



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

October 18, 2016

DECISION NO.: ZA16-017

FILE NO.: PCUP16-011

DESCRIPTION: A request to: [1] establish a banquet facility with live entertainment and dancing within a 9,332 square foot area of the basement level and within a 4,447 square foot tenant space on the ground level; and [2] authorize alcoholic beverage sales for consumption on the premises with a catering permit, in conjunction with the banquet facilities, within an existing 33,740 square foot retail building on 0.41 acres of land, located at 317 North Euclid Avenue, within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities). 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: 1048-566-05); **submitted by Global Brands Import.**

PART I: BACKGROUND & ANALYSIS

GLOBAL BRANDS IMPORT, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP16-011, 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 0.41 acres of land located at 317 North Euclid Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. The project site is located on the west side of North Euclid Avenue bound by D Street to the north and C Street to the south within the Proposed Downtown Historic District. Existing land uses, General Plan and zoning designations on and surrounding the project site are as follows:

	Existing Land Use	General Plan Designation	Zoning Designation
Site	Retail	Mixed Use	MU-1 (Downtown Mixed Use)
North	Retail	Mixed Use	MU-1 (Downtown Mixed Use)
South	Retail	Mixed Use	MU-1 (Downtown Mixed Use)
East	Parking Lot	Mixed Use	MU-1 (Downtown Mixed Use)
West	Parking Lot/Vacant	Mixed Use	MU-1 (Downtown Mixed Use)

(2) Project Analysis:

(a) Background — The project site is developed as a 33,740 square foot, multiple tenant, single-story retail building with a basement. Footprints of the ground floor and basement level are approximately 16,600 square feet each. There are a total of 8 units located on the first floor, which are accessible through a central lobby, with the primary entrance on Euclid Avenue and a secondary entrance from the parking lot/alley at the rear of the building. Currently 4 units are leased to a bridal shop, photo/video store, religious goods retail store, and tax preparation office. The other 4 units are vacant and the basement is being used for storage.

In June 2005, a Conditional Use Permit (File No. PCUP05-014) was approved to allow the conversion of the existing basement to a restaurant, with a banquet facility with a Type 47 (On-Sale General Eating Place) ABC License and live entertainment. However, those improvements were not constructed. In July 2015, Code Enforcement issued a Notice of Violation for a banquet facility operation located in the basement. Over the last year, the operation has ceased, however, there is an open Code Enforcement case regarding unpermitted tenant construction improvements. Code Enforcement will continue to monitor the property until all code violations are resolved.

In April 2016, the Applicant submitted a request to voluntarily surrender the previously approved Conditional Use Permit (File No. PCUP05-014) and establish a standalone banquet facility (File No. PCUP16-011).

(b) Proposed Use — The Applicant is requesting a Conditional Use Permit to establish a standalone banquet facility within the basement level and in one tenant space on the ground floor and to authorize alcoholic beverage sales for consumption on the premises with a catering permit, in conjunction with live entertainment.

The ground floor facility proposes to remove an existing wall that divides 2 units located at the rear, creating one 4,447 square foot unit. Ground floor restrooms and staging area for catering service will be located across the main lobby. The basement level will include a 9,332 square foot banquet room with a mobile partition that will allow the space to be divided into 2 smaller banquet rooms and approximately 7,200 square feet allocated for storage, hallway, restrooms, and staging area for catering service. Banquet rooms will include a stage for live entertainment, and dance floor. A variety of seating arrangements, which are depicted in *Exhibit C: Floor Plans*, will be utilized to accommodate birthday parties, weddings and meetings.

The banquet facility will be available for use from 9:00 a.m. to 2:00 a.m. daily. Operating business hours for the other tenants located within the building are 9:00 a.m. to 8:00 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. Two employees of

the facility will be on-site during all events to monitor activities and to ensure that all patrons have left the building following an event.

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. Alcohol shall not be served unless the event caterer has a valid Type 58 Caterer's Permit issued by the California Department of ABC.

(c) Parking— As established in the Ontario Development Code, a retail use requires 1 parking stall per 250 square feet of gross floor area, a banquet use requires 1 parking stall per 40 square feet of gross floor area and a storage use requires 1 parking stall per 1,000 square feet of gross floor area. Staff determined that with proposed floor plan modifications, 357 parking spaces are required which represents an increase of 153 required parking spaces from the previously approved CUP. 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 324 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 existing land uses calculated in the Model, staff determined that Block 37 (project site), the immediately surrounding blocks and the median (*Exhibit E: Parking Blocks*) have adequate parking to accommodate the banquet use. The period of 12:00 p.m. through 4:00 p.m. indicates a parking deficiency which varies from 47 to 154 parking spaces according to the parking model, but it is staff's belief that the banquet facility will most likely not be utilized during this time of day. The types of events the banquet facility will host will likely be on weekends and in the evening hours when a parking surplus is available. After 5:00 p.m., the Parking Model indicated that there was no less than 11%

parking availability. Additionally, street parking is available on blocks to the east of the project site that have not been included in this calculation. Therefore, staff has determined that based upon the Downtown Ontario Parking Model and the proposed banquet facility use, sufficient parking exists to support the project. The tables below illustrate available parking for the project site (Block 37), the immediately surrounding blocks and the median with the proposed use.

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

Available Public Parking	10 a.m.	11 a.m.	12 p.m.	1 p.m.	2 p.m.	3 p.m.	4 p.m.	5 p.m.
Block 28	238	238	238	238	238	238	233	231
Block 29	66	47	(3)	0	(19)	31	19	52
Block 36	(103)	(98)	(100)	(103)	(109)	(106)	(97)	(52)
Block 37	21	22	23	21	16	17	24	50
Block 43	31	31	24	23	18	25	30	52
Block 44	19	4	(41)	(41)	(58)	(12)	(26)	(3)
Median	84	84	84	84	84	84	84	84
Banquet	(324)	(324)	(324)	(324)	(324)	(324)	(324)	(324)
Total	32	3	(99)	(102)	(154)	(47)	(57)	88

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

Available Public Parking	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.	12 a.m.
Block 28	230	230	229	229	227	227	226
Block 29	41	12	25	128	129	130	130
Block 36	30	31	30	32	31	32	31
Block 37	107	107	108	109	112	114	113
Block 43	81	79	80	93	94	96	95
Block 44	(24)	(46)	(34)	61	68	68	68
Median	84	84	84	84	84	84	84
Banquet	(324)	(324)	(324)	(324)	(324)	(324)	(324)
Total	224	173	199	412	421	427	423

(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. As evidenced by the previous CUP approval, a banquet 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 modification to the CUP and 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.

(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 October 18, 2016, the Zoning Administrator of the City of Ontario conducted a duly noticed special public hearing on the application, as follows:

(1) Elly Antuna, Assistant Planner, presented the staff report on the voluntary surrender and the new proposed use, indicating the staff recommendation of approval subject to conditions. Following staff's presentation, and questions to the Police Department regarding the process for notifying ABC when an event is taking place with a Type 58 license and conditions related to security at events with live entertainment and dancing, the Zoning Administrator opened the public hearing.

(2) Rony Hannoona, the applicant, explained the business operation and spoke in favor of the application. Mr. Hannoona confirmed that he was voluntarily surrendering the previously approved Conditional Use Permit. Furthermore, Mr. Hannoona indicated that he had read the conditions of approval and was in concurrence with the conditions.

(3) 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 will be located at 317 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 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 will be located at 317 North Euclid Avenue, which the Policy Plan Master Land Use Plan designates for Mixed 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 an intense mixture of land uses that, when concentrated, create focal points for community activity 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 Modification 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 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 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% 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. In July 2015, Code Enforcement issued a Notice of Violation for a banquet facility operation located in the basement. Over the last year, the operation has ceased, however, there is an open Code Enforcement case regarding unpermitted tenant construction improvements. Code Enforcement will continue to monitor the property until all code violations are resolved. Prior to commencement of use, a building occupancy change is required to accommodate the new use and the Code Enforcement activity will be resolved.

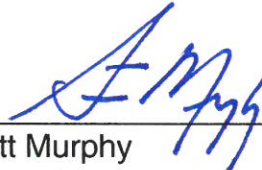
- The site is properly maintained, including building improvements, landscaping, and lighting. Prior to commencement of use, all conditions of approval related to building improvements and lighting will be met.

(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. PCUP16-011, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 26th day of October 2016.



Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

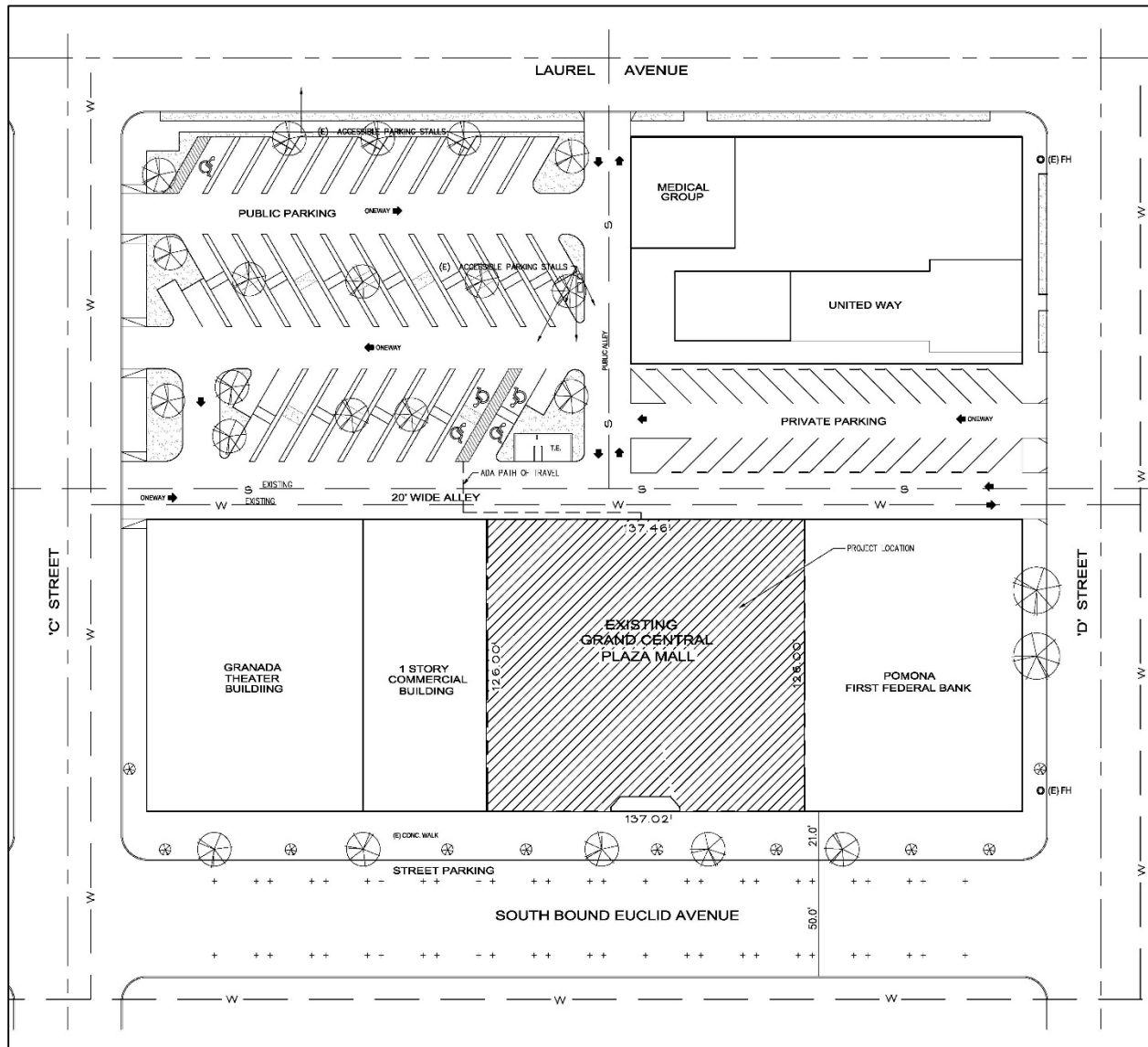
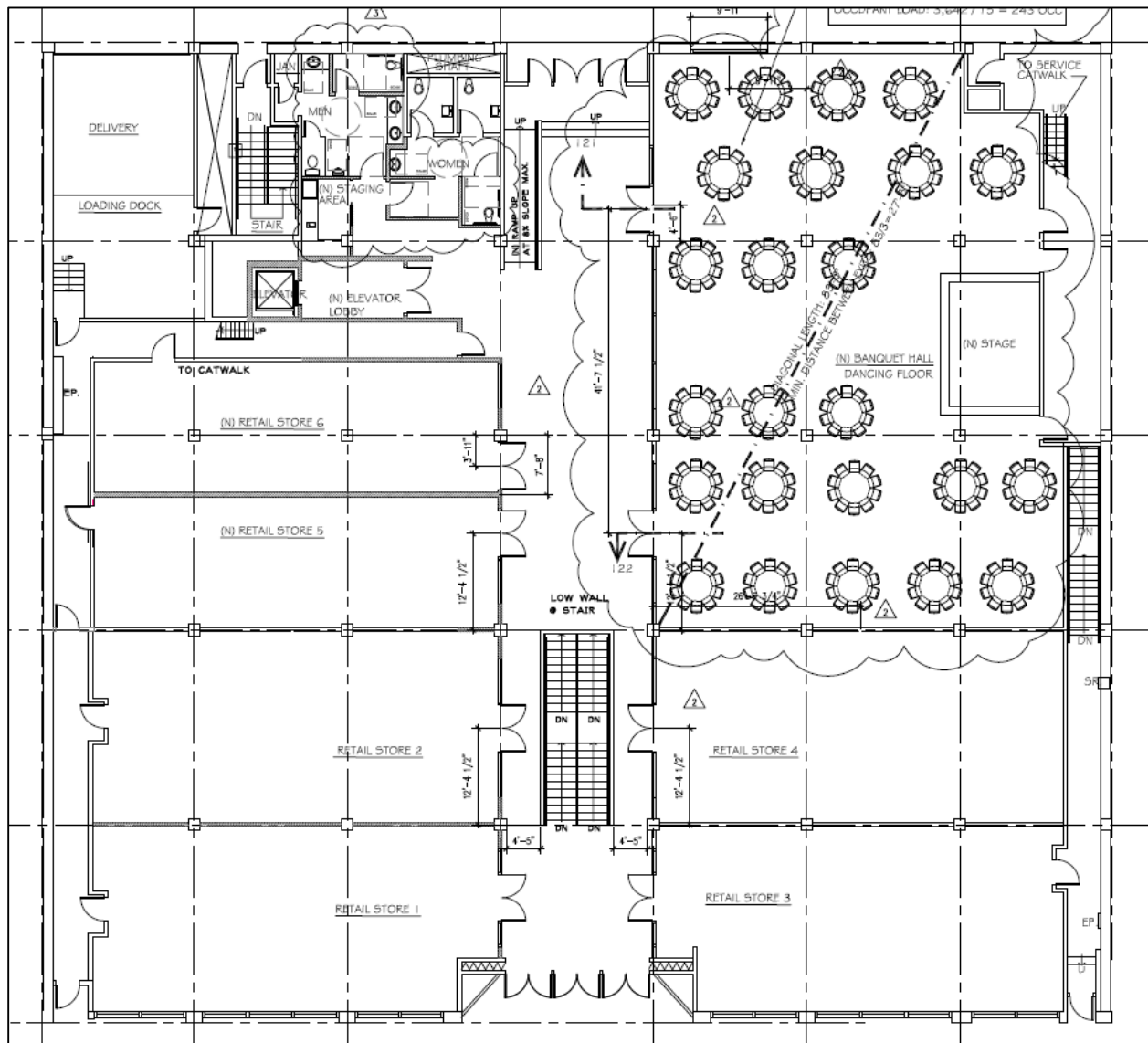
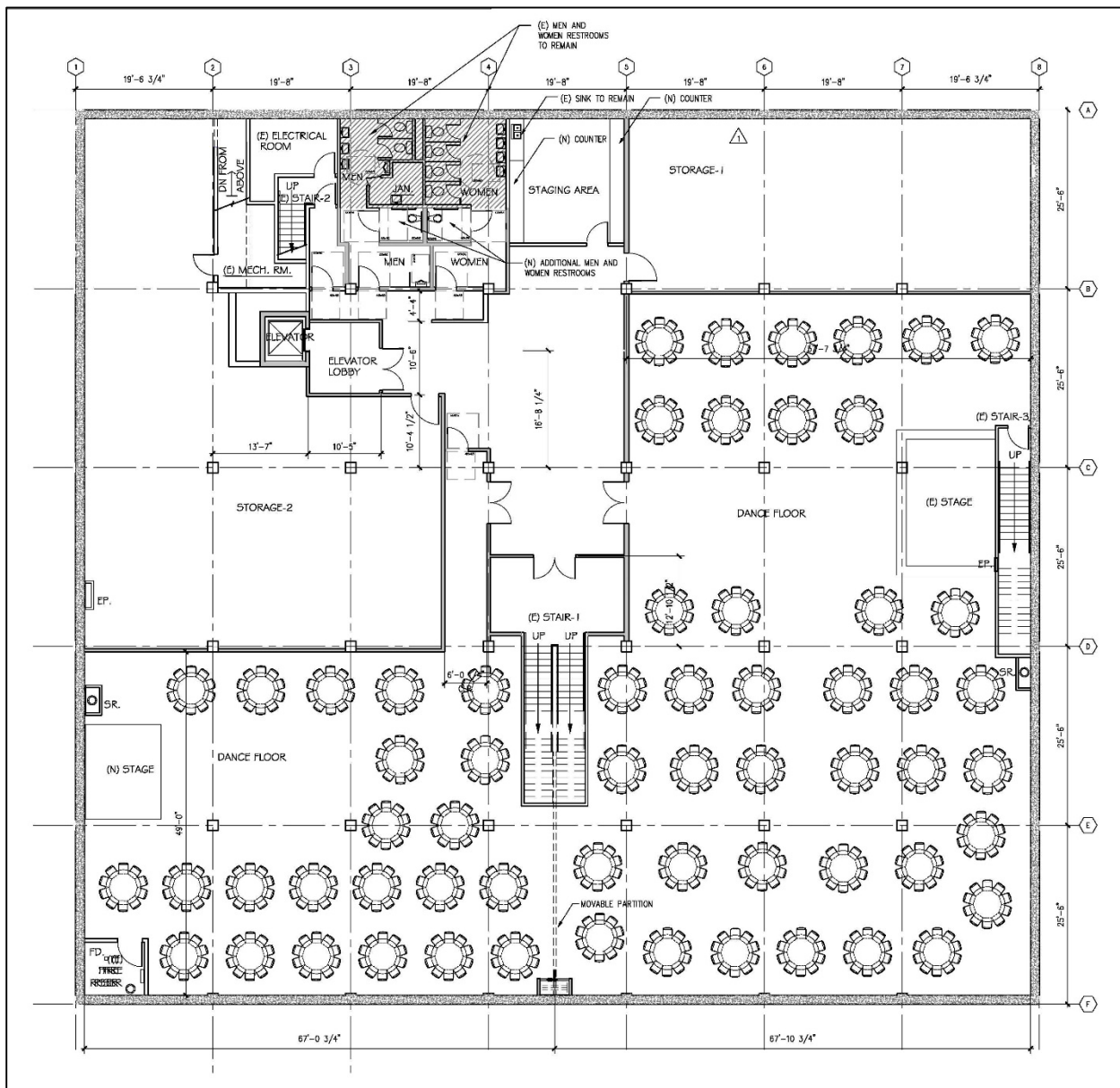


Exhibit C: Floor Plans



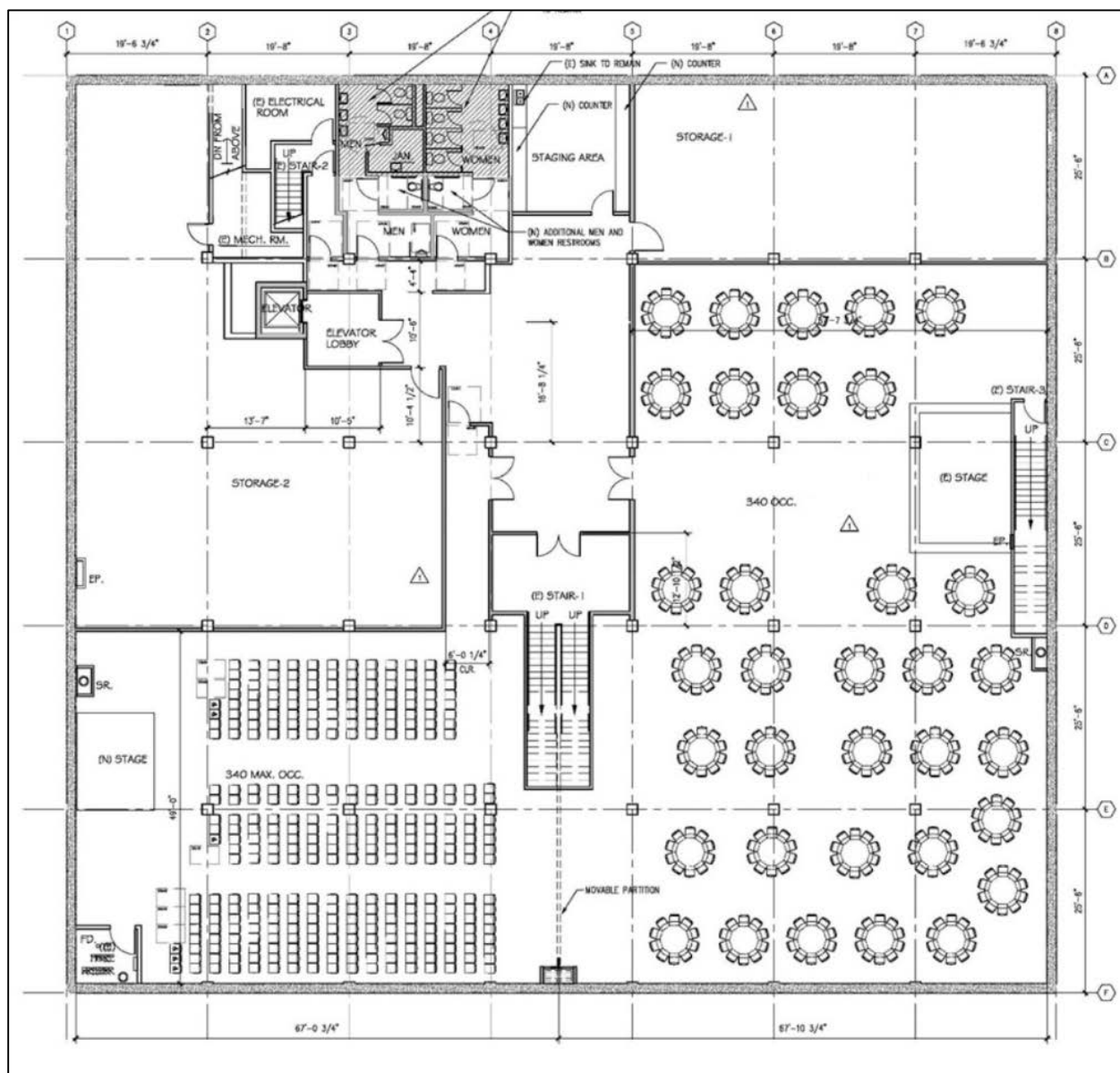
Proposed Ground Floor Plan

Exhibit C Cont'd: Floor Plans



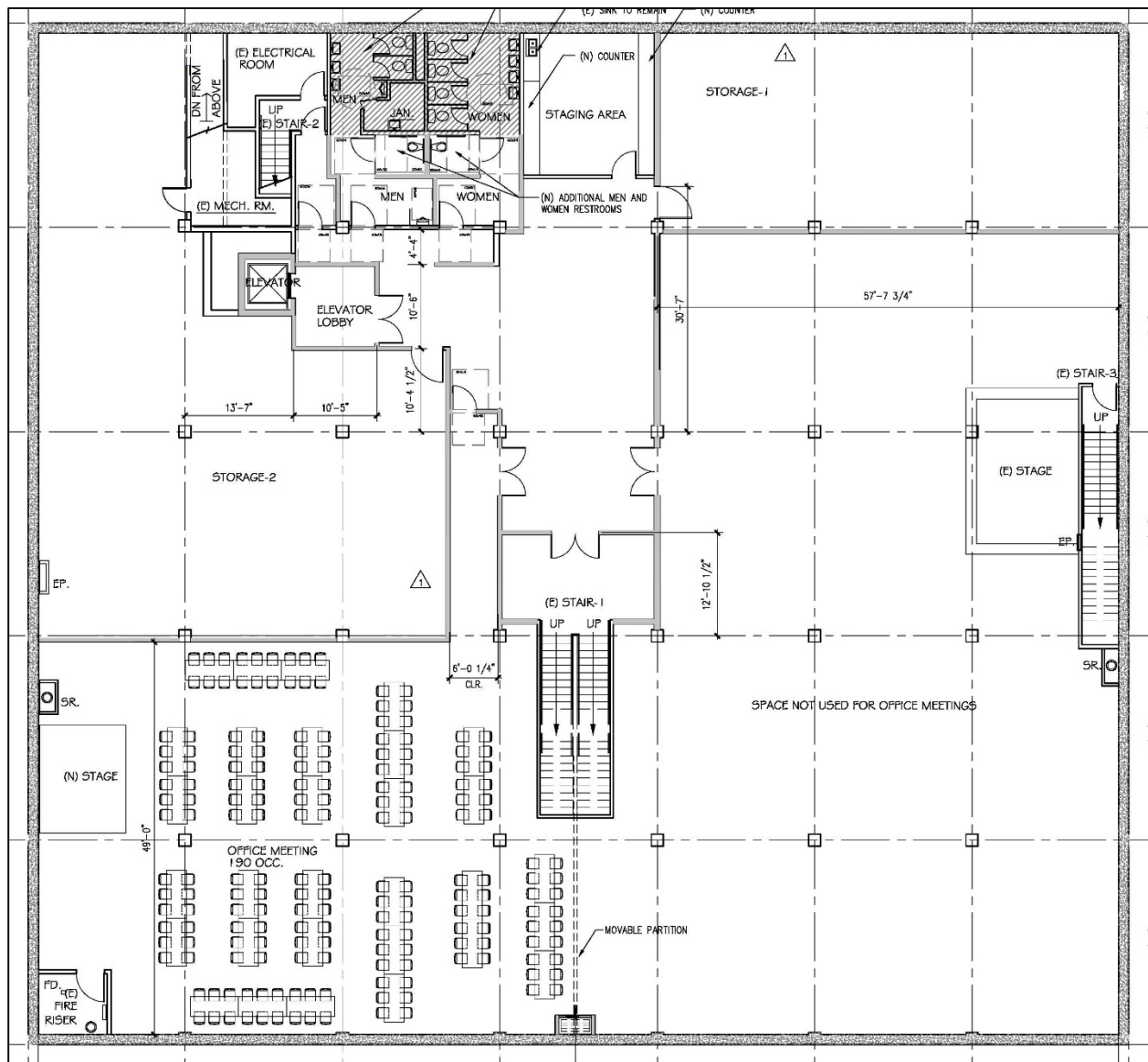
Proposed Basement Floor Plan-Scenario 1

Exhibit C Cont'd: Floor Plans



Proposed Basement Floor Plan-Scenario 2

Exhibit C Cont'd: Floor Plans



Proposed Basement Floor Plan-Scenario 3

Exhibit D: Site Photos

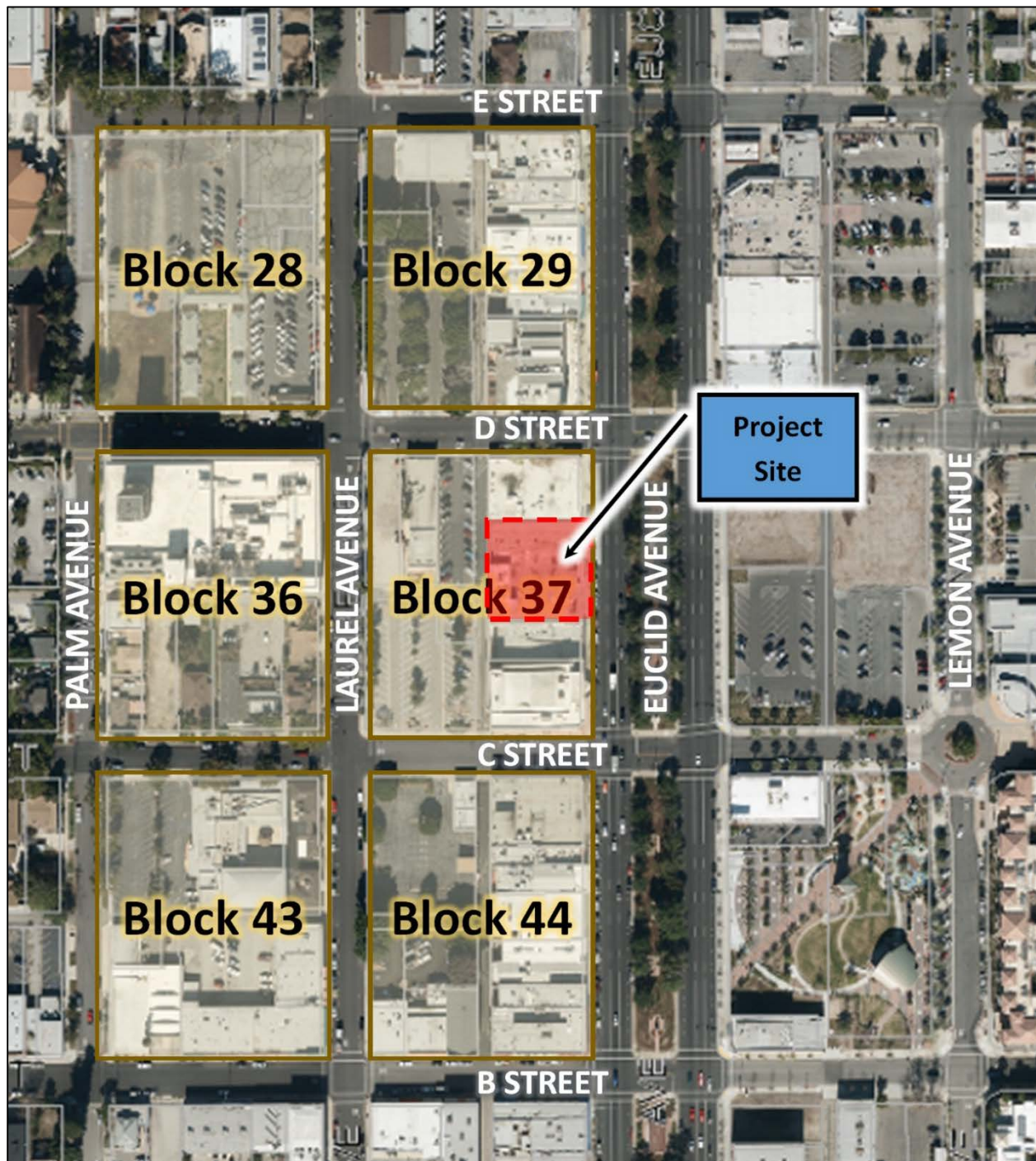


Project Site – Front/View looking west



Project Site – Rear view looking east

Exhibit E: Parking Blocks



DEPARTMENTAL CONDITIONS AND RECOMMENDATIONS

DATE: October 18, 2016

FILE NO.: PCUP16-011

SUBJECT: A request to: [1] establish a banquet facility with live entertainment and dancing within a 9,332 square foot area of the basement level and within a 4,447 square foot tenant space on the ground level; and [2] authorize alcoholic beverage sales for consumption on the premises with a catering permit, in conjunction with the banquet facilities, within an existing 33,740 square foot retail building on 0.41 acres of land, located at 317 North Euclid Avenue, within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities). 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: 1048-566-05); **submitted by Global Brands Import.**

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

☒ PLANNING
☐ LANDSCAPING DIVISION
☐ ENGINEERING
☐ UTILITIES/SOLID WASTE
☒ BUILDING

☐ ECONOMIC DEVELOPMENT
☐ HOUSING
☒ FIRE
☒ POLICE



Planning Department Conditions of Approval

Meeting Date: October 18, 2016

File No: PCUP16-011

Project Description: A request to: [1] establish a banquet facility with live entertainment and dancing within a 9,332 square foot area of the basement level and within a 4,447 square foot tenant space on the ground level; and [2] authorize alcoholic beverage sales for consumption on the premises with a catering permit, in conjunction with the banquet facilities, within an existing 33,740 square foot retail building on 0.41 acres of land, located at 317 North Euclid Avenue, within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts. The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities). 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: 1048-566-05); **submitted by Global Brands Import.**

Prepared by: Elly Antuna, Assistant Planner

Phone: (909) 395-2036; **Email:** eantuna@ontarioca.gov; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

The above-described Project shall comply with the following conditions of approval:

1.0 General Requirements.

1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.

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

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

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

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

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

2.1 Site Lighting.

(a) Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building/electrical permits.

2.2 Loading and Outdoor Storage Areas.

(a) Areas designated for off-street parking, loading, required access drives and maneuvering areas shall not be used for the outdoor storage of materials.

2.3 Trash Enclosures.

(a) All refuse shall be stored in an appropriate refuse container per City Standards.

2.4 Signs.

(a) The location, quantity, size, and design of all signage shall, including but not limited to wall, pedestrian, rear and window signs, 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.

(b) 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.

(c) View obscuring material that is applied to any window, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving

system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.

2.5 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) The rear doors on the ground floor banquet room shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

(e) 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.

(f) 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.

(g) 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.

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

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

2.6 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.

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

2.7 Additional Fees.

(a) Within 5 days following final application approval, the ☐ Notice of Determination (NOD), ☒ Notice of Exemption (NOE), 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 will 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 the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

2.8 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.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”



TO: Elly Antuna, Planning

FROM: Officer Quinones, COPS Unit, ABC Detail

DATE: May 24th, 2016

SUBJECT: FILE NO. PCUP16-011 – BANQUET HALL
317 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: Elly Antuna, Associate Planner
Planning Department

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

DATE: May 10, 2016

SUBJECT: PCUP16-011 / A request to modify Conditional Use Permit, File No. PCUP05-014, to eliminate the establishment of a full service sit down restaurant with On-Sale General for a Bona Fide Public Eating Place (ABC License Type 47) and establish a 9,332 square foot banquet hall facility with live entertainment, dancing, and a caterer's permit (ABC Licenses Type 58) to authorize the sale of alcoholic beverage for consumption on the premises in the basement level of an existing single story building within the MU1- Mixed Use and EA Euclid Avenue zoning districts located at 317 N. Euclid Avenue (APN: 1048-566-05).

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- ☒ 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: III A ordinary, one hour rated
- B. Type of Roof Materials: N/A

C. Ground Floor Area(s): 16,870 sq. ft. w/ basement

D. Number of Stories: 2

E. Total Square Footage: 33,740 sq. ft.

F. 2013 CBC Occupancy Classification(s): A-2, S-2

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.ontarioca.gov, click on "Government," "Fire" 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 PROJECT SPECIFIC CONDITIONS

- ☒ 7.1 A revised exiting analysis shall be submitted on the construction plans, and shall be reviewed by the Fire Department prior to construction or occupancy. Such exiting analysis shall include occupant load, required exit widths, separation distance of exits, travel distance, and all other applicable requirements.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Elly Antuna
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: September 14, 2016
SUBJECT: PCUP16-011

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

Conditions of Approval

1. The building is to meet current Building Code for the proposed new use.

KS:se