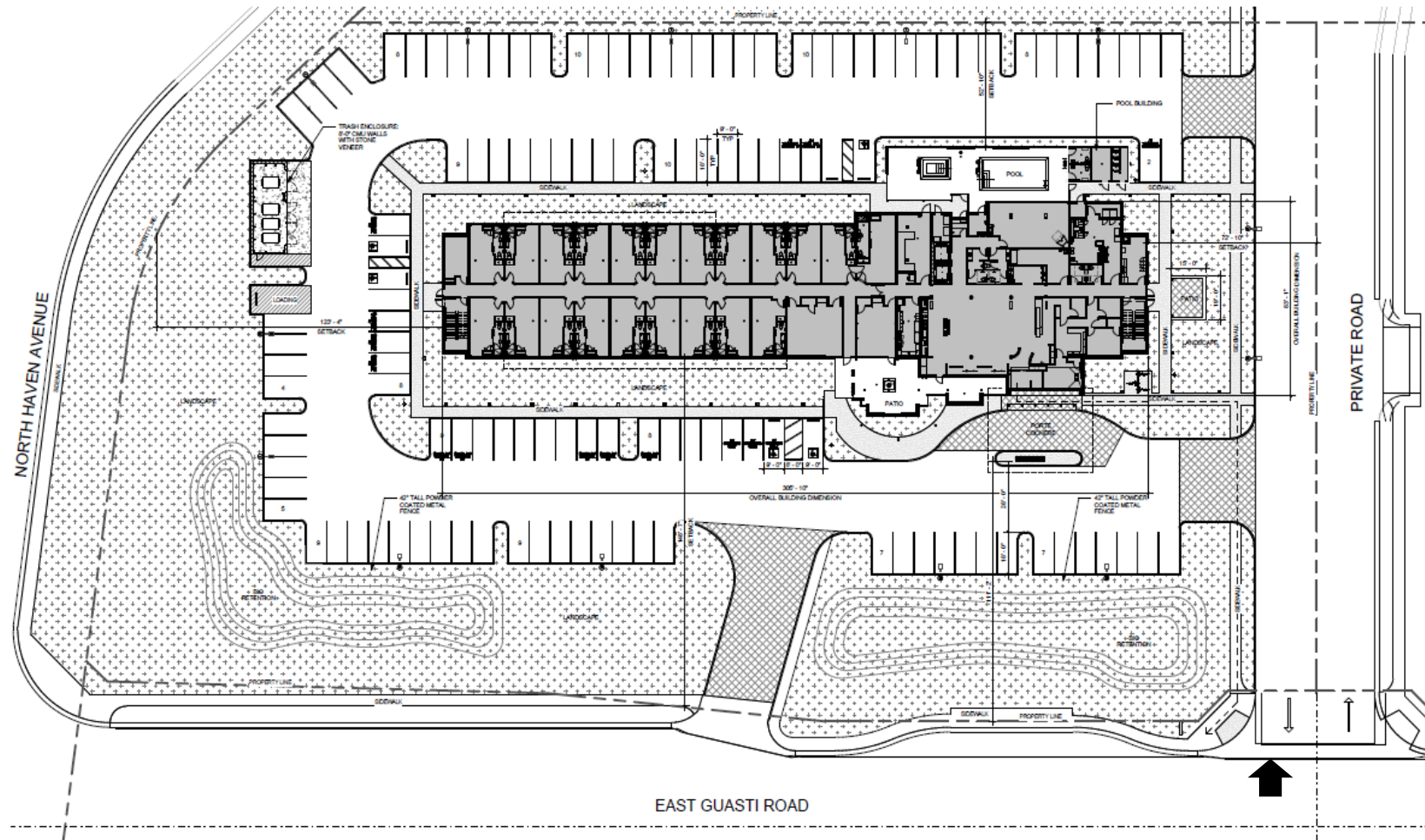
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Scott Murphy  
Zoning Administrator

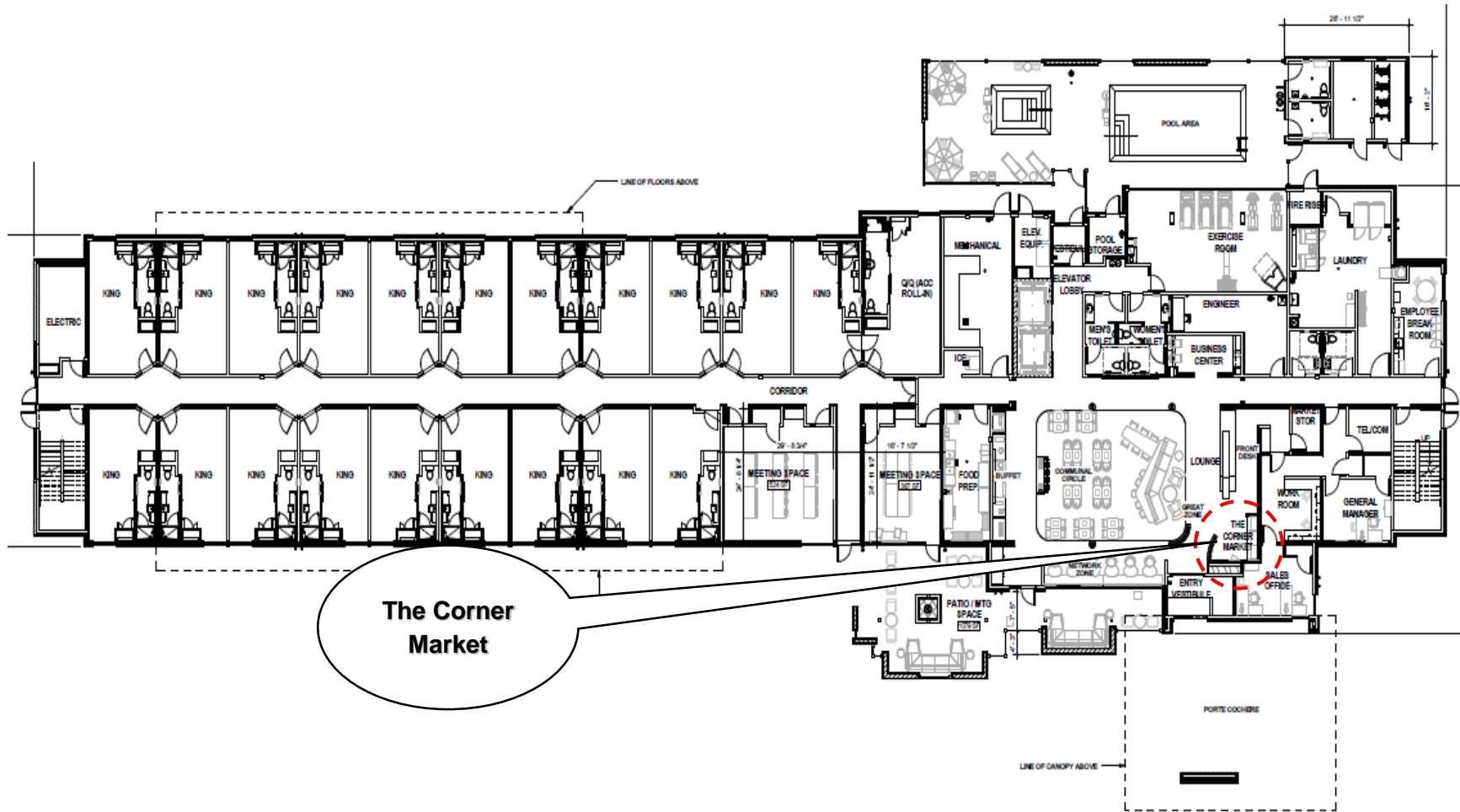
***Exhibit A: Aerial Photograph***



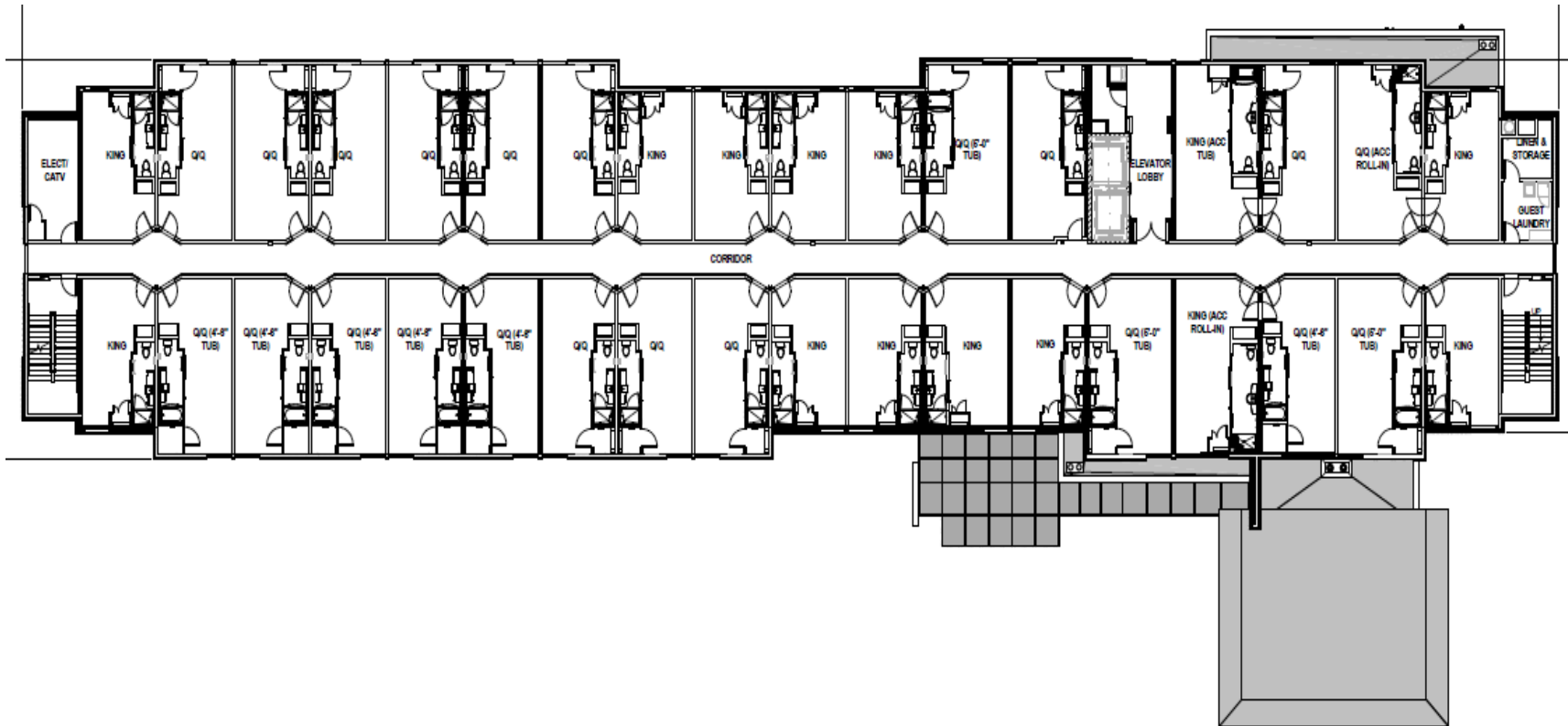
**Exhibit B: Site Plan**



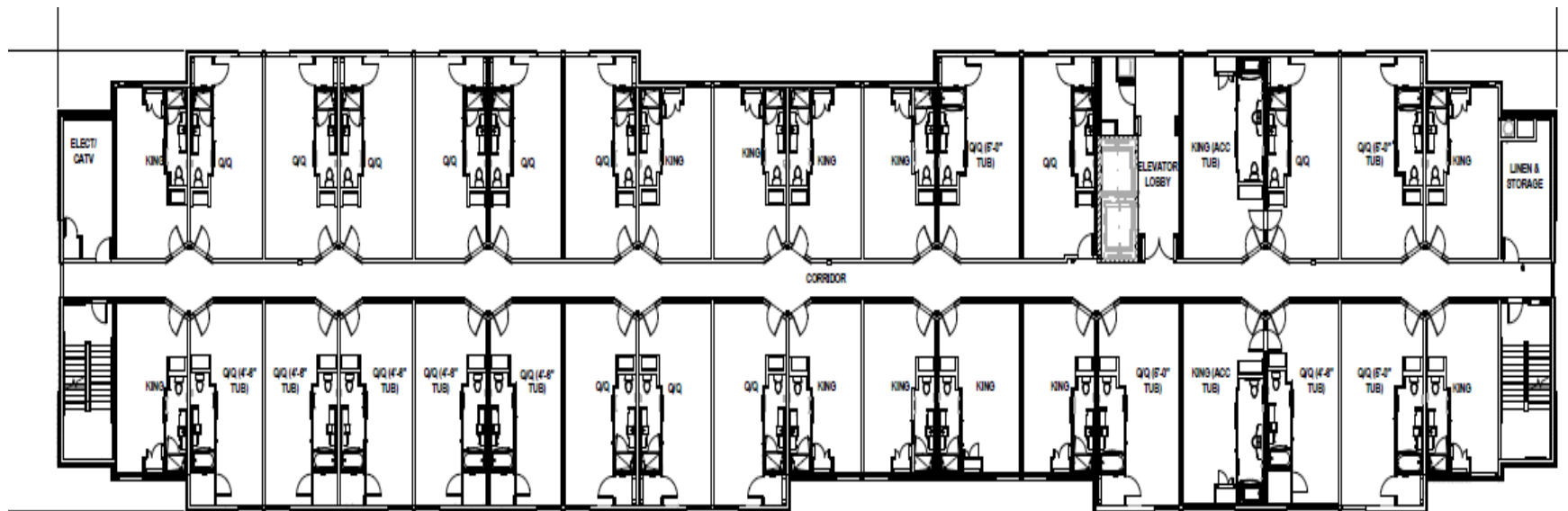
**Exhibit C: Floor Plan-1<sup>st</sup> Floor**



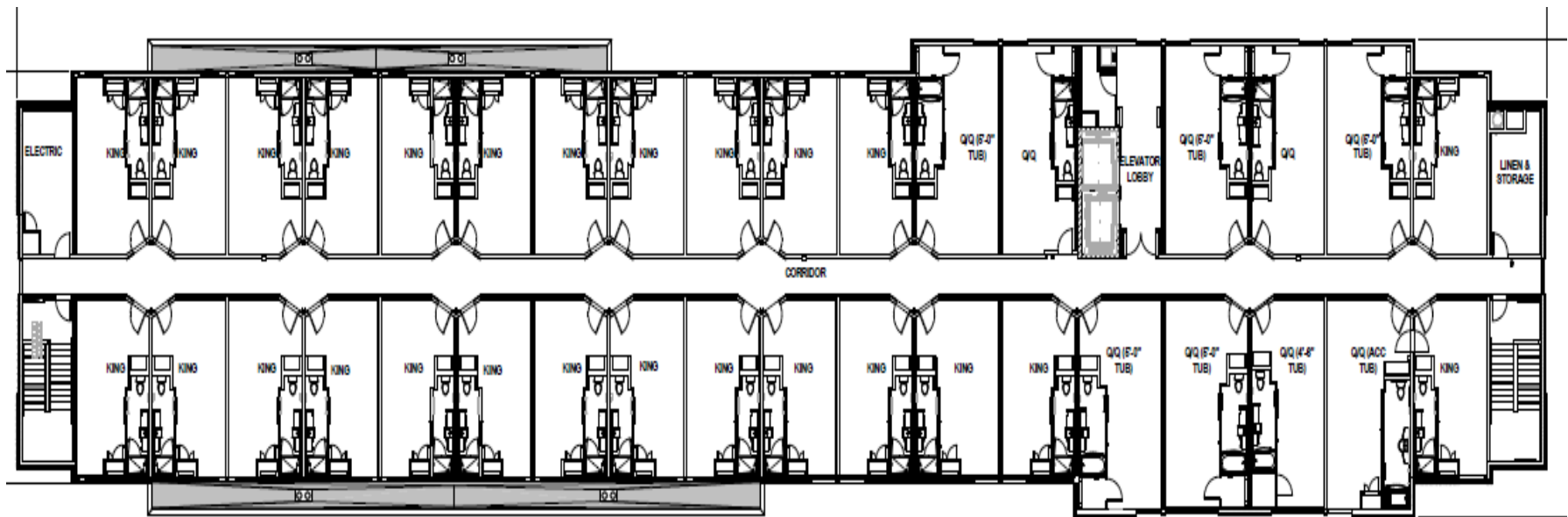
**Exhibit D: Floor Plan-2<sup>nd</sup> Floor**



**Exhibit E: Floor Plan-3<sup>rd</sup> Floor**



**Exhibit F: Floor Plan-4<sup>th</sup> Floor**





**Exhibit G: Site Photos**



**FRONT VIEW (West Elevation)**

**NORTHEAST VIEW**



**Exhibit H: Site Photos**

**NORTH VIEW**



**NORTHEAST VIEW**



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***

**Meeting Date:** June 4, 2018

**File No:** PCUP18-010

**Related Files:** N/A

**Project Description:** A Conditional Use Permit request to establish alcohol beverage sales for a Type 70 ABC license (On-Sale General Restrictive Service), in conjunction with a 126-room Marriott Springhill Suites Hotel on 3.5 acres, under construction at 3595 E. Guasti Road, within the Entertainment zoning district of the Ontario Gateway Specific Plan (APN: 210-212-58); **submitted by S. S. Heritage Inn of Ontario, LLC.**

**Prepared By:** Luis E. Batres, Senior Planner   
Phone: 909.395.2431  
Email: Lbatres@ontarioca.gov

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** 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. 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.

(b) Pursuant to California Government Section 66474.9, the subdivider agrees that it will 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 of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

(a) Any variation from the approved plans must be reviewed and approved by the Planning Department.

**1.3** 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.

#### **1.4 Additional Requirements.**

(a) A final inspection of the subject facility from the Planning Department and Police Department is required prior to the sale/service of alcohol.

(b) The business license taken out for the hotel shall include a description of the requested Type 70 ABC license. A copy of the City business license shall be submitted to the Planning Department.



# CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM



**TO:** Luis Batres, Senior Planner

**FROM:** Officer Erich Kemp, C.O.P.S.

**DATE:** March 28<sup>th</sup>, 2018

**SUBJECT:** FILE NO. PCUP18-010– MARRIOT SPRINGHILL SUITES  
3595 E. GUASTI ROAD

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**The Police Department is placing the following conditions:**

## MARKET

1. Alcohol sales may occur between 6:00 A.M. to 2:00 A.M., seven days a week. Last call for alcoholic beverages will be at 01:15 A.M. daily. All alcoholic beverage sales should stop by 01:30 A.M.
2. No alcohol sales or service to minors.
3. No sales or service to intoxicated patrons.
4. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
5. No Smoking inside of establishment is permitted.
6. No narcotic sales or usage on the premises at any time.
7. No self serve alcohol displays allowed.
8. Employees engaged in serving alcohol beverages must be 21 years of age or older.
9. 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.

10. 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.
11. Applicant, security and all employees serving alcohol must attend an Alcohol Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within three months of this dated conditional use permit. Proof of re-certification is required every 3 years.
12. Roof top numbers shall be installed on the flat part of the roof. The numbers shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. The bottom of the numbers must face the street in which it belongs.
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 permitted inside establishment.
19. A no trespass letter will be on file with the Police Department.

### **POOL AREA CONDITIONS**

1. Alcohol consumption by guest may occur between the hours of 6:00 A.M. to 10:00 P.M., seven days a week in the pool area.
2. Alcoholic beverages may only be consumed out of plastic containers in the pool area.
3. Signs will be posted advising no glass containers allowed in pool area.

### **PATIO CONDITIONS**

1. Patio wall needs to be raised in height to a minimum of 5 feet using Plexiglas or solid block wall, which will allow the sales and consumption of alcohol in patio area.
2. If patio height requirement are not met, alcohol may only be served only if monitored by server or restaurant staff.
3. Patio exits must be gated and closed at all times. Emergency sounding device 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 patio shall be heard outside of the patio area.

### **ENTERTAINMENT CONDITIONS**

1. Entertainment will be allowed in the market and lounge between the hours of 6:00 AM to 1:00 AM.
2. An entertainment area must be designated on a plan check and that area will only be allowed for entertainment purposes in the market and lounge. (live entertainment)
3. During market and lounge hours a 3-piece band will be permitted daily.
4. Karaoke will be permitted the same hours of the market or lounge, 7 days a week in an area designated on a plan check.
5. Live entertainment involving a combination of DJ/Live Entertainment and Dancing is prohibited in the market and lounge area.
6. Tables shall not be removed or rearranged to increase occupancy, which has been approved on plans submitted with this conditional use permit.

### **SECURITY CONDITIONS**

1. Events held in the meeting rooms with the possible attendance of 500 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, in order 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 will not be provided by the hotel.

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 are the intent of this action.

If you have any questions please call Officer Erich Kemp at (909) 395-2922.