



CITY OF ONTARIO
ZONING ADMINISTRATOR
AGENDA

July 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. PCUP17-006:** A Conditional Use Permit request to establish and operate an e-liquid manufacturing use within an existing 21,070 square foot industrial building, on 5.41 acres of land, located at 2040 South Lynx Place, within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section §15301 (Class 1-Existing Facilities) of the CEQA guidelines. The 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: 0113-491-66); **submitted by Ruthless Vapor Corporation.**
- 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) and Live Entertainment (Karaoke), 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, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **July 13, 2017**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

Maureen Duran



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

July 17, 2017

DECISION NO.: [insert #]

FILE NO.: PCUP17-006

DESCRIPTION: A Conditional Use Permit to establish and operate an e-liquid manufacturing use within an existing 21,070-square foot industrial building, on 5.41 acres of land, located at 2040 South Lynx Place, within the IG (General Industrial) zoning district. APN: 0113-491-66; **submitted by Ruthless Vapor Corporation.**

PART I: BACKGROUND & ANALYSIS

RUTHLESS VAPOR CORPORATION, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval for File No. PCUP17-006, 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 5.41 acres of land located at 2040 South Lynx Place 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>	Industrial Building	Industrial	IG (General Industrial)	n/a
<i>North</i>	Industrial Building	Industrial	IG (General Industrial)	n/a
<i>South</i>	Flood Control Basin	OS-NR (Open Space-Non Recreational)	OSR (Open Space Recreational)	n/a
<i>East</i>	Industrial Building	Industrial	IG (General Industrial)	n/a
<i>West</i>	Industrial Building	Industrial	IG (General Industrial)	n/a

(2) Project Analysis:

(a) Background— Ruthless Vapor Corporation was first establish in the City of San Dimas in 2011. Due to the company's expansion and growth, it now needs to move to a larger facility to accommodate the growing business operations. On February 7, 2017, the applicant applied for a Conditional Use Permit request to establish their manufacturing facility in the City of Ontario.

Prepared: DC / 6-19-17	Reviewed: RZ/ 6-30-17	Decision: [enter initial/date]
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The project site is located within the Safari Industrial Center, within an existing 153,000 square foot, multi-tenant industrial building. The applicant will occupy Unit 2, which is a 21,070 square foot warehouse with an ancillary 2,150 square foot office.

The proposed unit, located at 2040 South Lynx Place, was previously occupied by the Vineyard Christian Fellowship Church that was approved on March of 1993 (see **Exhibit B – Project Site**). The Church has since vacated the unit and the suite has remained vacant.

(b) Proposed Use — The applicant is requesting approval of a Conditional Use Permit to establish and operate an e-liquid manufacturing business at 2040 South Lynx Place. E-liquid is the mixture used in vapor products, such as in e-cigarettes (electronic cigarettes) & hookah apparatus/smoking devices (bars & lounges), and consists of propylene glycol, glycerin, water, nicotine, and flavorings. While the ingredients vary, the liquid typically contains approximately 95% propylene glycol and glycerin. Propylene Glycol (PG) is a thin liquid that has a slight sweet taste to it and Glycerin is a thicker and tasteless liquid. Both liquids are found in many food products and are also used as a base for all e-liquids.

The applicant is proposing to manufacture and warehouse Food and Drug Administration (FDA)-regulated e-liquid products, which will be manufactured using raw ingredients. The raw ingredients used in the manufacturing of e-liquid solution are Propylene Glycol (PG), Vegetable Glycerin (VG), food-grade flavorings, and optional nicotine amounts. The applicant is also proposing tenant improvements to accommodate the e-liquid manufacturing process, which requires separate permits through the Building and Safety Department.

The applicant is proposing to reconfigure the existing 21,070 square foot unit into three areas (**see Exhibit C: Floor Plan**), as follows: include:

- 1) Administrative Offices – The 2,150 square foot office area will be reconfigured into a front desk reception area, 5 offices, conference room, 2 restrooms, and storage.
- 2) Production & Manufacturing – The 7,220 square foot production and manufacturing area will contain the following:
 - Production Area (5,000 SF);
 - Manufacturing – Cleanroom (2,220 SF);
 - Raw Material Storage
 - Roof Deck Dry Storage
 - Employee Area
 - Bottling & Labeling
 - 1 - Manufacturing Packing Line
 - Storage Racks (Adjacent to Cleanroom)

The production and manufacturing process involves compounding, mixing, bottling, labeling, and packaging of the proposed e-liquid products, which takes place within a 2,220-square foot cleanroom. The proposed cleanroom floor area will include the following:

- Air Shower Room
- Gowning Room
- Mixing Room
- Steeping Room
- Bulk Stage Room
- Main Room

The production and manufacturing process of e-liquids will take place within the 2,220 square foot cleanroom (**see Exhibit C2: Cleanroom Floor Plan**). Manufacturing employees enter the cleanroom through an air shower room and change into special gowns to ensure employee sanitation and reduce outside contamination within the e-liquid manufacturing area. The employee can then proceed to the mixing room or steeping room, where e-liquid products are mixed and tested. Within these two room, the various e-liquid flavorings are created and compounded, then mixed with Propylene Glycol (PG), Vegetable Glycerin (VG), and (PG) based nicotine. This compound is then filled into bottles through the use of a semi-automated bottling machine (**see Exhibit D: Semi-Automatic Bottling Machine**). E-liquid products that are manufactured in excess or do not meet FDA standards are moved to the bulk stage room, to be sorted, and eventually disposed of. The bulk room will be used as a staging room for all e-liquid products manufactured within the cleanroom.

The main room, also known as the production room, will include two manufacturing production lines and a semi-automatic bottling machine. In this room, all e-liquid compounded products are bottled. These bottles are then capped with a child proof cap, manually labeled with a tamper evident band, and then moved outside the clean room, to the packaging line, to be boxed and stored within the warehouse portion of the building.

Among some of the final products manufactured by the applicant are: EZ DUZ IT On Ice, Peach Fuzz, Grape Drank, Swamp Thing (Sour Apple Hard Candy), and Jungle Fever (**see Exhibit F – Samples E-Liquid Products**).

3) Shipping & Warehousing – The northern portion of the building will be utilized for general warehouse storage and shipping activities (7,966 square feet). The warehousing area will include the following:

- Storage Racks
- Shipping Area
- Loading Dock Door

Ruthless Vapor Corporation employs 40 employees, consisting of 4 office workers, 8 part-time drivers, and 28 part-time warehouse workers. The proposed business hours of operation are 7:00 a.m. to 5:00 p.m., Monday to Friday.

(c) Parking— According to the Ontario Development Code, the project is required to provide a total of 27 parking spaces. The project suite has been assigned and allocated a total of 40 parking spaces by the leasing center for the multi-tenant industrial park. The parking spaces are located in front (north), side (west) and rear (south) areas of the building suite (see **Exhibit B – Project Site**). As demonstrated in the parking table below, the multi-tenant building has a total of 260 parking spaces and 140 parking spaces are required for the proposed use and existing tenants within the multi-tenant building. There will be a surplus of 120 parking spaces and therefore staff does not anticipate any parking issues or impacts with the proposed use.

Required Parking Table

Proposed E-Liquid Use	Square Footage	Parking Ratio	Required Parking
General Warehousing + General Business Office	13,850	1/1,000 SF	14
Manufacturing	7,220	1.85/1,000 SF	13
Total	21,070		27
Existing Building Tenants	Square Footage	Parking Ratio	Required Parking
Warehouse & General Office Area (Building 4)	112,572	1/1,000 SF	113
Total	112,572		113
Total Required Parking			140
Total Parking Provided			260
Total Parking Surplus			+120

(d) Land Use Compatibility – A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and by establishing measures for mitigation. The existing industrial building will be utilized for manufacturing & warehousing of E-liquid products, which will not intensify the surrounding uses within the Safari Park Industrial complex, since the surrounding uses are similar to the applicant’s proposed use. Other existing businesses surrounding this use are: Harris Battery Company, Industrial Design Systems, Pulsar Products Inc., and Ink FX Corporation. The surrounding uses along the east, west, and north are all industrial related uses. Furthermore, the property of the south is a 19-acre, Chino Basin-Flood Control System. The building will be utilized similar to the surrounding businesses, therefore, no new impacts are anticipated as a result of the proposed e-liquid manufacturing use (see **Exhibit D: Site Photos**).

The nearby uses are predominantly industrial uses within the Safari Industrial complex and will not be exposed to any impacts beyond those that would normally be associated with an industrial use. Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts associated with the proposed use.

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

(1) Denny D. Chen, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

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

(3) [insert additional speaker info]

(4) [insert additional speaker info]

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

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

PART III: THE DECISION

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

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

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

(a) *The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.* The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Development Code and zoning district within which the site is located. The proposed Conditional Use Permit application to establish a 21,070 square foot e-liquid manufacturing use within an existing industrial building, on 5.41 acres of land, within the IG (General Industrial) zoning district will be located at 2040 South Lynx

Place is designated for General Industrial. 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 General Industrial zoning district. The scale and intensity of the proposed E-liquid manufacturing use would be consistent with the scale and intensity of land uses intended for the IG (General Industrial) zoning district. The manufacturing use will consist of production, manufacturing, and storage of e-liquid products manufactured on site. Ruthless Vapor Corporation will use this facility to manufacture and warehouse e-liquids and related products; and

(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.* Among some of these goals are: 1) To invest in the Growth and Evolution of the City's economy, 2) Operate in a business-like manner, and 3) Maintain a high level of public safety. The proposed Conditional Use Permit (File No. PCUP17-006) request to establish and operate an e-liquid manufacturing facility, with ancillary office and warehousing use is a conditionally permitted use. Therefore, a Conditional Use Permit is required. The proposed Conditional Use Permit application to establish a 21,070 square foot e-liquid manufacturing use within an existing industrial building, on 5.41 acres of land, is consistent with the Policy Plan Master Land Use Plan designates for General Industrial land use. Furthermore, 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 promotes the establishment and intensification of industrial land uses in the area of the project site; and

(c) *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code, and any applicable specific plan or planned unit development.* The 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 IG (General Industrial) zoning district. Furthermore, the proposed site is located within an existing industrial complex (Safari Industrial Center) and is surrounded by other similar industrial uses, such as Harris Battery Company, Industrial Design Systems, Pulsar Products Inc., and Ink FX Corporation.

(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 IG (General Industrial) zoning district, in which Chemical Manufacturing is a conditionally permitted use. 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 and will not be detrimental to the health, safety, or general welfare of the persons residing or working in the surrounding neighborhood. The e-liquid manufacturing facility is located within an industrial complex (Safari Industrial Center) and is predominantly surrounded by industrial uses. The proposed Chemical Manufacturing use is consistent with the permitted uses within the industrial complex and the use is less intensive than some of the surrounding businesses within the industrial park, such as the battery company located next door to Ruthless Vapor Corporation. Furthermore, staff has placed conditions of approval that will mitigate any potential negative impacts on the immediate neighborhood.

(f) 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 (Class 1 - Existing Facilities) of the State CEQA Guidelines.

(g) 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.

(h) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP17-006, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED AND ADOPTED this 17th day of July 2017.

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

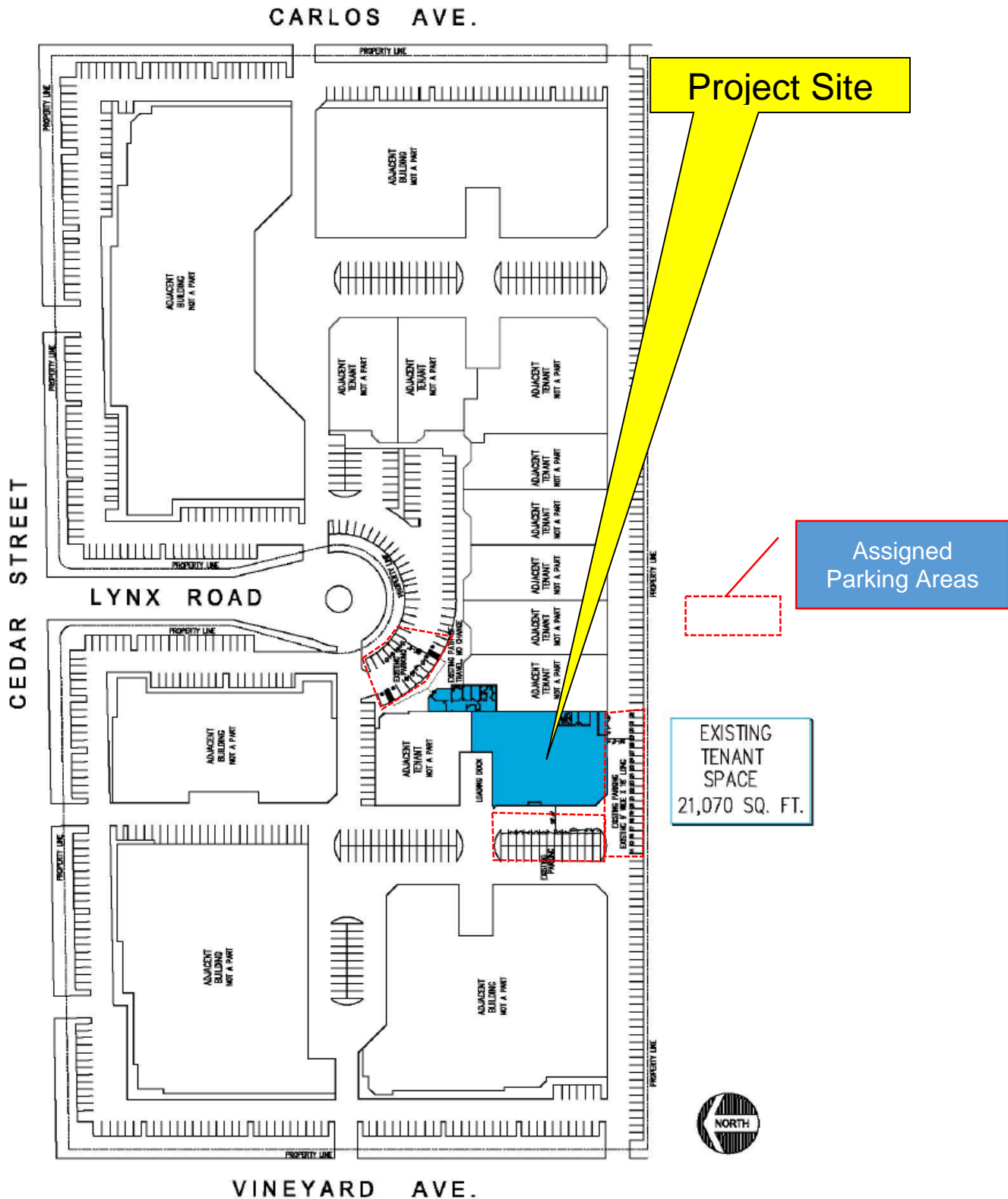


Exhibit C: Floor Plan

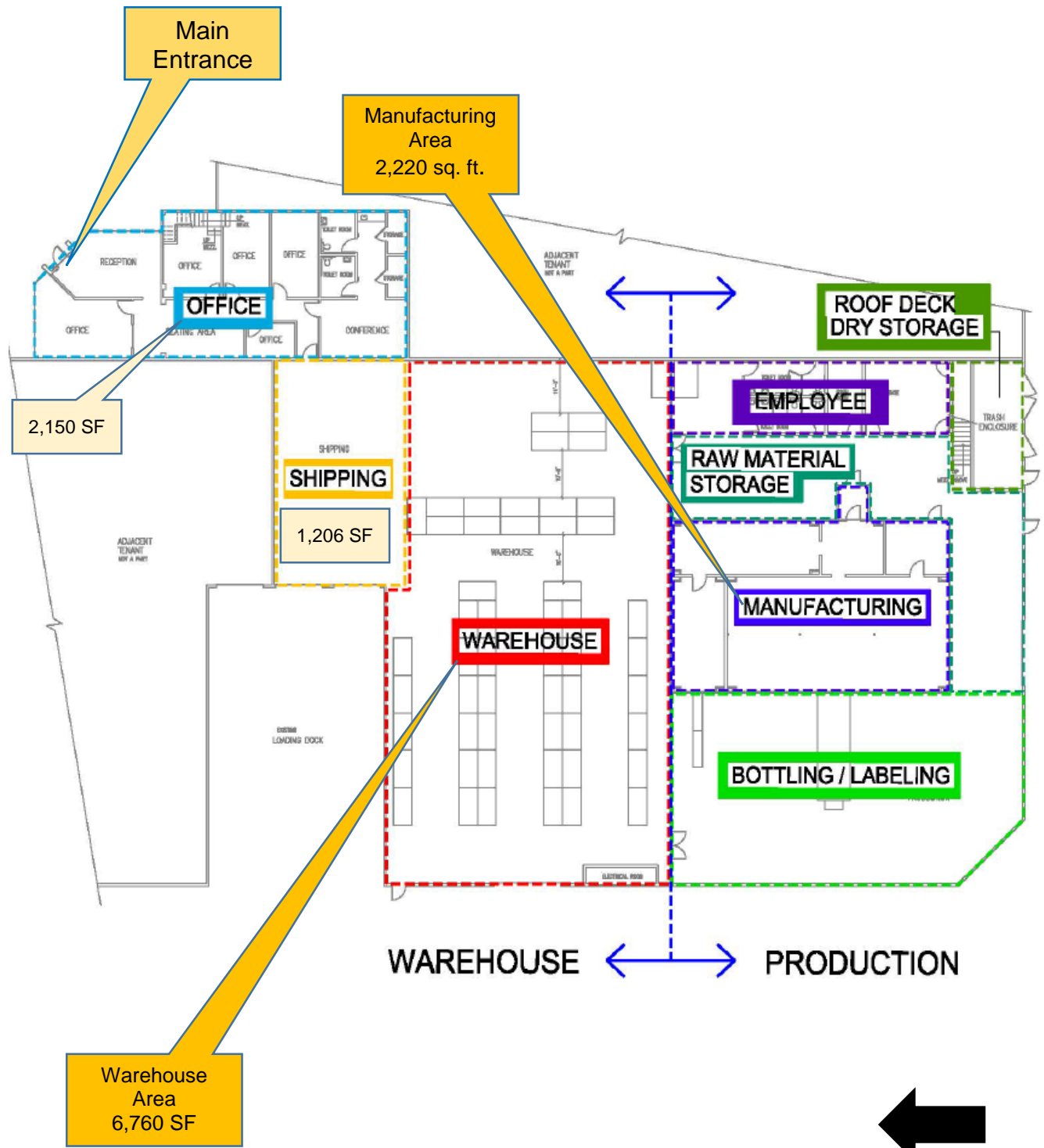


Exhibit C1: Floor Plan – Production & Manufacturing Side

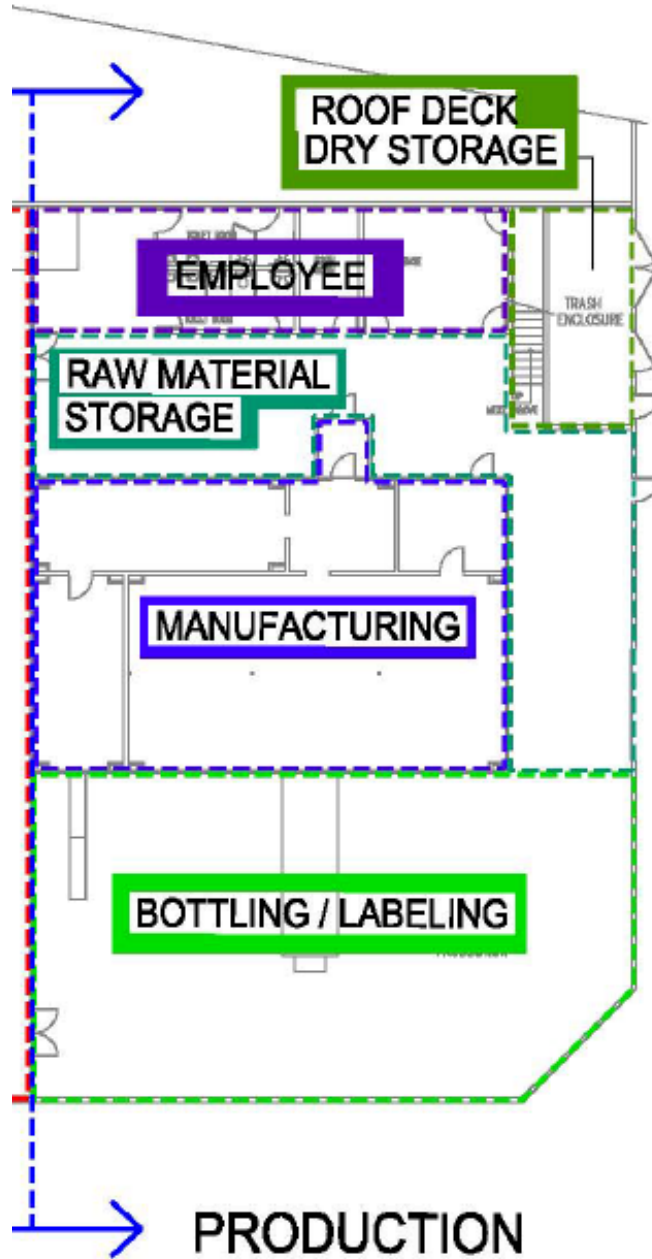


Exhibit C2: Cleanroom Floor Plan

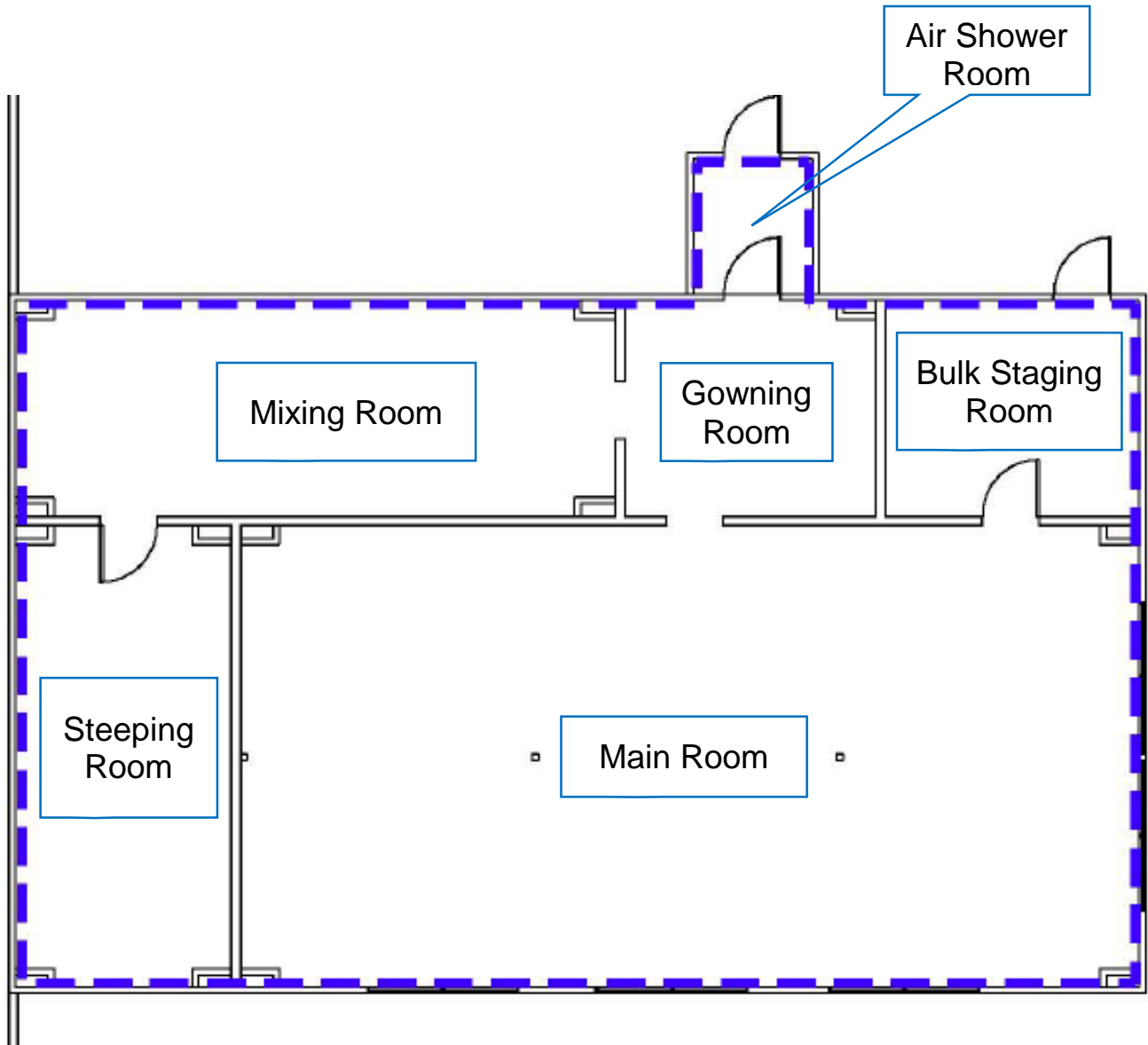


Exhibit C3: Floor Plan – Warehouse & Shipping Side

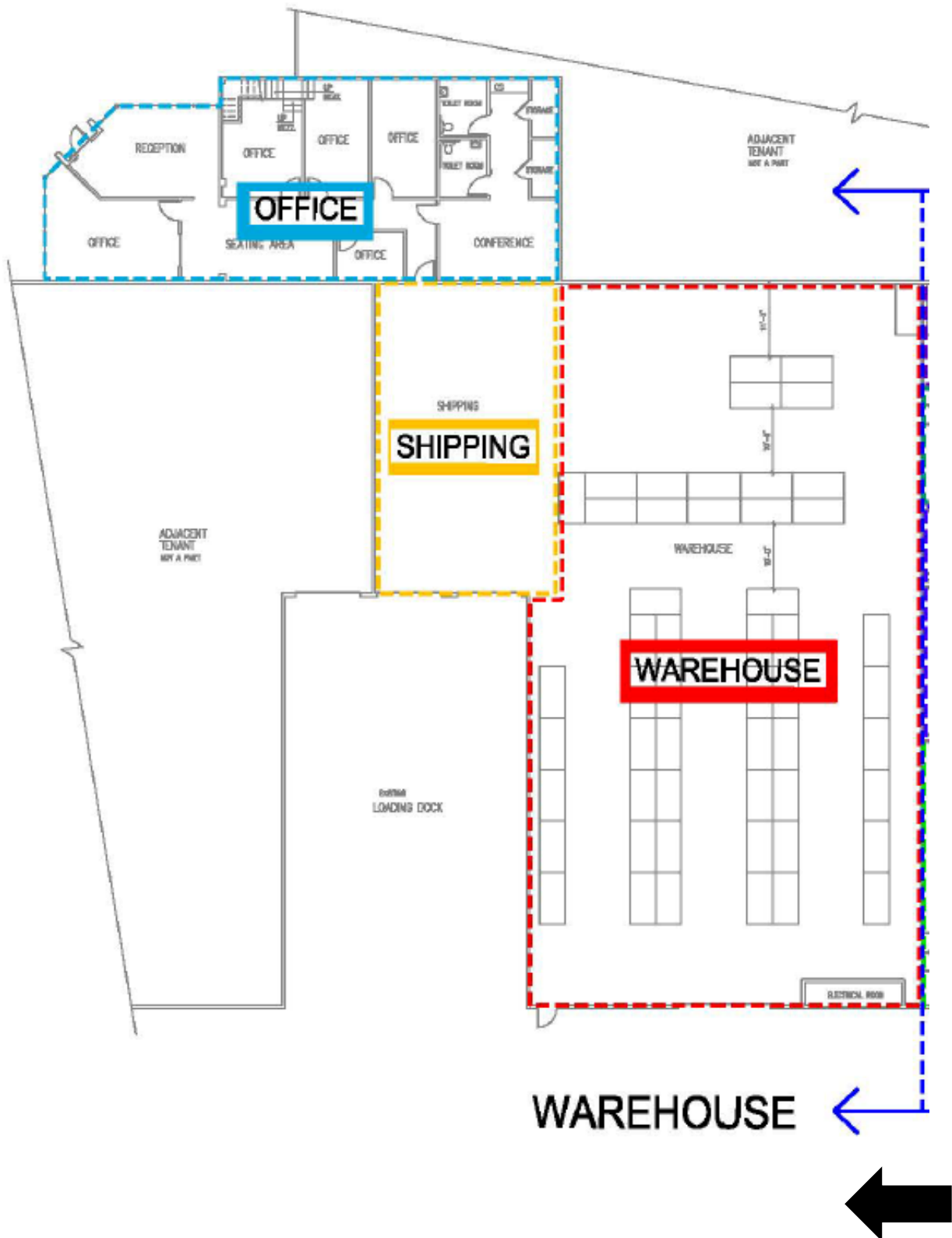


Exhibit D: Semi-Automatic E-Liquid Bottling Machine

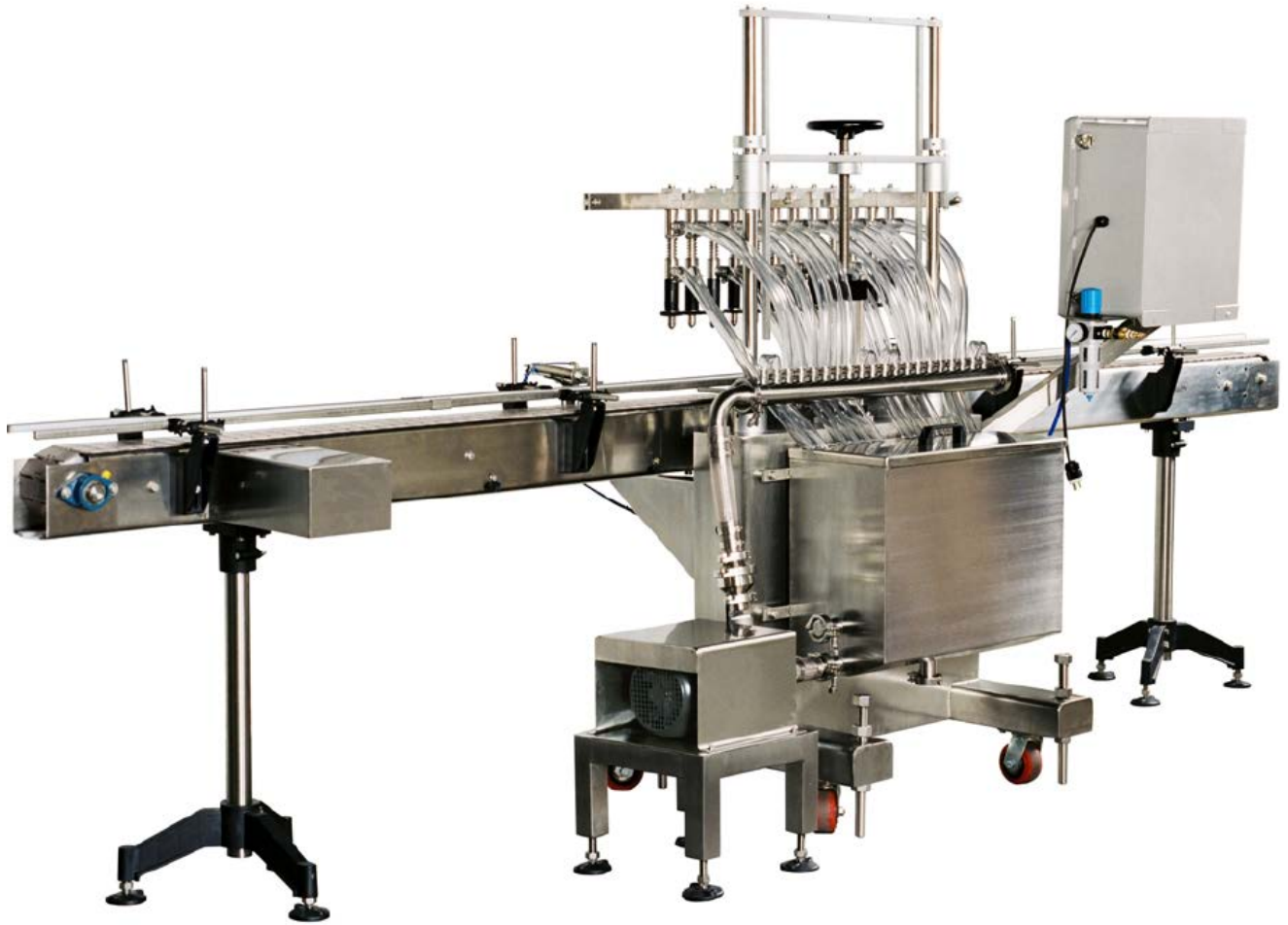


Exhibit E: Site Photos



FRONT ENTRY



Southwest View of Building's Main Entrance

Exhibit E: Site Photos



REAR VIEW



Southeast View of Building's Parking Area

Exhibit E: Site Photos



SIDE VIEW / LOADING DOCK AREA



Northeast View - Side of the Building

Exhibit E: Site Photos



VIEW INSIDE WAREHOUSE



OUTSIDE VIEW OF 2,220 SF CLEAN ROOM

EXHIBIT F – Samples of E-liquid Products

AVAILABLE IN: 0.3, 6, 12 MG / 15, 30, 60, 120 ML



Ruffless

EZ DUZ IT ON ICE A Mixture of STRAWBERRY AND WATERMELON WITH MENTHOL 15% VG/15% PG	EZ DUZ IT A Mixture of STRAWBERRY AND WHITE LABEL 90% VG/10% PG	RISE LITCHI MANGO 40% VG/40% PG	RISE ON ICE LYCHEE MANGO WITH MENTHOL BREZLE 60% VG/40% PG	MANDINGO BANANA BAIT CINNAMON BREAD 40% VG/40% PG	SherBAE ORANGE SHERBET 60% VG/40% PG
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AVAILABLE IN: 0.3, 6, 12 MG / 15, 30, 60, 120 ML



Ruffless

PEACH FUZZ PEACHES AND CREAM 85% VG/15% PG	GRAPE DRANK GRAPE JUICE AND GRAPE CANDY 85% VG/15% PG	SLURRICANE A TROPICAL BLEND OF CLAM, PEPPA, AND PEACH 40% VG/40% PG	SWAMP THANG SOUR APPLE HARD CANDY 85% VG/15% PG	MENAGE A TROIS CREAM RASPBERRY CHOCOLATE 85% VG/15% PG	JUNGLE FEVER A TASTE OF PINEAPPLE, MANGO, AND LITCHI 90% VG/10% PG
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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: July 17, 2017

File No: PCUP17-006

Related Files: None

Project Description: A Conditional Use Permit request to establish and operate an e-liquid manufacturing use within an existing 21,070 sq. ft. industrial building, on 5.41 acres of land, located at 2040 South Lynx Place, within the IG (General Industrial) zoning district (APN: 0113-491-66); **submitted by Ruthless Vapor Corporation.**

Prepared By: Denny D. Chen
Phone: 909.395.2424 (direct)
Email: dchen@ontarioca.gov

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

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 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. 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, if any.

2.4 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(c) All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(d) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

2.5 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.

(b) 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.

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

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

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

2.8 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).

2.9 Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible 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 and is therefore categorically exempt.

2.10 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.

2.11 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) filing fee (\$50.00) 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.

2.12 Additional Requirements.

(a) A City Business License application must be approved by the City of Ontario Planning Department and issued by the City prior to opening of business.

(b) All applicable Conditions of Approval from other City departments shall be complied with, and shall be fully addressed by the applicant.

(c) Tenant improvements shall be approved and completed prior to operating the proposed use, and a final inspection from Planning is required.

(d) Any future changes related to the business hours of operation and increased number of employees due to either, the expansion and/or further intensification of the manufacturing use, shall require the applicant to file for a Conditional Use Permit (CUP) Modification application along with all required application fees.



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: 03/06/17

PROJECT: PCUP17-006, a Conditional Use Permit to establish a 20,344 sq-ft vape manufacturing business

APN: 0113-491-66

LOCATION: 2040 South Lynx Place

PROJECT ENGINEER: Antonio Alejos A.A.

PROJECT PLANNER: Denny Chen

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 (velopez@ontarioca.gov), Environmental Technician, at (909) 395-2671 for more information about the permit and how to apply.
3. All raw materials, finished products and waste products having to do with the manufacturing processes at this facility must be stored inside the building or under a solid roof with spill containment.

Khoi Do, P.E.
Assistant City Engineer

3-7-17
Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 14, 2017
SUBJECT: PCUP17-006

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

Conditions of Approval

1. Additional requirement may be required based on the type and amount of chemical used.
2. When plans are submitted for plan check, the adjacent tenant use will need to be reviewed.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Denny Chen, Associate Planner
Planning Department

FROM: Michelle Starkey, Deputy Fire Marshal
Fire Department

DATE: February 13, 2017

SUBJECT: PCUP17-006 A Conditional Use Permit to establish a 20,344-square foot vape manufacturing business for Ruthless Vapors (NAICS Code 3259 Other Chemical Manufacturing) on approximately 5.41 acres of land located at 2040 South Lynx Place, within the IG (General Industrial) zoning district (APN: 0113-491-66).

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

No comments

Report below.

1. Any alterations to the fire sprinkler system and the fire alarm system will require a plans submittal to the fire department.
2. If storage inside the building exceeds 12 feet in height for general commodities or 6 feet in height for high-hazard commodities, a high pile storage plans submittal will be required to the fire department.

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: Denny Chen, Planning Department

FROM: Douglas Sorel, Police Department

DATE: March 6, 2017

SUBJECT: PCUP17-006: A CONDITIONAL USE PERMIT TO ESTABLISH A
"VAPE" MANUFACTURING FACILITY LOCATED AT 2040 SOUTH
LYNX PLACE

The "Standard Conditions of Approval" contained in Resolution No. 2010-021 apply. The applicant shall read and be thoroughly familiar with these conditions.

The Applicant shall comply with all local, state, and federal statutes related to the storage and manufacturing of the proposed products and related ingredients, including all newly enacted FDA Rules regulating the registration and manufacturing of "tobacco products."

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns.

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP17-006
 Address: 2040 S Lynx Place
 APN: 0113-491-66
 Existing Land Use: Existing Industrial Park - Warehouse use
 Proposed Land Use: CUP to establish a chemical manufacturing business
 Site Acreage: 5.41 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: Denny Chen
 Date: 2/14/2017
 CD No.: 2017-006
 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 checked="" type="checkbox"/> Recorded Overflight Notification |
| <input type="radio"/> Zone 2 | <input type="radio"/> 65 - 70 dB CNEL | <input checked="" type="checkbox"/> Airspace Obstruction Surfaces | <input type="radio"/> Real Estate Transaction Disclosure |
| <input type="radio"/> Zone 3 | <input checked="" type="checkbox"/> 60 - 65 dB CNEL | <input type="radio"/> Airspace Avigation Easement Area | |
| <input type="radio"/> Zone 4 | | Allowable Height: 200 ft + | |
| <input type="radio"/> Zone 5 | | | |

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

- Zone 1 Zone 2 Zone 3 Zone 4 Zone 5 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: _____



CITY OF ONTARIO MEMORANDUM

TO: "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: Denny Chen, Associate Planner

DATE: February 09, 2017

SUBJECT: FILE #: PCUP17-006

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, February 23, 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 to establish a 20,344-square foot vape manufacturing business for Ruthless Vapors (NAICS Code 3259 - Other Chemical Manufacturing) on approximately 5.41 acres of land located at 2040 South Lynx Place, within the IG (General Industrial) zoning district (APN: 0113-491-66).

- 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.

2/21/17

Landscape Planning *Carolyn Bell* *Sch Landscape Architect*
 Department Signature Title Date



SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

620 South E Street • San Bernardino, CA 92415-0153 • (909) 386-8401 • Fax (909) 386-8460

MEMORANDUM

DATE: February 28, 2017

PHONE: 909.386.8401

FROM: Andrew Bezdek
Hazardous Materials Specialist

TO: Denny Chen, Planner
Planning Department

SUBJECT: Ruthless Vapor Corporation. APN: 0113-491-66

San Bernardino County Fire District, Office of the Fire Marshall, Hazardous Materials Division has the following conditions for this project:

1. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit.

Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

For additional information please contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.



ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT

July 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) and Live Entertainment (karaoke), 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: AV 6/27/2017	Reviewed: RZ 7/10/2017	Decision: [enter initial/date]
------------------------	------------------------	--------------------------------

	<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 was originally heard at the April 17, 2017 Zoning Administrator meeting and was continued to a subsequent date as the applicant failed to be present. The applicant has since requested to add live entertainment (karaoke) to the Conditional Use Permit Application and proposed changes to the original business plan and floor plan. Due to those changes, the Conditional Use Permit Application was re-routed to the various City Departments for review and approval.

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*), in addition to Live Entertainment (karaoke). 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, as well as Live Entertainment (karaoke). 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 a.m. – 2 p.m. daily, with karaoke to be offered Tuesday and Saturday nights starting at 8:30 p.m.

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, a small karaoke platform, 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 a public eating place authorized to sell beer, wine or distilled spirits for consumption on the licensed 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 p.m. 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 proposing to host live sporting game events within the restaurant. Live entertainment (karaoke) is also 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 commercial 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.

When reviewing the parking demand for the commercial center, staff looked at various peak parking demands for each use within the commercial center. The commercial center has a non-exclusive use of parking for the commercial center's tenants. The Chopstick House Restaurant and the rest of the general commercial tenants within the commercial center typically operate from 10 a.m. to 9:00 p.m., resulting in a surplus of 51 parking spaces after 9:00 p.m. Additionally, the existing Mix Champagne Bar Lounge and Falak Ultra Hookah Lounge operate from 6:00 p.m. to 2:00 a.m., which may result in a parking capacity issue between the hours of 6:00 p.m. and 9:00 p.m. within the commercial center. However, the typical peak demand time for the Hookah Lounge and the Champagne Lounge occurs after 9:00 p.m., which results in a surplus of 51 parking spaces and therefore staff does not anticipate that the proposed use will adversely affect the parking demand within the commercial center.

Summary of Parking Analysis				
Land Use	Gross Floor Area (SF)	Parking Ratio	Required Parking	Total Parking Provided
Bar/Night Club (<i>Mix Champagne Bar Lounge and Falak Ultra Hookah Lounge</i>)	11,255	1 space per 100 SF of GFA	113	
Full Service Restaurant (<i>Chopstick House & Flair's Martini and Wings</i>)	4,600 SF	1 space per 100 SF of GFA	46	
General Commercial (<i>Star Nail and Salon and Employment Center</i>)	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, regulations and conditions are met and followed. In addition, the project site is not located in a high crime area, is not in close proximity to residential or sensitive land uses, 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- 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 July 17, 2017, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(1) Alexis Vaughn, Assistant Planner, 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. With approval of the Conditional Use Permit, the project meets the intent of the Specific Plan, which is to provide commercial uses to serve local and regional residential and business needs.

(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. Per the Specific Plan, the area is intended to be used for a regional commercial center surrounded by retail, offices, and support commercial uses. With approval of the Conditional Use Permit, the project is consistent with the Specific Plan’s objectives and requirements, and any potential negative impacts will be minimized with the project’s conditions of approval.

(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 is 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 project site, and proposed retail alcohol license, is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The Police Department has reviewed the application and is recommending approval subject to the conditions of approval. The use is consistent with the 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 not located within close proximity to a residential or sensitive land use.

- 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 17th day of July, 2017.

Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit B: Site Plan

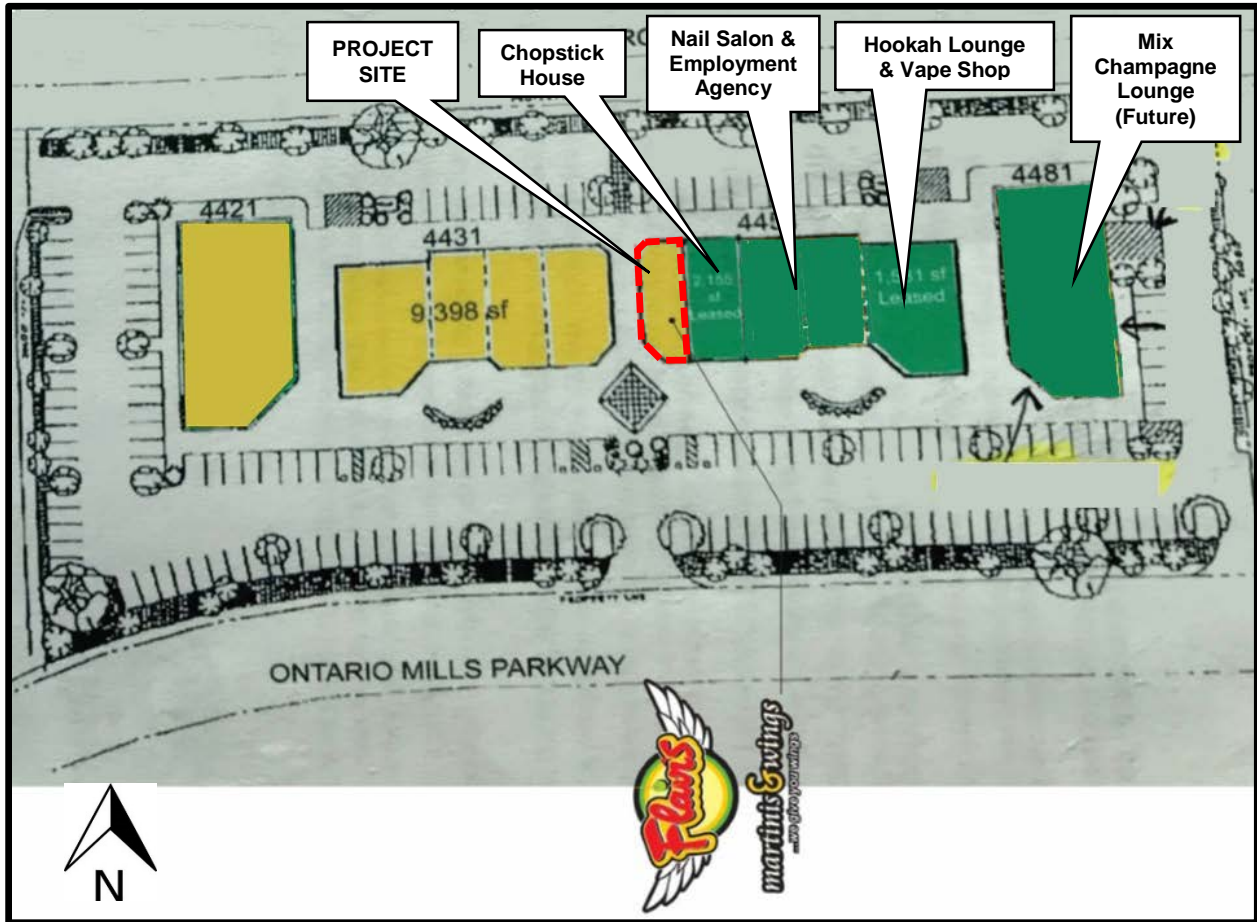


Exhibit C: Restaurant Menu

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

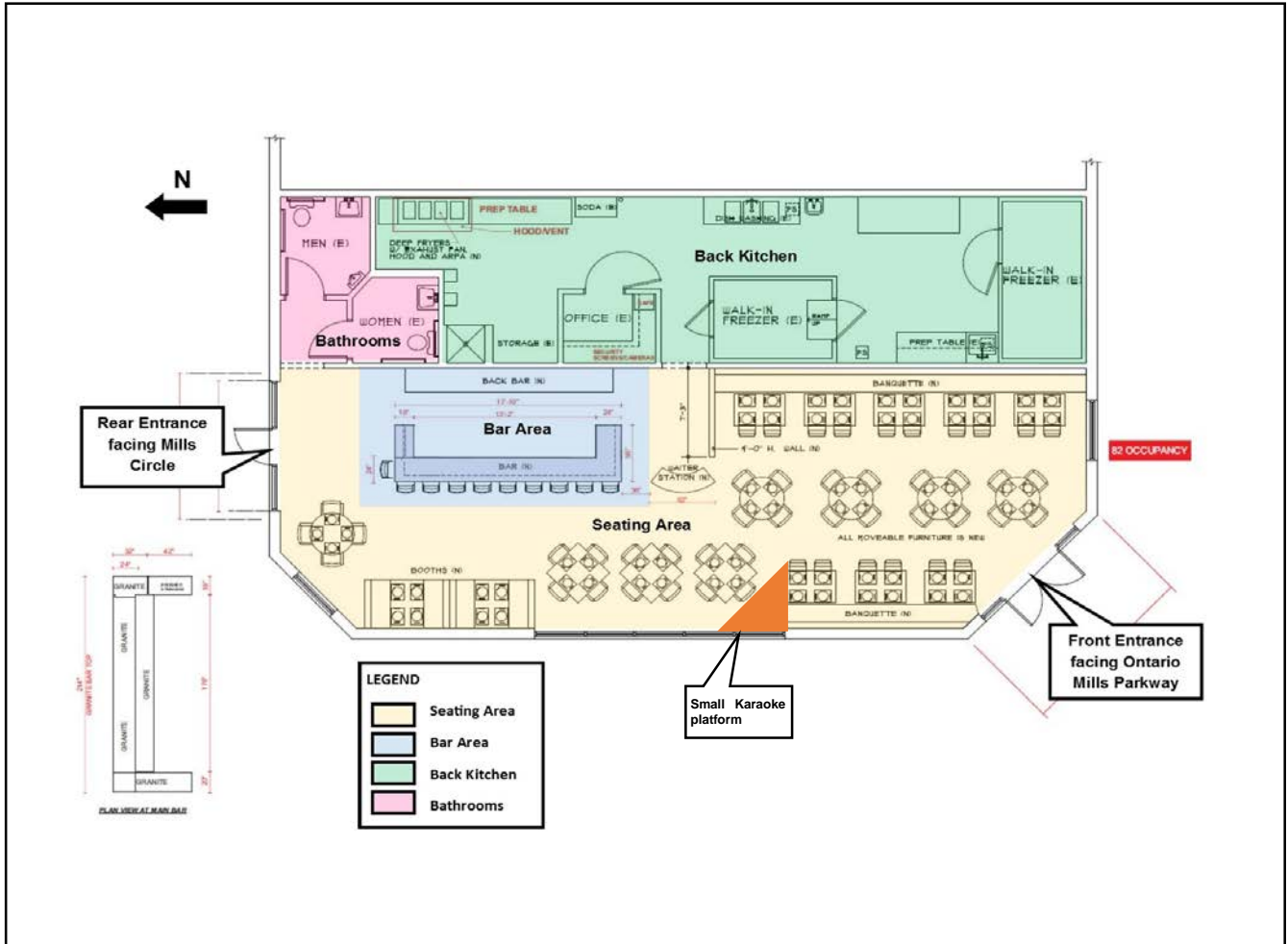


Exhibit E: Site Photos



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

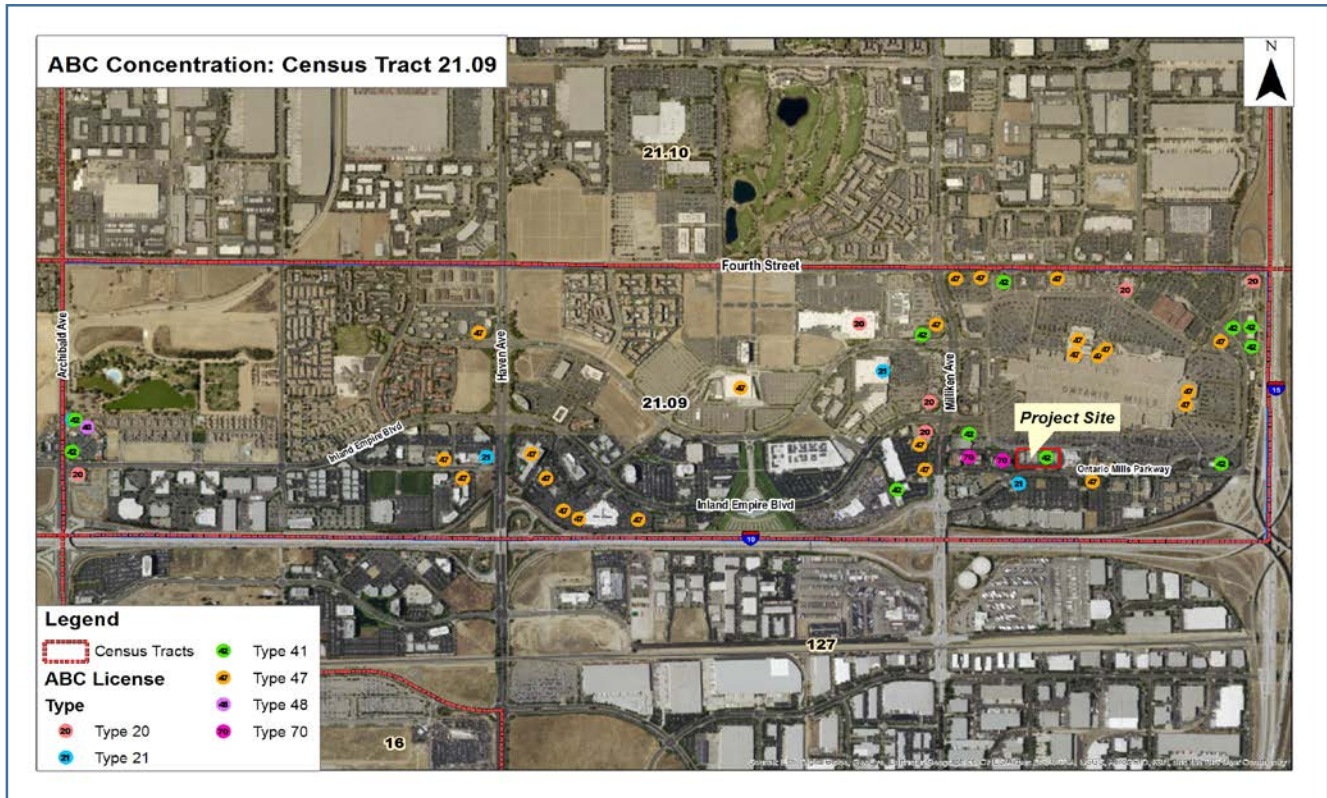


Above: Ontario Mills located north of project site



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: July 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) and Live Entertainment (karaoke), 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: Alexis Vaughn, Assistant Planner
Phone: 909.395.2416 (direct)
Email: avaughn@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, aside from karaoke, shall be prohibited. Karaoke will be permitted the same hours of the restaurant, and the area must be designated on a plan check and solely for the use of karaoke purposes. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator. 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 restaurant's 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..

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. The business shall maintain the ability to provide a full menu until last call.
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. 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.
2. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
3. 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.
4. 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.
5. 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. Karaoke will be permitted the same hours of the restaurant and the area must be designated on a plan check. That area will only be allowed for karaoke purposes.
4. 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.
Assistant City Engineer

3-13-17

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