



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

February 4, 2019

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

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. PCUP18-038**: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (Type 70 ABC License, On-Sale General Restrictive Service) in conjunction with a new 131-room hotel (Element Hotel by Westin) totaling 92,823 square feet on 4.5 acres of land located at the north east corner of Ontario Center Parkway and Via Piemonte, at 900 North Via Piemonte, within the Piemonte Overlay District 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. This project 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 (ALUCP). (APN: 0210-204-18) **submitted by Glacier House Hotels**

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 **January 31, 2019**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Maureen Duran



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

February 4, 2019

DECISION NO.: [insert #]

FILE NO.: PCUP18-038

DESCRIPTION: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (Type 70 ABC License, On-Sale General Restrictive Service) in conjunction with a new 131-room hotel (Element Hotel by Westin) totaling 92,823 square feet on 4.5 acres of land located at the north east corner of Ontario Center Parkway and Via Piemonte, at 900 North Via Piemonte, within the Piemonte Overlay District of the Ontario Center Specific Plan. (APN: 0210-204-18); **submitted by Glacier House Hotels.**

PART I: BACKGROUND & ANALYSIS

GLACIER HOUSE HOTELS, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP18-038, 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 4.5 acres of land located at 900 North Via Piemonte, within the Piemonte Overlay District of the Ontario Center Specific Plan, 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 (currently in construction)	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Special Use/Hotel (Urban Commercial)
<i>North</i>	Vacant	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Residential Over Retail (Urban Commercial)
<i>South</i>	Citizens Business Bank Arena	MU (Mixed-Use)	Ontario Center Specific Plan	Urban Commercial
<i>East</i>	Vacant	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Office (Urban Commercial)
<i>West</i>	Office Commercial	MU (Mixed-Use)	Ontario Center Specific Plan	Piemonte Overlay – Office (Urban Commercial)

<i>Prepared:</i> JA 01/22/19	<i>Reviewed:</i> CHM	<i>Decision:</i> [enter initial/date]
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(2) Project Analysis:

(a) Background—In 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 and establish a 4-story, 131-room hotel (The Element Hotel by Westin) totaling 93,177 square feet on the project site. The hotel is currently under construction.

(b) Proposed Use—The applicant is requesting approval of a Conditional Use Permit to establish alcoholic beverage sales in conjunction with The Element Hotel. The applicant has applied 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 to the hotel’s overnight guests and their invitees.

(c) Operation—The Element Hotel by Westin consists of a 4-story, 131-room full service hotel, and includes amenities such as a pool, fitness center, and full service restaurant. The hotel has been designed in an “L”-shaped configuration, to provide maximum exposure to the Via Piemonte and Ontario Center Parkway street frontages, and Citizens Business Bank Arena, located diagonally across the street. The hotel is open 24 hours, 7 days a week. The hotel will operate 24-hours daily with a staff of 10 full-time and 15 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 20,828 square feet of meeting space, sales office, employee break room, exercise room, 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 17-hotel suites. In addition, a 3,565 square foot restaurant with attached 1,047 square foot patio make up the first floor. The restaurant and attached patio will have a separate ABC license for their operation.

The second, third and fourth floors, feature the balance of the hotel rooms (114-rooms) and space for laundry/linen storage, elevators, and emergency stairwells.

According to the applicant, alcoholic beverages will only be displayed for sale within the hotel market, located within the first floor. The market is a convenience store that is approximately 180 square feet in size, and located at the northwest corner of the lounge/lobby area. Alcohol will be sold from 6:00 a.m. to 2:00 a.m. daily. Complimentary alcoholic beverages will be furnished from mobile carts during Happy Hour, from 5:00 p.m. to 6:30 p.m. Alcoholic beverage service will not be provided to individual hotel rooms.

A separate Conditional Use Permit requesting approval of alcoholic beverage service within the restaurant and its adjacent patio will be submitted at a future date. The introduction of alcoholic beverage 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 Center Specific Plan parking requirements, the hotel has been required to provide a total of 174 parking spaces when the project is completed. Therefore, no parking issues are anticipated.

(d) 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.

The Element Hotel by Westin is located within Census Tract 21.09. ABC has determined that 3 On-Sale and 3 Off-Sale ABC licenses are allowed within this census tract. Presently, there are 44 active On-Sale and 10 Off-Sale licenses (**see Table 1: Existing & Allowed ABC Licenses**). Census Tract 21.09 is within an entertainment area established by the Piemonte Overlay District of The Ontario Center Specific Plan.

The hotel's alcoholic beverage service operates similarly to a "Bona-Fide Public Eating Place;" therefore, the Police Department does not object to the granting of the requested Conditional Use Permit and ABC issuance of a Type 70 alcoholic beverage license, provided all City and State Department of Alcohol Beverage Control rules, regulations, and conditions are met and followed by the establishment. In addition, all new alcohol beverage serving facilities are required to have their employees attend an 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.

Although the census tract has a high concentration of on-sale licenses, only two other Type 70 licenses have been issued within Census Tract 21.09. The restrictive license is for the benefit of the hotel guests and can be assumed to be for the convenience of hotel patrons and their guests. 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 mitigation measures. As indicated, the subject site is located within an entertainment area established by the Piemonte Overlay District of The Ontario Center Specific Plan. Consequently, 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.

(e) Land Use Compatibility—The 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 in the Special Use land use designation of the Piemonte Overlay District of The Ontario Center Specific Plan. The serving of beer, wine and distilled spirits for consumption on the premises is a conditionally permitted land use. Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed activity 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. Furthermore, The Police Department is in support of the proposed modification and has recommended conditions of approval to mitigate their concerns.

(3) Airport Land Use Compatibility Plan: 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.

(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 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, on February 4, 2019, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Jeanie Irene Aguilo, Assistant 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 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 900 North Via Piemonte, which is designated in the Special Use land use designation of the Piemonte Overlay of the Ontario Center Specific Plan. 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 Special Use land use district of the Piemonte Overlay of The Ontario Center Specific Plan.

(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 sale of alcoholic beverages is in conjunction with the operation of The Element Hotel, which is located within the Ontario Center Mixed-Use land use district of the Policy Plan Land Use Map, and the Special Use land use designation of the Piemonte Overlay 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 sale of alcoholic beverages is in conjunction with the operation of The Element Hotel, which is located within the Ontario Center Mixed-Use land use district of the Policy Plan Land Use Map, and the Special Use land use district of the Piemonte Overlay 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 proposed use at the proposed location would be consistent with the provisions of the Ontario International Airport Land Use Compatibility Plan.* 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. The Project was thoroughly evaluated and found to be consistent with the policies and criteria of the ALUCP.

(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 Zoning Administrator has required certain safeguards, and has 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.

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

- 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 Police Department has reviewed the application and is recommending approval subject to the conditions of approval. The use is consistent with the Special Use land use designation of the Piemonte Overlay of the Ontario Center Specific Plan, and other similar hotels in the area have also received approval of an On-Sale ABC license. The proposed use will also 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. 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 has reviewed and considered the facts and information contained in the Application and supporting documentation against the Ontario International Airport Land use Compatibility Plan (“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.

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP18-038, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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

Cathy Wahlstrom
Zoning Administrator

Exhibit A: Aerial Photograph

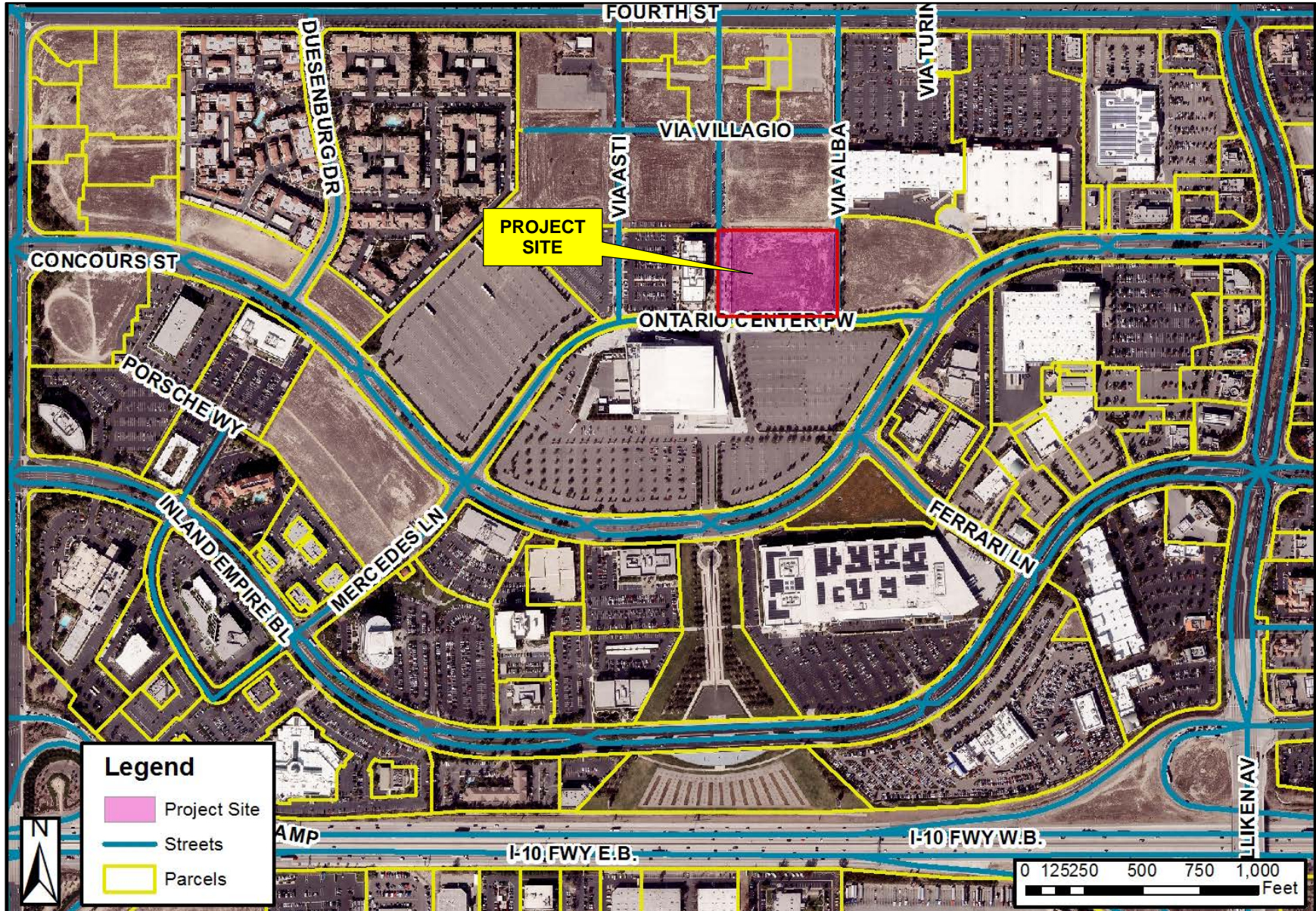


Exhibit C-1: Floor Plan (1st Floor)

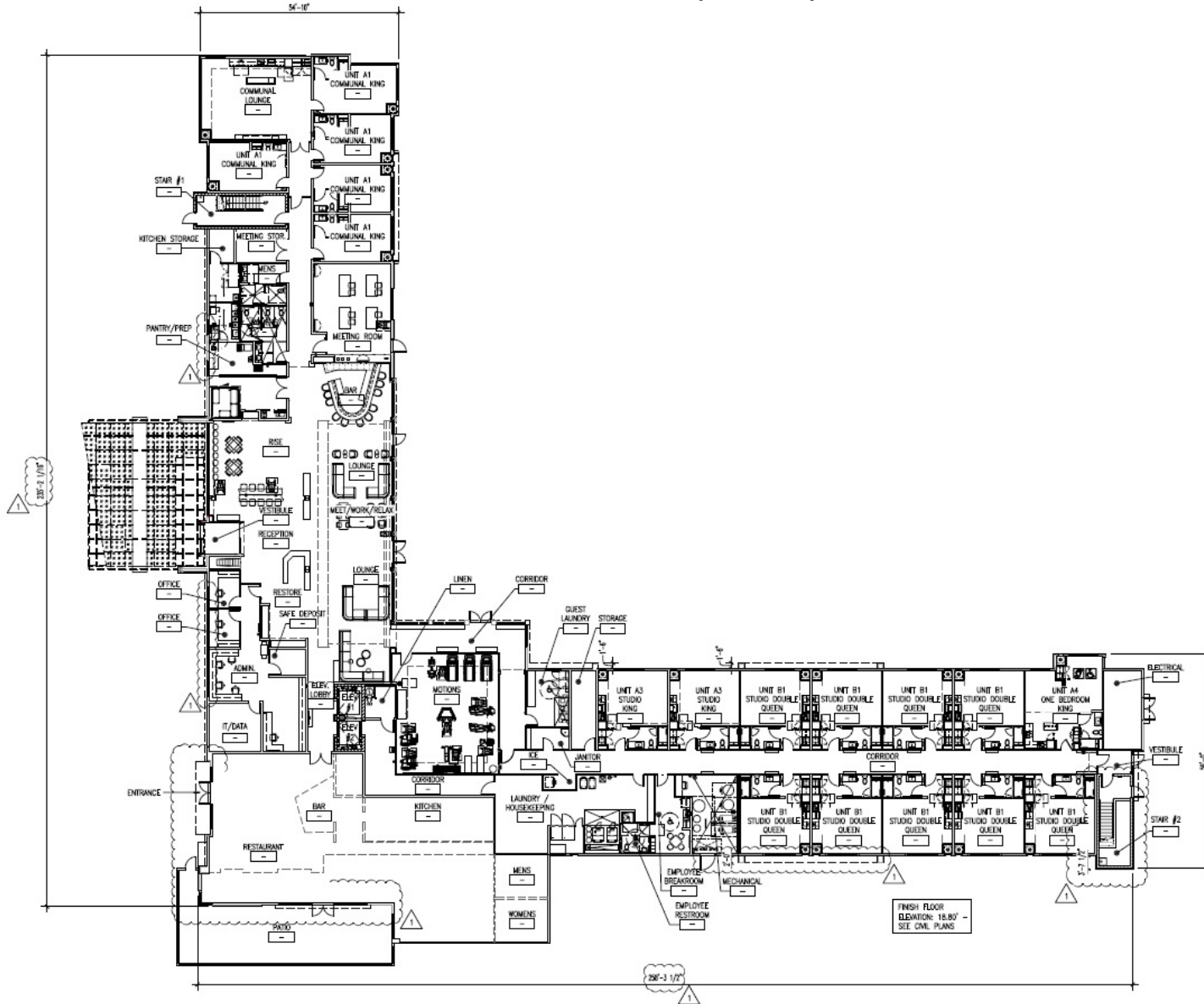


Exhibit C-2: Floor Plan (2nd Floor)

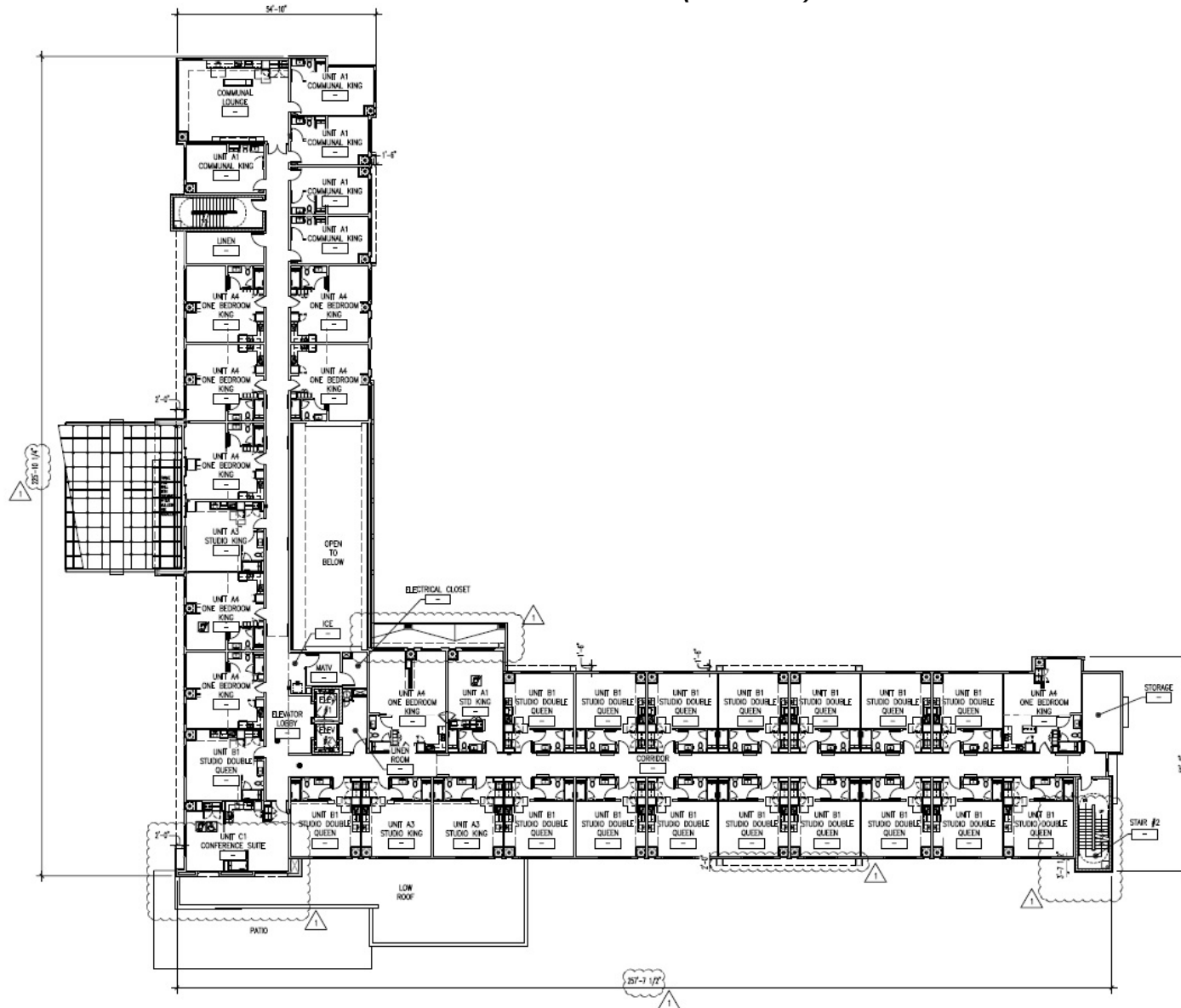


Exhibit C-3: Floor Plan (3rd Floor)

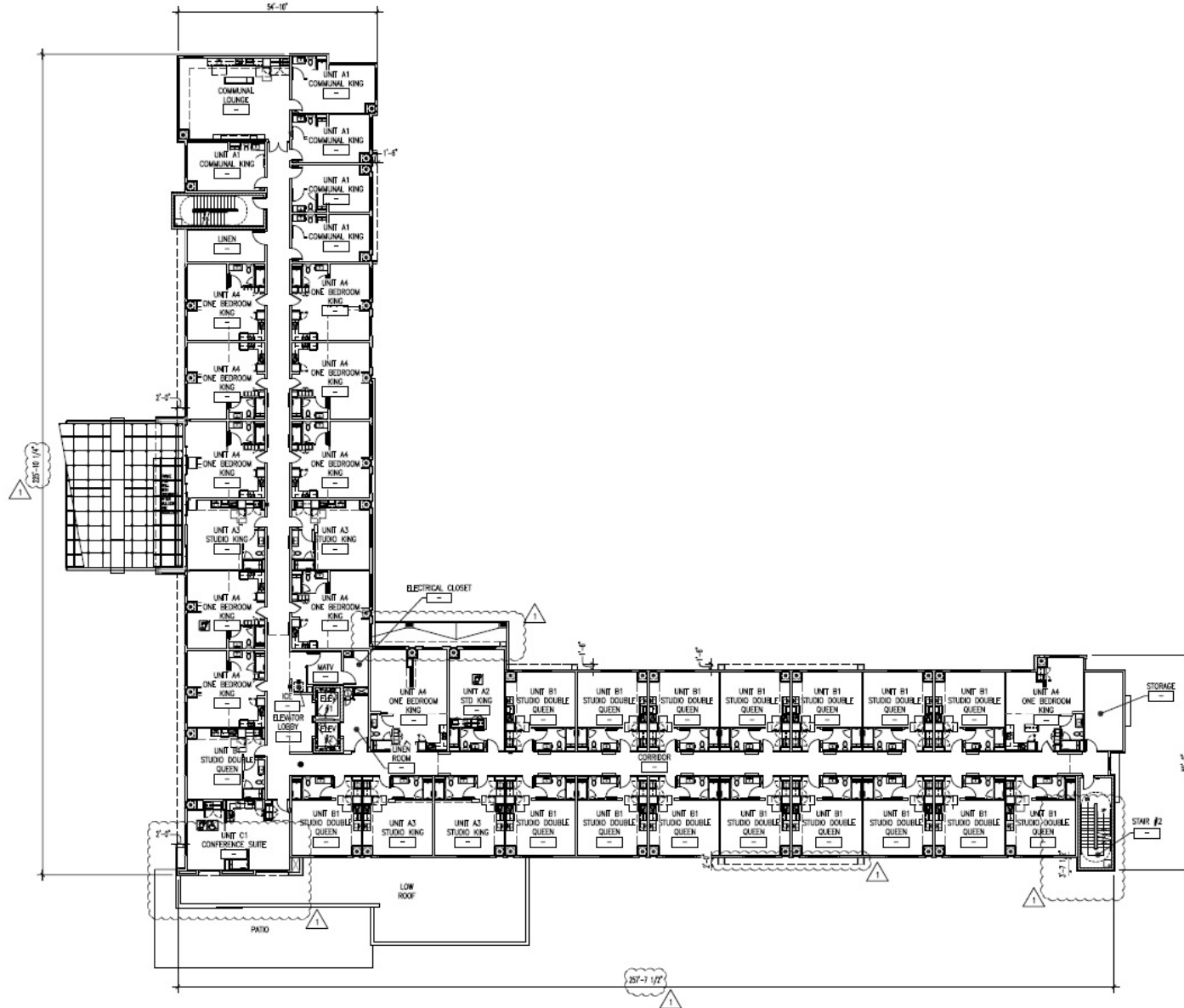


Exhibit C-4: Floor Plan (4th Floor)

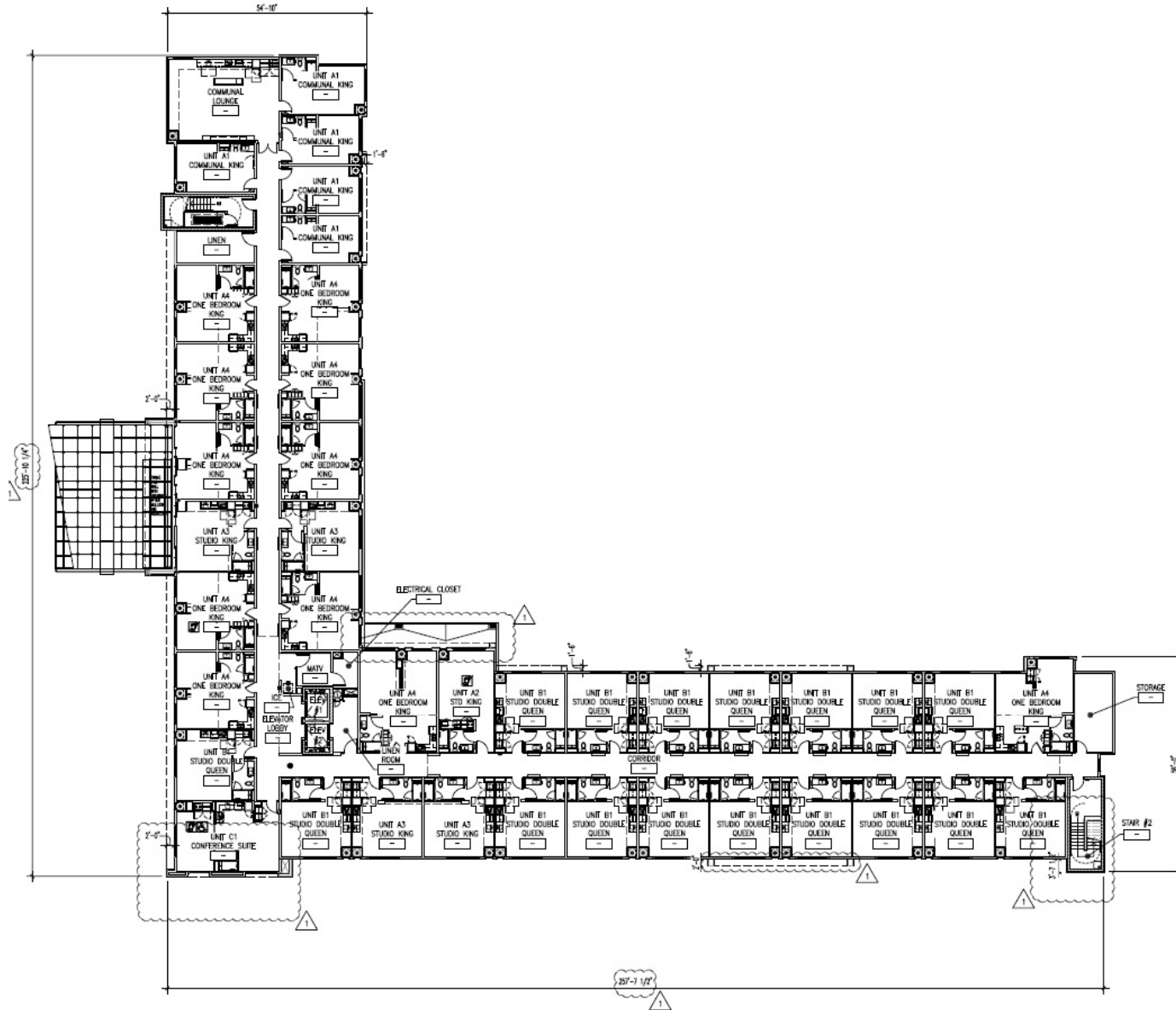


Exhibit C-5: Floor Plan (Roof Plan)

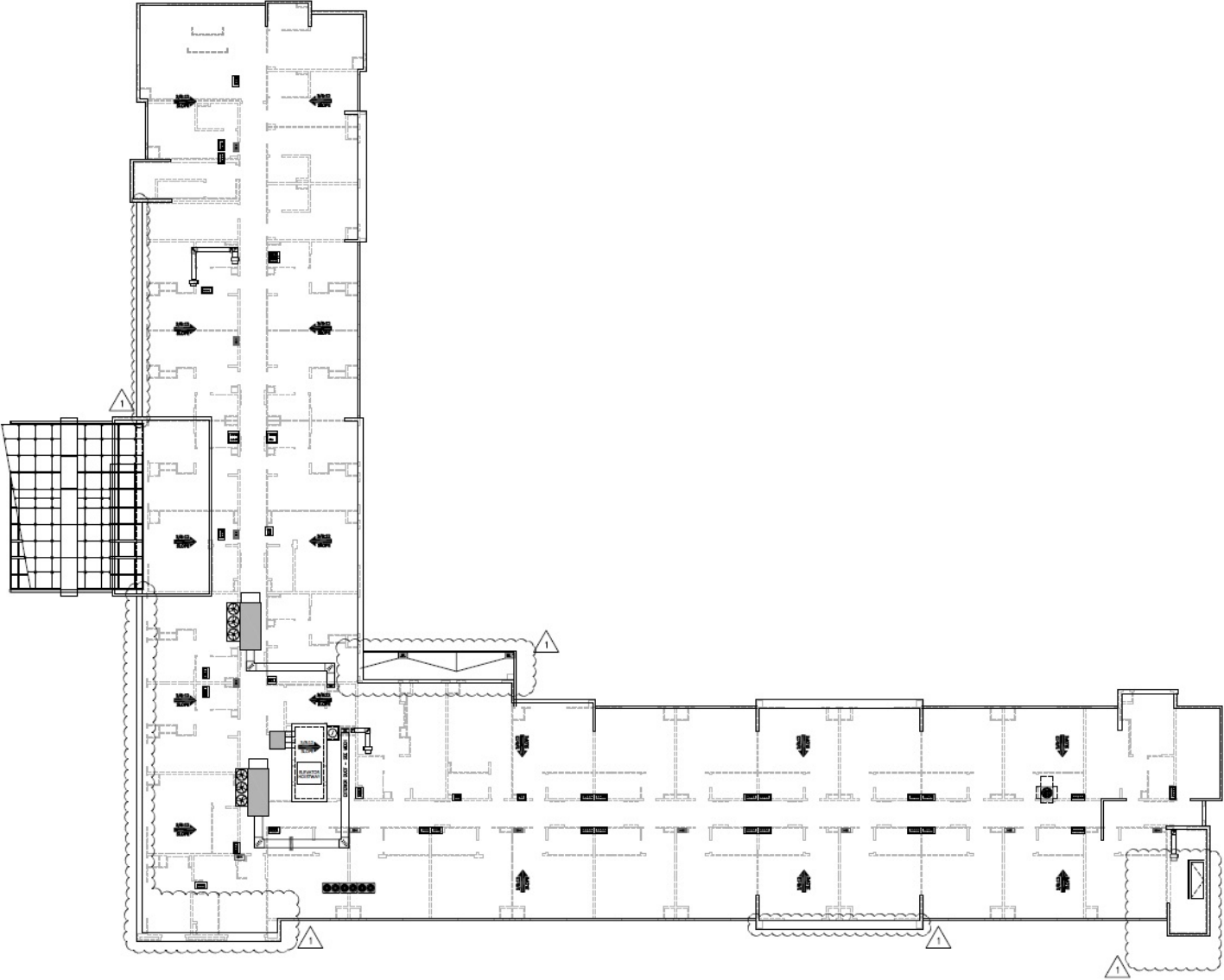


Exhibit D: Site Photos





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: February 4, 2019
File No: PCUP18-038
Related Files: PDEV16-050, PCUP16-023

Project Description: A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises (Type 70 ABC License, On-Sale General Restrictive Service) in conjunction with a new 131-room hotel (Element Hotel by Westin) totaling 92,823 square feet on 4.5 acres of land located at the north east corner of Ontario Center Parkway and Via Piemonte, at 900 North Via Piemonte, within the Piemonte Overlay District of the Ontario Center Specific Plan. (APN: 0210-204-18); **submitted by Glacier House Hotels.**

Prepared By: Jeanie Irene Aguilo, Assistant Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@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 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 Variance 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) Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.

(b) The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.

(c) The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.

(d) A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.

(e) The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.3 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 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.

2.6 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.

2.7 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.



CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM



TO: Jeanie Irene Aguilo, Assistant Planner

FROM: Officer Rick Rees, C.O.P.S.

DATE: November 28, 2018

SUBJECT: FILE NO. PCUP18-038 – ELEMENT BY WESTIN
900 VIA PIEMONTE

The Police Department is placing the following conditions:

RESTAURANT/BAR

1. Alcohol sales may occur between 6:00 A.M. to 2:00 A.M., seven days a week.
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, and maintained, 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 are permitted inside the 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 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 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 alcohol sales may occur between the hours of 6:00 A.M. to 12:00 A.M., seven days a week.
2. Employees engaged in the delivering of alcoholic beverages to rooms, must be 21 years of age.
3. Sales and service of alcohol beverages will only be to room guests that are 21 and over and have a bona fide ID.

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 Rick Rees at (909) 408-1660.



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner
Planning Department

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

DATE: November 20, 2018

SUBJECT: PCUP18-038 A Conditional Use Permit request to establish alcohol sales for on-site consumption (Type 70 ABC License, On-Sale General Restrictive Service), for a new 4-story 131-room hotel (Element Hotel by Westin) totaling 92, 823 square feet on 4.5 acres of land located at the NEC of Ontario Center Parkway and Via Piemonte, within the Piemonte District of the Ontario Center Specific Plan. **RELATED FILE: PDEV16-050**

-
- The plan **does** adequately address the departmental concerns at this time.
- No comments
 - Report below.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP18-038
 Address: 900 N Via Piamonte
 APN: 0210-204-18
 Existing Land Use: Hotel
 Proposed Land Use: Ancillary CUP for a Type 70 ABC License for an existing Hotel
 Site Acreage: 4.3 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: 12/7/18
 CD No.: 2018-071
 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 type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 70 ft	
<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, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Eric Woosley, Engineering/NPDES
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 15, 2018

SUBJECT: FILE #: PCUP18-038 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 **Thursday, November 29, 2018**.

- 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 request to establish alcohol sales for on-site consumption (Type 70 ABC License, On-Sale General Restrictive Service), for a new 4-story 131-room hotel (Element Hotel by Westin) totaling 92,823 square feet on 4.5 acres of land located at the NEC of Ontario Center Parkway and Via Piemonte, within the Piemonte District of the Ontario Center Specific Plan. RELATED FILE: PDEV16-050

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.

Building

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: November 21, 2018
SUBJECT: PCUP18-038

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

KS:lm





CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
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Jimmy Chang, IT Department



FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 15, 2018

SUBJECT: FILE #: PCUP18-038

Finance Acct#:

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Community Dev.

Joe

Surgeon

11/15/18
Item A - 28 of 33



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
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FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 15, 2018

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Landscape Planning Carolyn Bell Sch Landscape Archt
12/17/18



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
Charity Hernandez, Economic Development
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Eric Woosley, Engineering/NPDES
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

Antonio

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 15, 2018

SUBJECT: FILE #: PCUP18-038

Finance Acct#:

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Engineering (land)

Assistant Engineer

12/11/18



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
Charity Hernandez, Economic Development
Kevin Shear, Building Official
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DATE: November 15, 2018

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Eng/Env E Woosley Asst. Engineer 12/3/18



CITY OF ONTARIO

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FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 15, 2018

SUBJECT: FILE #: PCUP18-038

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Engineering
Traffic

J.A.

Senior Associate
Civil Engineer

12/6/18

Jeanie Irene T. Aguilo

From: Peter Tuan M. Tran
Sent: Thursday, November 29, 2018 1:56 PM
To: Antonio Alejos
Cc: Ahmed Aly; Danielle D. Guevara; Raymond Chavez
Subject: PCUP18-038 DPR#1 (#5722)

PCUP18-038 DPR#1 (#5722), RELATED FILE PDEV16-050

Antonio,

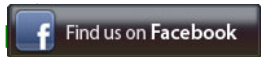
We have no subject comment. Thank you.

Sincerely,

Peter Tran
Associate Engineer/Project Manager
Ontario Municipal Utilities Company
Utilities Engineering and Operation Department



1425 South Bon View Avenue
Ontario, CA 91761
Ph: 909-395-2677
Fx: 909-395-2608



environment before printing this e-mail.