

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2014-08

HEARING DATE: March 17, 2014

DECISION DATE: March 24, 2014

FILE NO.: PCUP14-001

SUBJECT: A Conditional Use Permit to establish beer and wine sales with a Type 20 ABC License (Off-Sale Beer & Wine) within an existing convenience store (Mobil Mart) and fueling station (Mobil), located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, at 670 North Archibald Avenue, within the C3 (Commercial Service) zone.

STAFF

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

SATDEEP S. BHATIA, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, File No. PCUP14-001, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Description: A Conditional Use Permit to establish alcoholic beverage sales with a Type 20 ABC License (Off-Sale Beer & Wine), within an existing convenience store (Mobil Mart) and vehicle fueling station (Mobil), located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, at 670 North Archibald Avenue, within the C3 (Commercial Service) zone.

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

(c) Zoning Designation: C3 (Commercial Service)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	Specific Plan (Ontario Festival)	Multi-tenant Commercial Center
South:	C4 (Airport Service Commercial)	Vacant Land / Future Hotel
East:	C4 (Airport Service Commercial)	Vacant Land / Future Restaurant
West:	Specific Plan (Meredith)	Vacant Land

- (e) Site Area: 1.28 acres
- (f) Assessor's Parcel No.: 0210-191-24
- (g) Project Analysis:

(1) Location & Operations: Proposed, is a Conditional Use Permit to establish alcoholic beverage sales (limited to beer and wine), for consumption off the premises (Type 20 ABC license) in conjunction with an existing Mobil Mart convenience store, vehicle fueling station, and car wash, located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, at 670 North Archibald Avenue, within the C3 (Commercial Service) zone (**Exhibit A: Aerial Map**). The business is open 24-hours a day, 7-days a week, and employs approximately 10 people. The business is a franchised location of Exxon Mobil, and is compliant with all applicable permitting agencies, including AQMD, and Ontario Fire and Building Departments. The facility has no outstanding code enforcement actions, and the site is well maintained (**Exhibit B: Site Plan** and **Exhibit D: Site Photos**).

Land uses surrounding the project site consist of a multi-tenant commercial center to the north, which includes a Subway, convenience store, vet clinic, and several other retail/service oriented businesses; to the east and south of the project site is a future hotel and restaurants; and to the west of the project site is the undeveloped Meredith Center Specific Plan area.

(2) ABC License Concentrations: The California Department of Alcoholic Beverage Control (ABC) is the controlling State entity which grants, renews, and revokes 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 populations. Generally speaking, one off-sale ABC license is allowed for every 1,200 residents. The Mobil Mart is located within Census Tract 21.09, which is bounded by Fourth Street on the north, I-15 Freeway on the east, I-10 Freeway on the south, and Archibald Avenue on the west. Based on the population calculation, ABC has determined that Census Tract 21.09 can support 3 Off-Sale license types. As of February 2014, the latest ABC report shows Census Tract 21.09 (**Exhibit E: ABC Report**) as having a total of 8 active off-sale licenses. Therefore, the census tract currently has an overconcentration of off-sale license types. When considering the establishment of additional alcoholic beverage licenses within an over-concentrated census tract, ABC generally defers the decision to approve or deny the license to the affected local jurisdiction; however, ABC can override an approval by a local jurisdiction, and ultimately deny the issuance of an alcoholic beverage license, given good reason and certain findings.

ABC requires that local jurisdictions establish a process for considering the issuance of alcoholic beverage licenses. The City of Ontario utilizes the Conditional Use Permit for this purpose, as do many other local jurisdictions throughout the State. Additionally, a Conditional Use Permit for alcoholic beverage sales cannot be issued for a business located within a census tract that has been determined to contain an overconcentration

of alcoholic beverage licenses unless the local jurisdiction clearly establishes/determines that the public convenience or necessity ("PCN") would be served by license issuance.

Should the local jurisdiction establish all necessary findings and approve a business for alcoholic beverage sales, ABC will typically issue the requested alcoholic beverage license. With the license issuance, both the local jurisdiction and ABC have the authority to impose operating restrictions to mitigate any potential impacts that the alcoholic beverage license issuance may create. Noncompliance with the conditions can result in Conditional Use Permit modification or revocation by the local jurisdiction, as well as by ABC.

(3) Ontario ABC License History: More than a decade ago, the City Council recognized the high proliferation of existing off-premise alcohol serving establishments within the City and the negative impacts connected with the sale of alcoholic beverages. It was noted that a clustering effect had taken place within certain commercial corridors where multiple off-premise alcohol serving establishments had been located within a relatively short distance of each other. To address the potential negative issues associated with the off-premise alcohol serving facilities and to reduce the overall number of facilities within the City, a 1998 Development Code Amendment required all business owners requesting alcoholic beverage sales to obtain Conditional Use Permit approval. The Conditional Use Permit ("CUP") process provided the City with the ability to analyze alcohol sale requests on a case-by-case basis and to apply appropriate conditions to minimize the potential impacts of alcohol sales on the neighboring areas. Such conditions include, but are not limited to, the prohibition of individual can/bottle sales, location/accessibility of distilled spirits, limitations on window signage to improve security, and hours of operation. The implementation of the CUP process, coupled with the City-ABC inspection program, has resulted in significant reductions in alcohol related crimes in the City over the past 15 years.

More recently, the City has recognized that many retailers sell alcoholic beverages not as the primary source of revenue but as a convenience to their customers. Relatively small areas of their stores and a small percentage of their revenue are devoted to alcoholic beverage sales. The majority of these users are larger grocery and variety stores (e.g. Target, Walgreen's, Cardenas, etc.). The City has, on several occasions, found that approval of a Conditional Use Permit, even in over-concentrated areas, is for the public convenience. As more businesses have requested ABC licenses, staff has explored different methods of regulating/limiting ABC licenses. Whether it involves basing the number of licenses on a City total or looking at individual corridors/intersections, each method has its pros and cons. Because the ABC census tract method is recognized throughout the State as an acceptable standard, the City continues to use this approach when considering an ABC license request.

(4) Land Use Compatibility: The intent of a Conditional Use Permit application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in

the vicinity. The City of Ontario's Development Code describes a Conditional Use Permit as the following: § Sec. 9-1.0900: *Purposes and Authorization* – Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Approval of a Conditional Use Permit first requires making certain findings, which show that the proposed use is consistent with all City of Ontario codes, land uses, and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a Conditional Use Permit is discretionary in nature.

The project site is located within the C3 (Commercial Service) zoning district. Within this district, alcoholic beverage sales is a conditionally permitted use. Although the census tract is over-concentrated with off-premise ABC licenses, the majority of the off-sale license have been issued for businesses off Milliken Avenue, near the Ontario Mills Mall, with a couple of off-sale licenses approved for the Haven/Inland Empire Boulevard area. Only one other off-sale license has been approved for the Archibald/Inland Empire Boulevard area, thus minimizing concerns of the “clustering effect” of ABC licenses. Should the Zoning Administrator find that the use is appropriate, the attached conditions of approval will sufficiently mitigate potential impacts associated with the proposed use.

In considering the applicant's request, there are a couple of recent developments that are unique to an otherwise over-concentrated area. First, the 2010 National Census Survey realigned several census tracts in Ontario, including the subject site's tract. Previously, the tract extended into Rancho Cucamonga and included their counts of alcohol serving establishments as well. The realignment changed the tract area and census tract 21.09 now is wholly contained within the City of Ontario, resulting in a reduction of the overall count of alcohol serving establishments and the number of off-sale ABC licenses (from 17 to 3). Additionally, a residential tract is under construction to the east of the project site (Festival Specific Plan) and includes 302 new dwelling units with a mixture of single-family detached units and multi-family units. With a generalized average of 3.5 persons per household, a total of 1,057 new residents will be moving into the census tract, expanding the allowable number of off-sale ABC licenses by one more. Furthermore, the Police Department has indicated that the surrounding area is not located within a high Police service call area for alcohol related issues. Businesses within the surrounding area will not be exposed to any impacts resulting from alcoholic beverage sales, beyond those that would normally be associated with any other use similarly allowed within the C3 (Commercial Service) zoning district.

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

(i) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommends conditions of

approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

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

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

PART B: RECITALS

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

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

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

WHEREAS, on the 17th day of March, 2014, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) John Earle Hildebrand III, *Associate Planner*, presented the staff report on the proposed use, indicating the staff recommendation of approval, subject to the attached conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Satdeep S. Bhatia, the business owner and applicant, acknowledged that he received the Conditional Use Permit staff report and conditions of approval and had no objections. Furthermore, he explained that he would attend the LEAD training program and was provided with the schedule for the next available classes.

(c) Zoning Administrator, Rudy Zeledon, asked the applicant if he had any other alcoholic beverage serving facilities. The applicant replied that he has owned and operated the Mobil station for 12 years, but has not been able to sell alcohol due to previous denials because of census tract overconcentrations.

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

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

PART C: THE DECISION

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

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

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

(1) The proposed location of the Conditional Use Permit and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The alcoholic beverage sales facility lies within the C3 (Commercial Service) land use designation.

(2) Alcoholic beverage sales is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located. Alcoholic beverage sales is allowed with Conditional Use Permit approval within the C3 (Commercial Service) land use designation. The use is consistent with the objectives of the Ontario Development Code, pertaining to Commercial districts.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. The addition of alcoholic beverages for off-sale, will not substantially increase daily trips to the site, nor negatively impact the surrounding circulation system.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. Alcoholic beverage sales at the Mobil Mart will comply with the applicable provisions in the Ontario Development Code pertaining to Article 9: *Conditional Use Permits*, Article 13: *Land Use and Special Requirements*, Article 16: *Commercial and Professional Districts (AP, NC, C1, C2, C3, & C4)*, and Article 32: *General Development Requirements and Exceptions*.

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

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

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

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

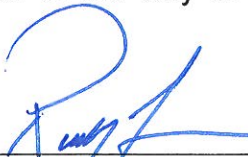
(d) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section § 15301 (Existing Facilities)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

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

(f) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP14-001, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on 24th day of March, 2014.



Rudy Zeledon
Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

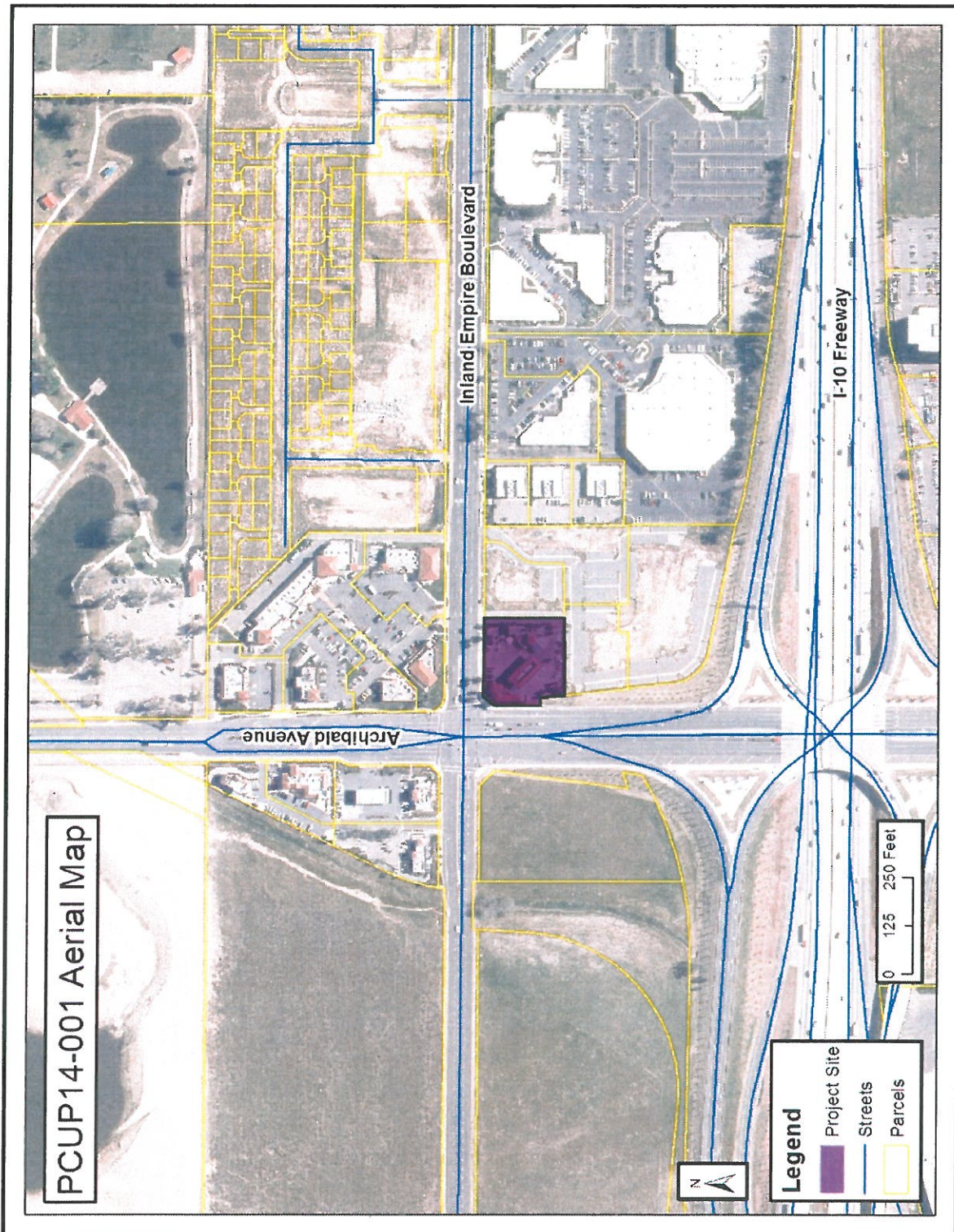


Exhibit B: Site Plan

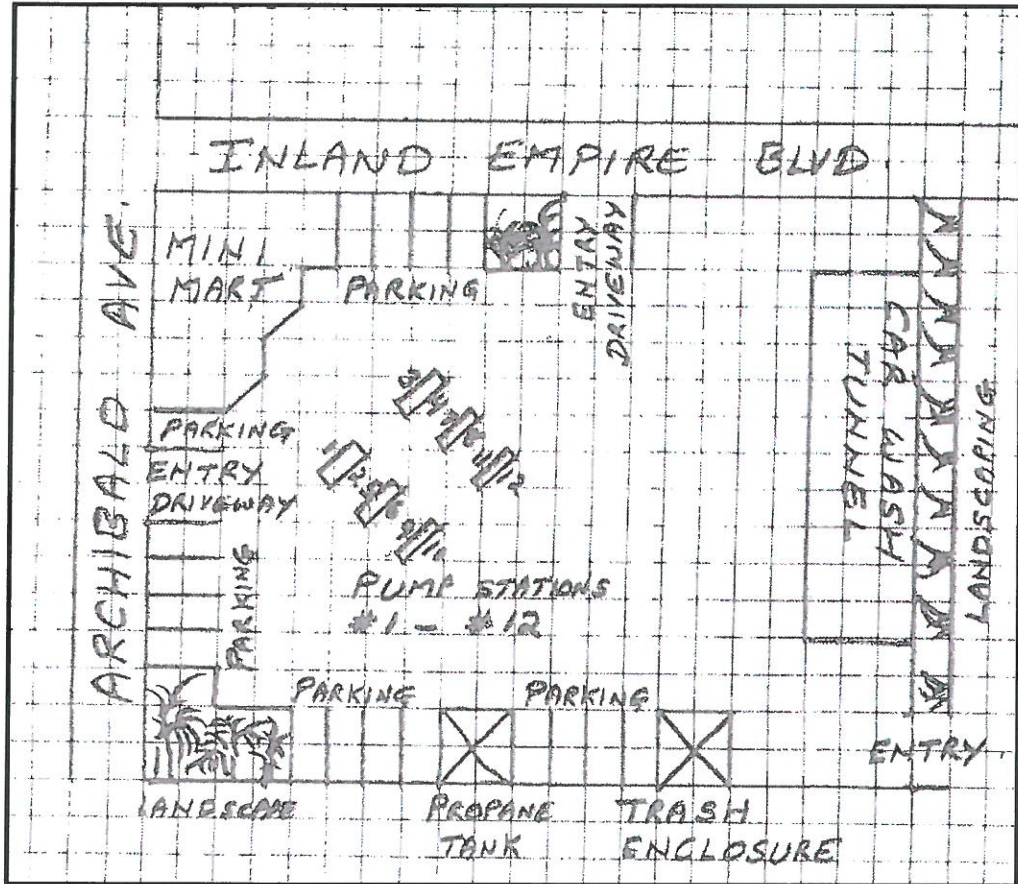


Exhibit C: Floor Plan

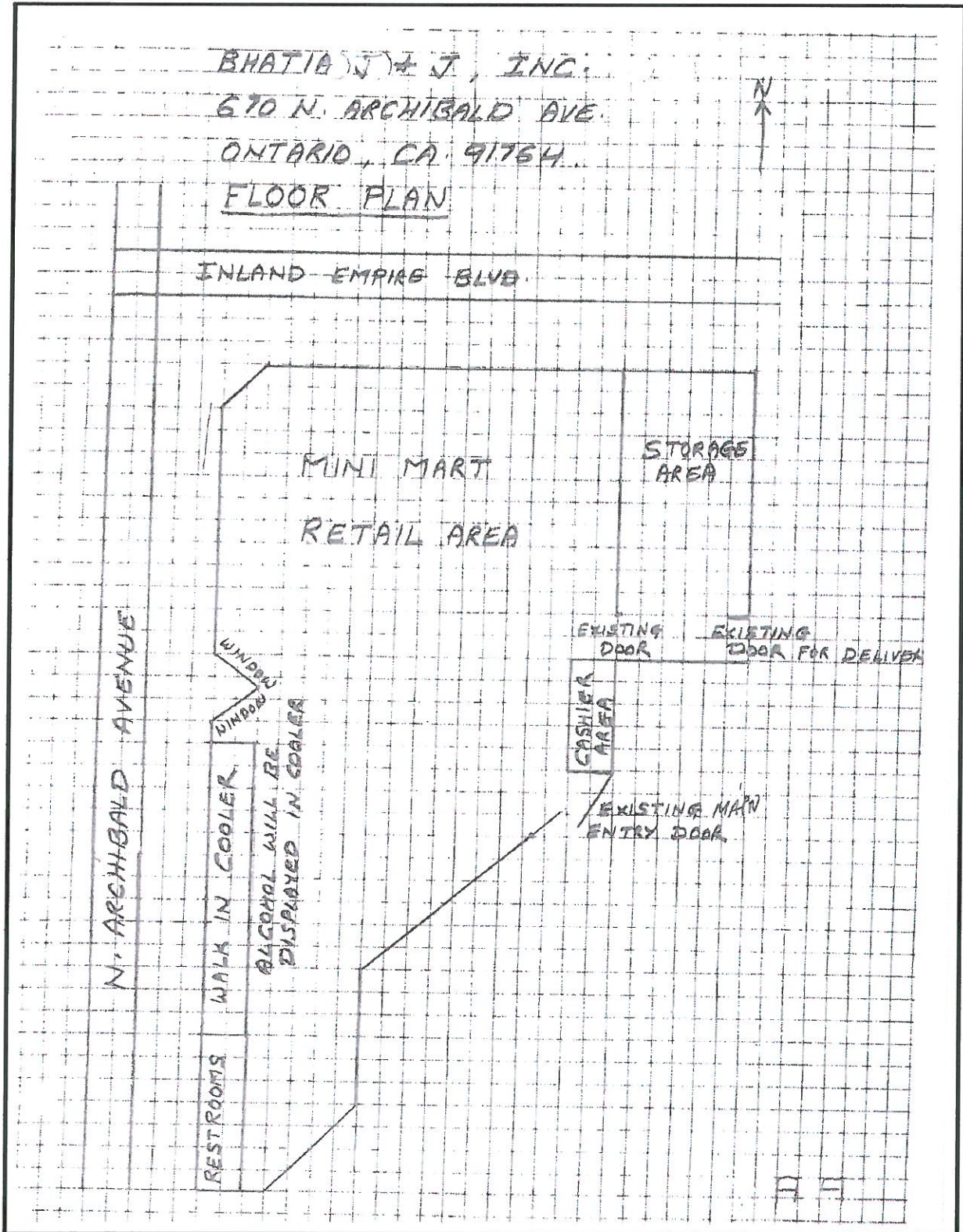


Exhibit D: Site Photos



Exterior – Fueling Canopy



Inside – Mobil Mart

ZONING ADMINISTRATOR DECISION
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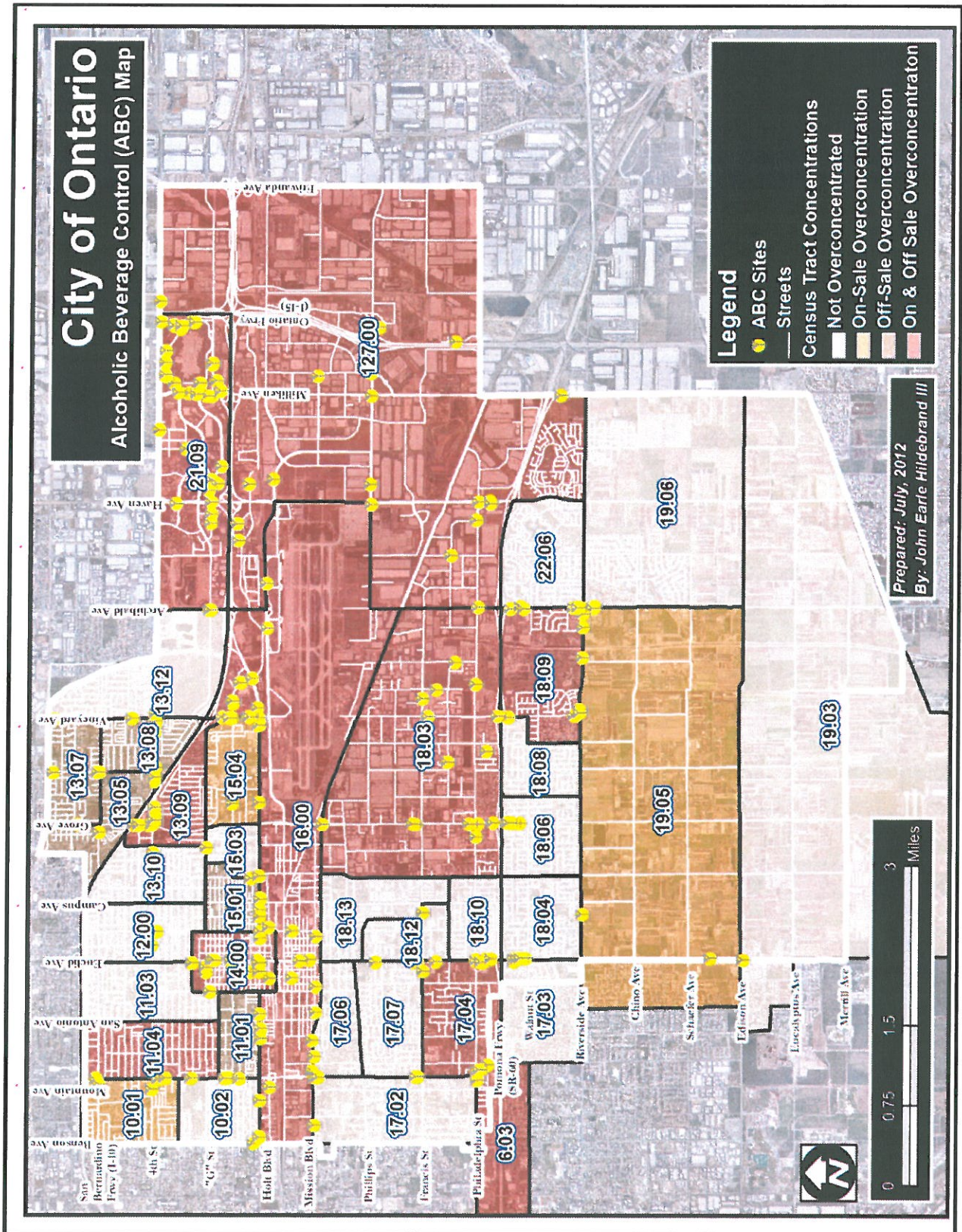
Exhibit E: ABC Report

#	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address
1)	371428	ACTIVE	21	1/24/2001	6/30/2014	SAMS WEST INC 951 N MILLIKEN AVE ONTARIO, CA 91764 Census Tract: 0021.09	SAMS CLUB 6619	702 SW 8TH ST, DEPT 8916 ATTN TIM FARRAR BENTONVILLE, AR 72716-0500
2)	401006	ACTIVE	20	12/1/2003	11/30/2014	C A R ENTERPRISES INC 4675 MILLS CIR ONTARIO, CA 91764 Census Tract: 0021.09	SHELL	1040 N BENSON AVE UPLAND, CA 91786-2157
3)	428648	ACTIVE	21	10/31/2005	3/31/2014	BYONG CORPORATION 4321 ONTARIO MILLS PKWY, STE A ONTARIO, CA 91764-5105 Census Tract: 0021.09	MILLIKEN MOBIL	
4)	442840	ACTIVE	21	3/20/2009	2/28/2014	KYROSIX INC 790 N ARCHIBALD AVE ONTARIO, CA 91764-4648 Census Tract: 0021.09	S & E FOOD STORE	6923 DOHENY PL, APT B ALTA LOMA, CA 91701
5)	451936	ACTIVE	20	5/24/2007	4/30/2014	TARGET CORPORATION 4200 E 4TH ST ONTARIO, CA 91764-5250 Census Tract: 0021.09	TARGET T2245	1000 NICOLLET MALL, TPN-0910 ATTN: KRISTEN RUUD, MINNEAPOLIS, MN 55403-2542
6)	473670	ACTIVE	20	1/21/2009	12/31/2014	MIDLAND OIL GROUP LLC 911 N MILLIKEN AVE ONTARIO, CA 91764	MIDLAND OIL GROUP LLC	3270 INLAND EMPIRE BLVD ONTARIO, CA 91764

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					Census Tract: 0021.09		
7)	487658	ACTIVE	20	5/27/2010 2:38:04 PM	4/30/2014	M & J OIL INC 1090 ONTARIO MILLS DR ONTARIO, CA 91764-5227	M & J MOBIL
						Census Tract: 0021.09	
8)	528316	ACTIVE	20	2/15/2013 3:47:37 PM	1/31/2015	PFG ONTARIO INC 791 N MILLIKEN AVE ONTARIO, CA 91764-5011	CHEVRON 14791 PACIFIC COAST HWY SANTA MONICA, CA 90402-1218
						Census Tract: 0021.09	

Exhibit F: ABC Concentration Map



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

DATE: March 17, 2014

FILE NO.: PCUP14-001

SUBJECT: A Conditional Use Permit to establish beer and wine sales with a Type 20 ABC License (Off-Sale Beer & Wine) for an existing fueling station (Mobil), located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, at 670 North Archibald Avenue, within the C3 (Commercial Service) zone.

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

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



CONDITIONS OF APPROVAL

DATE: March 17, 2014

FILE NO.: PCUP14-001

SUBJECT: A Conditional Use Permit to establish beer and wine sales with a Type 20 ABC License (Off-Sale Beer & Wine) for an existing fueling station (Mobil), located at the southeast corner of Inland Empire Boulevard and Archibald Avenue, at 670 North Archibald Avenue, within the C3 (Commercial Service) zone.

1.0 GENERAL REQUIREMENTS

- 1.1 Failure to maintain compliance with the herein-listed conditions of approval shall be deemed just cause for revocation of conditional use permit approval.
- 1.2 The use shall be operated in full conformance with the description and requirements of the Conditional Use Permit on file with the City. Any variations from, or changes in, the approved use (i.e., increase in hours/days of operation, expansion or intensification of use, etc.), must first be reviewed and approved by the Zoning Administrator prior to commencement of the change.
- 1.3 The approved use is subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
- 1.4 A copy of the herein-listed conditions of approval shall be maintained on the subject premises at all times.
- 1.5 The Planning Department may, from time to time, conduct a facility inspection and 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.
- 1.6 The facility shall obtain and maintain on a yearly basis, a City of Ontario Business License.

2.0 SIGNAGE

- 2.1 The location, quantity, size, and design of all signage shall comply with the Ontario Development Code, Specific Plan, or applicable sign program, pursuant to the zoning district for which the project site is located within.
- 2.2 No more than 25% of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.
- 2.3 View obscuring material that is applied to any window, preventing direct view into or outside of the building is prohibited. Additionally, any furniture, shelving system, or product stacked in front of a window which prevents an unobstructed view into or outside of the building is prohibited.

3.0 GRAFFITI REMOVAL

- 3.1 Right of access to remove graffiti. The City shall be granted the right of entry over and access to parcels, upon 48-hours of posting of notice by authorized City employees or agents, for the purpose of removing or "painting over" graffiti from graffiti attracting surfaces previously designated by the Director of Public Works, and the right to remove such graffiti.

4.0 ALCOHOLIC BEVERAGE SALES

- 4.1 The business shall be operated in strict compliance with the rules, regulations and orders of the State of California Department of Alcoholic Beverage Control. Failure to comply with this requirement shall be deemed just cause for revocation of conditional use permit approval.
- 4.2 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.
- 4.3 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.
- 4.4 The licensee shall attend a LEAD (Licensee Education on Alcohol and Drugs) training secession sponsored by the State of California Department of Alcoholic Beverage Control, within six (6) months of commencement of the approved use.
- 4.5 A clearly legible sign not less than 7" by 11" in size, reading "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES,"

shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

- 4.6 A clearly legible sign not less than 7" by 11" in size, reading "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.
- 4.7 All provisions of the Alcoholic Beverage Control Act (Business and Professions Code § 23000 et. Seq.) pertaining to the sale of beer and wine for off-premise consumption in conjunction with gasoline service stations shall be complied with, including, but not limited to, the following:
- (a) No beer or wine shall be displayed within five (5) feet of the cash register or the front door, unless it is in a permanently affixed cooler.
 - (b) No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
 - (c) No sale of alcoholic beverages shall be made from a drive-thru window.
 - (d) No display or sale of beer or wine shall be made from an ice tub.
 - (e) No illuminated advertising for beer or wine shall be located on building exteriors or in windows.
- 4.8 Electronic arcade and amusement games shall be prohibited on-site.

5.0 ENVIRONMENTAL REVIEW

- 5.1 The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section § 15301 (Existing Facilities) of the State CEQA Guidelines.
- 5.2 The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.



CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"



TO: John Hildebrand, Associate Planner
FROM: Robert Sturgis, Police Officer *RS*
DATE: March 11, 2014
SUBJECT: FILE NO. PCUP14-001- MOBIL GAS STATION
670 N. ARCHIBALD AVENUE

The Police Department has researched the request for an off-sale type 20 (beer & wine) alcohol license for the Mobil Gas Station, located at 670 N. Archibald Avenue. The Police Department is currently recommending denial of this Conditional Use Permit for the following reasons:

The requested license is within census tract 21.09 which is already over saturated with off-sale alcohol licenses. The Department of Alcoholic Beverage Control authorizes three (3) off-sale alcohol licenses for this tract. There are currently eight (8) active off-sale licenses within census tract 21.09.

If a Conditional Use Permit is granted, the location must follow all Department of Alcoholic Beverage Control regulations and laws. The Police Department is also requiring the following conditions:

ABC CONDITIONS

1. The sales of alcohol will be 6:00 a.m. to 2:00 a.m. daily.
2. If the store hours go beyond or before the hours of alcohol sales indicated above, devices must be installed to lock up/secure alcohol product accessibility to customers.
3. Applicant will follow all conditions per Business and Professions Code 23790.5(d)- Concurrent sales of alcohol and gasoline.
4. No sales or service of alcohol to minors.
5. No sales or service of alcohol to intoxicated patrons.
6. No open alcoholic beverages in the establishment.

7. No alcohol sales through any pass-through type windows.
8. No drug paraphernalia will be sold at any time.
9. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
10. No narcotic sales or usage on the premises at any time.
11. No single can or bottle sales of malt based liquor are allowed. These must be sold in manufacture multi-packs or multi-packaging authorized by the police department.
12. No single bottle sales of wine smaller than 750 ml and wine coolers must be sold in 4-packs unless otherwise permitted by City ordinance or written policy.
13. Distilled spirits are not allowed to be sold or stored at the location.
14. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
15. Employees engaged in the sale of alcohol must be 21 years of age or older.
16. No more than 25% of advertisements allowed on the windows of the business.
17. No warm beer displays close to the front door will be allowed.
18. The cashier must be visible from the parking lot.
19. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant. No loitering signs must be posted.
20. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises. 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 control of the business.
21. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
22. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one foot-candle of light at ground level.
23. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.

24. The applicant shall modify or equip the public telephones inside or adjacent to the establishment to prevent incoming calls.
25. The business is required to have and use an electronic age verification system for alcohol sales.
26. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store thru the main entrance. Cameras must be visible to the public. Cameras will be required to be in working order during store operations.
27. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.

TOBACCO CONDITIONS

1. No tobacco sales to anyone under 18 years of age.
2. Retailers must post age of sale warning signs at each cash register.
3. Customers may not help themselves to cigarettes.
4. Tobacco products must be stored behind the counter.
5. Sales of individual cigarettes are prohibited.
6. Single cigarettes and roll-your-own tobacco in packaging containing less than 0.60 ounces are prohibited.
7. The distribution of free or nominal-cost tobacco products or coupons is prohibited.
8. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.

If alcohol related crimes at this location are higher than for other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the Zoning Administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in violation of this CUP or has violated the laws of the State or City are the intent of this action.

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

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the location will be allowed to sell alcoholic beverages with the conditional use permit.

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

Please call me if you have any questions regarding this matter at (909) 395-2001 ext 4773.