

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-34

HEARING DATE: December 2, 2013
DECISION DATE: December 3, 2013
FILE NO.: PCUP13-028
SUBJECT: A Conditional Use Permit request to establish and operate a body, paint and customization shop on 0.79 acres, for property located at 1336 E. Holt Boulevard, within the M1 (Limited Industrial) zoning district.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

CUSTOM CAR ENTERPRISES, INC., herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, File No.PCUP13-028, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

Project Description: A Conditional Use Permit request to establish and operate a body, paint and customization shop on 0.79 acres, for property located at 1336 E. Holt Boulevard, within the M1 (Limited Industrial) zoning district (Exhibit A-Site Aerial).

- (a) TOP Policy Plan Land Use Map Designation: Business Park
- (b) Zoning Designation: M1 (Limited Industrial)
- (c) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M1	Trail
South:	M1	Railroad
East:	M1	Enterprise Car Rentals
West:	M1	Vacant Land

- (d) Site Area: 34,652 sq. ft. (0.79 acres)
- (e) Assessor's Parcel No(s): 110-131-28

(f) **Project Analysis:**

The applicant, Custom Car Enterprises, Inc., proposes to establish and operate a body, paint and customization shop on an existing 34,652 square foot developed site. The site is developed with three separate small buildings ranging in size from 758 square feet to 1,268 square feet. The applicant is proposing to remodel and utilize the existing structures as an office, spray booth and body shop. The property is surrounded to the south by the Pacific Railroad tracks, to the east by Enterprise Rent-A-Car, vacant land to the west and Holt Boulevard to the north. According to the applicant's representative, Custom Car Enterprises Inc., has been in existence for approximately 20 years. The popularity of the business has come from painting classic cars for celebrities or cars featured in front page magazines. The subject property is fully enclosed with a six foot tall wrought iron fence along the front property line and six and seven foot tall chain link, and wrought iron fencing along the sides and rear property lines (Exhibit B-Site Plan). According to the applicant's representative, they are relocating from another location in Ontario. The proposed operating hours will be 7:30 a.m. to 7:30 p.m., Monday to Saturday, and the business will have two full-time employees.

Improvements Proposed: No outside modifications to the buildings are proposed. Some of the improvements proposed outside include the following:

- Clean and repaint the existing buildings.
- Re-landscape and add operational sprinkler systems to all the existing planter areas.
- Replacement of an existing 6' tall chain link fence that runs across between Buildings A and C, with a 8' tall decorative solid view obscuring wrought iron fence to screen the rear parking lot; and
- Creation of an 8' tall chain link fence enclosure at the rear of the parcel with vinyl slots, to store inoperative vehicles that are waiting for repairs.

Overall, the condition of the property is in poor to fair condition. Many of the landscape areas contain dead or missing landscaping. In addition, buildings are in need of painting. The existing monument sign along the front of the property is in need of repairs and painting. Since the goal of the City is to improve the appearance of existing developments, therefore, as a condition of approval, staff is requesting the following:

1. All missing or dead landscaping shall be replaced.
2. Any damage to the existing sprinkler system shall be repaired or replaced. If a sprinkler system is not present, one must be installed.
3. Landscape sprinkler systems shall be set on timers.
4. The subject buildings shall be painted within 30 days of CUP approval.
5. Damage to existing monument sign must be repaired and sign shall be repainted, and
6. Applicant shall work with staff to add additional landscaping planters to the front parking lot so that rows of parking along the front parking lot, start and end with a landscape planter. Work shall be completed within 60 days of CUP approval.

Parking

The Ontario Development Code requires the proposed use to provide 10 parking space and the proposed project will provide a total of 65 spaces. Therefore, no parking issues are anticipated as a result of the proposed use.

Floor Plan

- Office-The 758 square foot office building (Building A) will feature a lobby, reception area, office and a restroom (Exhibit C-Floor Plan).
- Spray Booth-The 1,268 square foot structure (Building C) will feature a spray booth and a preparation area (Exhibit C-Floor Plan).
- Body Shop-The 1,268 square foot structure (Building B) will feature a rinsing area, body work area and a restroom (Exhibit C-Floor Plan).

Land Use Compatibility: The intent of a Conditional Use Permit (CUP) application and review 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, or materially injurious to uses, properties or improvements in the vicinity. The City of Ontario's Development Code describes a Conditional Use Permit as the following: "§ Sec. 9-1.0900: *Purposes and Authorization* – 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 on adjoining properties and in the surrounding area." Approval of a CUP first requires making certain findings, which show that the proposed use is consistent with all City of Ontario development codes, land uses, and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a CUP is discretionary in nature.

The proposed use is located within the M1 (Limited Industrial) land use designation. Within this designation, body, paint and customization shops are a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses within the surrounding area will not be exposed to any impacts resulting from the proposed use beyond those that would normally be associated with any other similar use allowed within the same district.

Staff is recommending approval of the proposed application, subject to the attached conditions. Staff believes that the floor plan has been designed adequately, and the storage of vehicles waiting to be repaired will be screened properly and conditions of approval have been imposed on the application to mitigate any potential impacts on the health, welfare, and safety of the adjacent uses.

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.

Departmental Review: Each department was provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. Recommended conditions of approval have been provided and are attached to this report.

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

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

PART B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, on the 2nd day of December 20013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Luis E. Batres, Senior Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Mr. James Kay, the applicant explained the business operation and spoke in favor of the application.

(c) Mr. Charlie Buquet, representing the property owner, also spoke in favor of the application. Mr. Buquet requested clarification on an approved business license for the site. Staff advised him that generally uses are not allowed to be established until the Conditional Use Permit has been approved and the conditions of approval have been satisfied. He then indicated that the applicant only wanted to establish the portion of his

business that did not require the CUP. At that point, staff advised him that if the existing buildings did not require a change of occupancy from the Building Department, that only then could those portions be established. At that point, the Zoning Administrator suggested that the owner of the business might want to wait until the 10 day appeal period had expired.

(d) 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 C: THE DECISION

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

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

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby makes the following Conditional Use Permit findings:

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The body, paint and customization shop lies within the M1 (Limited Industrial) land use designation, and the use is conditionally allowed within the zone.

(2) The body, paint and customization shop is allowed upon approval of a Conditional Use Permit. 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.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. The project site is located within the M1 District and the proposed body, paint and customization shop is a conditionally allowed use within the zone. In addition, conditions of approval have been placed on the project to mitigate any negative impacts that the project may have on the health, welfare and safety of the community.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. Holt Boulevard is fully improved and no additional public improvements are

required. In addition, the City Traffic Division reviewed the proposed application and they are recommending approval.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. Conditions of approval have been placed to address existing deficiencies.

(6) For a proposed use in the R2 or R3, also classified in the EA Euclid Avenue Overlay District, the use will be appropriate and consistent with the purposes of the district and will enhance the visual character and quality of Euclid Avenue. This project is not located within the R2 and R3 zones, it is located within the M1 zone, which allows the proposed use with a Conditional Use Permit.

(7) For a proposed office use in the R2 or R3 Districts, also classified in the EA District, the proposed conditional use will be compatible with any existing residential use in the vicinity, in terms of scales and character, as prescribed in Article 23. This project is not located within the R2 and R3 zones, it is located within the M1 zone, which allows the proposed use with a Conditional Use Permit.

(c) 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 § 15301 (Class 1-Existing Facilities) of the State CEQA Guidelines.

(d) 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.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-028, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this Third day of December, 2013.



Barbara C Millman
Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

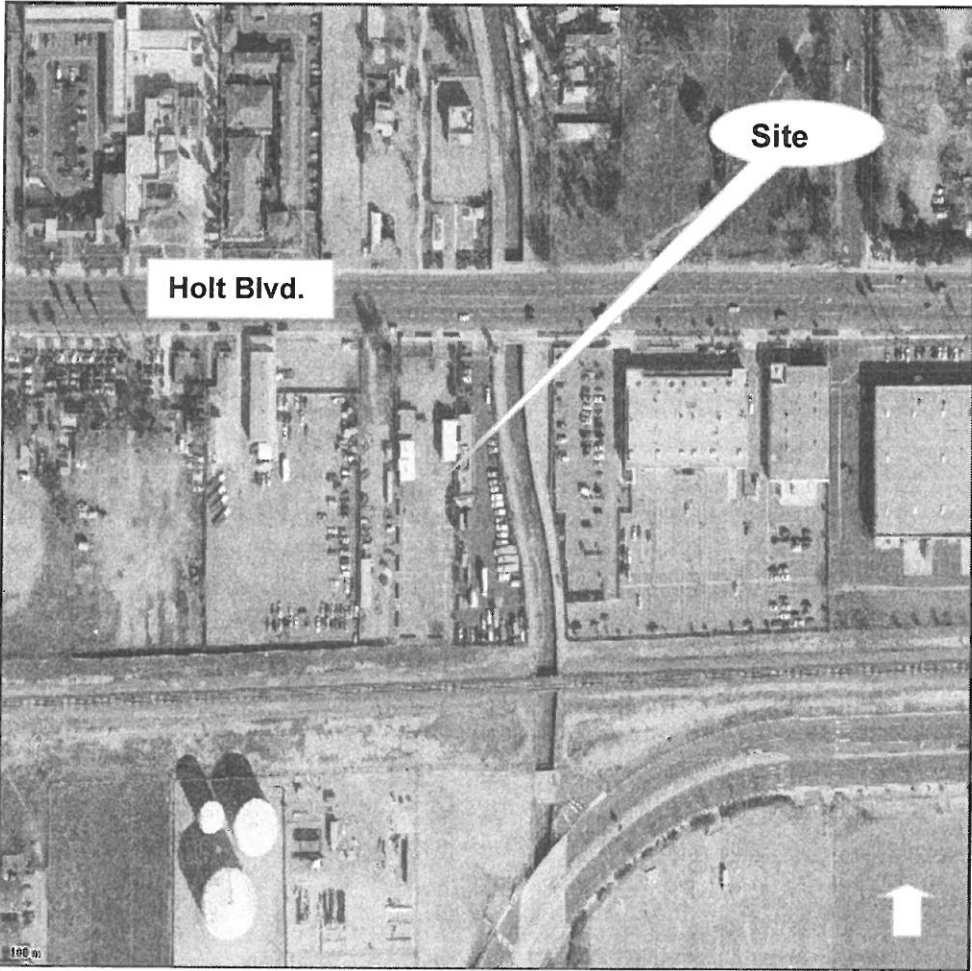
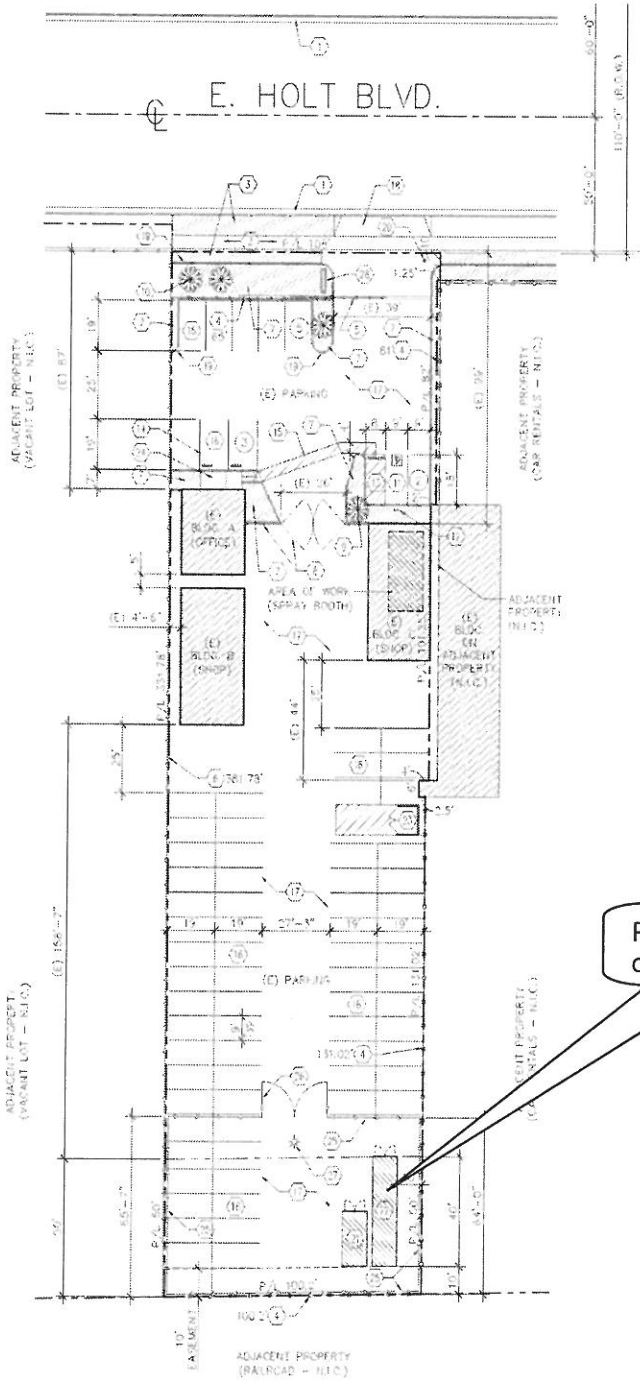


Exhibit B: Site Plan



SHEET INDEX

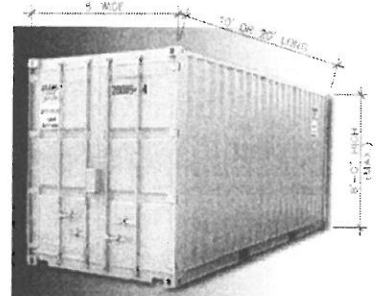
- 1-38 EXISTING SITE PLAN, SITE INFO. & VICINITY MAP
- 3-41 SITE UTILIZATION MAP
- 4-1 EXISTING / PROPOSED FLOOR PLANS

NOTE:
 NO CHANGES ARE BEING PROPOSED TO EXISTING ELEVATIONS

SITE PLAN LEGEND:

- P/L — PROPERTY LINE
- C/L — STREET CENTER LINE
- ⊙ PUBLIC PARKING COUNT
- ⊙ SITE PLAN KEYNOTE
- (E) EXISTING TO REMAIN
- (N) PROPOSED / NEW
- (N.I.C.) NOT IN CONTRACT
- R RIGHT OF WAY

Propose Location
 of Containers



TYP. RECYCLING CONTAINER ELEVATION



Exhibit C: Floor Plans

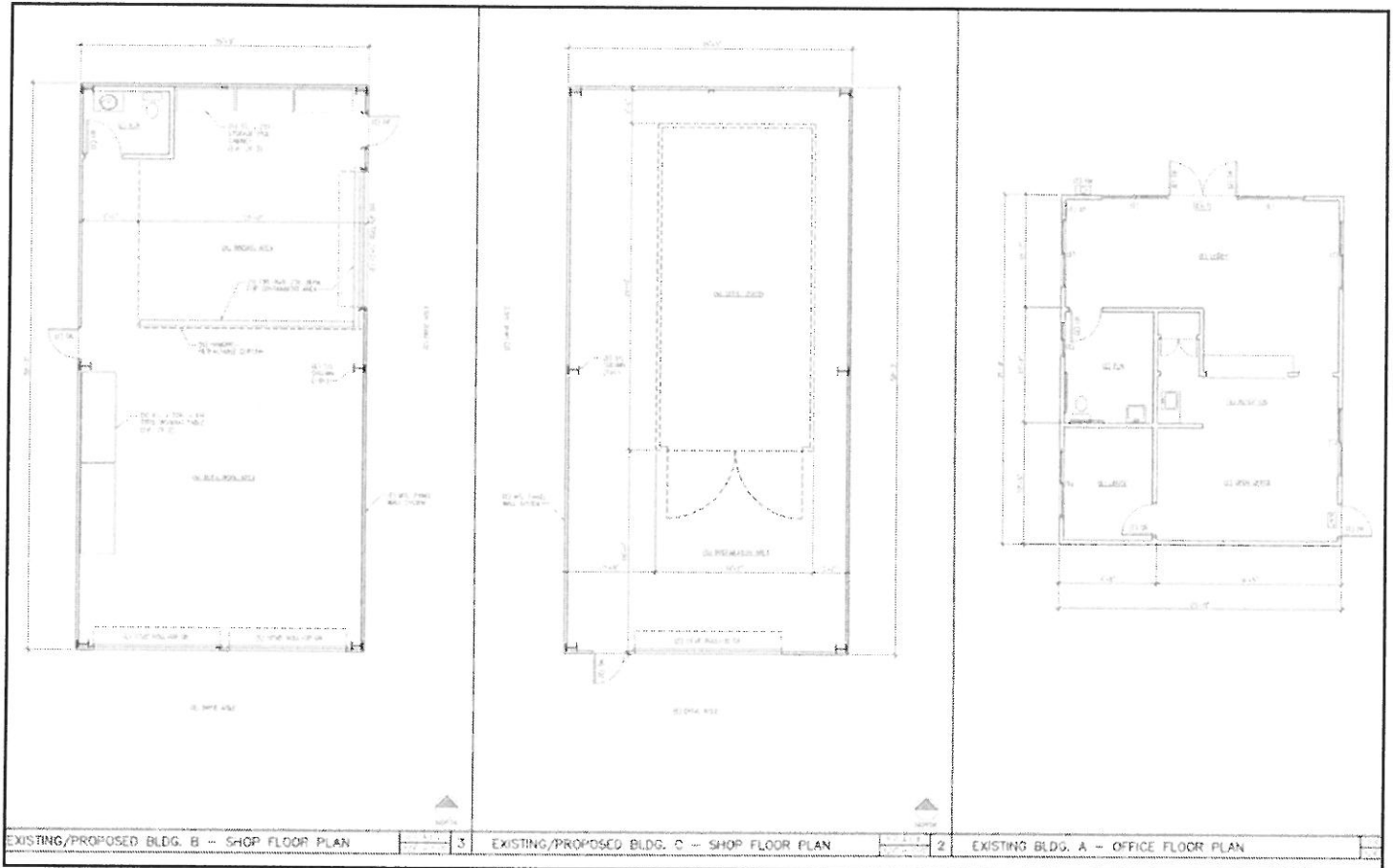
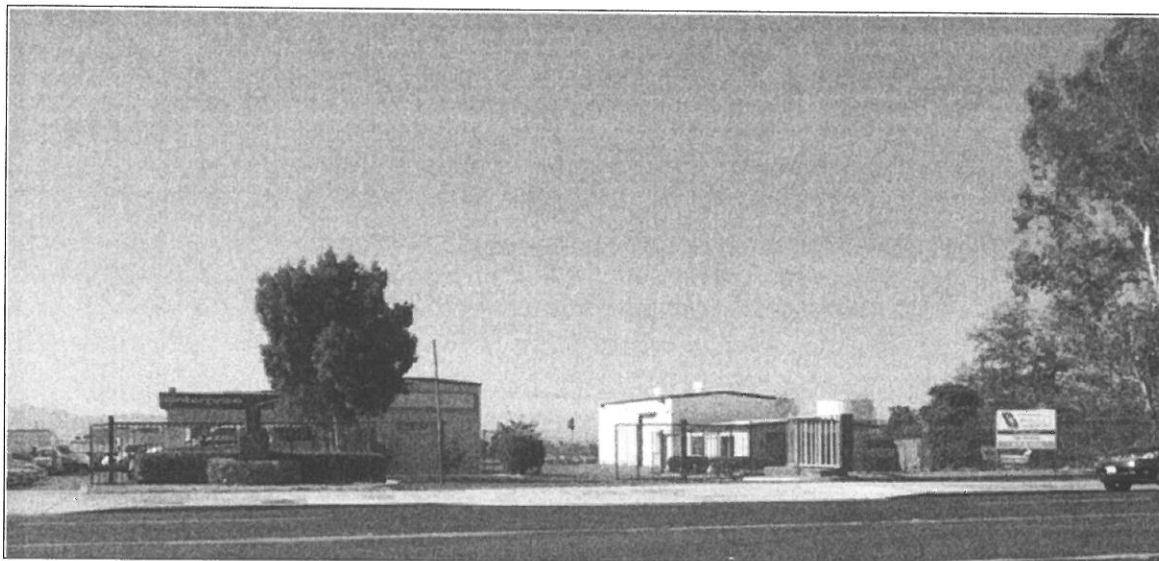
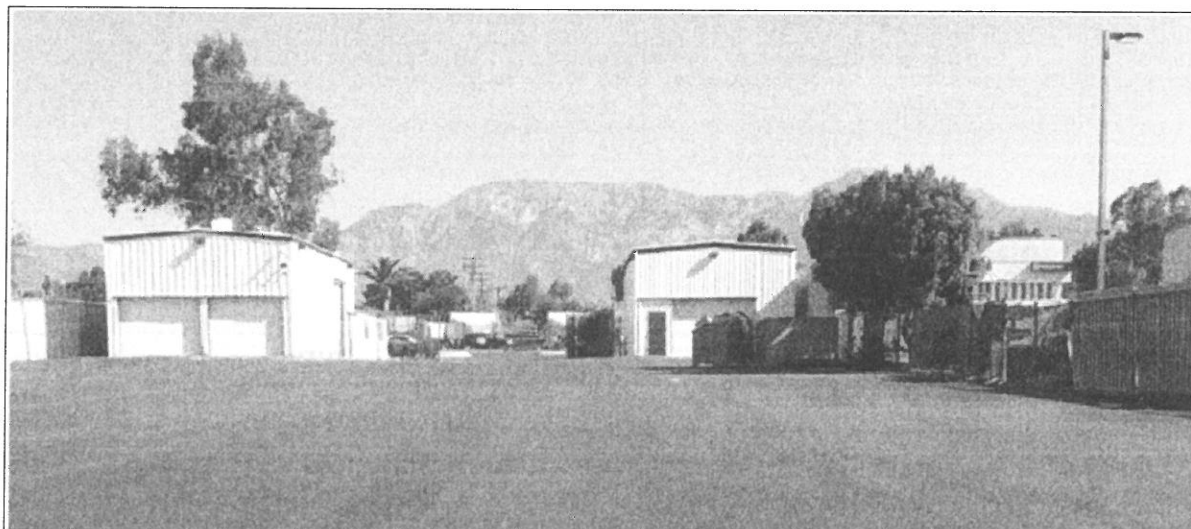


Exhibit E: Site Photos



Front of Property



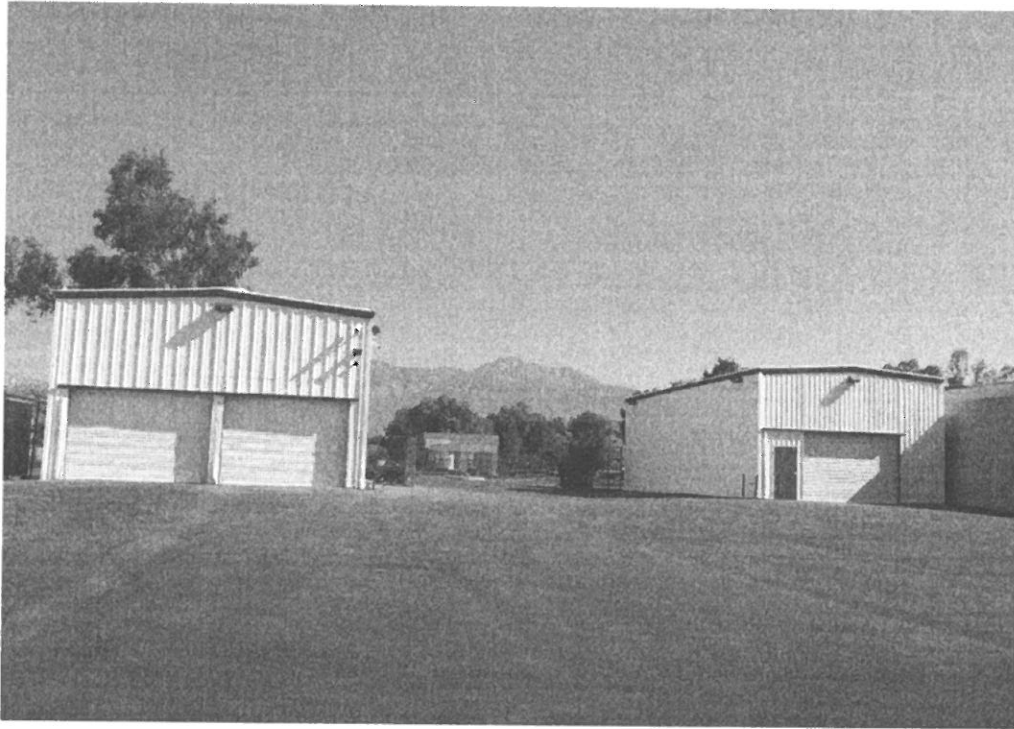
Rear Parking Lot



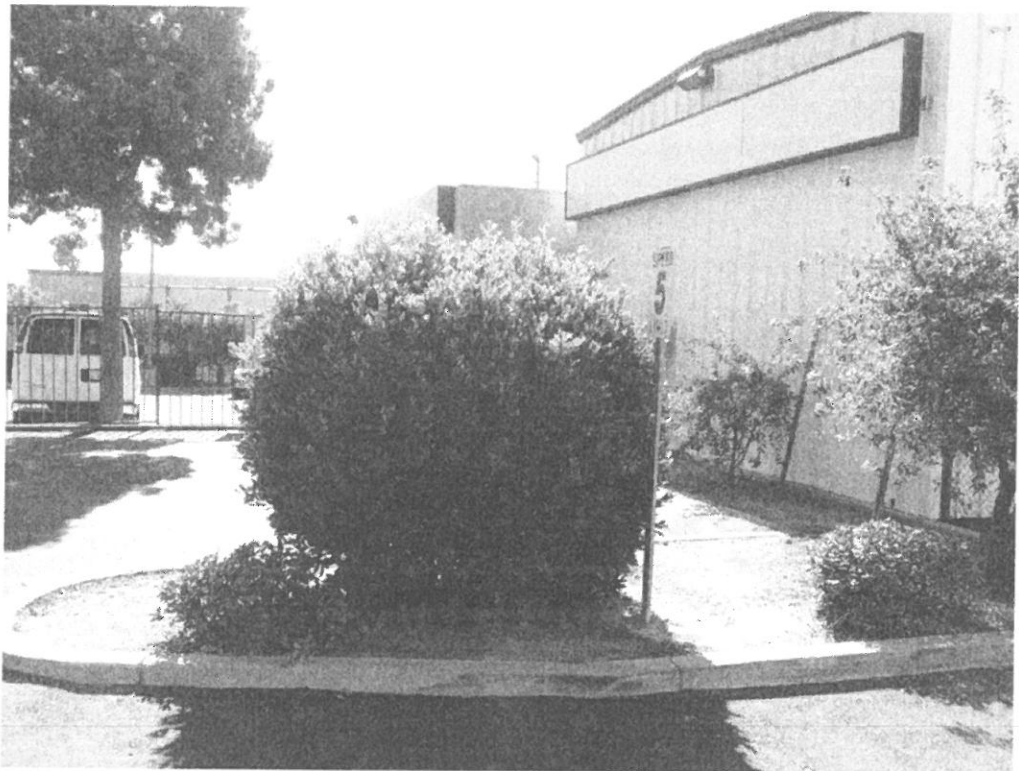
Rear Parking Lot-Looking West



Rear Parking Lot-Looking South



Looking at rear of Building B & C



Condition of Existing Planters



View of Existing Monument Sign, Front Lawn and Parkway



View of Front of Property

**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: December 2, 2013

FILE NO.: PCUP13-028

SUBJECT: A Conditional Use Permit request to establish and operate a body, paint and customization shop on 0.79 acres, for property located at 1336 E. Holt Boulevard, within the M1 (Limited Industrial) zoning district.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- | | |
|--|---|
| <input checked="" type="checkbox"/> PLANNING | <input type="checkbox"/> ECONOMIC DEVELOPMENT |
| <input checked="" type="checkbox"/> LANDSCAPING DIVISION | <input type="checkbox"/> HOUSING |
| <input checked="" type="checkbox"/> ENGINEERING | <input checked="" type="checkbox"/> FIRE |
| <input type="checkbox"/> UTILITIES/SOLID WASTE | <input checked="" type="checkbox"/> POLICE |
| <input checked="" type="checkbox"/> BUILDING | |



CONDITIONS OF APPROVAL

DATE: December 2, 2013

FILE NO.: PCUP13-028

SUBJECT: A Conditional Use Permit request to establish and operate a body, paint and customization shop on 0.79 acres, for property located at 1336 E. Holt Boulevard, within the M1 (Limited Industrial) zoning district.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 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.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 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.

2.0 SIGNAGE

- 2.1 The location, quantity, size, and design of all signage shall comply with the Ontario Development Code, Specific Plan, or applicable sign program, pursuant to the zoning district for which the project site is located within.
 - 2.2 No more than 25% 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.
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- 2.3 View obscuring material that is applied to any window, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.
- 2.4 All new signs shall comply with current City codes.

3.0 PARKING AND CIRCULATION

- 3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards, as follows:

<i>Use</i>	<i>Area (in SF)</i>	<i>Parking Ratio</i>	<i>Parking Spaces Required</i>
Office (Bld. A)	758	1:250	3
Paint Booth (Bld. B)	1,268	1:400	3.1
Body Shop (Bld. C)	1,268	1:400	3.1
TOTAL			10

4.0 GRAFFITI REMOVAL

- 4.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 4.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.
- 5.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps, ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

6.0 ENVIRONMENTAL REVIEW

- 6.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Class 1-Existing Facilities) of the State CEQA Guidelines.
- 6.2 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.

7.0 ADDITIONAL REQUIREMENTS

- 7.1 All missing or dead landscaping shall be replaced.
- 7.2 Any damage to the existing sprinkler system shall be repaired or replaced. If a sprinkler system is not present, one must be installed.
- 7.3 Parking lot shall be slurry sealed and striped per City standards.
- 7.4 All landscape sprinkler systems shall be set on timers.
- 7.5 The subject buildings shall be painted within 30 days of CUP approval.
- 7.6 Damage to existing monument sign must be repaired and sign shall be repainted.
- 7.7 Applicant shall work with staff to add additional landscaping planters to the front parking lot so that rows of parking along the front parking lot start and

- end with a landscape planters. Work shall be completed within 60 days of CUP approval.
- 7.8 The two metal storage containers shall only be used for storage of vehicle parts and inventory.
- 7.9 Trash enclosure doors shall be operational and shall remain close at all time.
- 7.10 Driveway gates between building A and C shall remain close at all time to prevent visibility to the rear parking lot.
- 7.11 Applicant shall work with staff to add a decorative stone base and body to the existing monument sign; and
- 7.12 Inoperative vehicles (no tires, missing engines, expired tags, missing motors, and missing or broken windows/windshields) shall be stored within the approved screened enclosure at the rear parking lot. Vinyl slats on chain link fencing shall be kept in good condition at all time, so that visibility is minimal. Nothing stored can be taller than 8' tall.
- 7.13 Parkway shall be landscaped per city standards.
- 7.14 Towing trucks shall be stored on the rear parking lot area only.
- 7.15 Landscaping on the property and parkway shall receive regular care and maintenance.

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

DAB CONDITIONS OF APPROVAL	
Sign Off	
	10/07/2013
Jamie Richardson, Associate Landscape Planner	Date

Reviewer's Name: Jamie Richardson, Associate Landscape Planner	Phone: (909) 395-2615
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D.A.B. File No.: PCUP13-028	Related Files:	Case Planner: Luis Batres
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Project Name and Location:
**1336 E. Holt Blvd.
 Ontario, CA**

Applicant/Representative:
**Michelle Hernandez
 PO Box 4640
 Ontario, CA 91761**

<input type="checkbox"/>	A site plan (dated) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.
<input checked="" type="checkbox"/>	A site plan (09/30/2013) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Show utilities on plan; water, sewer, light standards, fire hydrants, etc...
2. Call out on site plan all existing trees; size dbh and genus.
3. Call out on site plan irrigation, planting and trees in the parkway; one (1) or two (2) Fraxinus 'Raywood' Ash 30' apart, 15' from east property line. Minimum tree planting setbacks are as follows: 10' from light standards, power poles, and fire hydrants, 7' from water and sewer lines. Parkways and right-of-ways shall be landscaped with living plant material less than 18" high, automatically irrigated; use low water use planting options such as Lonicera, Lantana montevidensis, or Senecio mandraliscae.
4. Call out on the site plan two (2) trees to lawn existing planter area Fraxinus 'Raywood' Ash 30' apart, 15' from the east property line, 5' from the back of curb at the parking spaces.
5. Add two (2) trees to the parking lot in the existing parking lot fingers; Tristania conferta or Pistacia chinensis 24" box.
6. Verify that all irrigation is in proper working order and that all plant material is in good health; replace and repair where broken or missing.



CITY OF ONTARIO MEMORANDUM

TO: Luis Batres

FROM: Jim Heenan, Fire Safety Specialist
Bureau of Fire Prevention

DATE: October 9, 2013

SUBJECT: File No: PCUP13-028: A conditional use permit to a body, paint and customization shop on 0.79 acres of developed land, generally located near the southeast corner of Holt Blvd and Grove Avenue, within the M-1 (Limited Industrial) zoning designation.

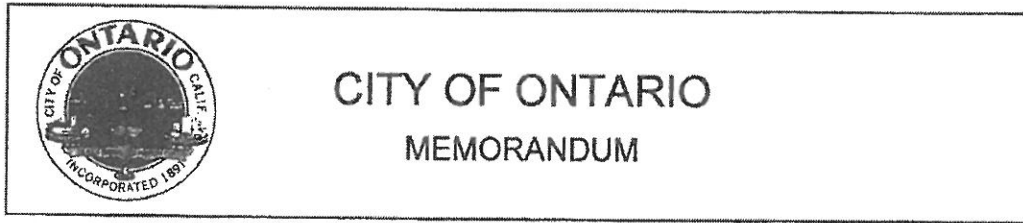
The plan **does** adequately address the departmental concerns at this time.

No comments

Report below.

1. Spray/paint booth requires shall be protected by an approved fire- extinguishing system complying with Chapter 9 of the 2010 CFC. Protection shall also extend to exhaust plenums, exhaust duct and both sides of dry filter when such filters are used.
2. Plans for spray/paint booth must be submitted for review and approval to the fire prevention bureau.
3. Fire Extinguishers shall be provided in accordance with 2010 California Fire Code 906.1. Spray area requires fire extinguishers in accordance with the requirements for an (extra) high hazard occupancy.
4. Required exit accesses, exits, or exit discharges shall be continually maintained free from obstructions for full instant use in case of fire or other when the areas served are occupied. As outlined in 2010 California Fire Code Section 1011.
5. Fire Department operational permits for Spray operation, Auto repair, Hot works operation may be required. As outlined in Section 105 of the 2010 California Fire Code.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



TO: Otto Kroutil, Development Director
Jerry Blum, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Scott Melendrez, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
Sigfrido Rivera, Housing Manager
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering/NPDES

FROM: Luis Batres,

DATE: August 13, 2013

SUBJECT: FILE #: PCUP13-028 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 **Tuesday, August 27, 2013**.

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

PROJECT DESCRIPTION: A Conditional Use Permit to establish a body, paint & customization shop on 0.79 acres of developed land, generally located near the southeast corner of Holt Blvd and Grove Avenue, within the M1 (Limited Industrial) zoning designation.

APN: 0110-131-28

- 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.

Police Department *[Signature]* SR. MANAGEMENT ANALYST 8/30/13

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Luis Batres
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: August 15, 2013
SUBJECT: PCUP13-028

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

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:kc



**CITY OF ONTARIO
MEMORANDUM**

**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Traffic/Transportation Division and Municipal Utilities Agency, and Environmental Section Conditions incorporated)

DATE: 11.21.2013

PROJECT PLANNER: Luis Batres, Planning Department

PROJECT: PCUP13-028, A Conditional Use Permit to establish a body, paint & customization shop on 0.79 acres of developed land, generally located near the southeast corner of Holt Boulevard and Grove Avenue, within the M1 (Limited Industrial) zoning designation.

APN: 0110-131-28

LOCATION: 1336 East Holt Boulevard

PROJECT ENGINEER: Miguel Sotomayor, Engineering Department

ENGINEERING DEPARTMENT HAS CONDITIONS FOR THE MOST RECENT SUBMITTAL OF THE ABOVE REFERENCED SITE.

1. All improvements in the public right of way will require an encroachment permit from the Engineering Department.

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2013-35

HEARING DATE: December 2, 2013

DECISION DATE: December 3, 2013

FILE NO.: PCUP13-032

SUBJECT: A Conditional Use Permit to establish beer and wine sales for consumption on the premises (Type 41 ABC license - On-Sale Beer and Wine for Bona Fide Public Eating Place) within an existing restaurant (Archibald's) within the C1 (Shopping Center Commercial) zone, located west of the northwest corner of Archibald Avenue and Riverside Drive, at 2685 East Riverside Drive.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

B.A.T. ENTERPRISES, INC., herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, File No. *PCUP13-032*, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Description: A Conditional Use Permit to establish beer and wine sales for consumption on the premises (Type 41 ABC license - On-Sale Beer and Wine for Bona Fide Public Eating Place) within an existing restaurant (Archibald's) within the C1 (Shopping Center Commercial) zone, located west of the northwest corner of Archibald Avenue and Riverside Drive, at 2685 East Riverside Drive.

(b) TOP Policy Plan Land Use Map Designation: NC (Neighborhood Commercial)

(c) Zoning Designation: C1 (Shopping Center District)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	C1 & R1	Offices & Single Family Residential
South:	C1 & R2	Retail & Multi-Family Residential
East:	R1 & C1	Single Family Residential & Retail
West:	C1	School

(e) Site Area: 3,786 square foot pad restaurant on a 0.615 parcel within an approximate 7 acre Shopping Center

(f) Assessor's Parcel No(s): 1083-061-06

(g) Project Analysis: The applicant is requesting approval of a Conditional Use Permit to establish the retail sale of beer and wine for on-site consumption in conjunction with the Archibald's Restaurant (Type 41 ABC license) located at 2685 East Riverside Drive.

Operation: Archibald's is an existing restaurant that serves food at a counter as well as through a drive up window. The restaurant has a dining room as well as a small outdoor patio. The restaurant previously had an enclosed play area on the west side of the building. The applicant has started to change this area into a family oriented sports theme room. The applicant has the intention of installing 2 big screen TV's and displaying sports memorabilia in a non-bar type atmosphere.

Alcohol will be sold in pre-packaged bottles or served in clear cups at the walk up food service order counter and will not be sold at a separate station. No waitress service is provided at the restaurant. The restaurant will be open from 5:30 a.m. to 11:00 p.m. Monday thru Friday and 6:00 a.m. to 11:00 p.m. on Saturday and Sunday. The Police Department has conditioned that beer and wine sales hours will be limited to 10:00 a.m. to last call at 10:15 p.m. The restaurant proposes to use the drive-thru for pick-up orders but has been conditioned to exclude the sale of beer or wine at the drive-thru window. The project has also been conditioned that no alcohol will be allowed in the patio area.

Land Use Compatibility: The serving of alcoholic beverages in conjunction with a restaurant is conditionally permitted in the C1 District. Conditional Use Permit reviews are performed in order to weigh the compatibility of adjacent uses and establish measures to mitigate potential nuisance activities. The project site is located within Census Tract 18.09. Per the California Department of Alcoholic Beverage Control (ABC), 3 on-sale licenses are permitted within the census tract and 6 licenses are active and 1 is surrendered within this Census Tract. Thus the Census Tract is over concentrated with on-sale licenses. However, the proposed restaurant will serve food during all hours of alcohol sales, the business is not located in a high crime area, the property has no outstanding Building or Health Code violations or Code Enforcement activity, and the site is properly maintained.

The restaurant is located in an existing shopping center with surrounding land uses that include offices and single family residential development to the north, a retail shopping center and multi-family residences to the south, retail and single family residential development to the east and a school to the west. Staff has placed conditions on the operation of the business to limit impacts to the surrounding neighbors.

City Department Review: City departments were given the opportunity to review the subject application. The Planning, and Police Departments have placed conditions on the project. The conditions of approval include such items as: No service of alcoholic beverages at the drive-thru window, no service of alcohol to minors or intoxicated patrons and property/landscape maintenance items. All Departments are recommending approval of the application for beer and wine sales at the existing restaurant.

(h) 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.

(i) 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.

(j) 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.

(k) 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 B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides 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, on the 2nd day of December, 2013, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Clarice Burden, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.
- (b) Jeff Priddle, General Manager for the Archibald's Restaurant, explained the business operation and spoke in favor of the application.
- (c) The Deputy Zoning Administrator asked Mr. Priddle if he had read the conditions and was in agreement with them. Mr. Priddle indicated that he had read them and was in agreement with the conditions of approval.
- (d) The Deputy Zoning Administrator asked what steps would be taken to ensure that alcohol would not be sold through the drive-thru window. Mr. Priddle indicated that supervisors over the age of 21 would be present on each shift and that all cashiers would be at least 18. He indicated that he has over 8 years of experience with an Archibald's in Lake Elsinore that serves beer and wine and has a drive thru window without a single incident of alcohol sales from the drive thru.
- (e) 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 C: THE DECISION

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

- (a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.
- (b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby makes the following Conditional Use Permit findings:

- (1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The beer and wine sales at a bona-fide eating place lies within the C1 (Shopping Center District) land use designation.

(2) Beer and wine sales at a bona-fide eating place is allowed upon approval of a Conditional Use Permit. 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.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

(c) For On-Sale alcoholic beverage license types, which are located within overconcentrated census tracts, where overconcentrated is defined by the California State Department of Alcoholic Beverage Control ("ABC") and is based upon census tract population and overall County of San Bernardino license concentrations, the Zoning Administrator hereby makes the following Public Convenience and Necessity ("PCN") findings:

(1) The proposed business is not located within a high crime area, which is defined as Police Department calls for service to alcohol-related incidences of 20% greater than the average number reported for the City as a whole.

(2) The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity.

(3) The site is properly maintained, including building improvements, landscaping, and lighting.

(d) 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 § 15301 (Existing Facilities) of the State CEQA Guidelines.

(e) 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.

(f) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-032, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this third day of December, 2013.



Barbara Millman
Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map



Exhibit B: Site Plan

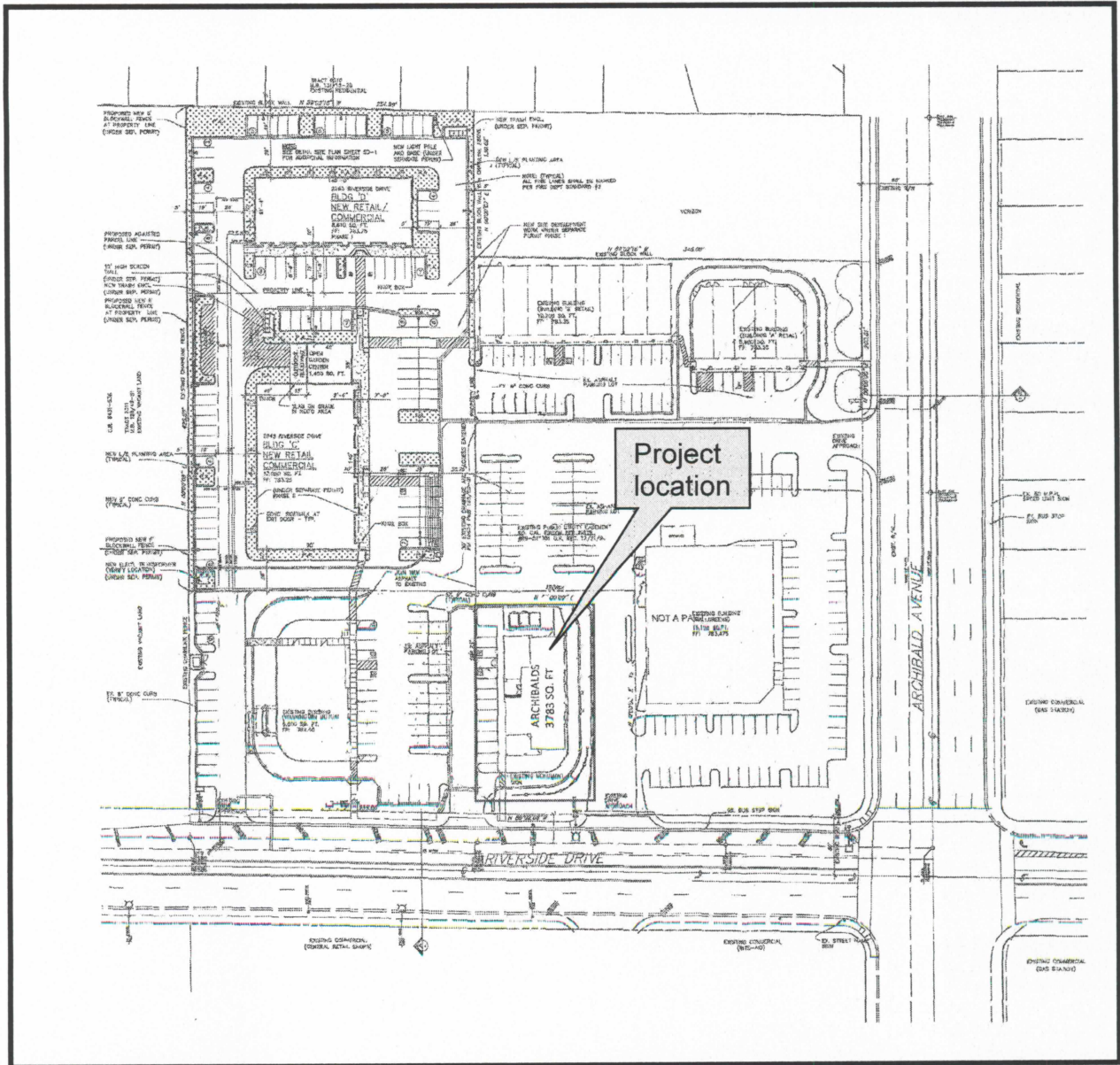


Exhibit C: Floor Plan

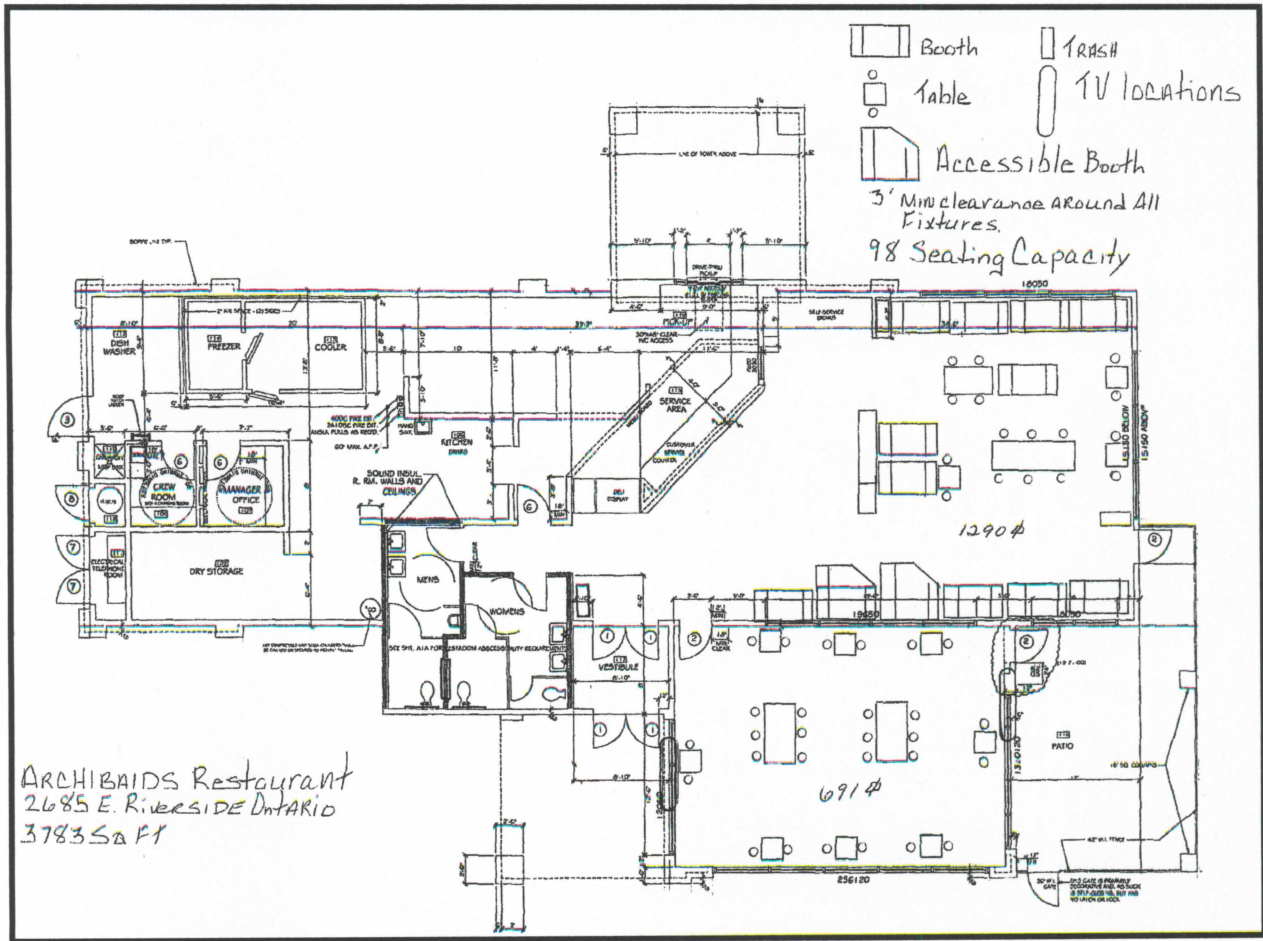


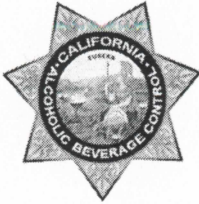
Exhibit D: Site Photos



Exhibit E: Census Tract 18.09 On-Sale Licenses

California ABC - License Query System - Data Portal

Page 1 of 2



**California Department of Alcoholic Beverage Control
 For the County of SAN BERNARDINO - (On-Sale
 Licenses)
 and Census Tract = 18.09**

Report as of 11/21/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	408472	ACTIVE	41	3/11/2004	2/28/2014	PRECIADO, BERTA ALICIA 2951 S VINEYARD AVE ONTARIO, CA 91761 Census Tract: 0018.09	MARISCOS LA BRISA RESTAURANT		3607
2)	479913	ACTIVE	41	7/20/2009	6/30/2014	SERVUS INC 2910 S ARCHIBALD AVE, # C ONTARIO, CA 91761-7358 Census Tract: 0018.09	BENTO BOX JAPANESE GRILL		3607
3)	489129	ACTIVE	47	7/1/2010 9:17:16 AM	6/30/2014	ONTARIO CAL TRADING INC 1919 E RIVERSIDE DR ONTARIO, CA 91761-6480 Census Tract: 0018.09	TEQUILA BAR AND GRIL	7494 WAKE FOREST DR CORONA, CA 92880	3607
4)	504108	ACTIVE	47	6/22/2011 11:06:20 AM	5/31/2014	JAM BENITEZ RESTAURANTS INC 2407-2411 S VINEYARD AVE, UNIT A & F- G ONTARIO, CA 91761-6474 Census Tract: 0018.09	BRANDONS DINER VINEYARD	16846 ORANGECREST CT RIVERSIDE, CA 92504-6222	3607
5)	508279	SUREND	41	4/5/2011 1:06:27 PM	3/31/2014	MANILA BAY SEAFOOD BOILER INC 2548 S ARCHIBALD AVE ONTARIO, CA	MANILA BAY SEAFOOD BOILER		3607

California ABC - License Query System - Data Portal						Page 2 of 2			
					91761-6503				
					Census Tract: 0018.09				
6)	<u>528195</u>	ACTIVE	47	2/21/2013 4:44:47 PM	5/31/2014	DONOVAN BROS GOLF INC 2325 RIVERSIDE DR ONTARIO, CA 91761 Census Tract: 0018.09	WHISPERING LAKES GOLF COURSE	1800 CARBON CANYON RD CHINO HILLS, CA 91709-2300	3607
7)	<u>532429</u>	ACTIVE	41	6/4/2013 4:30:40 PM	5/31/2014	YUGEN LLC 2550 S ARCHIBALD AVE, STE O ONTARIO, CA 91761-6524 Census Tract: 0018.09		2779 E OAK HILL DR ONTARIO, CA 91761-6542	3607

--- End of Report ---

For a definition of codes, view our [glossary](#).

**DEPARTMENT ADVISORY BOARD
COMMENTS, CONDITIONS AND RECOMMENDATIONS**

DATE: December 2, 2013

FILE NO.: PCUP13-032

SUBJECT: A Conditional Use Permit to establish beer and wine sales for consumption on the premises (Type 41 ABC license - On-Sale Beer and Wine for Bona Fide Public Eating Place) within an existing restaurant (Archibald's) within the C1 (Shopping Center Commercial) zone, located west of the northwest corner of Archibald Avenue and Riverside Drive, at 2685 East Riverside Drive.

The subject application has been reviewed by each agency/department listed below. A copy of each agency/department recommendation and comments are available for review in the Planning Department project file. Conditions of approval have been recommended by those agencies/departments marked below and are attached.

- | | |
|--|---|
| <input checked="" type="checkbox"/> PLANNING | <input type="checkbox"/> ECONOMIC DEVELOPMENT |
| <input type="checkbox"/> LANDSCAPING DIVISION | <input type="checkbox"/> HOUSING |
| <input type="checkbox"/> ENGINEERING | <input type="checkbox"/> FIRE |
| <input type="checkbox"/> UTILITIES/SOLID WASTE | <input checked="" type="checkbox"/> POLICE |
| <input type="checkbox"/> BUILDING | |



CONDITIONS OF APPROVAL

DATE: December 2, 2013

FILE NO.: PCUP13-032

SUBJECT: A Conditional Use Permit to establish beer and wine sales for consumption on the premises (Type 41 ABC license - On-Sale Beer and Wine for Bona Fide Public Eating Place) within an existing restaurant (Archibald's) within the C1 (Shopping Center Commercial) zone, located west of the northwest corner of Archibald Avenue and Riverside Drive, at 2685 East Riverside Drive.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 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.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 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.

2.0 SIGNAGE

- 2.1 The location, quantity, size, and design of all signage shall comply with the Ontario Development Code, Specific Plan, or applicable sign program, pursuant to the zoning district for which the project site is located within.

- 2.2 No more than 25% 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.
- 2.3 View obscuring material that is applied to any window, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.

3.0 PARKING AND CIRCULATION

- 3.1 The project shall provide off-street parking spaces pursuant to the requirements of Ontario Municipal Code § 9-1.3010. Parking shall be calculated and continuously maintained in accordance with established standards.

4.0 GRAFFITI REMOVAL

- 4.1 Use of anti-graffiti material. Anti-graffiti material of a type and nature that is acceptable to the Director of Public Works, shall be applied to each of the publicly viewable surfaces on the improvements to be constructed on the site, which are deemed by the Director of Public Works to be likely to attract graffiti (“graffiti attracting surfaces”).
- 4.2 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or “painting over” graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.
- 4.3 Supply City with graffiti removal material. The City shall be provided sufficient matching paint and/or anti-graffiti material on demand, for a period of two (2) years after imposing this condition, for use in the painting over or removal of designated graffiti attracting surfaces.

5.0 SITE LIGHTING

- 5.1 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.
- 5.2 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site.
- 5.3 Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be encouraged. Steps,

ramps and seatwalls should be illuminated wherever possible, with built-in light fixtures.

6.0 ALCOHOLIC BEVERAGE SALES

- 6.1 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.
- 6.2 One (1) year following commencement of the approved use, 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 (1) 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.
- 6.3 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.
- 6.4 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.
- 6.5 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 six (6) months of commencement of the approved use.

Restaurants

- 6.6 The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code § 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.
- 6.7 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% 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.

- 6.8 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.
- 6.9 Amplified music may be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.
- 6.10 Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator.

7.0 ENVIRONMENTAL REVIEW

- 7.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 7.2 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.

8.0 ADDITIONAL REQUIREMENTS

- 8.1 All alcoholic beverages shall be served in clear cups without lids. All alcoholic beverages shall be consumed on the premises only.
- 8.2 No alcohol service through the drive thru window.
- 8.3 No alcohol allowed in the outdoor patio area.



CITY OF ONTARIO POLICE DEPARTMENT MEMORANDUM

TO: Clarice Ramey, Associate Planner

FROM: Corporal Steve Munoz, ABC Enforcement Detail

DATE: October 22, 2013

SUBJECT: FILE NO. PCUP13-032– Archibalds Restaurant, 2685 E.
Riverside Drive, Ontario, CA 91761

This location has applied for a type 41 On-Sale Beer and Wine license located within Census Tract No. 18.09. According to the Department of Alcohol Beverage Control, three on-sale licenses are allowed within this tract, and there are currently seven. This location operates as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing the license. The location must follow all Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

1. Alcohol sales will be allowed from 10am to 10:15pm.
2. Alcohol will be served in clear containers, no larger than 16 ounces.
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 alcohol is to be sold to customers in the drive-through service.
7. No self serve alcohol displays allowed.
8. No Smoking inside of establishment is permitted, including electronic cigarettes.
9. No narcotic sales or usage on the premises at any time.
10. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.

11. There shall be no live entertainment, disc jockey, karaoke, dancing, dance floor, or dance area provided on the premises unless a separate conditional use permit for live entertainment is applied for and approved by the Planning Department.
12. Food sales and service must be available at all times during the time that alcohol is served. The establishment shall be operated as a "Bona Fide public Eating Place" as defined by the Alcohol Beverage Control.
13. No Juke Boxes will be allowed in the premises.
14. No arcade video game machines will be allowed in the premises.
15. No pool tables or amusement games permitted inside establishment.
16. Tables shall not be removed or rearranged to increase occupancy, which has been approved on plans submitted with this conditional use permit.
17. No more than 25 percent of the square footage of the windows and clear doors of the premises shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises.
18. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises at 2685 E. Riverside Drive, Ontario, for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
19. 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. A prominent, permanent sign or signs stating, "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES," shall be posted near the entrance and clearly visible to patrons.
20. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend the training class within three months of their hire date.

21. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
22. Lighting within the restaurant must be kept at a reasonable level for the safe movement of patrons.
23. Address to establishment must be illuminated for easy identification by safety personnel.
24. Back door must be alarmed and closed at all times.
25. 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.
26. Any security personnel hired will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations).

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 restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel).

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.

Prior to use of alcohol beverages on the premises an inspection 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.

If you have any questions please call Corporal Steve Munoz at (909) 395-2782.