

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2014-04

HEARING DATE: 02/19/2014

DECISION DATE: February 26, 2014

FILE NO.: PCUP13-044

SUBJECT: A Conditional Use Permit to establish a beer manufacturing business (Top Town Brewing Company) with a Type 23 ABC license (Small Beer Manufacturer), within an approximate 3,000 square-foot portion of a multi-tenant industrial business park, located at 1508 East Francis Street, within the M2 (Industrial Park) zoning district.

RECOMMENDATION: Approval Approval, subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

TOP TOWN BREWING COMPANY, herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval for File No. PCUP13-044, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Description: A Conditional Use Permit request to establish a small craft beer brewery and tasting business (Top Town Brewing Company) with a Type 23 Alcoholic Beverage Control ("ABC") license (Small Beer Manufacturer), inside an approximate 3,000 square-foot tenant space of a multi-tenant industrial business park, located at 1508 East Francis Street, within the M2 (Industrial Park) zoning district.

(b) TOP Policy Plan Land Use Map Designation: Industrial

(c) Zoning Designation: M2 (Industrial Park)

(d) Surrounding Zoning and Land Uses:

	<u>Zoning</u>	<u>Existing Land Use</u>
North:	M2 (Industrial Park)	Industrial Warehouse
South:	M2 (Industrial Park)	Industrial Business Park
East:	M2 (Industrial Park)	Industrial Manufacturing
West:	M2 (Industrial Park)	Industrial Business Park

(e) Site Area: 3.2-acre Business Park

(f) Assessor's Parcel No.: 0113-381-02

(g) Project Analysis:

Location & Operations: Top Town Brewing Company is a small micro brewery and tasting business proposing to establish within an approximate 3,000 square-foot existing industrial business park tenant space located at 1508 East Francis Street (**Exhibit A: Aerial Map**). The brewery features small batches of craft style beers, which will be sold on the premises, as well be available for wholesale. A majority of the floor space area will be dedicated for the manufacturing and storage of beer (**Exhibit B: Site Plan** and **Exhibit C: Floor Plan**). After the business establishes itself, a small tasting/sampling area will be introduced to allow for the direct purchase of the manufactured beer. Initially, the business owner will be the only employee. As business grows, additional employees will be brought in as needed. The brewery manufacturing hours will be from approximately 8:00am to 5:00pm, Monday to Friday. The tasting area will be open until 10:00pm, daily.

The sampling of beer is restricted to only the beer manufactured onsite. No outside beer (or any other type of alcoholic beverage), not created at the site, is allowed to be brought in for tasting or sale. Beer may be purchased onsite either as direct retail or for wholesale purposes. Retail products typically include containers known as growlers, which are half-gallon (2-liters) in volume. The license also permits for bottling of beer, which is generally 12-ounce containers. The business is permitted to sell either type of containers; however, bottling requires certain additional equipment and additional compliance with State regulations. Wholesale containers are typically sold as kegs, which are generally 15.5 gallons in volume.

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. However, alcoholic beverage manufacturing/brewing and wholesale activities are exempt from concentration restrictions, as they are a unique type of license. For reference, Top Town Brewing Company is located within Census Tract 18.03, which is generally bound by Mission Boulevard on the north, Archibald Avenue on the east, CA-60 Freeway on the south, and Bon View Avenue on the west. As of February 2014, the latest ABC report shows Census Tract 18.03 as having a total number of 3 On-Sale licenses, 4 Off-Sale licenses, and 11 Wholesale licenses (**Exhibit G: ABC Report**).

Land Use Compatibility: The intent of a CUP 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 CUP 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 CUP first requires making certain findings, which show that the proposed use is consistent with all City of Ontario development codes, land uses, and other applicable requirements. Additionally, the use must be compatible with the other surrounding uses; therefore, approving a CUP is discretionary in nature.

The project site is located within the M2 (Industrial Park) zoning district. Within this district, alcoholic beverage manufacturing/brewing is a conditionally permitted use. It is staff's belief that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use. Additionally, businesses within the surrounding area will not be exposed to any impacts beyond those that would normally be associated with any other use similarly allowed within the M2 (Industrial Park) zoning district.

(h) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommends certain 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.

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

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

PART B: RECITALS

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

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

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

WHEREAS, on the 19th day of February 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) The Zoning Administrator asked the applicant Chris Calva, Top Town Brewing Company Owner, if there would be any nuisance odors associated with the brewing process. The applicant responded that he did not believe odors would be an issue as the amount of beer produced onsite is small, compared to large-scale breweries. Top Town Brewing is a small-batch micro-brewery with limited capacity.

(c) The Zoning Administrator asked if there would be any accompanying food available at the tasting area. The applicant explained that he did not have any initial plans for food preparation or providing pre-packaged food. He further stated that if business gets good, he may in the future consider some kind of accompanying food. The Zoning Administrator explained that depending upon the level of food service, the CUP may need to be modified and that he should work with staff if there are any questions.

(d) In consideration of the other businesses in the Industrial Park and the limited size of building, a maximum of 20 people inside the facility at any time shall be imposed. It shall be the operator's responsibility to manage the retail/tasting area and its occupancy. After the business has been established for a minimum of year, staff can revisit the occupancy restriction, should there be a need to allow more patrons in the tasting area. Plans including a tasting area may need to be reviewed by the Building and Fire Departments, as the occupancy requirements may be different for a tasting area where the public will be present than they would be for a small scale industrial brewing operation.

(e) 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 be materially injurious to properties or improvements in the vicinity. The beer manufacturing/brewery lies within the M2 (Industrial Park) land use designation.

(2) Beer manufacturing/brewing 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 and businesses.

(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 manufacturing (brewery) is allowed with Conditional Use Permit approval within the M2 (Industrial Park) land use designation. The use is consistent with the objectives of the Ontario Development Code, pertaining to Industrial 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 a small, micro-brewery and tasting room within an existing multi-tenant industrial park, will not generate a substantial amount of trips, nor overload 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. The brewery/manufacturing use 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 17: *Industrial Districts* (M1, M2, & M3), and Article 32: *General Development Requirements and Exceptions*.

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

(d) 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.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP13-044, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this 26th day of February, 2014.



Barbara Millman
Zoning Administrator

EXHIBITS

Exhibit A: Aerial Map

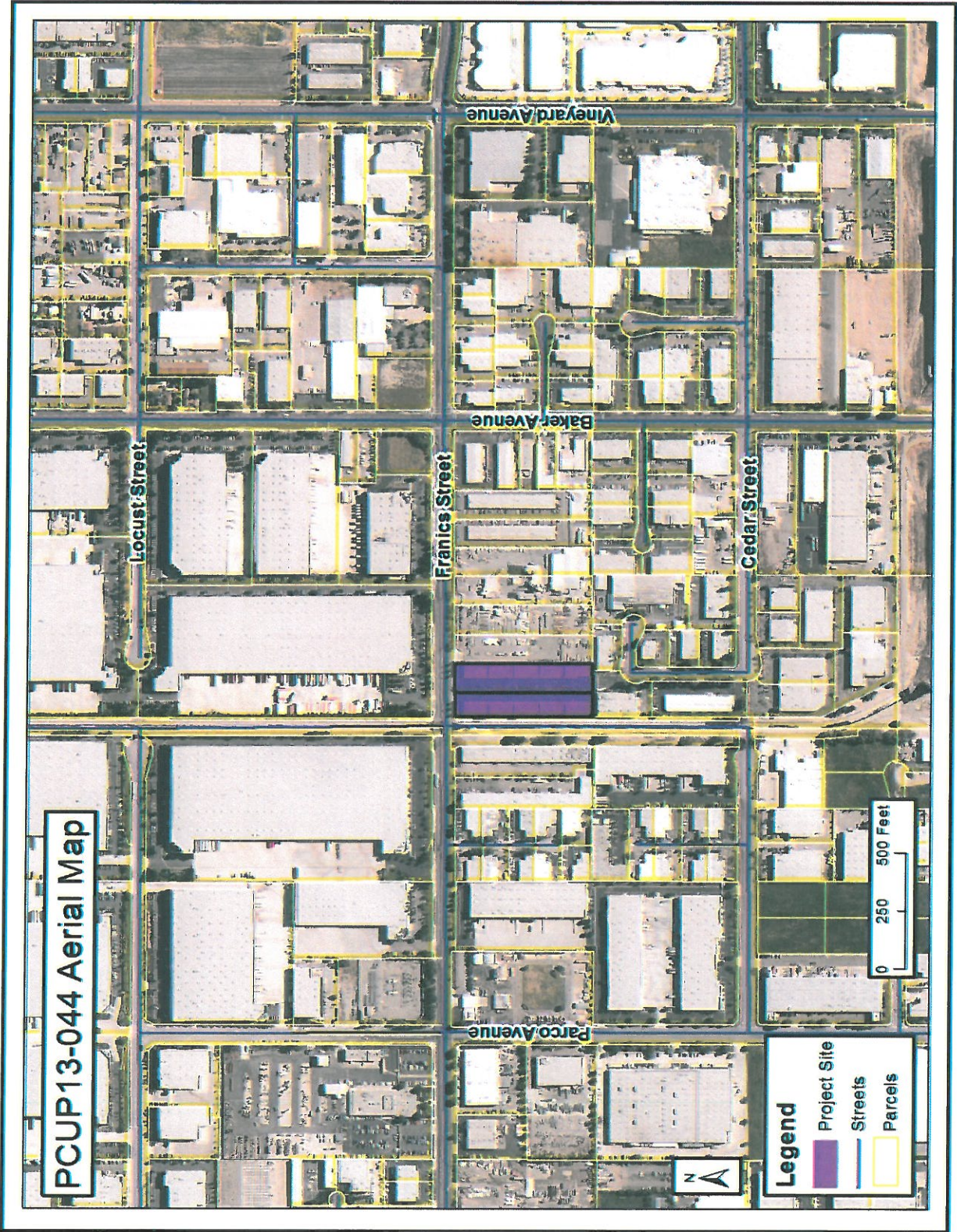


Exhibit B: Site Plan

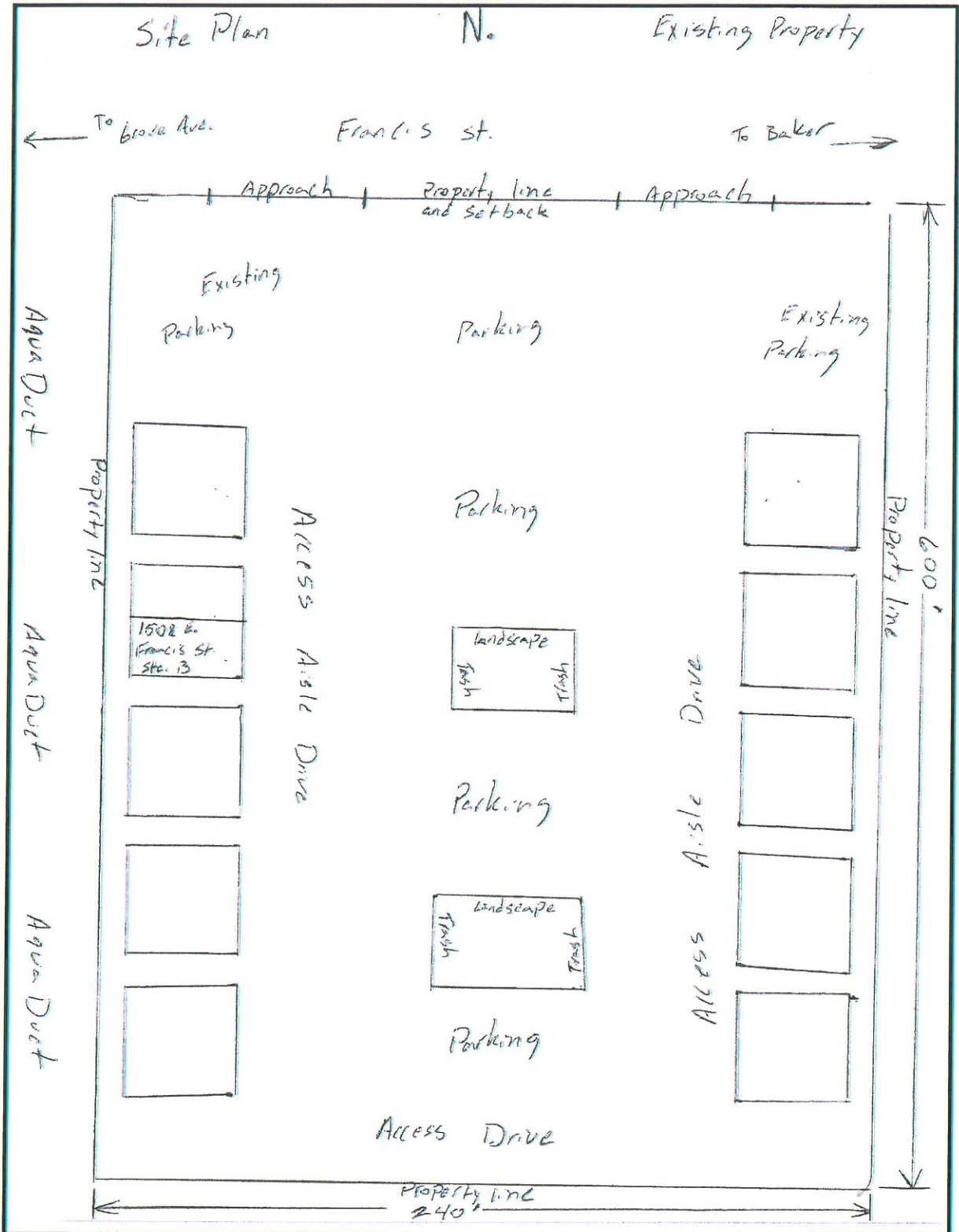


Exhibit C: Floor Plan

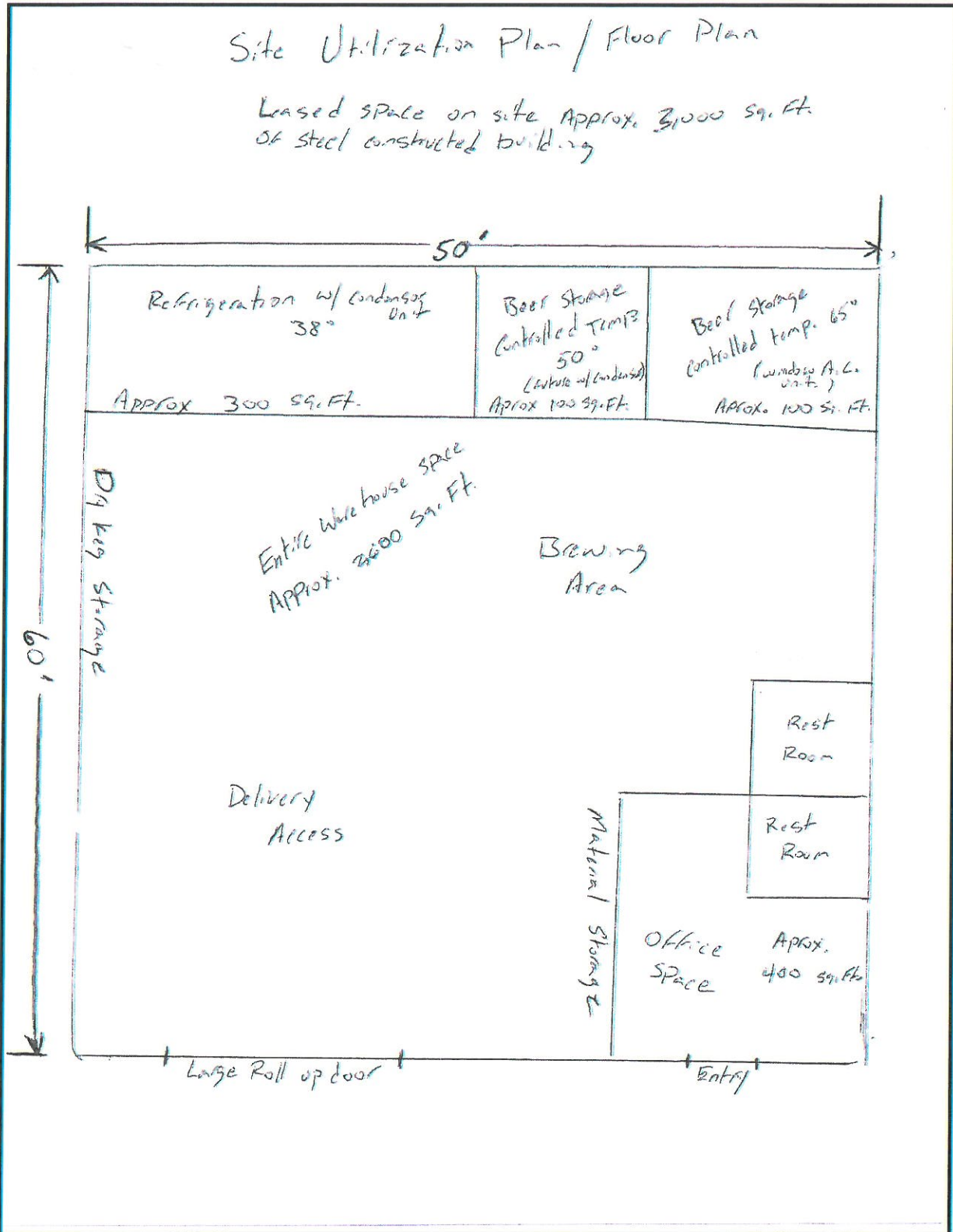


Exhibit E: Site Photos



Exhibit F: Applicant's Project Description

Project Description

Re: Top Town Brewing Co. General Application Packet

Project Address: 1508 E. Francis St., Ste. B, Ontario, CA 91761

The proposed project is to open a brewery on and in an existing industrial property. The will begin as a very small operation with growth in the future. Our services will consist of the production of specialty micro brews of many different styles. To begin, our staff will be only the brewer/owner and a possible assistant to handle the daily tasks. Once production is on a larger scale, an office assistant will be hired to handle phone calls and purchase orders, and a distributor will be subcontracted out to handle deliveries. Hours of operation will be 8am to 4:30pm.

Exhibit G: ABC Report

On-Sale and Off-Sale Types

#	Status	Type	Origin Date	Exp Date	Address	Name
1)	ACTIVE	47	6/29/1989	2/28/2014	AZOREAN GROVE INVESTORS INC 2345 S GROVE AVE ONTARIO, CA 91761 Census Tract: 0018.03	ROYAL CUT RESTAURANT
2)	ACTIVE	20	1/14/2000	12/31/2014	NYGREN CARR PROPERTIES INC 905 S GROVE AVE ONTARIO, CA 91761 Census Tract: 0018.03	ARCO AM PM
3)	ACTIVE	21	8/8/2005	7/31/2014	BIZ SOURCE INC 2411 S VINEYARD AVE, STE C ONTARIO, CA 91761 Census Tract: 0018.03	LIQUOR BOX
4)	ACTIVE	20	3/27/2007	2/28/2014	PARAMOUNT PANELS INC 1531 E CEDAR ST ONTARIO, CA 91761-5762 Census Tract: 0018.03	THORNE WINE THORNE CELLARS
5)	ACTIVE	41	7/30/2007	6/30/2014	WABI SABI JAPANESE RESTAURANT GROUP 2220 S GROVE AVE, STE 102- 103 ONTARIO, CA 91761-4807 Census Tract: 0018.03	WABI SABI STEAK AND SUSHI BAR
6)	ACTIVE	41	12/22/2009	11/30/2014	MEDINA, JESSIE SR 1150 E PHILADELPHIA ST, STE 106 ONTARIO, CA 91761-5694 Census Tract: 0018.03	TACO HUT
7)	ACTIVE	20	1/28/2013 3:56:51 PM	12/31/2014	TRISHA PETRO INC 2156 S GROVE AVE ONTARIO, CA 91761-5619 Census Tract: 0018.03	ARCO AMPM

Wholesale Types

#	Status	Type	Origin Date	Exp Date	Address	Name
1)	ACTIVE	18	5/23/2003	4/30/2014	PACIFIC EDGE MARKETING GROUP INC 1845 S VINEYARD AVE, STE 2 ONTARIO, CA 91761	PACIFIC EDGE WINE & SPIRITS

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					Census Tract: 0018.03	
2)	ACTIVE	17	5/23/2003	4/30/2014	PACIFIC EDGE MARKETING GROUP INC 1845 S VINEYARD AVE, STE 2 ONTARIO, CA 91761	PACIFIC EDGE WINE & SPIRITS
					Census Tract: 0018.03	
3)	ACTIVE	14	5/23/2003	8/31/2014	PACIFIC EDGE MARKETING GROUP INC 1845 S VINEYARD AVE, STE 2 ONTARIO, CA 91761	PACIFIC EDGE WINE & SPIRITS
					Census Tract: 0018.03	
4)	ACTIVE	02	3/27/2007	6/30/2014	PARAMOUNT PANELS INC 1531 E CEDAR ST ONTARIO, CA 91761-5762	THORNE WINE THORNE CELLARS
					Census Tract: 0018.03	
5)	ACTIVE	17	3/27/2007	2/28/2014	PARAMOUNT PANELS INC 1531 E CEDAR ST ONTARIO, CA 91761-5762	THORNE WINE THORNE CELLARS
					Census Tract: 0018.03	
6)	ACTIVE	18	7/28/2008	6/30/2014	GUAYECO IMPORTS LLC 2050 HELLMAN AVE, # A ONTARIO, CA 91761-8018	GUAYECO IMPORTS
					Census Tract: 0018.03	
7)	ACTIVE	18	7/28/2008	6/30/2014	MACIAS, ROBERT JUAN 2050 S HELLMAN AVE, STE C ONTARIO, CA 91761-8018	ES BRANDING COMPANY
					Census Tract: 0018.03	
8)	ACTIVE	18	7/1/2009	6/30/2014	OQUALTIX INC 1728 S GROVE AVE, UNIT B234 ONTARIO, CA 91761-4518	1600 EXCHANGE MDC EXCHANGE
					Census Tract: 0018.03	
9)	ACTIVE	18	7/11/2011 1:19:00 PM	6/30/2014	88 SPIRITS CORPORATION 1701 S GROVE AVE, STE D ONTARIO, CA 91761-4500	
					Census Tract: 0018.03	
10)	ACTIVE	23	2/28/2012 4:19:46 PM	1/31/2014	CHINO VALLEY BREWERY INC 1630 E FRANCIS ST, UNIT J ONTARIO, CA 91761-5786	CHINO VALLEY BREWERY
					Census Tract: 0018.03	
11)	ACTIVE	17	2/8/2013 11:19:04 AM	1/31/2014	CALVA, CHRISTOPHER JOHN 1508 E FRANCIS ST, STE B ONTARIO, CA 91761-5754	TOP TOWN BREWING COMPANY
					Census Tract: 0018.03	

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

DATE: 02/19/2014

FILE NO.: PCUP13-044

SUBJECT: A Conditional Use Permit to establish a beer manufacturing business (Top Town Brewing Company) with a Type 23 ABC License (Small Beer Manufacturer), within an approximate 3,000 square-foot portion of a multi-tenant industrial business park, located at 1508 East Francis Street, within the M2 (Industrial Park) zoning district.

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 checked="" 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: 02/19/2014

FILE NO.: PCUP13-044

SUBJECT: A Conditional Use Permit to establish a beer manufacturing business (Top Town Brewing Company) with a Type 23 ABC License (Small Beer Manufacturer), within an approximate 3,000 square-foot portion of a multi-tenant industrial business park, located at 1508 East Francis Street, within the M2 (Industrial Park) zoning district.

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 A copy of the Department of Alcoholic Beverage Control license issued to the business shall be maintained on the subject premises at all times.
- 1.6 The Planning Department may, from time to time, conduct a review of the approved use to ascertain compliance with the herein-stated conditions of approval. Any noncompliance with the conditions of approval shall be immediately referred to the Zoning Administrator for possible action.

2.0 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 a 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 One (1) year following commencement of the approved use, 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 (1) year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.
- 4.3 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.
- 4.4 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.

- 4.5 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.
- 4.6 No alcoholic beverage shall be consumed outside of the enclosed building.
- 4.7 Amplified music may be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.
- 4.8 Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator.
- 4.9 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.

6.0 ADDITIONAL REQUIREMENTS

- 6.1 In consideration of the other businesses within the industrial park and due to the limited size of the facility, a maximum number of 20 persons shall be allowed within the tasting area, at any given time. This restriction shall be imposed for one year after the business becomes operational. Should the business have a need for additional persons after one-year, staff may review the situation and allow for a minor expansion if there are no CUP violations or significant calls for service.
- 6.2 Tenant improvement plans for the tasting area should be submitted to the Building Department for Building Plan Check. The applicant is encouraged to check with an architect or design professional as the occupancy requirements for a tasting area may be different than for those of an industrial brewery.



CITY OF ONTARIO

MEMORANDUM

“Excellence Through Teamwork”

TO: John Hildebrand, Planner

FROM: Steven Munoz, Police Corporal

DATE: January 15, 2014

SUBJECT: FILE NO. PCUP13-044
1508 E. Francis Street, Unit B – Top Town Brewing Company

This location has applied for a Type 23 Small Beer Manufacturer license that is granted certain on-sale and off-sale privileges. The business is located within Census Tract No. 18.03. According to the Department of Alcohol Beverage Control (ABC), this type of license is listed as “non-retail,” and is not counted for the purposes of tracking Census Tract Concentrations. The Police Department does not object to allowing the license. The location must follow all state laws, and Department of Alcohol Beverage Control rules and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

CONDITIONS

1. The sales of alcohol will be 8 AM to 10 PM daily. Last call will be 45 minutes prior to closing.
2. Beer sampling containers will be limited in size to no more than 16 ounces.
3. Sampling is only allowed of the applicants own manufactured product.
4. No sales or service to minors.
5. No sales or service to intoxicated patrons.
6. Distilled spirits are not allowed to be sold or stored at the location.
7. No drug paraphernalia to be sold at any time.
8. No smoking inside of establishment is permitted, including electronic nicotine delivery devices.

9. There will be no narcotic sales or usage on the premises at any time.
10. Beer may be sold wholesale or to the public in kegs and is required to follow keg registration rules and regulations.
11. Beer may be sold for off-site consumption in growlers one liter to ½ gallon in size, and shall comply with Business and Professions Code 25200-Refilling and Labeling containers supplied by the consumer.
12. Employees engaged in the sale of alcohol must be 21 years of age or older.
13. No more than 25% of advertisements allowed on the windows of the business.
14. Cameras will be placed at the entrance of the establishment to monitor patrons entering and exiting the store through the main entrance. Cameras must be visible to the public. Cameras must be in working order during store operations.
15. Electronic arcade and amusement games shall be prohibited on-site.
16. 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.
17. 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.
18. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
19. 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.
20. 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.
21. The applicant shall modify or equip the public telephones inside or adjacent to the establishment to prevent incoming calls.

22. 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 the training class within three months of their hire date. This class is given free of charge by the Ontario Police Department.
23. A no trespass letter will be on file with the Police Department.

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

If you have any questions regarding this matter, please call Corporal Munoz at (909) 395-2782.

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
303 East "B" Street, Ontario, CA 91764

DAB CONDITIONS OF APPROVAL

Sign Off


Jamie Richardson, Associate Landscape Planner

12/12/2013
Date

Reviewer's Name:
Jamie Richardson, Associate Landscape Planner

Phone:
(909) 395-2615

D.A.B. File No.:
PCUP13-044

Related Files:

Case Planner:
John Hildebrand

Project Name and Location:
Top Town Brewing Company
1508 East Francis Street, Unit B

Applicant/Representative:
Top Town Brewing Company – Christopher Calva
21946 Crest Forrest Drive
Crestline, CA 92322

A site plan (dated 12/05/2013) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.

A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Repair or replace existing irrigation where ineffective or not functioning. All irrigation must provide 100% coverage with no run off or overspray.
2. Verify all landscape areas in the adjacent parking lot planter islands each have 1 shade tree in good health. Replace if missing or dead with 1-24" box size tree each to match existing parking lot trees or typical such as *Tristania conferta* or *Ulmus parvifolia*. Provide a 36" diameter of mulch only at tree trunks keeping mulch 1" away from the base of the trunk.