

# ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2012-025

HEARING DATE: November 5, 2012

DECISION DATE: November 5, 2012

FILE NO.: PCUP12-025

**SUBJECT:** A modification to an existing Conditional Use Permit (File No. PCUP06-021) to expand the floor area of an existing restaurant (Sal & Sons) with alcoholic beverage sales (Type 41, beer and wine) on 0.26 acres of land located at the northeast corner of Sixth Street and Mountain Avenue, at 1520 North Mountain Avenue, Unit A-101, within the Sixth Street District land use district of the Mountain Village Specific Plan (Related File: PCUP06-021).

**STAFF**

**RECOMMENDATION:**  Approval  Approval, subject to conditions  Denial

### PART A: BACKGROUND & ANALYSIS

SALVATORE ANCONA, dba SAL & SONS PIZZA & PASTA, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: A modification to an existing Conditional Use Permit (File No. PCUP06-021) to expand the floor area of an existing restaurant (Sal & Sons) with alcoholic beverage sales (Type 41, beer and wine) on 0.26 acres of land located at the northeast corner of Sixth Street and Mountain Avenue, at 1520 North Mountain Avenue, Unit A-101, within the Sixth Street District land use district of the Mountain Village Specific Plan.

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

(c) Zoning Designation: Mountain Village Specific Plan (Sixth Street District)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	I-10 Freeway/City of Upland	Commercial
South:	Mountain Village Specific Plan (Sixth Street District)	Vacant Administrative Building
East:	Mountain Village Specific Plan (Sixth Street District)	Services-Medical
West:	Mountain Village Specific Plan (Entertainment District)	Commercial

(e) Site Area: 0.26 acres

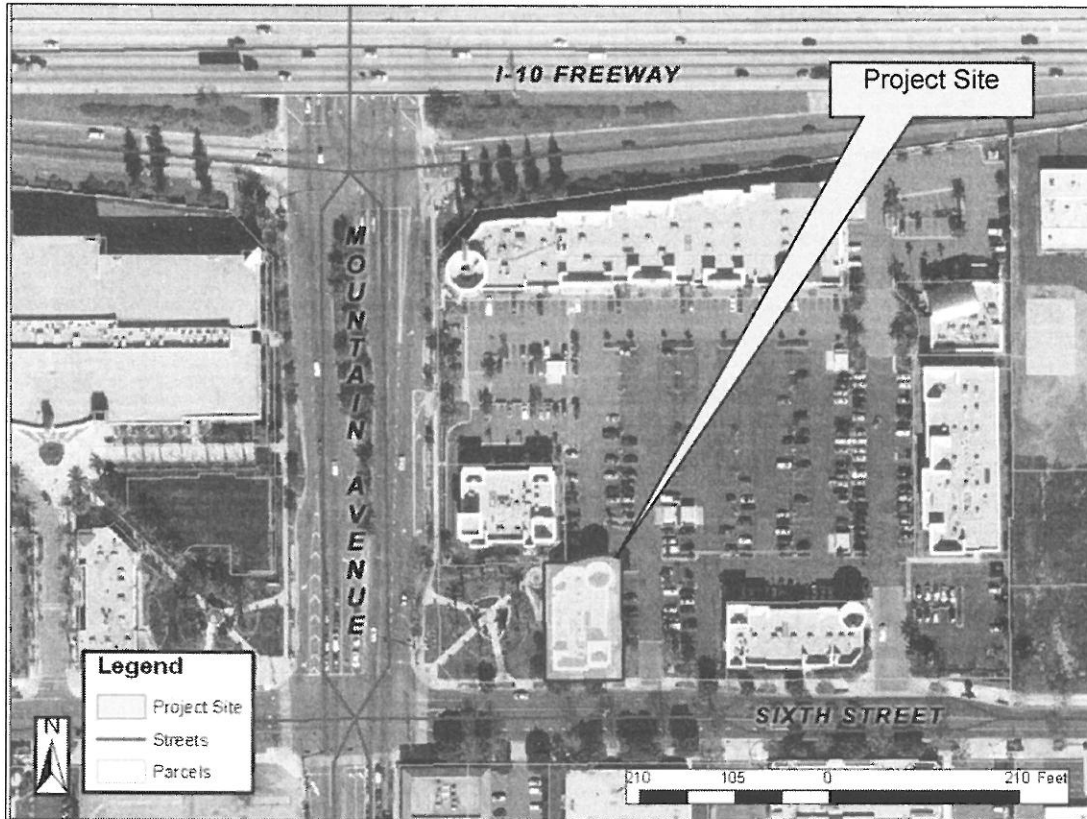
(f) Assessor's Parcel No(s): 1008-272-01

(g) Project Analysis:

**Project Setting:** The project site is located within the Gateway at Mountain Village, at the northeast corner of Sixth Street and Mountain Avenue, south of the I-10 freeway. The shopping center is surrounded by commercial property to the north and west. A vacant administrative building is located to

the south. In addition, several types of services are offered at the commercial property located to east, such as a clinic, pharmacy, vitamin/food store, and restaurants (Project Vicinity).

### Project Vicinity



**Background:** Sal & Sons Pizza & Pasta is a successful authentic Italian pizza and pasta operation. The subject location is a sit-down and take-out restaurant that serves lunch and dinner. The Applicant is seeking a modification to an existing Conditional Use Permit (File No. PCUP06-021) for expansion of their floor area, which includes alcohol beverage sales (Type 41 License: On-Sale Beer and Wine for a Bona Fide Public Eating Place). This license permits on-site sales, service and consumption of beer and wine. The approximate 8-acre, 89,700-sf. commercial retail shopping center consists of a single parcel designated for Sixth Street District land uses within the Mountain Village Specific Plan. The 6-building shopping center (PDEV04-041) was approved by the Planning Commission on December 20, 2004, along with a Tentative Parcel Map (PMTT04-021) subdividing the center into 8 parcels, one parcel for each of the buildings and one each for the common area parking lot and corner pocket park. The pocket park is located at the intersection of Mountain Avenue and Sixth Street, in the southwestern-most corner of the shopping center. The subject restaurant is located within Parcel 5 of the Tentative Map (PM16791), in Building A, a 5-unit, 5,700-sf. structure that backs up to the east side of the park. The Applicant's unit measures approximately 1,411 square feet in size, and being the southernmost unit in its building, abuts Mountain Avenue. It will share the building with a nail salon, a beauty salon, and a Juice It Up. The Applicant has proposed to expand into the adjacent unit, suite A-102, to integrate an additional 914 square feet to the restaurant, for a total area of 2,325 square feet (See Exhibit A, *Site Plan*).

**Project Operation:** The current hours of operation for the restaurant are from 11 a.m. to 9 p.m., Sunday through Thursday, and 11 a.m. to 10 p.m., Friday and Saturday. The expansion will allow for approximately 495 square feet of new dining space and feature a games area with a maximum of 4 electronic arcade machines. In addition to the interior tenant improvements, a new guardrail will be installed to create a separation for the outdoor seating area, which will establish the main entrance to the restaurant (See Exhibit B, *Floor Plan*).

**Alcohol Beverage Sales:** The proposed use is located within Census Tract 11.04. According to the Department of Alcoholic Beverage Control, there are 5 on-sale ABC licenses permitted within the census tract. Two establishments in the shopping center, Wingnuts and Toro Sushi and Grill, have type 47 (On-Sale General) ABC licenses. The Applicant has an existing Type 41 License (On-Sale Beer and Wine for a Bona Fide Public Eating Place). Alcoholic beverage sales will be available for patrons inside the restaurant only, and will not be allowed for outside consumption. The Police Department is in support of the Conditional Use Permit request, subject to the conditions of approval contain in the attached Police Department report (See Exhibit D – *On-Sale ABC Licenses for Census Tract 11.04*).

**Parking and Circulation:** The Gateway at Mountain Village has two points of entry off Sixth Street and a northbound entry off Mountain Avenue. All of the parking for Building A lies to its north and in front of it to the east. Twenty-three parking stalls are required for the subject pizza parlor, while there are 22 stalls within a very short distance from the use. Approval of the development of the shopping center required a Shared Parking Study because of an overall shortage of parking. According to the study, a total of 10,200 square feet of sit down restaurant space and 11,850 square feet of fast food restaurant space were planned for the commercial site. Together, the two types of restaurants will take up roughly 25% of the total square footage. The study concluded that adequate parking exists, in part, because the overall peak demand for stalls on weekdays occurs at a time when the demand for restaurant stalls is at only 70% of its peak demand. In addition, the study found that on weekends, at times of peak demand for retail, demand for restaurant stalls is less than 50% of its peak demand. The hours of peak demand for restaurant parking occur between 7 p.m. and 10 p.m. on weekdays, and 8 p.m. and 10 p.m. on weekends, times at which retail and medical office parking demand drop off (See Exhibit E, *Shared Parking Study Tables*). This is reflected in the business hours of the proposed use.

**Land Use Compatibility:** Through the Conditional Use Permit process, the City has the obligation to review and ensure the compatibility of adjacent uses, identification, and mitigation of potential nuisance activities. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Also, the proposed use will not generate a higher parking demand. All City departments were routed the application and all comments received are attached to the report.

(h) Compliance with the Airport Land Use Compatibility Plan: The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and is consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(i) 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.

(j) 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 5th day of November 2012, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Jeanie Irene Aguilo, Planning Intern, 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) Sal & Sons (Salvatore and Vinny Ancona), the applicant, explained the business operation and spoke in favor of the application.
- (c) 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 concludes as follows:

(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 restaurant lies within the Sixth Street District land use district of the Mountain Village Specific Plan.

(2) A modification to an existing Conditional Use Permit (File No. PCUP06-021) to expand the floor area of an existing restaurant (Sal & Sons) with alcoholic beverage sales (Type 41, beer and wine) on 0.26 acres of land located at the northeast corner of Sixth Street and Mountain Avenue, at 1520 North Mountain Avenue, Unit A-101, within the Sixth Street District land use district of the Mountain Village Specific Plan is/are 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.

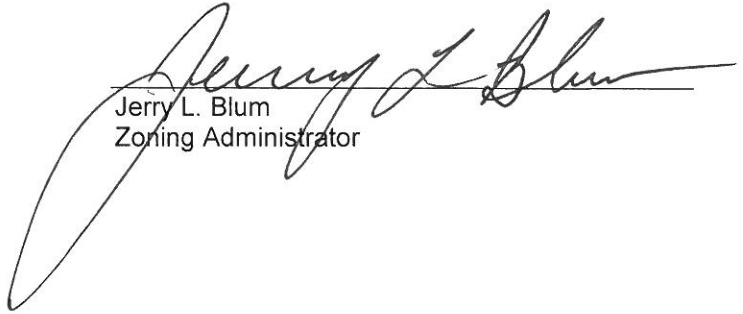
(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

(c) 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 of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP12-025, 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 5th day of November, 2012.



Jerry L. Blum  
Zoning Administrator

EXHIBITS

Exhibit A – Site Plan

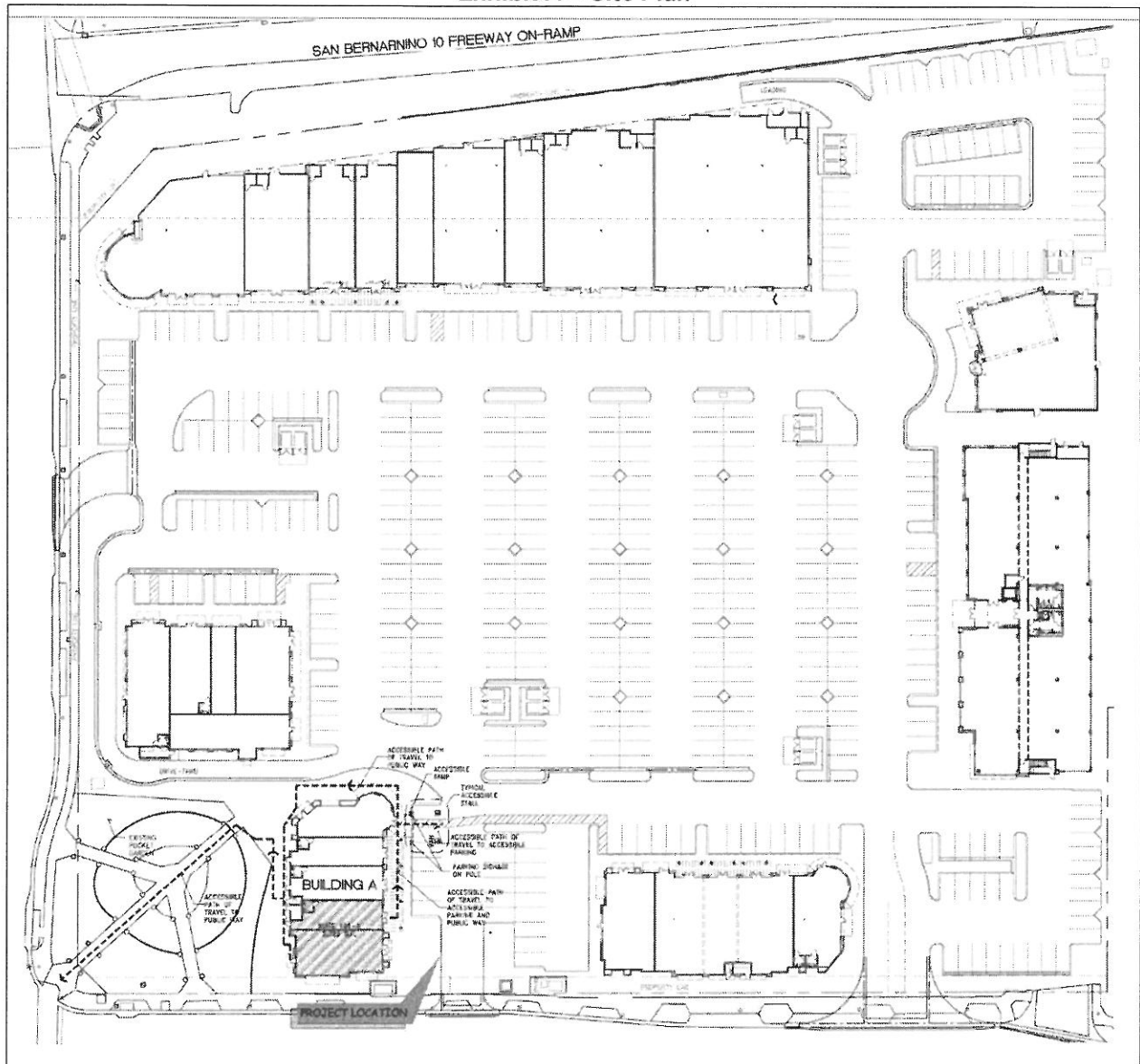
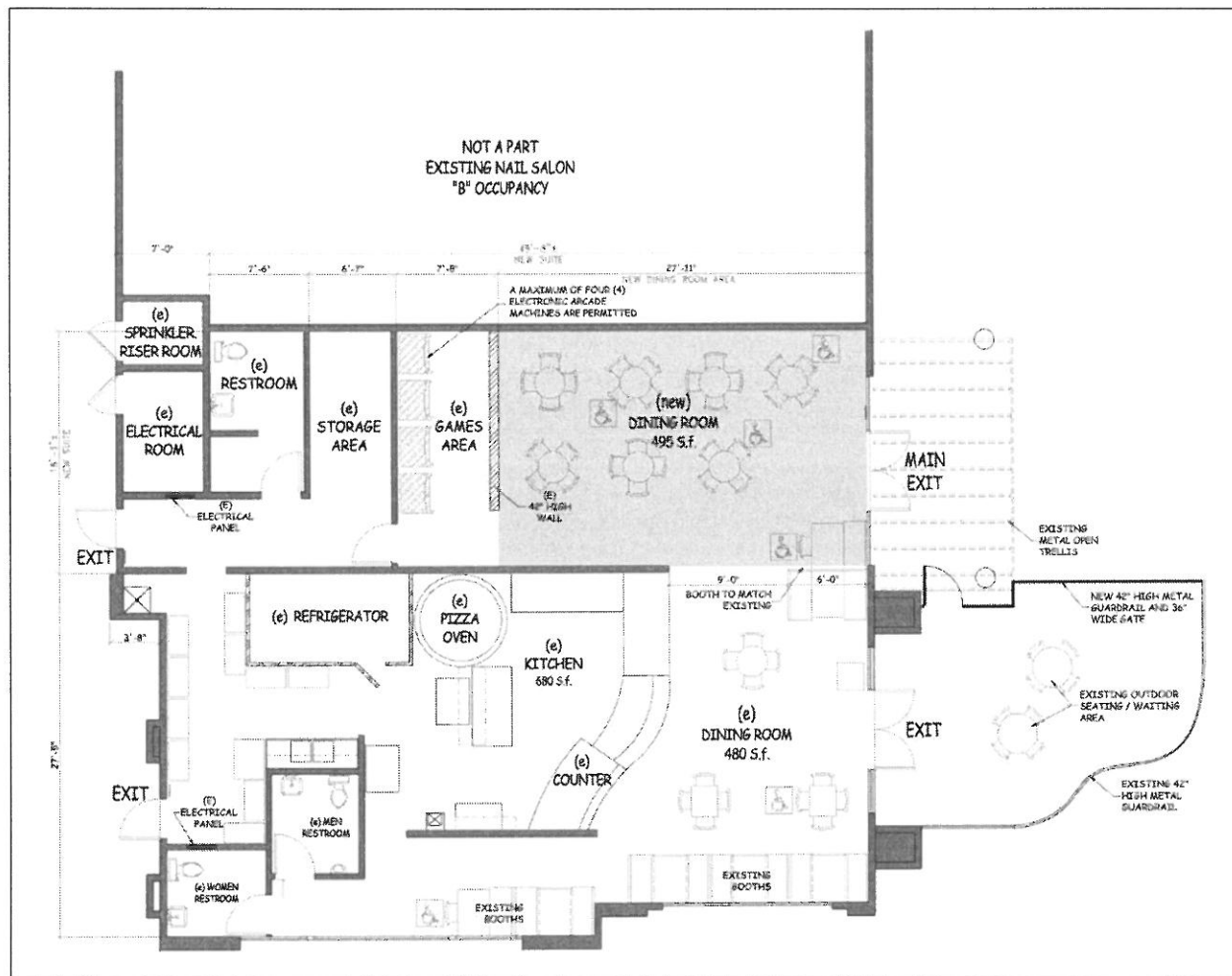
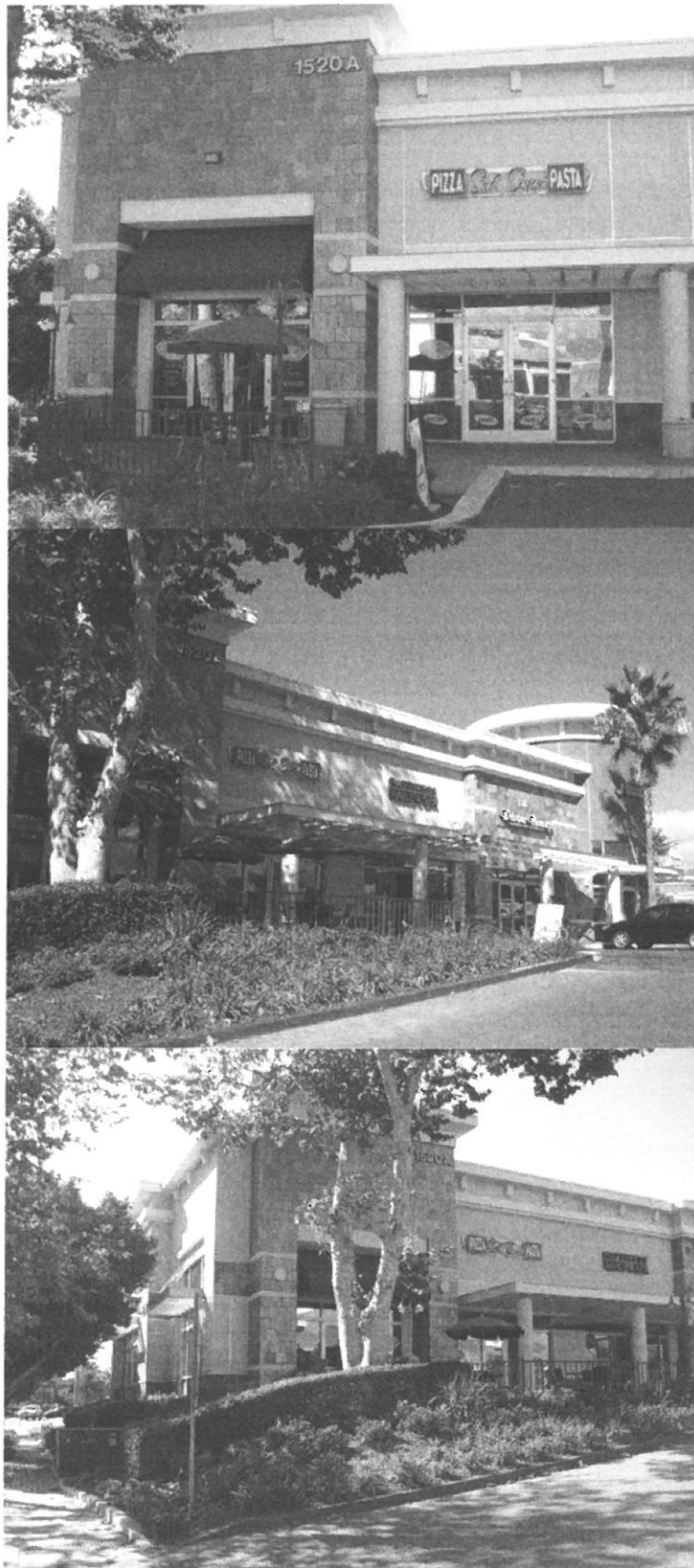


Exhibit B – Floor Plan



**Exhibit C – Site Photographs**



**Exhibit C – Site Photographs (continued)**





*Exhibit C – Site Photographs (continued)*



**Exhibit D – On-Sale ABC Licenses for Census Tract 11.04**

California ABC - License Query System - Data Portal

Page 1 of 1



California Department of Alcoholic Beverage Control  
 For the County of SAN BERNARDINO - (On-Sale  
Licenses)  
 and Census Tract = 11.04

Report as of 10/18/2012

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	345235	ACTIVE	41	9/28/1998	3/31/2013	YU, FELICIA YEE LAM 1020 N MOUNTAIN AVE ONTARIO, CA 91762  Census Tract: 0011.04	ROUND TABLE PIZZA		3607
2)	409299	ACTIVE	41	3/29/2004	2/28/2013	JIMENEZ, ALMA ANGELICA 1048-1052 W FOURTH ST ONTARIO, CA 91762  Census Tract: 0011.04	CASA JIMENEZ 7		3607
3)	431761	ACTIVE	47	2/7/2006	6/30/2013	WILD BLUE YONDER 3 LLC 1520 N MOUNTAIN AVE, STE 111 ONTARIO, CA 91762  Census Tract: 0011.04	WING NUTS	18010 SKYPARK CIR, #275 IRVINE, CA 92614-6487	3607
4)	443346	ACTIVE	47	10/24/2006	7/31/2013	AA TORO SUSHI INC 1520 N MOUNTAIN AVE, BLDG D ONTARIO, CA 91762-1128  Census Tract: 0011.04	TORO SUSHI & GRILL		3607
5)	476600	ACTIVE	41	4/29/2009	3/31/2013	STUGOTZ ENTERPRISES LLC 1520 N MOUNTAIN AVE, STE A101 ONTARIO, CA 91762-1129  Census Tract: 0011.04	SAL AND SONS PIZZA AND PASTA		3607

--- End of Report ---

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

Exhibit E – Shared Parking Study Tables

TABLE 1  
 WEEKDAY SHARED PARKING DEMAND ANALYSIS  
 The Gateway at Mountain Village, Ontario

USE	Office (Sq. Ft.)	Banks (Sq. Ft.)	Medical Office (Sq. Ft.)	Retail (Sq. Ft.)	Restaurant		Theaters and Cinemas (seats)	Guest Rooms (units)	Hotel		Health Club (Sq. Ft.)	Total Size/ Parking Demand by Hour
					Fast-Food (Sq. Ft.)	Sit-Down (Sq. Ft.)			1st 3K (Sq. Ft.)	Restaurant/Lounge >3K (Sq. Ft.)		
SIZE	22,415	0	7,882	46,115	5,762	12,816	0	0	0	0	0	94,990
RATIO	Isp / 250 SF	-	Isp / 175 SF	Isp / 250 SF	Isp / 75 SF	Isp / 100 SF	-	0	0	0	0	-
PK DEMAND	90	0	45	184	77	128	0	0	0	0	0	524
6:00 AM	3	0	1	0	0	0	0	0	0	0	0	4
7:00 AM	18	0	9	15	2	3	0	0	0	0	0	46
8:00 AM	57	0	28	31	4	6	0	0	0	0	0	127
9:00 AM	84	0	42	74	8	13	0	0	0	0	0	220
10:00 AM	90	0	45	120	15	26	0	0	0	0	0	296
11:00 AM	90	0	45	153	23	38	0	0	0	0	0	349
NOON	81	0	41	169	39	64	0	0	0	0	0	393
1:00 PM	81	0	41	175	54	90	0	0	0	0	0	441
2:00 PM	87	0	44	169	46	77	0	0	0	0	0	423
3:00 PM	84	0	42	166	46	77	0	0	0	0	0	414
4:00 PM	69	0	35	153	39	64	0	0	0	0	0	359
5:00 PM	42	0	21	138	54	90	0	0	0	0	0	345
6:00 PM	21	0	10	144	69	115	0	0	0	0	0	359
7:00 PM	6	0	3	156	77	128	0	0	0	0	0	371
8:00 PM	6	0	3	153	77	128	0	0	0	0	0	367
9:00 PM	3	0	1	107	77	128	0	0	0	0	0	316
10:00 PM	3	0	1	55	69	115	0	0	0	0	0	244
11:00 PM	0	0	0	22	54	90	0	0	0	0	0	166
MIDNIGHT	0	0	0	0	39	64	0	0	0	0	0	103

MAXIMUM WEEKDAY DEMAND 441  
 PARKING SUPPLY 456  
 PARKING SURPLUS (+) OR DEFICIENCY (-) 15

Exhibit E – Shared Parking Study Tables (continued)

TABLE 2  
 WEEKEND SHARED PARKING DEMAND ANALYSIS  
 The Gateway at Mountain Village, Ontario

USE	Office (Sq. Ft.)	Banks (Sq. Ft.)	Medical Office (Sq. Ft.)	Retail (Sq. Ft.)	Restaurant		Theaters and Cinemas (seats)	Guest Rooms (units)	Hotel		Health Club (Sq. Ft.)	Total Size/ Parking Demand by Hour
					Fast-Food (Sq. Ft.)	Sit-Down (Sq. Ft.)			1st 3K (Sq. Ft.)	Restaurant/Lounge >3K (Sq. Ft.)		
SIZE	22,415	0	7,882	46,115	5,762	12,816	0	0	0	0	0	94,990
RATIO	1sp / 250 SF	-	1sp / 175 SF	1sp / 250 SF	1sp / 75 SF	1sp / 100 SF	-	0	0	0	0	-
PK DEMAND	90	0	45	184	77	128	0	0	0	0	0	524
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM	3	0	1	6	2	3	0	0	0	0	0	14
8:00 AM	9	0	5	18	2	4	0	0	0	0	0	38
9:00 AM	12	0	6	55	5	8	0	0	0	0	0	85
10:00 AM	12	0	6	83	6	10	0	0	0	0	0	117
11:00 AM	15	0	8	134	8	13	0	0	0	0	0	178
NOON	15	0	8	156	23	38	0	0	0	0	0	241
1:00 PM	12	0	6	175	35	58	0	0	0	0	0	285
2:00 PM	9	0	5	184	35	58	0	0	0	0	0	290
3:00 PM	6	0	3	184	35	58	0	0	0	0	0	286
4:00 PM	6	0	3	166	35	58	0	0	0	0	0	267
5:00 PM	3	0	1	138	46	77	0	0	0	0	0	265
6:00 PM	3	0	1	120	69	115	0	0	0	0	0	308
7:00 PM	3	0	1	110	73	122	0	0	0	0	0	309
8:00 PM	3	0	1	101	77	128	0	0	0	0	0	310
9:00 PM	0	0	0	74	77	128	0	0	0	0	0	279
10:00 PM	0	0	0	70	73	122	0	0	0	0	0	265
11:00 PM	0	0	0	24	65	109	0	0	0	0	0	198
MIDNIGHT	0	0	0	0	54	90	0	0	0	0	0	144

MAXIMUM WEEKEND DEMAND 310  
 PARKING SUPPLY 456  
 PARKING SURPLUS (+) OR DEFICIENCY (-) 146

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

**DATE:** October 22, 2012

**FILE NO.:** PCUP12-025

**SUBJECT:** A modification to an existing Conditional Use Permit (File No. PCUP06-021) to expand the floor area of an existing restaurant (Sal & Sons) with alcoholic beverage sales (Type 41, beer and wine) on 0.26 acres of land located at the northeast corner of Sixth Street and Mountain Avenue, at 1520 North Mountain Avenue, Unit A-101, within the Sixth Street District land use district of the Mountain Village Specific Plan (Related File: PCUP06-021).

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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.

- PLANNING
- ENGINEERING
- UTILITIES/SOLID WASTE
- PUBLIC FACILITIES
  
- BUILDING

- POLICE
- FIRE
- REDEVELOPMENT AGENCY
- HOUSING & NEIGHBORHOOD  
REVITALIZATION
- OTHER: \_\_\_\_\_



## CONDITIONS OF APPROVAL

**DATE:** October 22, 2012

**FILE NO.:** PCUP12-025

**SUBJECT:** A modification to an existing Conditional Use Permit (File No. PCUP06-021) to expand the floor area of an existing restaurant (Sal & Sons) with alcoholic beverage sales (Type 41, beer and wine) on 0.26 acres of land located at the northeast corner of Sixth Street and Mountain Avenue, at 1520 North Mountain Avenue, Unit A-101, within the Sixth Street District land use district of the Mountain Village Specific Plan (Related File: PCUP06-021).

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### 1.0 TIME LIMIT

- 1.1 Conditional Use Permit approval shall become null and void one (1) year following the effective date of application approval, unless the approved use has commenced. This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

### 2.0 GENERAL REQUIREMENTS

- 2.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 2.2 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.
- 2.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 2.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 2.5 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.

### 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.

### 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 if deemed necessary, 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 Signs shall comply with all City of Ontario sign regulations. 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.



- 6.7 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.

Restaurants

- 6.8 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.
- 6.9 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.
- 6.10 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.
- 6.11 Amplified music may be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.
- 6.12 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 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.

**CITY OF ONTARIO  
MEMORANDUM**

**TO:** PLANNING DEPARTMENT, Jeanie Aguilo  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 11, 2012  
**SUBJECT:** PCUP12-025

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

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Conditions of Approval

1. 36 inch gate opening and panic hardware are required.
2. Gate must swing out.
3. Must meet handicap accessibility requirements.

KS:kc



**CITY OF ONTARIO**  
**MEMORANDUM**  
*"Excellence Through Teamwork"*



**TO:** Jeanie Aguilo, Planning Intern  
**FROM:** Fred Alvarez, ABC Grant Corporal  
**DATE:** October 9, 2012  
**SUBJECT:** PCUP12-025 – SAL AND SONS PIZZA AND PASTA  
1520 N. MOUNTAIN AVENUE, STE A101

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The Police Department will require the following conditions:

**RESTAURANT CONDITIONS**

1. Hours of alcohol sales and service will be 11:00 A.M. to 12:00 A.M. daily.
2. No sales or service of alcoholic beverages to minors.
3. No sales or service of alcoholic beverages to obviously intoxicated patrons.
4. No alcoholic beverages are to be sold or removed from the establishment for outside consumption.
5. No self serve alcohol displays allowed.
6. No distilled spirits are allowed to be sold or served from the establishment.
7. No Smoking inside of establishment is permitted.
8. There will be no narcotic sales or usage on the premises at any time.
9. No pool tables will be allowed in the premises.
10. All restaurant employees serving alcohol must be 18 years or older.
11. Food sales and service must be available for sale at all times.

12. 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.
13. Back door must be alarmed and closed at all times except for deliveries.
14. Lighting within the establishment must be kept at a reasonable level as determined by city officials.
15. Address to establishment must be illuminated for easy identification of safety personnel.
16. Roof top numbers shall be installed on the commercial building. They shall be a minimum of 3 feet in length and 1 foot in width. Numbers shall be painted in reflective white paint on a flat black background away from roof obstacles. Roof top numbers must be maintained every 3 years.
17. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
18. Restrooms must be kept free of graffiti.
19. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
20. The applicant will be responsible for maintaining premises free of graffiti and litter 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.
21. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, signs must be posted reference it.
22. A no trespass letter will be on file with the Police Department.

**ENTERTAINMENT CONDITIONS**

1. Karaoke will be permitted 11:00 A.M. to 12:00 A.M., 7 days a week.
2. During entertainment hours of 10:00 PM to 12:00 AM, the location shall not exceed a noise level of 65dBA per section 9-1.3305 of the Ontario Development Code.
3. An entertainment area must be designated on a plan check and that area will only be allowed for entertainment purposes. (Karaoke, live entertainment)

4. Tables shall not be removed or rearranged to increase occupancy which was approved and submitted under the plan check during the CUP.

**SECURITY CONDITIONS**

1. Security cameras will be installed to monitor the parking lot, inside, and rear of the establishment.
2. A code of conduct will be required and posted at all public entrances of the establishment.

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.

A copy of the listed conditions of approval must be posted with your ABC license at all times in a prominent place in the interior of the premises.

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the restaurant will be allowed to sell alcoholic beverages within the new extension of the establishment.

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

If you have any questions please call Fred Alvarez at (909) 395-2845.



## CITY OF ONTARIO MEMORANDUM

**TO:** Jeanie Aguilo, Planning Intern  
Planning Department

**FROM:** Michelle Starkey, Fire Safety Specialist  
Bureau of Fire Prevention

**DATE:** September 26, 2012

**SUBJECT:** A request for a Conditional Use Permit Modification to PCUP06-021, for expansion of the restaurant's floor plan and continuing the on-site sale of beer and wine (Type 41) at an existing pizza restaurant (Sal & Sons), on 0.26 acres of developed land, located at the northeast corner of Sixth Street and Mountain Avenue, at 1520 North Mountain Avenue, Unit A-101, within the Sixth Street District land use district of the Mountain Village Specific Plan.

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- The plan does adequately address the departmental concerns at this time.
- No comments
- Report below.
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1. All fire protection systems/equipment shall be serviced and maintained in accordance with the California Fire Code and NFPA Standards.
2. Hand-portable fire extinguishers are required to be installed PRIOR to occupancy. Contact the Bureau of Fire Prevention during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001.
3. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the front and rear of the building. Said numbers shall contrast with their background.
4. Facility shall not exceed the maximum occupant load as determined by the Ontario Building Department and/or Ontario Fire Department. Maximum occupant load sign to be placed in a visible location. Based on square footage provided in the plan, the maximum occupant load sign shall read 65 persons.
5. All exit doors, aisles and corridors shall remain unobstructed at all times.
6. Exit doors to be equipped with panic hardware.

7. Exit signs and emergency lighting shall be in working order and equipped with battery back-up.
8. All tenant improvements are subject to Fire Department review and approval.

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