



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

April 17, 2017

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

All documents for public review are on file with the Planning Department located at City Hall, 303 East "B" Street, Ontario, CA 91764

PUBLIC HEARINGS

- A. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP16-004:** A Conditional Use Permit request to establish a 5,820 square-foot banquet facility, with live entertainment, dancing, and a caterer's permit (ABC License Type 58) to authorize the sale of alcoholic beverage for consumption on the premises on the second story of an existing two-story building, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue) Overlay zoning districts, located at 231 North Euclid Avenue. The project is categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 1048-565-05); **submitted by Norma G. Lopez.**
- B. **ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP17-008:** A Conditional Use Permit to establish alcoholic beverage sales, for a Type 47 ABC License (On Sale General- Eating Place) in conjunction with a proposed 2,400 square-foot restaurant and bar (Flair's Martinis and Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, Suite A, within the Commercial/Office land use district of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. The project is categorically exempt from requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines. 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 ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0238-014-10); **submitted by Errol Brown.**

If you wish to appeal a decision of the Zoning Administrator, you must do so within ten (10) days of the Zoning Administrator action. Please contact the Planning Department for information regarding the appeal process.

If you challenge any action of the Zoning Administrator in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

I, Gwen Berendsen, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **April 13, 2017**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.





ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

April 17, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP16-004

DESCRIPTION: A request for a Conditional Use Permit to establish a 5,820-square foot banquet facility, with live entertainment, dancing, and a caterer's permit (ABC License Type 58) to authorize the sale of alcoholic beverage for consumption on the premises on the second story of an existing two-story building, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue) Overlay zoning districts, located at 231 North Euclid Avenue. APN:1048-565-05; **submitted by Norma G. Lopez.**

PART I: BACKGROUND & ANALYSIS

NORMA G. LOPEZ, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP16-004, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) Project Setting: The project site is comprised of 0.146 acres of land located at 231 North Euclid Avenue, and is depicted in *Exhibit A: Aerial Photograph, attached*. The project site is generally located on the west side of North Euclid Avenue bound by West B Street to the south and West C Street to the north. The existing land uses, and General Plan and zoning designations on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Restaurant (first floor) Vacant (second story)	Mixed Use	MU-1 (Downtown Mixed Use) & EA (Euclid Ave) Overlay
<i>North</i>	Commercial Retail	Mixed Use	MU-1 (Downtown Mixed Use) & EA (Euclid Ave) Overlay
<i>South</i>	Commercial Retail	Mixed Use	MU-1 (Downtown Mixed Use) & EA (Euclid Ave) Overlay
<i>East</i>	Park (Ontario Town Square)	Mixed use/Open Space	PUD (Planned Unit Development) & EA (Euclid Ave) Overlay
<i>West</i>	Parking lot	Mixed Use	MU-1 (Downtown Mixed Use)& EA (Euclid Ave) Overlay

Prepared: DA 4/6/2017	Reviewed: RZ 4/7/2017	Decision: [enter initial/date]
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(2) Project Analysis:

(a) Background —The 5,820 square foot tenant space is located on the second story of a 2-story, brick commercial building, also known as the “Masonic Hall Building,” a designated local landmark, and is depicted in *Exhibit C: Site Photos, attached*. The first floor of the Masonic Hall Building is occupied by Yeast N’ Flour, a pizzeria restaurant with alcohol beverage sales of beer and wine for on premise consumption, and is not operated by the Applicant.

(b) Proposed Use —The Applicant is requesting a Conditional Use Permit to establish a banquet facility within the second story of an existing two-story building and to authorize alcoholic beverage sales for consumption on the premises with a catering permit, in conjunction with live entertainment and dancing. The Applicant currently leases the second story floor and operates Star FX Studio, a professional makeup, hair, and styling business which includes hosting small workshops (10 to 12 attendees) for the purpose of networking with beauty industry leaders and teaching the latest beauty styling techniques. Currently, Star FX Studio has limited hours and serves clients by appointment as needed. The Applicant is seeking to expand the business by offering a local venue for hosting conferences, workshops, and receptions with catering services, live entertainment, dancing, and the sale of alcoholic beverage for consumption on the premises.

The existing 5,820 square foot floor plan includes a designated make-up area, reception and waiting area, two office spaces, restrooms, and storage rooms. The Applicant is proposing to convert approximately 3,000 square feet into 2 banquet areas. The primary banquet area, which is approximately 2,300 square feet, will feature a stage for live entertainment and dance floor area. The second banquet room is approximately 700 square feet and will primarily be used for meetings and conferences. The seating arrangement and proposed floor plan is depicted in *Exhibit B: Floor Plans, attached*. The second story banquet facility is accessible from Euclid Avenue through an interior staircase, but the primary entrance is located at the rear (alley) of the building through an exterior staircase. Patrons have elevator access from the rear (alley) entrance.

The banquet facility will be available for use from 8:00 a.m. to 2:00 a.m. daily. Operating business hours for the first floor tenant located within the building are 9:00 a.m. to 11:00 p.m. daily. The banquet rooms will be closed to the public whenever an event is not taking place. The rooms will be available for viewing by appointment only. One employee of the facility will be on-site during all events to monitor activities. Live entertainment in the form of a band or DJ with dancing is also proposed in conjunction with the banquet use. The Police Department has included conditions requiring that any event with live entertainment and dancing must provide security for the duration of the event and until all patrons have left the parking lot. The Applicant is not applying for a California Department of Alcohol Beverage Control (ABC) License as they are not proposing any alcohol sales with this Application. However, the Applicant is requesting that caterers be allowed to serve alcohol with their respective Type 58 Caterer’s Permit.

The Police Department has included conditions that are in effect when an event is present where alcohol is served under a Type 58 Caterer's Permit issued by the California Department of ABC.

(c) Parking — As established in the Ontario Development Code, a banquet facility use requires 25 parking stalls per 1,000 square feet (0.025/SF) of gross floor area and an office use requires 4 parking stalls per 1,000 square feet (0.004/SF) of gross floor area. Staff determined that with proposed use and proposed floor plan, 79 parking spaces are required. Since the project site is situated within the downtown area and on-site parking is not attainable, the Ontario Development Code allows for staff to conduct parking analysis using the Downtown Ontario Parking Model. The Parking Model specifically evaluates each block within the downtown at maximum build out, and provides an estimate of parking availability (on-site and street parking combined), from 6 a.m. to 12 a.m., with shared parking as the premise.

The Parking Model evaluates the parking availability both by time of day and use. For example, a restaurant use has a higher parking demand during lunch time hours (12:00 p.m. to 2:00 p.m.) and dinner hours (6:00 p.m. to 8:00 p.m.) and an office use has a higher parking demand during normal business hours (8:00 a.m. to 5:00 p.m.) but has zero parking demand after 5:00 p.m. The Parking Model accounts for a variety of land uses but does not include a parking ratio for banquet type uses. Staff has manually added the parking demand of 79 spaces for the banquet use across all hours using the ratio established in the Ontario Development Code. This does not account for the variation in demand by hour, however, this provides the most conservative approach to calculating parking availability for the proposed project.

Based on the proposed and existing land uses calculated in the Model, Staff determined that Block 44 (project site) would have a deficiency in parking from 12:00 p.m. until 8:00 p.m. and result in insufficient parking availability to support the Application. Therefore, the parking study area was expanded to include adjacent Blocks 28, 29, 36, 37, 43, 51, 52, 59, and 60, and the north and south bound Euclid Avenue median as depicted in *Exhibit D: Parking Blocks, attached*. Evaluation of these parking blocks combined demonstrated sufficient parking to accommodate the proposed banquet facility use and are listed below.

Available Public Parking with Proposed Use – Day Hours (10:00 a.m. – 5:00 p.m.)

Available Public Parking	9 a.m.	10 a.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.	3 p.m.	4 p.m.
Block 28	238	238	238	238	238	238	238	231
Block 29	67	66	71	68	66	63	66	75
Block 36	-96	-103	-98	-100	-103	-109	-106	-97
Block 37	15	11	12	14	10	5	6	13
Block 43	33	31	31	24	23	18	25	30
Block 44	16	19	4	-41	-41	-58	-12	-26

Block 51	53	51	47	41	40	35	43	41
Block 52	9	6	-6	-29	-33	-42	-19	-35
Block 59	32	33	33	34	32	32	32	32
Block 60	-4	-5	-4	-5	-6	-9	6	2
Median	112	112	112	112	112	112	112	112
Total for Existing Condition	474	487	467	385	365	313	406	407
Additional demand	-77	-77	-77	-77	-77	-77	-77	-77
*Total	397	410	390	308	288	236	329	330

**Available Public Parking with Proposed Use – Evening Hours
 (5:00 p.m. – 12:00 a.m.)**

Available Public Parking	9 a.m.	10 a.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.	3 p.m.	4 p.m.
Block 28	238	238	238	238	238	238	238	231
Block 29	67	66	71	68	66	63	66	75
Block 36	-96	-103	-98	-100	-103	-109	-106	-97
Block 37	15	11	12	14	10	5	6	13
Block 43	33	31	31	24	23	18	25	30
Block 44	16	19	4	-41	-41	-58	-12	-26
Block 51	53	51	47	41	40	35	43	41
Block 52	9	6	-6	-29	-33	-42	-19	-35
Block 59	32	33	33	34	32	32	32	32
Block 60	-4	-5	-4	-5	-6	-9	6	2
Median	112	112	112	112	112	112	112	112
Total for Existing Condition	474	487	467	385	365	313	406	407
Additional demand	-77	-77	-77	-77	-77	-77	-77	-77
*Total	397	410	390	308	288	236	329	330

(d) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The subject site is located in the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue) Overlay zoning districts within the downtown. The proposed banquet use is a conditionally permitted land use. The Ontario Plan (TOP) identifies Downtown as a Focused Growth Area. The downtown is envisioned as an intensive mixed-use area of retail, office and residential to help guide economic and development activity in the downtown. Banquet uses within the downtown provide much needed entertainment opportunities to downtown residents and visitors.

The proposed banquet use is located on Euclid Avenue which is developed with various retail, office, banks and residential (mixed-use) uses. A banquet facility use is compatible with the surrounding land uses and will help to attract people to support the surrounding uses.

Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use and that the proposed use is compatible with adjacent land uses.

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

(4) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

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

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

PART II: RECITALS

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

WHEREAS, Ontario Development Code Table 2.01-1 (Review Matrix) establishes that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; and

WHEREAS, on April 17, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Diane Ayala, Senior Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval with conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [insert speaker's name], the applicant/representing the applicant, explained the business operation and spoke in favor of the application.

(3) [insert additional speaker info]

(4) [insert additional speaker info]

(5) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

WHEREAS, all legal prerequisites to the adoption of this Decision have occurred.

PART III: THE DECISION

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

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

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed banquet facility with live entertainment, dancing, and caterer's permit (ABC License Type 58) to authorize the sale of alcohol beverage for

consumption on the premises will be located on the second floor at 231 North Euclid Avenue, which is designated for the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue) Overlay zoning districts. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and the objectives and purposes, and development standards and guidelines, of the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue) Overlay zoning districts.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed banquet facility with live entertainment, dancing, and caterer's permit (ABC License Type 58) to authorize the sale of alcohol beverage for consumption on the premises will be located on the second floor at 231 North Euclid Avenue, which the Policy Plan Master Land Use Plan designates for Mixed Use land use. The proposed land use is clearly consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which promotes the establishment and intensification of activity and entertainment type land uses in the City, which would help create attractive communities for local citizens and visitors in the area of the project site.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located. The use will be operated in accordance with the Ontario Development Code and the use meets the objectives and purposes as required in the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue) Overlay zoning districts. Projects within the MU-1 (Downtown Mixed-Use) zoning district are intended to create focal points for community activity which the proposed use will do by attracting people to support the surrounding uses.

(d) *The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.* 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 ONT Airport Land Use Compatibility Plan (ALUCP).

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The project site is located within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue) Overlay zoning districts, for which banquet facilities, alcoholic beverage sales and live entertainment are conditionally permitted uses. Alcoholic beverage sales and live

entertainment are consistent with the allowed types of uses specified within the zoning district. The project will be conditioned to ensure that it will operate and be properly maintained, therefore the project will not be detrimental or injurious to surrounding property and improvements.

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

- The Applicant has not applied for a California Department of Alcohol Control License in conjunction with the proposed use. However, the Applicant is requesting that caterers be allowed to serve alcohol with their respective Type 58 Caterer’s Permit at location in conjunction with the proposed use.

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The use is consistent with the MU-1 (Downtown Mixed-Use) zone and other similar uses in the area. The use will be providing a convenience for those individuals that would like to serve alcoholic beverages at their catered events.

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. As a condition of approval and prior to commencement of use, a building occupancy change is required to accommodate new use.

- The site is properly maintained, including building improvements, landscaping, and lighting. As a condition of approval and prior to commencement of use, a building occupancy change is required to accommodate new use.

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

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

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP16-004, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph

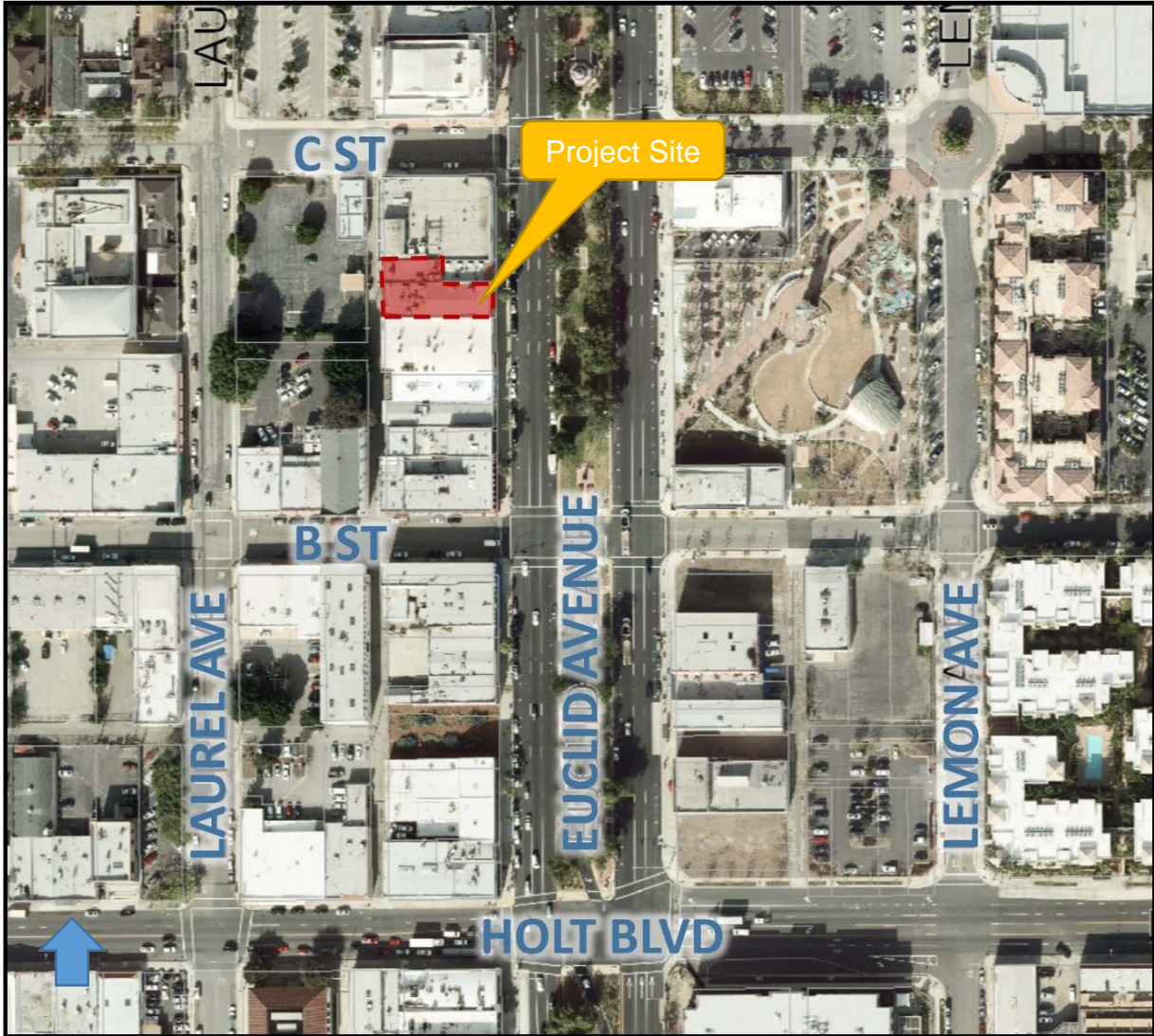
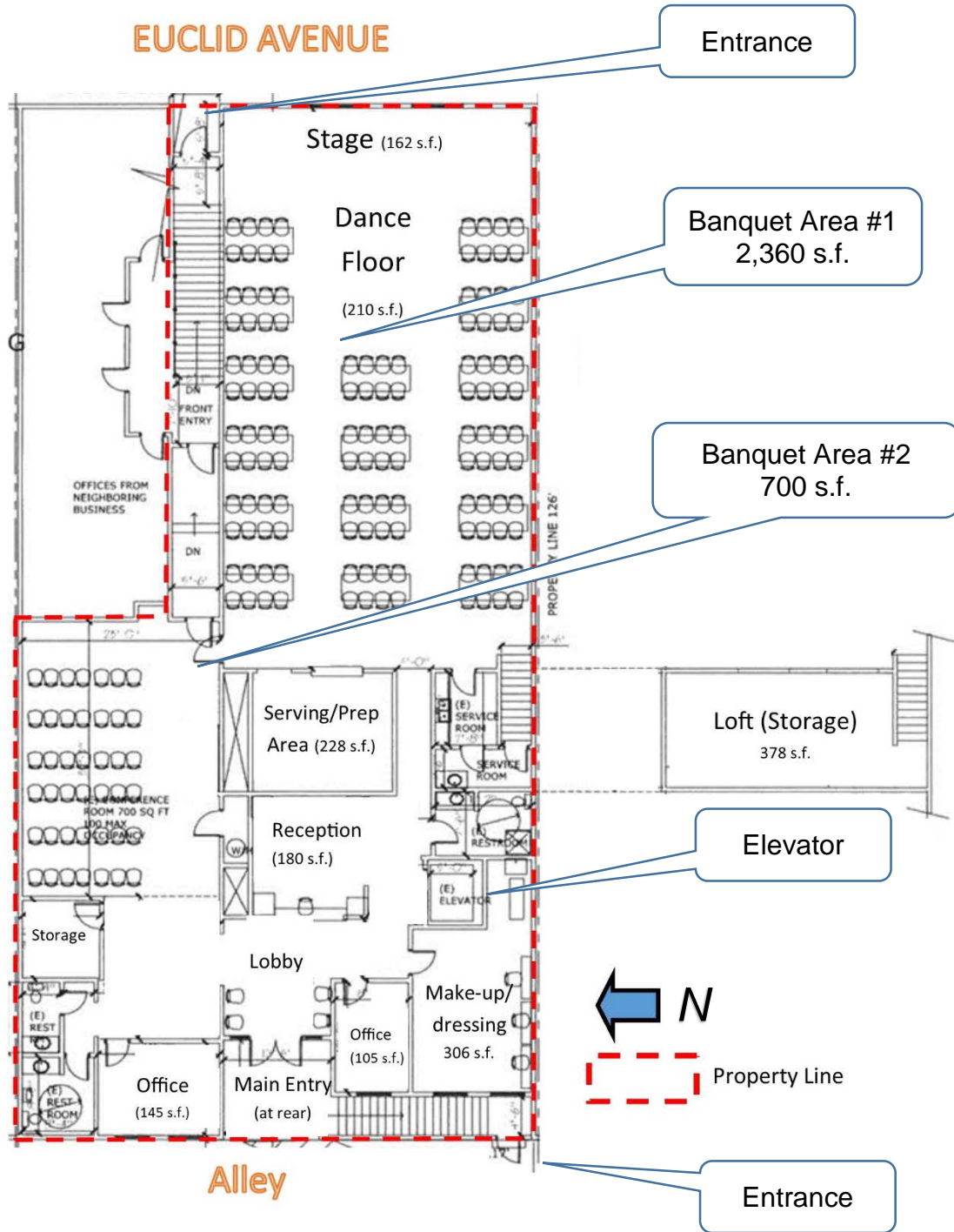
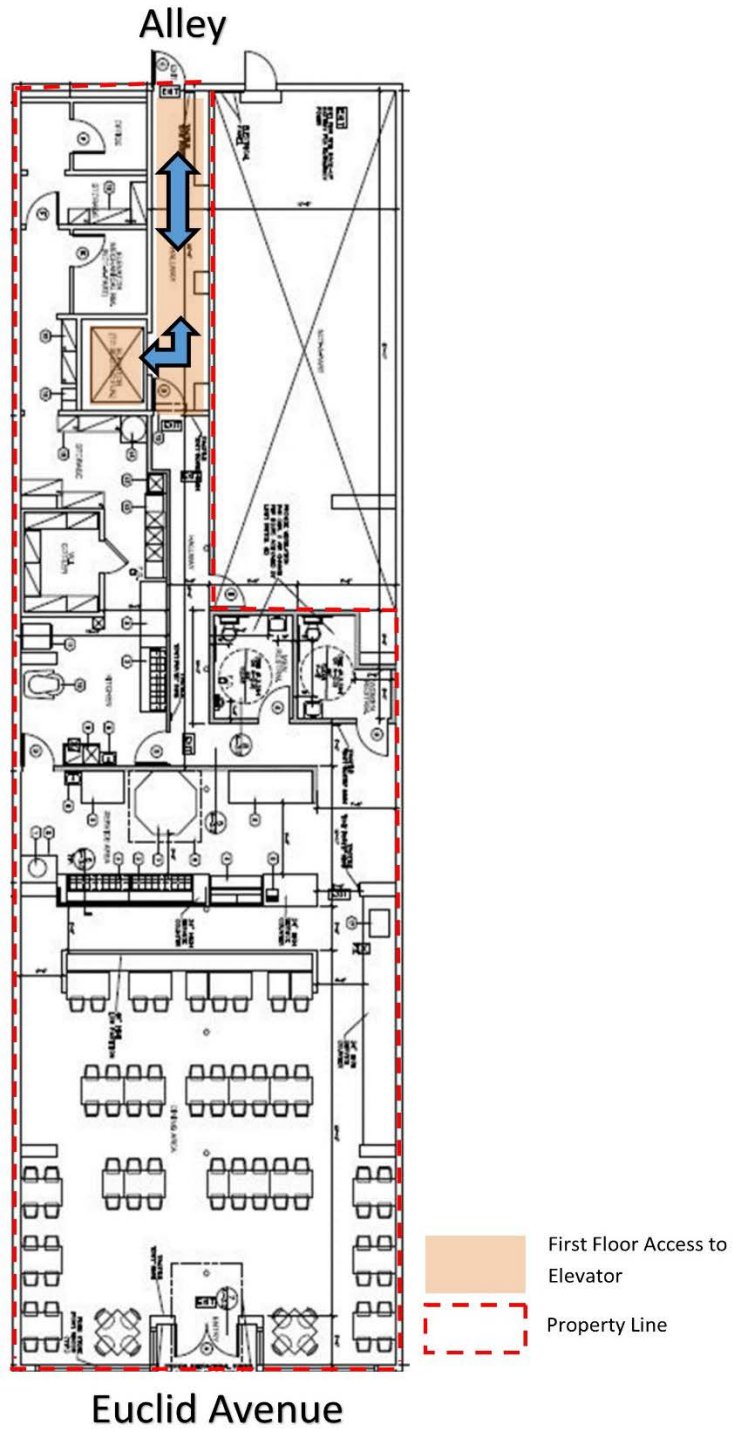


Exhibit B: Floor Plans



Proposed Second Story



First Floor Plan

Exhibit C: Site Photos



231 N. Euclid Ave.

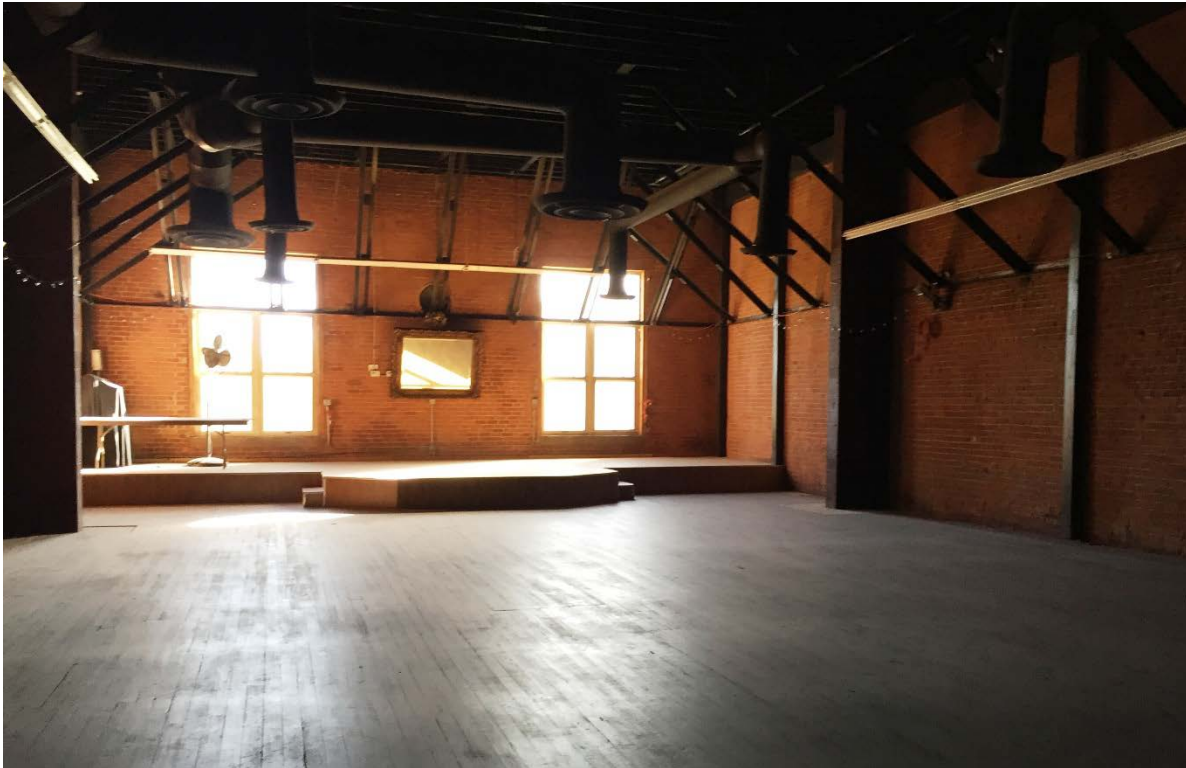
Euclid Ave
Entrance

Project Site:
2nd Story

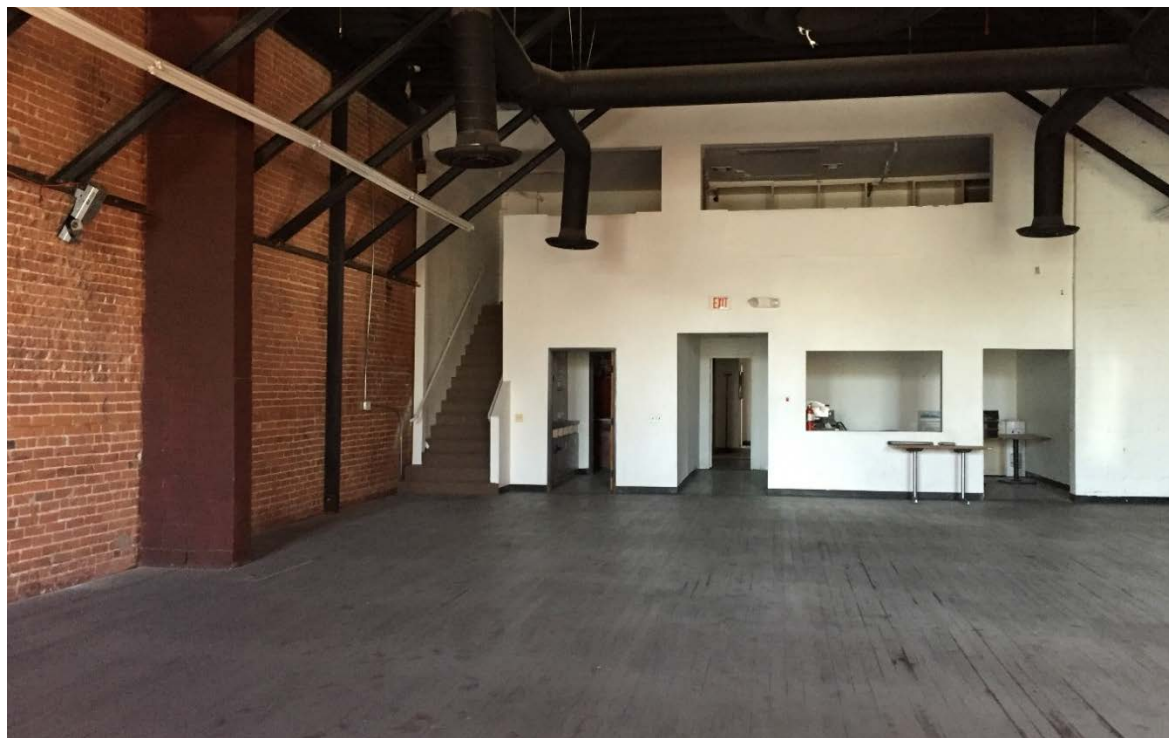
Primary Entrance
(alley)

ADA Access
(alley)





Main Banquet Area East Facing



Main Banquet Area and Loft (Storage) West Facing

Exhibit D: Parking Blocks



Legend	
	Available
	24 min zone (8am-6pm)
	No parking allowed
	2 hour zone (9am-5pm)
	Handicap zone
	Off-street parking



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
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*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: April 17, 2017

File No: PCUP16-004

Project Description: A request for a Conditional Use Permit to establish a 5,820-square foot banquet facility, with live entertainment, dancing, and a caterer's permit (ABC License Type 58) to authorize the sale of alcoholic beverage for consumption on the premises on the second story of an existing two-story building, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue) Overlay zoning districts, located at 231 North Euclid Avenue. (APN(s): 1048-565-05); **submitted by Norma G. Lopez**

Prepared By: Diane Ayala, Senior Planner
Phone: 909.395.2428 (direct)
Email: dayala@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2010-021 on March 16, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

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

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said

Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

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

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

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Outdoor Loading and Storage Areas.

(a) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

2.5 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.6 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

2.8 Signs.

(a) All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

(b) Allowed signs at this location include pedestrian, rear wall, and window signs only. The location, quantity, size, and design of all signage shall comply with the Ontario Development Code pursuant to the zoning district for which the project site is located within and the Downtown Ontario Design Guidelines.

2.9 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.10 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

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

(c) Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

(d) 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.

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

(f) 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.

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

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

2.11 Environmental Review.

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

2.12 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.13 Additional Fees.

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

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

(a) Building and use shall comply with all Building and Safety requirements prior to opening for business.

(b) The conducting of any special event which is beyond the scope of this Conditional Use Permit, such as outdoor events or special promotional events, shall require approval of a Temporary Use Permit by the City prior to commencement of that special event.

(c) Hours of operation shall be from 8:00 a.m. to 2:00 a.m. daily.

(d) All loading required to conduct business operations shall occur at the rear entrance.

(e) Pursuant to Division 4.02 of the Ontario Development Code, approval of a Certificate of Appropriateness is required for any exterior alteration of an historical resource.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Diane Ayala, Planning

FROM: Officer Quinones, COPS Unit, ABC Detail

DATE: March 31, 2016

SUBJECT: FILE NO. PCUP16-004 – BANQUET HALL
231 N EUCLID AVE, ONTARIO, CA 91762

This location has NOT applied for an alcohol license. The following **alcohol** conditions are only in effect when an event is present and the representative has a Caterer’s Alcohol License (Alcohol License Type 58). **Both entertainment and security conditions apply whenever the business has an event with entertainment.** Entertainment is defined as combination of live entertainment (disc jockey or bands) and dancing.

Alcohol Conditions

1. Alcohol can be sold and served between the hours of 06:00 A.M. to 02:00 A.M.
2. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM. Alcohol sales and service will stop at 01:30AM.
3. The Caterer must have a copy of the caterer’s license issued by ABC present at the event.
4. No alcohol shall be stored at the business prior to or after an event.
5. No sales of alcoholic beverages to minors.
6. No sales to obviously intoxicated patrons.
7. The service commonly known as “Bottle Service” is not allowed.
8. No alcohol shall be removed from the establishment by for consumption.

9. Patrons are not allowed to supply their own alcohol.
10. No smoking inside of the establishment is permitted, including electronic nicotine delivery device.
11. There will be no narcotic sales or usage on the premises at any time.
12. All employees serving alcohol must be **21** years or older.
13. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years. This class is given free of charge by the Ontario Police Department.
14. Lighting within the Banquet Hall must be kept at a reasonable level for safe movement of patrons.
15. Back door must be alarmed and closed at all times.
16. Address to establishment must be illuminated for easy identification of safety personnel.
17. Roof top numbers must be maintained every 3 years.
18. The parking lot will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
19. No pool tables will be allowed in the premises. (During alcohol sales)
20. No arcade type video game machines will be allowed in the premises. (During alcohol sales)
21. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
22. 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 the same

SECURITY CONDITIONS

1. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. A minimum of four security

guards at the above business location are required. Two armed security guards in the parking lot area to patrol and proactively monitor patrons. Two unarmed/armed security guards inside the location to check identifications, enforce the code of conduct, and monitor patrons. Example: If a disc jockey and dancing starts at 09:00PM, the security guards must be on-duty at the location at 09:00PM. Security guards will remain on-duty until patrons have left the parking lot.

2. The establishment will provide a minimum of one employee, or extra security guard, not part of the alcohol serving operation staff, to control and proactively monitor patrons inside the establishment during hours of entertainment. (ex. Lounge Host, Bouncer)
3. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, additional hours for security guards, and replacement of security guards with Ontario Police officers. The public hearing process shall be conducted in accordance with the requirements of the City's Development Code.
4. A Code of Conduct will be required to be used and posted at all public entrances of the establishment. The Code of Conduct will include a dress code and shall be utilized on days/nights of entertainment and special events.
5. 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.
6. Security personnel will be required to follow Ontario Municipal Code Article 6, Title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City.
7. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Entertainment area and a minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

ENTERTAINMENT CONDITIONS

1. The entertainment area must be designated on a plan check and that area will only be allowed for entertainment purposes. (dance area, live entertainment, DJ)

2. **The business shall not utilize promoters or allow “Flyer Parties”**
3. Karaoke will be permitted the same hours of the business, 7 days a week.
4. The DJ will only to be allowed to set up on the area designated on the plan check as the Entertainment Area.
5. Tables shall not be removed or rearranged to increase occupancy.
6. Entertainment sounds must be confined within the restaurant and cannot expand outside to the parking lot.
7. All entertainment will stop fifteen (15) minutes prior to closing.
8. The dance floor must have a rail guard at the boundaries.

CONCLUSION

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 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.

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, or 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 premise.

The Ontario Police Department will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

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.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Police Department within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary Use Permit.

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 Officer Quinones at (909) 395-2812.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Diane Ayala
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 24, 2016
SUBJECT: PCUP16-004

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

Conditions of Approval

1. Permits and plans required showing all improvements needed to make the space meet current ADA and Occupancy requirements for an A-3 occupancy.

KS:lm



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

DATE: 03/16/2016

PROJECT: PCUP16-004, a Conditional Use Permit to establish a 5,820-square foot banquet facility, with live entertainment, dancing, and alcohol beverage sales for consumption on the premises, including beer, wine and distilled spirits (Type 48 - On Sale General-Public Premises - ABC license).

APN: 1048-565-05

LOCATION: 231 North Euclid Avenue

PROJECT ENGINEER: Antonio Alejos

PROJECT PLANNER: Diane Ayala

The following items are the Conditions of Approval for the subject project:

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The Developer/Applicant shall install a backflow for existing water service lines, if the lines do not already have one.
3. The Developer/Applicant shall apply for a Waste Water Discharge Permit for their Establishment, and shall comply with all the requirements for their Wastewater Discharge Permit. Requirements of the Wastewater Discharge Permit may include, but are not limited to the installation of a wastewater pretreatment device, such as a clarifier. Please contact Virginia Lopez, Environmental Technician, at (909) 395-2671 for more information.



CITY OF ONTARIO

MEMORANDUM

TO: Diane Ayala, Senior Planner
Planning Department

FROM: Adam A. Panos, Fire Protection Analyst
Fire Department

DATE: March 10, 2016

SUBJECT: A Conditional Use Permit to establish a 5,820-square foot banquet facility, with live entertainment, dancing, and alcohol beverage sales for consumption on the premises, including beer, wine and distilled spirits (Type 48 - On Sale General-Public Premises - ABC license), located at 231 North Euclid Avenue (APN: 1048-565-05).

- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
 - Standard Conditions of Approval apply, as stated below.
- The plan **does NOT** adequately address Fire Department requirements.
- The comments contained in the attached report must be met prior to scheduling for Development Advisory Board.
-

SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: IIIB, masonry
- B. Type of Roof Materials: Wood, non rated
- C. Ground Floor Area(s): N/A
- D. Number of Stories: Second story only

E. Total Square Footage: 5,820 sq. ft.

F. 2013 CBC Occupancy Classification(s): A-3

CONDITIONS OF APPROVAL:

1.0 GENERAL

1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. 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 “Standards and Forms.”

1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.

2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.

2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.

2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.

2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.

2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2013 California Fire Code, Appendix B, is ____ gallons per minute (g.p.m.) for ____ hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.

4.5 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

4.7 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

4.8 Hose valves with two and one half inch (2 ½") connections will be required on the roof, in locations acceptable to the Fire Department. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

4.9 Due to inaccessible rail spur areas, two and one half inch 2-1/2" fire hose connections shall be provided in these areas. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

5.0 BUILDING CONSTRUCTION FEATURES

5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.

5.2 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 rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.

5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.

5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1.3280 of the Ontario Municipal Code and Standard #H-003.

5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.

5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.

5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.

6.0 OTHER SPECIAL USES

6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.

6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.

6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.

7.0 OTHER PROJECT SPECIFIC CONDITIONS

7.1 NONE



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

April 17, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP17-008

DESCRIPTION: A Conditional Use Permit to establish a Type 47 ABC License (On Sale General for Bona Fide Public Eating Place) in conjunction with a proposed 2,400 square foot restaurant and bar (Flair's Martinis & Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, Suite A, within the Commercial/Office Land Use District of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan (APN: 238-014-10); **submitted by Errol Brown.**

PART I: BACKGROUND & ANALYSIS

ERROL BROWN, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP17-008, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) Project Setting: The project site occupies a 2,400 square foot tenant space located at 4451 East Ontario Mills Parkway, Suite A, within the Parkway Plaza Commercial Center that is comprised of 3.44 acres of land and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Commercial	Mixed Use (MU)	California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan	Office/Commercial
<i>North</i>	Commercial	Mixed Use (MU)	California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan	Regional Commercial
<i>South</i>	Commercial	Mixed Use (MU)	California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan	Office/Commercial
<i>East</i>	Commercial	Mixed Use (MU)	California Commerce Center North/Ontario Gateway	Office/Commercial

Prepared: CH 04/06/2017	Reviewed: RZ 04/11/2017	Decision: [enter initial/date]
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	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
			Plaza/Wagner Properties Specific Plan	
West	Commercial	Mixed Use (MU)	California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan	Office/Commercial

(2) Project Analysis:

(a) Background – The project site is located within the Parkway Plaza Commercial Center that was developed in 1999 with a 9,550-square foot multi-tenant commercial building. The project site is generally located at the northwest corner of Ontario Mills Parkway and Franklin Avenue, at 4451 Ontario Mills Parkway. The existing multi-tenant commercial shopping center is currently occupied by a few commercial and restaurant uses, including the Chopstick House, a hookah lounge, nail salon, and an employment center (see *Exhibit B: Site Plan*). Since the economic downturn in 2007, the Parkway Plaza Commercial Center has been predominately vacant and the leasing agent has had a difficult time leasing the tenant spaces. The applicant plans to open a full-service restaurant and bar (Flair’s Martini and Wings) within a 2,400 square foot in-line tenant space, previously occupied by Baskin Robbins.

Flair’s Martini and Wings will be a full-service restaurant, specializing in fried chicken wings and martinis. The restaurant will also have a full-service bar that will offer beer, wine, and other distilled spirits (see *Exhibit C: Restaurant Menu*). The applicant proposes to provide an upscale interior décor such as flat screen high definition televisions, granite bar counter tops, interior wall graphics, upgraded sound system, and new flooring and seating. Flair’s Martini and Wings will try to attract a clientele seeking an upscale casual dining experience. The project will join two other businesses within the center (Falak Ultra Hookah Lounge and Mix Champagne Bar Lounge) that will provide more restaurant and entertainment options to the area.

(b) Proposed Use and Floor Plan — The applicant is requesting approval of a Conditional Use Permit to allow for a Type 47 ABC license (On Sale General for Bona Fide Public Eating Place) in conjunction with a proposed 2,400 square foot full-service restaurant and bar. The proposed project will employ approximately 12 people, scheduling 6 employees per shift (day or evening). In addition, two security guards will be employed and present at all times during operating hours to ensure a safe and comfortable environment for patrons. The proposed hours of operation are 11 AM – 2 AM daily.

The facility can accommodate approximately 82 patrons at any given time. The restaurant space will be divided into four general areas (see *Exhibit D: Floor Plan*) that include:

- Back Kitchen includes: storage, office, and prep/cleaning areas;
- Full-Service Bar includes: granite countertop bar, back bar, and bar seating that can accommodate up to 10 patrons;
- Indoor Seating includes: waiter station and indoor seating that can accommodate up to 72 patrons;
- Bathrooms include: two bathrooms (men and women).

The restaurant has two entrances, one accessed from the front of the building facing the south parking lot and the second accessed from the rear of the building facing the north parking lot (*see Exhibit E: Site Photographs*). Both entrances will be open during business hours.

The applicant is required to file an application with ABC for the issuance of a Type 47 license, which upon issuance, will allow the sale of beer, wine, and distilled spirits within the confines of the building. A Type 47 ABC license is defined by the State Department of ABC as public eating place authorized to sell beer, wine or distilled spirits for consumption on the licenses premises and is required to meet the following requirements:

- Must operate and maintain the licensed premises as a bona fide eating place.
- Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on premises.
- Minors are allowed on the premises.

As a Bona-Fide Public Eating Place, food must be available during the same hours of alcohol sales and consumption. A limited menu will be allowed after 9 PM. The Police Department is requiring that employees routinely monitor alcohol consumption. Restaurant employees will be responsible for checking IDs prior to serving alcohol and observe that patrons are not sharing their alcoholic beverage as well as observing any code of conduct violations. If code of conduct violations are observed, restaurant security will be called to handle the matter. Last call for alcohol will be no later than 45 minutes prior to closing, and no later than 1:15 AM. Alcohol sales and service will stop at 1:30 AM, or 30 minutes prior to closing.

The applicant is also proposing to host live sporting game events within the restaurant. Live entertainment is not being proposed with this application. All special events, which exceed the scope and approval of this Conditional Use Permit are required to be reviewed and approved through a Temporary Use Permit, prior to the event occurring. A special event can include, but is not limited to, anything occurring outside the facility such as a parking lot event, or any form of live entertainment not specifically identified within the approved Conditions of Approval.

(c) Parking – The Parkway Plaza Commercial Center has direct access from both Mills Circle and Ontario Mills Parkway. The proposed project is required to provide a total of 24 parking spaces based on the Ontario Development Code for a *full-*

service restaurant that requires 1 parking space per 100 square feet of gross floor area. The existing shopping center provides a total of 188 parking spaces and the current existing uses require a total of 216 parking spaces (*See Parking Table Below for details*). Many of the tenant spaces are currently vacant in the center, therefore staff utilized the General Commercial parking requirements to calculate the total required parking for the retail center. Two tenants within Parkway Plaza are lounge/nightclubs (Mix Champagne Bar Lounge and Falak Ultra Hookah Lounge) which require 113 parking spaces. Typically, a bar/nightclub has a peak parking demand from 9 PM to 2 AM, which is usually when general commercial tenants are closed. Additionally, the shopping center has a non-exclusive use of parking for the center’s tenants. Therefore, staff believes that the proposed use will not adversely affect the parking demand within the center.

Summary of Parking Analysis				
Land Use	Gross Floor Area (SF)	Parking Ratio	Required Parking	Total Parking Provided
Bar/Night Club (Mix Champagne Bar Lounge and Falak Ultra Hookah Lounge)	11,255	1 space per 100 SF of GFA	113	
Full Service Restaurant (Chopstick House & Flair’s Martini and Wings)	4,600 SF	1 space per 100 SF of GFA	46	
General Commercial (Star Nail and Salon and Employment Center)	14,348	1 space per 250 SF of GFA	57	
	30,203		216	188

(d) ABC Concentrations – The California Department of Alcohol Beverage Control (ABC) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 21.09, which is located entirely within the City of Ontario and over concentrated (see *Exhibit F: ABC Concentration*). ABC currently allows 3 On-Sale licenses, however there are currently 38 active licenses within this census tract. Census Tract 21.09 encompasses the City’s core entertainment district that includes the Ontario Mills Mall, Citizen’s Business Bank Arena, several restaurants, movie theatres and several general commercial retailers. This location will operate as a “Bona Fide Public Eating Place” and the Police Department does not object to allowing the Type 47 ABC License provided that all City and State Department of Alcohol Beverage Control rules, regulation and conditions are met and followed. In addition, the project site is not located in a high crime area, the property has no outstanding Building or Health Code Violations or Code Enforcement activity, and the overall commercial center is properly maintained. Staff has placed specific conditions of approval for the ABC license to ensure the safe operation of the business. All new beverage serving facilities are required to have their employees attend L.E.A.D. training classes, which are offered by the City of Ontario’s Police Department, at no cost.

(e) Land Use Compatibility- A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within the Parkway Plaza Commercial Center that consists of four commercial multi-tenant buildings with a few commercial retail and restaurant uses. Chopstick House, which is located adjacent to the project site, is the only tenant within the Parkway Plaza Commercial Center that holds an active on-sale ABC license.

Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within and surrounding the commercial center will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant use within the center and surrounding area.

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

(4) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

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

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

PART II: RECITALS

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

WHEREAS, Ontario Development Code Table 2.01-1 (Review Matrix) establishes that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT; and

WHEREAS, on April 17, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Carlos Huizar, Planning Intern, presented the staff report on the proposed use, indicating the staff recommendation of Approval, subject to the attached conditions of approval. Following staff's presentation, the Zoning Administrator opened the public hearing.

(2) [insert speaker's name], the applicant/representing the applicant, explained the business operation and spoke in favor of the application.

(3) [insert additional speaker info]

(4) [insert additional speaker info]

(5) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

WHEREAS, all legal prerequisites to the adoption of this Decision have occurred.

PART III: THE DECISION

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

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

(2) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed Type 47 ABC License (On-Sale General for Bona Fide Public Eating Place) will be located at 4451 Ontario Mills Parkway, Suite A, which is

designated as Office/Commercial within the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan. The proposed use will be established consistent with the City of Ontario Development Code, and its objectives and purposes, and development standards and guidelines, of the Office/Commercial land use designation of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan.

(b) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.* The proposed Type 47 ABC License (On-Sale General for Bona Fide Public Eating Place) will be located at 4451 Ontario Mills Parkway, Suite A, which the Policy Plan Master Land Use Plan designates for Mixed Use land use. The proposed land use is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, which identifies the Ontario Mills Area as a "Growth Area". The Growth Area is envisioned to be developed in a manner that has a more intensification of uses, such as entertainment and restaurant uses to provide our residents and visitors with the opportunity to live, work, and play within our City. The proposed project helps implement this Growth Vision.

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The use is consistent with the uses and development standards allowed within the Office/Commercial land use designation of the California Commerce North/Ontario Gateway Plaza/Wagner Properties Specific Plan.

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

(e) *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.* The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community. In addition, the Police Department has also reviewed the application and are in support of the application subject to the attached conditions of approval.

(f) For On-Sale alcoholic beverage license types located within over concentrated census tracts (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act (commencing with Business and Professions Code

Section 23000 et Seq.), the Zoning Administrator hereby makes the following Public Convenience and Necessity (“PCN”) findings:

- The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The Police Department has reviewed the application and is recommending approval subject to the conditions of approval. The project site is not located within a high crime area as it relates to alcohol related incidents. The use is consistent with the Office/Commercial land use designation of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan and other similar restaurant uses in the area. The use will be providing a convenience for restaurant patrons that would like to purchase alcoholic beverages with their meal(s).

- The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The existing commercial center where the proposed Flair’s Martini and Wings is in good operating condition and has no outstanding enforcement violations.

- The site is properly maintained, including building improvements, landscaping, and lighting. The existing commercial center where the proposed Flair’s Martini and Wings is properly maintained and serviced on a regular basis.

(g) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. Existing facilities consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The proposed use is located within an existing building and does not include any negligible building additions or operational changes and therefore is categorically exempt.

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

(i) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP17-008, subject to the conditions of approval attached hereto and incorporated herein by this reference.

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

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph

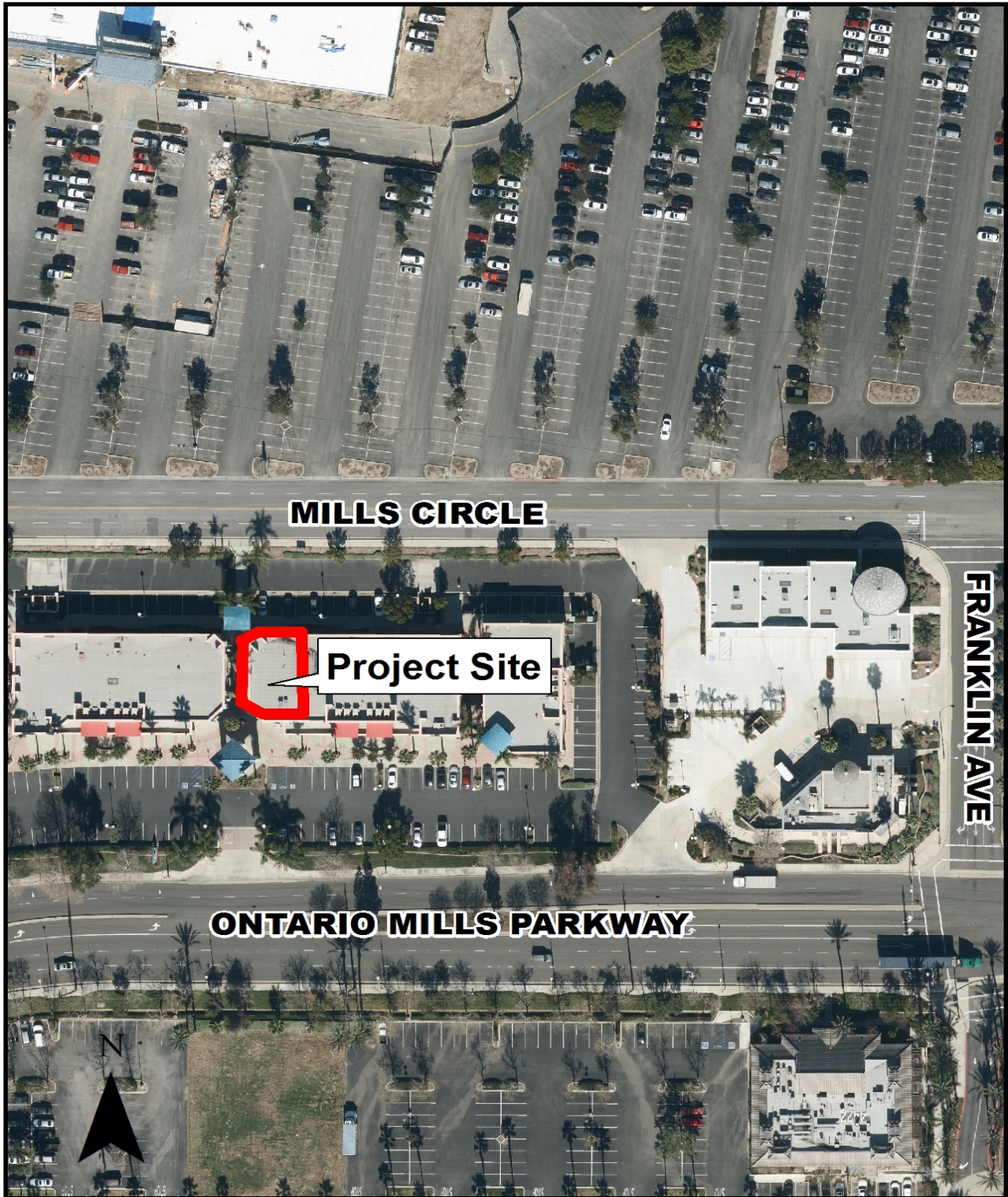


Exhibit B: Site Plan

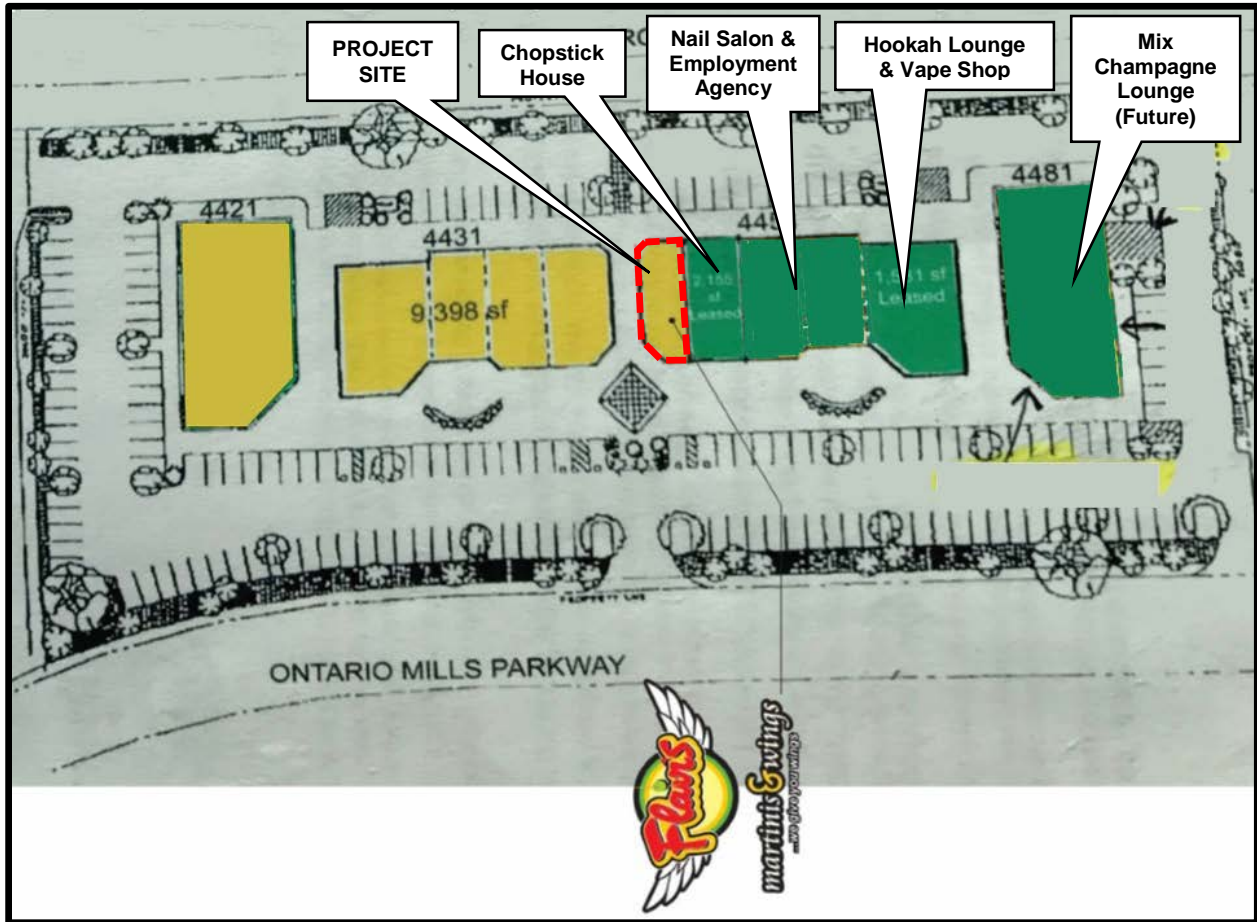


Exhibit C: Restaurant Menu

FLAIRS (MARTINI & WINGS) RESTAURANT

APPETIZERS

Potato Skins

Ten potato skins topped with
bacon, cheese and green onions
served with sour cream 7.99

Onion Rings

Ale Tempura battered onion
rings fried to a golden brown
served with Chipotle Ranch
6.99

Chicken Strips

Tender homemade chicken
Strips served with french fries
and Chipotle Ranch 6.99

Garlic Cheese Bread

Four pieces of perfectly
toasted garlic cheese bread
served with homemade
Marinara Sauce 5.99

Spinach Dip

Spinach with sautéed onions
and Bell peppers, blended with
romano cheese and delivered
hot with white corn tortilla Chips
6.99

Grilled Cheese

Classic cheddar cheese melted
on bread with butter 6.99

Soups

Chicken Noodle

Bowl 6.99 Cup 2.99

Fresh sliced vegetables, egg noodles, and tender all white chicken
breast seasoned and simmered in a flavorful chicken broth.

Garden Vegetable Soup

Bowl 6.99 Cup 2.99

Nice and hot fresh vegetables

Salads

Cobb Salad

Tender all white chicken breast, mixed greens, hard boiled eggs, diced
tomatoes, smoked bacon bits, and gorgonzola cheese. 9.99

House Salad

Garden fresh romaine lettuce tossed with aged parmesan cheese in a
creamy Caesar dressing. Topped with seasoned garlic croutons 7.99

Exhibit C: Restaurant Menu (Cont'd)

BBQ Ribs & Chicken

BBQ Half Rack St. Louis Ribs
 A half rack of perfectly grilled
 St. Louis Ribs in our homemade
 BBQ sauce served with mashed
 potatoes and sautéed vegetables
 14.99

BBQ Chicken Breast-Dinner
 Two tender grilled chicken
 topped with our homemade
 BBQ sauce served with
 mashed potatoes and sautéed
 vegetables ~~16.99~~ 16.99

BBQ Full Rack St. Louis Ribs
 A full rack of perfectly grilled St. Louis Ribs
 In our homemade BBQ sauce served with mashed
 potatoes and sautéed vegetables 17.99

BBQ Chicken Breast-Lunch
 One tender grilled chicken
 topped with our
 homemade BBQ sauce
 served with mashed
 potatoes and sautéed
 vegetables 14.99

FLAIRS FAVORITE WINGS

5-Flavors of Wings

Dinner (Ten Wings) (2) sides

Lunch (Six Wings) (1) side

BBQ

BBQ

Lemon Pepper

Lemon Pepper

Flairs (Hot/Mild)

Flairs (Hot/Mild)

Teriyaki

Teriyaki

Louisiana Rub 12.99 Louisiana Rub 8.99

Served sides

rice, vegetables, corn on the cob, sweet potato fries, and dinner roll

Desserts

Red-Velvet Cake
 Traditional Southern classic
 Is made with moist red velvet
 Layers and iced with rich cream
 Cheese icing. Delicious! 6.95

Warm Cinnamon Apple Pie/
 Vanilla Bean Ice Cream 6.95
 Chocolate-Chip Cookie/Scooped of
 Vanilla Bean Ice Cream 6.95

Alcoholic Beverages

Drinks

Special Martinis
 Distilled Spirits
 Beer and Wine

Coke 2.99
 Lemonade 2.99
 Diet Coke 2.99
 Sprite 2.99
 COFFEE 3.00
 TEA 3.00

Exhibit D: Floor Plan

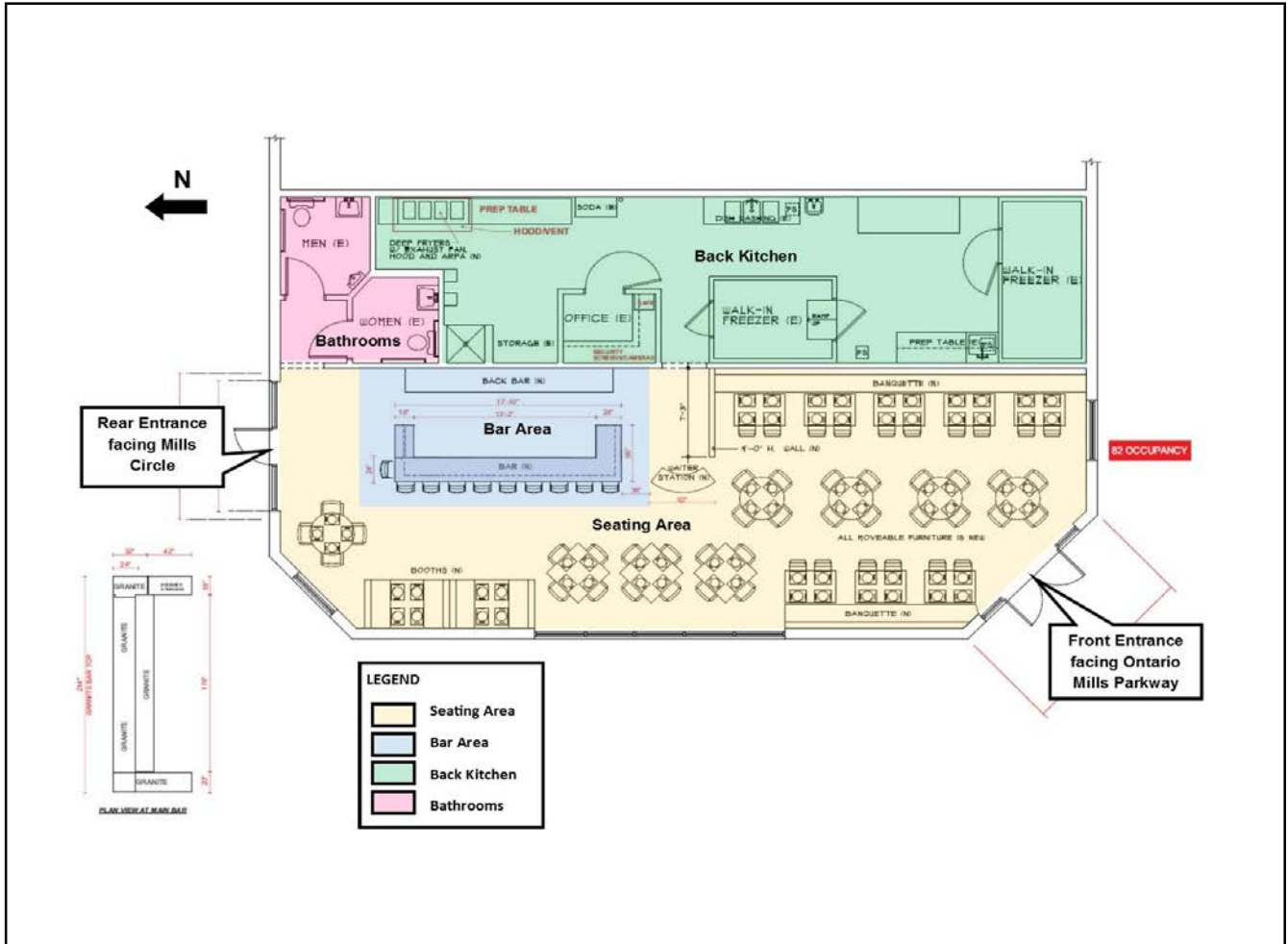


Exhibit E: Site Photos



Above: View of South Elevation (Entrance)



Above: View of North Elevation (Rear Entrance)



Above: View of West Elevation (Paseo)



Above: South Parameter View of Project Site

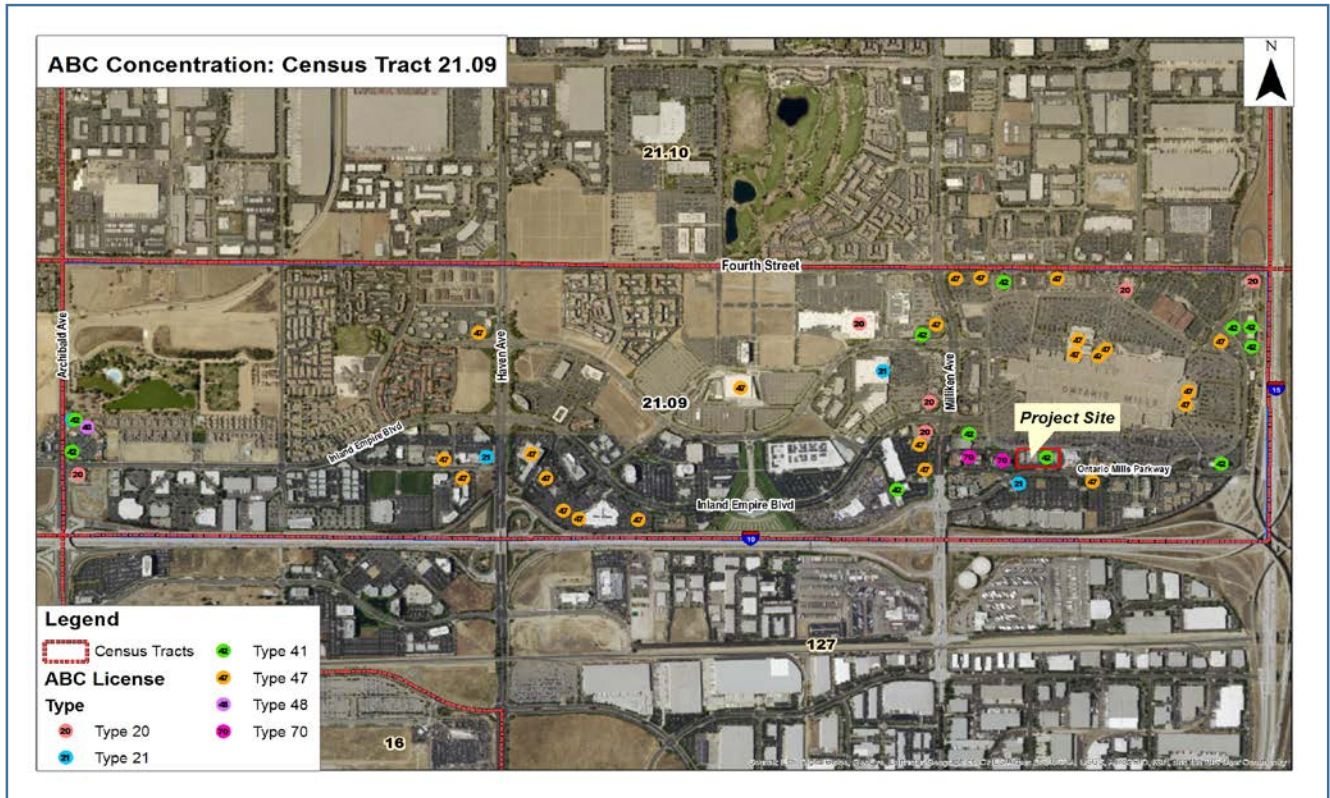


Above: Ontario Mills located north of project site



Above: Ontario Gateway Plaza located south of project site

Exhibit F: ABC Concentration





City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: April 17, 2017

File No: PCUP17-008

Related Files:

Project Description: A Conditional Use Permit to establish a Type 47 ABC License (On Sale General for Bona Fide Public Eating Place), in conjunction with a proposed 2,400 square foot restaurant and bar (Flair's Martinis & Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, Suite A, within the Commercial/Office Land Use District of the California Commerce Center North/Ontario Gateway Plaza/Wagner Properties Specific Plan (APN: 238-014-10); **submitted by Errol Brown.**

Prepared By: Carlos Alberto Huizar, Planning Intern
Phone: 909.395.2411 (direct)
Email: chuizar@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2010-021 on March 16, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

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

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

2.2 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

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

(c) Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

(e) The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

(f) In the event that security problems occur as a result of the approved subject use and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the subject premises, during such hours and in such number as requested by the Police Department.

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

(h) A clearly legible copy of the herein-listed conditions of approval shall be posted at all times at a prominent place in the interior of the premises.

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

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

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

2.3 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a "bona fide public eating place" as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

2.4 Environmental Review.

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

2.5 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.6 Additional Fees.

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

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.7 Additional Requirements

(a) No outdoor alcohol consumption shall be allowed.

(b) All applicable Conditions of Approval from other City departments shall be required to be met and followed.

(c) A copy of the Conditional Use Permit Zoning Administrator Decision shall be kept on the premises.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Henry Noh, Senior Planner

FROM: Joe Tirre, Corporal/ COPS Unit

DATE: March 30, 2017

SUBJECT: File No. PCUP17-008 Flairs Martinis and Wings

This applicant has applied for a type 47 On-Sale General Alcoholic Beverage Control license located within Census Tract No. 21.09. This type of license allows for the service of alcohol with the necessity of operating as a bona fide restaurant. According to the Department of Alcoholic Beverage Control (ABC), three (3) On-Sale licenses are allowed within this census tract, and there are currently thirty-eight (38). One license in this census tract operates without the necessity of serving food. Flairs Martinis and Wings will operate as a bona fide restaurant, therefore the Police Department does not object to the use.

The applicant and employees will follow all Department of Alcoholic Beverage Control rules and laws. In addition, the Police Department is placing the following conditions of approval for this use:

Business Conditions

1. The location will operate as a bona fide restaurant, as defined in the business and Professions Code. (B&P 23038-Bona fide public eating place.)
2. Food will be available during the same hours of alcohol sales and consumption. A limited menu will be allowed after 9:00 PM.
3. Last call for alcohol will be no later than 45 minutes prior to closing, and no later than 1:15 AM. Alcohol sales and service will stop at 1:30 AM, or 30 minutes prior to closing.
4. No sales of alcoholic beverages to minors.
5. No sales to obviously intoxicated patrons.
6. The practice of “Bottle Service” will not be allowed.
7. No alcohol shall be removed from the establishment for consumption off the premises.

8. No self-serve alcohol displays or machines.
9. No smoking inside of the establishment is permitted, to include an electronic nicotine delivery device.
10. There will be no narcotic sales or usage on the premises at any time, including marijuana.
11. All employees that work as a bar tender or cocktail waitress must be 21 years or older.
12. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department. New employees shall attend the course within 3 months of their hire date.
13. Lighting within the location must be kept at a reasonable level for safe movement of patrons.
14. Back door must be alarmed and closed at all times.
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 will need adequate lighting (minimum 1 foot candle) from dusk to dawn.
18. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.
19. Sounds must be confined within the business and cannot expand outside.
20. Tables shall not be removed or rearranged to increase occupancy.
21. 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 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.
22. 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 reference the same.

23. The managers shall be qualified per ABC rules. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business is presumed to be the manager of the business. (B&P Code Section 23788.5, Rules 57.5 and 57.6).

SECURITY CONDITIONS

1. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. During live entertainment, a minimum of four security guards at the above business location are required. Two armed security guards in the parking lot area to patrol and proactively monitor patrons. Two unarmed/armed security guards inside the location to check identifications, enforce the code of conduct, and monitor patrons. Example: If a disc jockey and dancing starts at 9:00 PM, the security guards must be on-duty at the location at 9:00 PM. Security guards will remain on-duty until patrons have left the parking lot. This requirement is in addition to any permanent security patrol the business may employ.
2. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications, including but not limited to, additional security guards, and additional hours for security guards, and replacement of security guards with Ontario Police Officers. The public hearing process shall be conducted in accordance with the requirements of the City's development Code.
3. A Code of Conduct will be required to be used and posted at all public entrances of the establishment. The Code of conduct will include a dress code and shall be utilized on the days/nights of entertainment and special events.
4. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment if situations arise that may compromise the safety of patrons and/or the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. Security personnel will be required to follow Ontario Municipal Code Article 6, title 3, Section 3-1.601-621 (security regulations), which states in part that the security company and guards used will be registered with the City of Ontario.
6. The business shall maintain a security camera surveillance system in proper working order. Cameras will be placed to record the patrons using the bar/restaurant area. A minimum of one camera will record the parking lot. Each camera will record at least 640x480 recording resolution levels and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

ENTERTAINMENT CONDITIONS

1. Entertainment is described as a combination of live entertainment (disc jockey or bands) and dancing.
2. No entertainment is allowed.
3. The business shall not utilize promoters or allow "Flyer Parties."

CONCLUSION

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 the CUP, or has violated the laws of the city or State, or 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 will conduct an inspection to document compliance with this Conditional Use Permit before this business will be allowed to sell alcoholic beverages.

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 location, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Police Department within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary Use permit.

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 Corporal Joe Tirre at (909) 395-2862



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

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

DATE: February 27, 2017

SUBJECT: PCUP17-008 A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits for consumption on the premises (Type 47: On Sal General – Eating Place) in conjunction with a proposed 2400-square foot restaurant and bar (Flairs Martinis & Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, within the Mixed Use (MU) land use district of the Ontario Mills (CCC-North) Specific Plan (APN: 0238-014-10).

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

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov , click on Fire Department and then on forms.



CITY OF ONTARIO MEMORANDUM

TO: "Vacant", Development Director
 Scott Murphy, Planning Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director
 Jimmy Chang, IT Department
 David Simpson, Development/IT (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: February 24, 2017

SUBJECT: FILE #: PCUP17-008 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 **Friday, March 10, 2017**.

- 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 (PCUP17-008) to establish alcoholic beverage sales, including beer, wine, and distilled spirits for consumption on the premises (Type 47: On Sale General - Eating Place) in conjunction with a proposed 2400-square foot restaurant and bar (Flairs Martinis & Wings) on 3.44 acres of land located at 4451 East Ontario Mills Parkway, within the Mixed Use (MU) land use district of the Ontario Mills (CCC-North) Specific Plan (APN: 0238-014-10).

- 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.

3/21/17

Landscape Planning Carolyn Bell Sr. Landscape Planner
 Department Signature Title Date



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

DATE: March 13th, 2017

PROJECT: PCUP17-008, a Conditional Use Permit to establish alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (Type 47: On Sale General - Eating Place) in conjunction with an existing 2,400 sq-ft restaurant and bar (Flairs Martinis & Wings).

APN: 0238-014-10


LOCATION: 4451 East Ontario Mills Parkway

PROJECT ENGINEER: Antonio Alejos *A.A.*

PROJECT PLANNER: Henry Noh

The following items are the Conditions of Approval for the subject project:

1. Project shall comply with the requirements as set forth in the Standard Conditions of Approval adopted by the City Council (Resolution No. 2010-021) on March 16, 2010; as well as project-specific conditions/requirements as outlined below.
2. The applicant/developer shall apply for a Wastewater Discharge Permit and comply with all the requirements of their Wastewater Discharge Permit. Requirements are to equip a monitoring manhole station and/or other pretreatment devices (e.g. grease interceptor, clarifier, etc.) to the on-site sewer system as occupant establishment use requires. Please contact Virginia Lopez (vclopez@ontarioca.gov), Environmental Technician, at (909) 395-2671 for more information about the permit and how to apply.


Khoi Do, P.E. 3-13-17
Assistant City Engineer Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 28, 2017
SUBJECT: PCUP17-008

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

Conditions of Approval

1. Building permits are required for improvements.

KS:lm

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP17-008
 Address: 4451 East Ontario Mills Parkway
 APN: 0238-014-10
 Existing Land Use: Multi-tenant commercial center (2,400 SF restaurant)
 Proposed Land Use: 2,400 SF Restaurant (Flairs Martini & Wings) in conjunction with an ancillary Type 47 ABC License
 Site Acreage: 3.44 ac Proposed Structure Height: Existing Building
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Carlos Huizar/Henry Noh
 Date: 4/12/17
 CD No.: 2017-009
 PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 90 ft	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP
 ● Consistent
 Consistent with Conditions
 Inconsistent

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

Airport Planner Signature: