

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-031

HEARING DATE: December 7, 2015

DECISION DATE: December 22, 2015

FILE NO.: PCUP15-024

SUBJECT: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for consumption on the premises (Type 41 ABC license), in conjunction with an existing 2,601-square foot coffee house (Starbucks) on approximately 0.9 acres of land located at 2548 South Archibald Avenue, within the C1 (Shopping Center) zoning district (APN: 1083-011-15).

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

COFFEE HOUSE HOLDINGS, INC. (DBA STARBUCKS), (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP15-024, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site will occupy an existing 2,601-square foot coffee house (Starbucks) on 0.9 acres of land located at 2548 South Archibald Avenue, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, General Plan, and zoning designations on and surrounding the project site are as follows:

| | <i>Existing Land Use</i> | <i>General Plan Designation</i> | <i>Zoning Designation</i> |
|--------------|--------------------------|---------------------------------|---------------------------------|
| <i>Site</i> | Starbucks | GC (General Commercial) | C1 (Shopping Center Commercial) |
| <i>North</i> | Taco Bell | GC (General Commercial) | C1 (Shopping Center Commercial) |
| <i>South</i> | Commercial/Retail | GC (General Commercial) | C1 (Shopping Center Commercial) |
| <i>East</i> | Baker's Drive-Thru | GC (General Commercial) | C1 (Shopping Center Commercial) |
| <i>West</i> | Commercial/Retail | GC (General Commercial) | C3 (Commercial Service) |

Approved By:

-1-

____ CM Senior Planner

(b) Project Analysis:

(1) Proposed Use — The applicant is requesting a Conditional Use Permit (CUP) to allow a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) ABC license in conjunction with an existing 2,601-square foot Starbucks with a 600 square foot outdoor patio area (see *Exhibit B: Site Plan*). The Starbucks is located at the southwest corner of Oak Hill Drive and Archibald Avenue, at 2548 South Archibald Avenue. The coffeehouse/restaurant is located within an existing multi-tenant commercial shopping center, which includes a Taco Bell, 24-Hour Fitness, nail salon, barber shop, dry cleaners, and the Ontario Police Department.

The applicant has filed with the State of California Alcohol Beverage Control (ABC) for the issuance of a Type 41 license, which upon issuance, will allow the sale of beer and wine within the confines of the building in conjunction with a restaurant operation. A Type 41 ABC license is defined by the State Department of ABC as a restaurant authorized to sell beer and wine for consumption on the licenses premises and is required to meet the following requirements:

- *Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes);*
- *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 the premises; and*
- *Is allowed to have minors on the premises.*

The applicant is required to obtain issuance of their Type 41 ABC license from the California Department of ABC prior to serving any alcohol on site.

Starbucks is a well-known company that offers a variety of beverages, pastries, and snacks based on a coffeehouse concept, and they are associated with creating a pleasant, comfortable atmosphere at their locations. Starbucks is proposing to introduce a new concept called “Starbucks Evenings,” which includes the on-site sale of beer and wine from 12:00 p.m. to 2:00 a.m. to complement its current set of product offerings and to provide a new service and experience to the employees, residents, customers, and visitors in the area. Last call for alcohol will be at 1:15 a.m. and alcohol sales and service will stop no later than 1:30 a.m. To comply with the requirements of issuance for a Type 41 license, Starbucks will be expanding their food menu to include food service of warm and cold small meals on ceramic dishware to accompany the incidental sale of alcohol. A copy of the menu from existing Starbucks locations with alcohol sales is included as *Exhibit D: Starbucks Evenings Menu* in this staff report.

The applicant is also proposing to enclose the existing patio seating area with new railing. The ABC requires that outdoor seating areas be enclosed if the restaurant is to serve alcohol in that area. Starbucks proposed a new railing that matched the existing railing on the south side of the building. The Police Department has required patio walls to be a

minimum height of 5 feet (i.e. combination of block wall and acrylic glass) to prevent patrons from passing alcohol drinks to minors, or to people in a public area. In addition, the Planning Department has required for the patio area to be completely enclosed to ensure no alcohol leaves the premises.

(2) Operations — Starbucks employs three to four persons per shift and can accommodate approximately 63 (54 interior and 9 exterior) patrons at a time for dining (see *Exhibit C: Floor Plan*). The restaurant's operating hours are 24 hours a day, seven days a week. The applicant is proposing to sell beer and wine from 12 p.m. – 2 a.m., seven days a week. Alcoholic beverage sales will occur by a single point of purchase, similar to how coffee beverages are currently offered at Starbucks locations. No table service is proposed. Beer and wine will be stored in lockable refrigerators and/or lockable storage areas at the back of house. All employees will be a minimum of 21 years of age and certified according to the requirements of the Alcoholic Beverage Control (ABC). Lastly, closed circuit security cameras will be installed at strategic locations, both inside the store and in the patio area as required by the Police Department.

(3) Parking — According to the Ontario Development Code, the restaurant is required to provide a total of 26 parking spaces at the rate of 1 space per 100 square feet. Sufficient parking will be provided because there is shared parking for the entire shopping center. The Pacific Plaza Shopping Center has direct access from both Oak Hill Drive and Archibald Avenue. A total of 26 parking stalls are required for the subject restaurant and 61 parking stalls have been provided within close proximity to the restaurant. Therefore, staff believes that the proposed use will not adversely affect the parking demand within the center.

(4) ABC License Concentrations — The California Department of 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. The Starbucks restaurant is located within Census Tract 18.09, which is generally bounded by SR-60 Freeway on the north, Archibald Avenue on the east, Riverside Avenue on the south, and Vineyard Avenue and Baker Avenue on the west, as depicted in *Exhibit E: Census Tract Map*. ABC has determined that Census Tract 18.09 can support 3 On-Sale license types. As of November 30, 2015, the latest ABC report shows Census Tract 18.09 as having a total number of 6 active On-Sale licenses (see *Exhibit F: Active On-Sale ABC Licenses*). As a result, the Census Tract is considered overconcentrated.

When considering the establishment of additional ABC licenses within overconcentrated Census Tracts, the Department of Alcoholic Beverage Control generally defers the decision making process to local jurisdictions, although they can override any local approval and ultimately deny issuing the license. Local jurisdictions are required establish an approval process, typically Conditional Use Permit review, as well as making Public Convenience and Necessity ("PCN") findings. Should the local jurisdiction be able to make all necessary findings and approve a business for alcoholic beverage sales, ABC

will typically issue the license. Both the local jurisdiction and ABC can impose certain operating restrictions associated with the business and alcohol sales, to mitigate any potential impacts the business may generate. Non-compliance with the conditions can result in CUP revocation by the local jurisdiction, as well as license termination by ABC.

The location operates as a "Bona Fide Public Eating Place," and the Police Department does not object to allowing the Type 41 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, the property has no outstanding Building or Health Code Violations or Code Enforcement activity, and is properly maintained. Staff has placed specific conditions of approval for the ABC license to ensure the safe operation of the business. In addition, the anticipated amount of sales derived from alcohol will be incidental to the primary use, making up no more than 30% of gross sales.

(c) 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.

(d) 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.

(e) 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 500 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(f) 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 December 7, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

- (a) Jeanie Irene Aguilo, *Assistant 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.
- (b) Scott Murphy, the Zoning Administrator opened the public hearing.
- (c) Keith Glassman, representing the applicant, explained the business operation and spoke in favor of the application except for the 5' patio wall condition.
- (d) Corporal Steven Munoz, COPS Unit/ABC Detail, had stated that the Police Department will maintain their condition of approval for a required 5' patio wall if alcohol is to be served outside.
- (e) Mr. Murphy had stated that he has no issue with the sales of alcohol with the existing restaurant, however he asked Corporal Munoz to work with the applicant to resolve the issue with the patio wall height.
- (f) 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 finds as follows:
 - (1) The proposed location of the requested Conditional Use Permit, and the proposed conditions under which it will be operated or maintained, will be consistent with the Policy Plan component of The Ontario Plan and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the

vicinity. The proposed alcoholic beverage sales in conjunction with the existing Starbucks restaurant is located within the Shopping Center (C1) zoning district.

(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 the zoning designation within which the site is located. The location of Starbucks restaurant and associated alcoholic beverage sales meets the objectives of the Ontario Development Code, including Articles 1 (*Purposes and Objectives*), 13 (*Land Use & Special Requirements*), 16 (*Commercial and Professional District*), 30 (*Off-Street Parking & Loading Requirements*) and 32 (*General Development Requirements & Exceptions*).

(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 beverage sales in conjunction with the existing Starbucks restaurant, will not generate a substantial amount of new traffic, 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 ancillary use of alcoholic beverage sales, in conjunction with the existing Starbucks restaurant, will comply with each of the provisions in the Ontario Development Code, including Articles 1 (*Purposes and Objectives*), 13 (*Land Use & Special Requirements*), 16 (*Commercial and Professional District*), 30 (*Off-Street Parking & Loading Requirements*) and 32 (*General Development Requirements & Exceptions*).

(6) 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:

(i) The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. The Police Department has indicated that the project site and existing use (Starbucks restaurant), does not currently generate a large number of alcohol related service calls, greater than other similar uses within the City.

(ii) The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The existing Starbucks restaurant is in good operating condition and has no outstanding enforcement violations.

(iii) The site is properly maintained, including building improvements, landscaping, and lighting. The Starbucks restaurant and the adjacent shopping center are all properly maintained and serviced on a regular basis.

(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. PCUP15-024, 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 22nd day of December 2015.



Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph

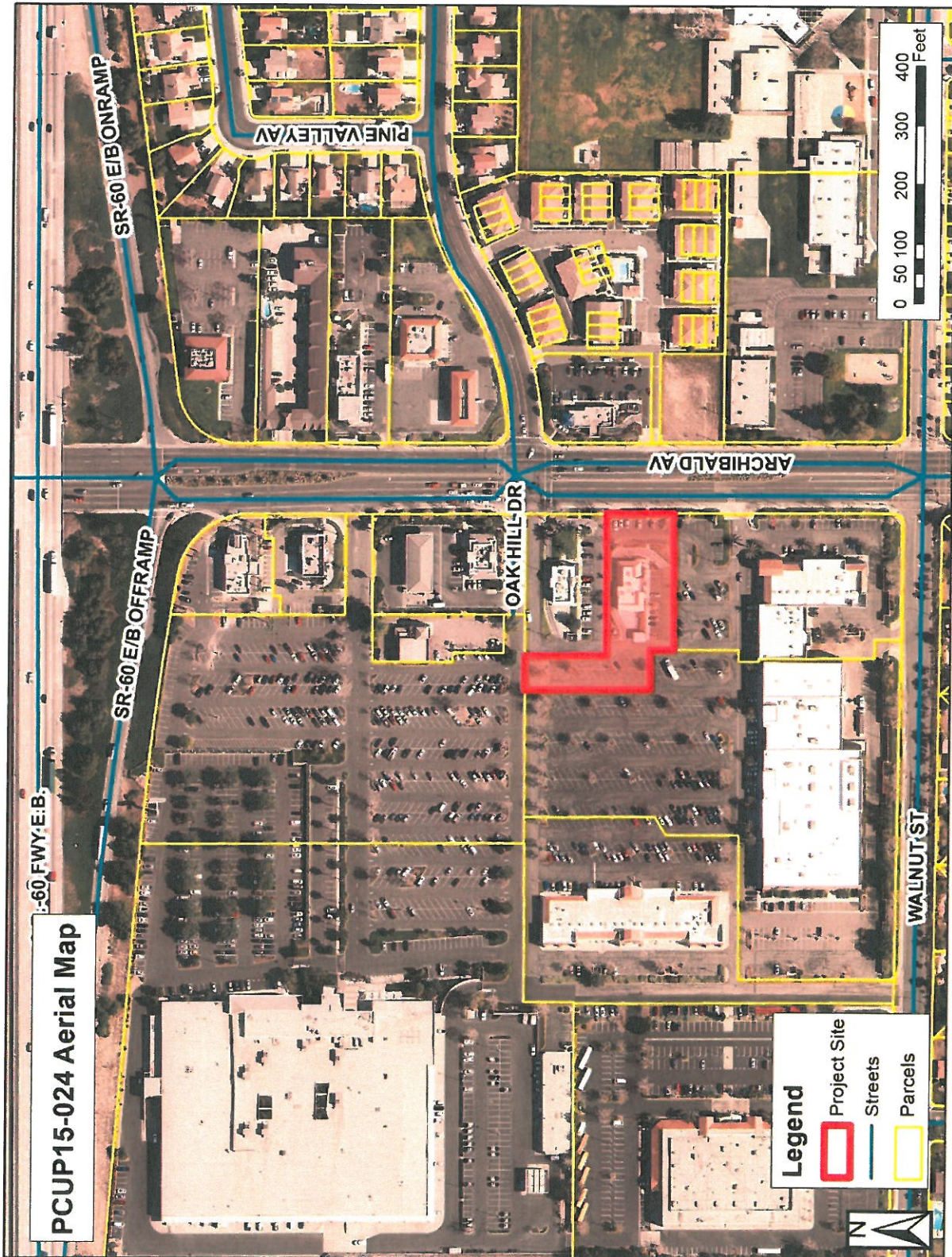


Exhibit C: Floor Plan

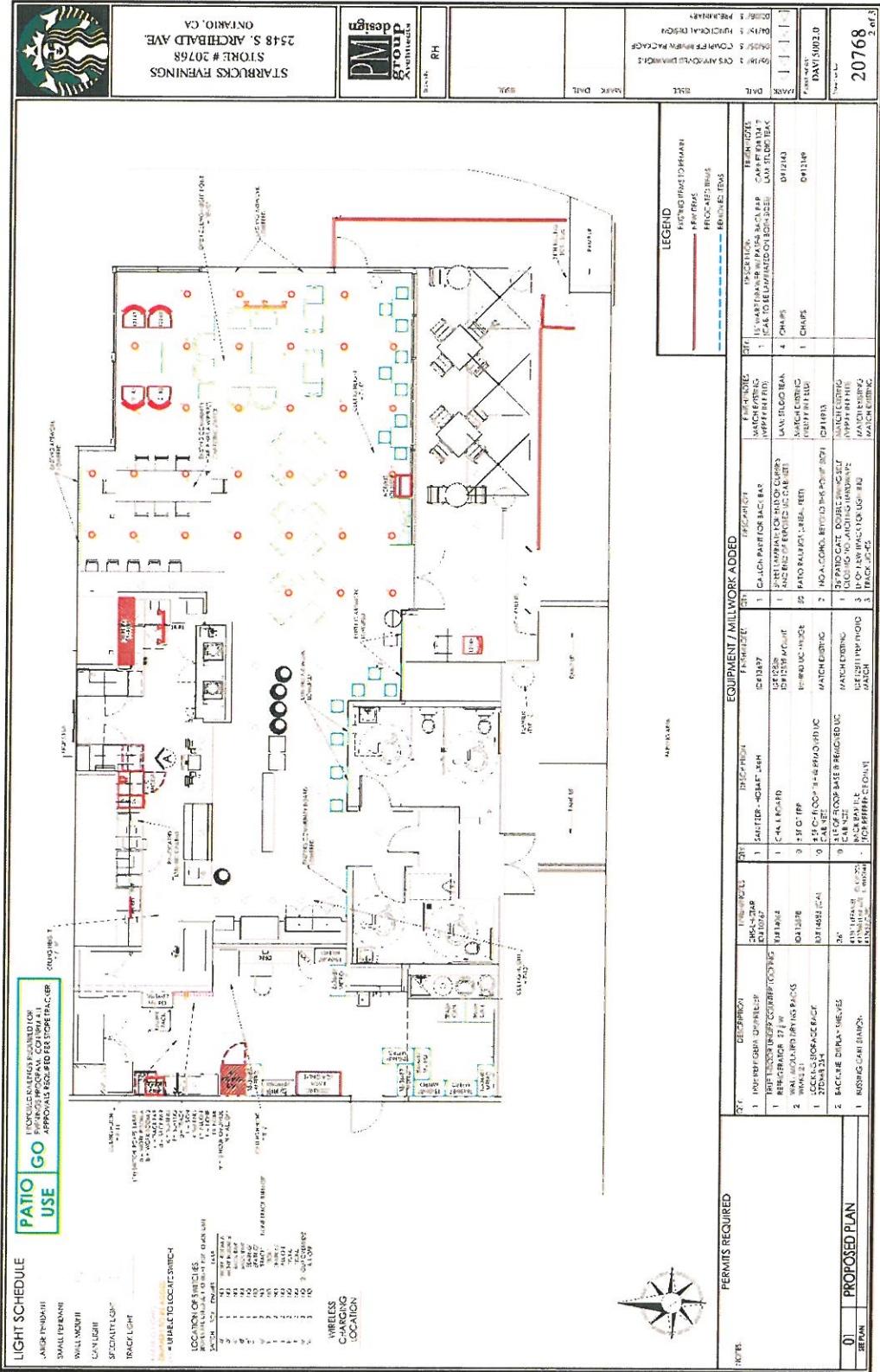


Exhibit D: Starbucks Evenings Menu

STARBUCKS *Evenings*

Menu

SMALL PLATES

- Blue Brie & Apricot Preserves Plate
- Grilled Vegetable Plate with
Lemon Aioli Sauce
- Parmesan-Crusted Chicken Skewers with
Honey-Dijon Sauce*
- Bacon-Wrapped Dates with Balsamic Glaze
- Truffle Mac & Cheese
- Chicken Sausage & Mushroom Flatbread
- Artichoke & Goat Cheese Flatbread
- Truffle Popcorn*

* Contains milk

DESSERTS

- Double Chocolate Brownie Bites
- Chocolate Truffles
Espresso, Champagne, Raspberry

TRIO
SINGLE

WINES AVAILABLE BY THE GLASS AND BOTTLE

SPARKLING

- Prosecco, Mionetto, *Italy*

WHITE

- Riesling, Chateau Ste. Michelle,
Columbia Valley
- Pinot Grigio, Santa Cristina, *Italy*
- Chardonnay, Ferrari-Carano,
Sonoma County

SPARKLING ROSÉ

- Brachetto, Rosa Regale, *Italy*

RED

- Red Blend, Apothic, *California*
- Pinot Noir, Sanford Flor de Campo,
Santa Barbara
- Malbec, Alamos, *Argentina*
- Red Blend, Justin "Justification,"
Paso Robles
- Cabernet Sauvignon, Louis M. Martini, *Napa*

BEER

Ask your barista about the current beer selection.



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NSP14-31321 EVE-GEN11

Exhibit E: Census Tract Map

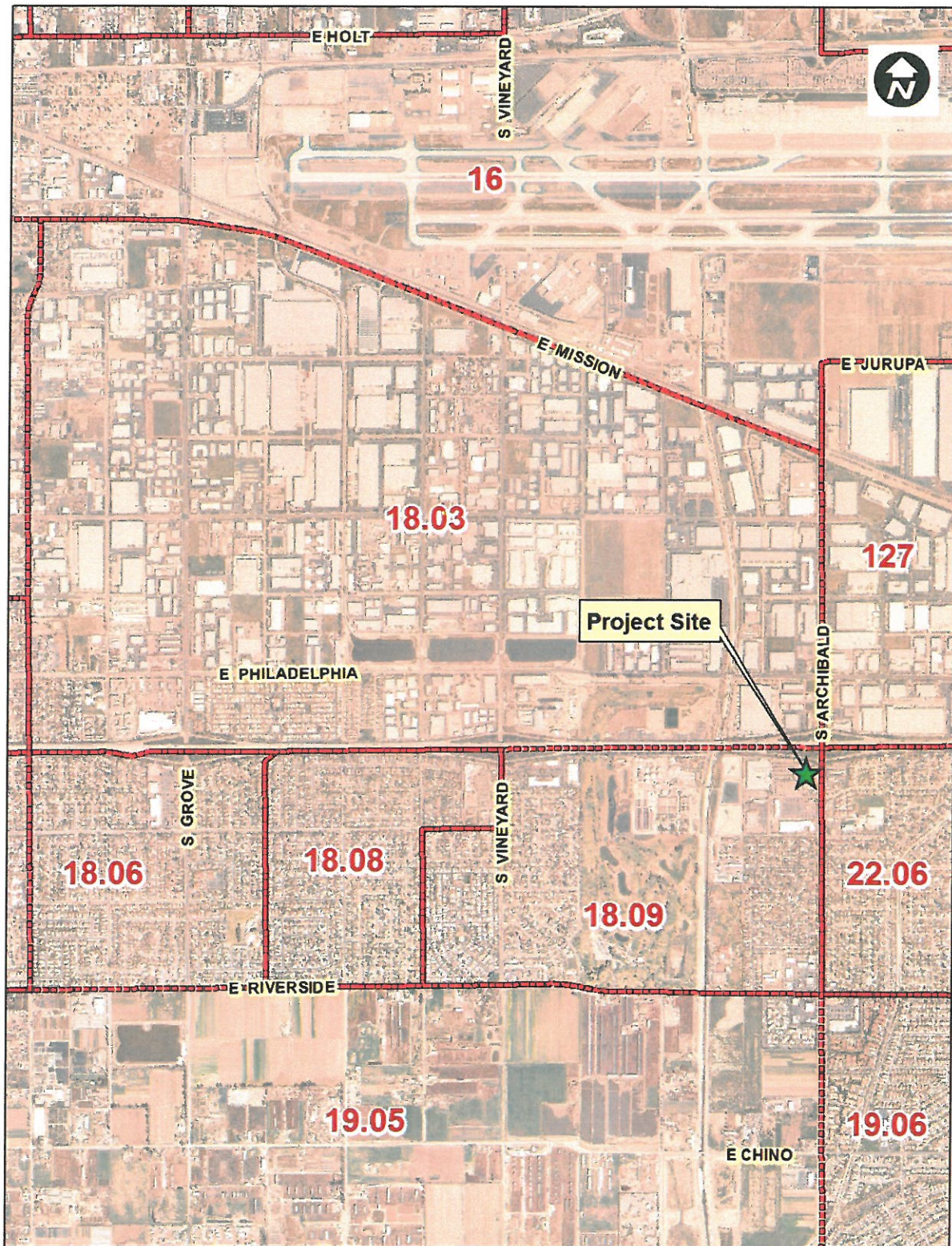


Exhibit F: Active On-Sale ABC Licenses

10/8/2015

California ABC - License Query System - Data Portal



**California Department of Alcoholic Beverage Control
 For the County of SAN BERNARDINO - (On-Sale
Licenses)
 and Census Tract = 18.09**

Report as of 10/7/2015

| License Number | Status | License Type | Orig. Iss. Date | Expir Date | Primary Owner and Premises Addr. | Business Name | Mailing Address | Geo Code |
|---------------------------|--------|--------------|--------------------------|------------|---|------------------------------|---|----------|
| 1) 408472 | ACTIVE | 41 | 3/11/2004 | 2/29/2016 | PRECIADO, BERTA ALICIA 2951 S VINEYARD AVE ONTARIO, CA 91761 Census Tract: 0018.09 | MARISCOS LA BRISA RESTAURANT | | 3607 |
| 2) 479913 | ACTIVE | 41 | 7/20/2009 | 6/30/2016 | SERVUS INC 2910 S ARCHIBALD AVE, # C ONTARIO, CA 91761-7358 Census Tract: 0018.09 | BENTO BOX JAPANESE GRILL | | 3607 |
| 3) 489129 | SUREND | 47 | 7/1/2010 9:17:16 AM | 6/30/2016 | ONTARIO CAL TRADING INC 1919 E RIVERSIDE DR ONTARIO, CA 91761-6480 Census Tract: 0018.09 | TEQUILA BAR AND GRIL | 7494 WAKE FOREST DR CORONA, CA 92880 | 3607 |
| 4) 504108 | ACTIVE | 47 | 6/22/2011 11:06:20 AM | 5/31/2016 | JAM BENITEZ RESTAURANTS INC 2407-2411 S VINEYARD AVE, UNIT A & F- G ONTARIO, CA 91761-6474 Census Tract: 0018.09 | BRANDONS DINER VINEYARD | 16846 ORANGECREST CT RIVERSIDE, CA 92504-6222 | 3607 |
| 5) 528195 | ACTIVE | 47 | 2/21/2013 4:44:47 PM | 5/31/2016 | DONOVAN BROS GOLF INC 2325 RIVERSIDE DR ONTARIO, CA 91761 Census Tract: 0018.09 | WHISPERING LAKES GOLF COURSE | 1800 CARBON CANYON RD CHINO HILLS, CA 91709-2300 | 3607 |
| 6) 537981 | ACTIVE | 41 | 12/12/2013 1:48:52 PM | 11/30/2015 | B. A. T. ENTERPRISES, INC 2685 E RIVERSIDE DR ONTARIO, CA 91761-7321 Census Tract: 0018.09 | ARCHIBALDS | 2910 S ARCHIBALD AVE, #A350 ONTARIO, CA 91761-7323 | 3607 |
| 7) 560115 | ACTIVE | 41 | 9/16/2015 12:56:21 PM | 8/31/2016 | KIM, MICHAEL 2550 S ARCHIBALD AVE, STE O ONTARIO, CA 91761-6524 Census Tract: 0018.09 | KING SUSHI | | 3607 |

--- End of Report ---

For a definition of codes, view our [glossary](#).

Exhibit G: Site Photos – Exterior



South Elevation of Project Site



West Elevation of Project Site



East Elevation of Project Site



North Elevation of Project Site



Starbucks entrance (south of site)



Patio area at front of Starbucks to be enclosed

Exhibit G: Site Photos – Interior



Towards front counter



At front counter facing towards seating area



Seating area



Seating area



**PLANNING DEPARTMENT
CONDITIONS OF APPROVAL**

File No. PCUP15-024

Date: December 1, 2015

Project Description: A Conditional Use Permit to establish alcoholic beverage sales, including beer and wine for consumption on the premises (Type 41 ABC license), in conjunction with an existing 2,601-square foot coffee house (Starbucks) on approximately 0.9 acres of land located at 2548 South Archibald Avenue, within the C1 (Shopping Center) zoning district (APN: 1083-011-15).

Reviewed by: Jeanie Irene Aguilo, *Assistant Planner*
Phone: (909) 395-2036; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

The above-described Development Plan application shall comply with the following conditions of approval:

1.0 **Standard Conditions of Approval.** The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 1020-021, on March 16, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or the City Clerk.

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 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 (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.

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

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

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

(g) Signage shall be affixed to all doors stating that no alcoholic beverages are to be taken off-premise.

(h) Height of patio walls are subject to Police Department approval prior to alcohol sales/service within the patio area.

(i) Patio walls shall be architecturally integrated with the design of the existing Starbucks restaurant. All materials and finishes shall be approved by the Planning Department.

(j) Patio walls shall completely enclose the outdoor seating area. Provide additional patio enclosure near the main entrance to close off the patio and ensure no alcohol leaves the premises.

(k) No alcohol sales to be permitted through the drive-through.

2.2 Environmental Review

(a) The proposed project is categorically exempt from environmental review in accordance with Section § 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

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

2.3 Additional Fees

(a) Within 5 days following final application approval, Notice of Exemption (NOE) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "**Clerk of the Board**", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Jeanie Irene Aguilo, Planning Department

FROM: Steven Munoz, Police Corporal/COPS Unit/ABC Detail

DATE: November 6th, 2015

**SUBJECT: PCUP15-024 – Coffee House Holdings / Starbucks.
2548 S. Archibald Avenue, Ontario, CA 91761**

This location has applied for a type 41 On-Sale Beer and Wine license located within Census Tract No. 18.09. According to the Department of Alcoholic Beverage Control (ABC), three on-sale licenses are allowed within this tract, and there are currently seven. This location will operate as a “Bona Fide Public Eating Place,” and the Police Department does not object to allowing the license. The location must follow all Department of Alcoholic Beverage Control laws, rules, and conditions. In addition, the following conditions of approval shall be imposed by the Police Department:

1. Last call for alcohol will be no later than 45 minutes prior to closing, and not later than 01:15AM. Alcohol sales and service will stop 30 minutes prior to closing, and/or no later than 01:30AM.
2. The business shall maintain the ability to make substantial meals until last call. A limited menu will be permitted after 9:00PM.
3. Distilled spirits are not allowed on the premises, except for cooking purposes (Restaurants may possess brandy, rum, or liqueurs for cooking purposes only, B&P 25607).
4. No sales to minors.
5. No sales to obviously intoxicated patrons.
6. No self-serve alcohol displays allowed.

7. No alcoholic beverages are to be sold or removed from the establishment for outside consumption. This condition will be applicable until the patio area is upgraded, inspected, and approved by the Planning Department and the Police Department.
8. No Smoking inside of establishment is permitted, including any type of electronic nicotine delivery device.
9. There will be no narcotic sales or usage on the premises at any time.
10. No arcade video game machines will be allowed in the premises.
11. No pool tables or amusement games permitted inside the establishment.
12. Employees 18 and older may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
13. Applicant, managers, and all employees serving alcohol must attend an Alcoholic Beverage Control (ABC) L.E.A.D. training class or a certified responsible beverage service class, which has been approved by the Ontario Police Department, within six months of this approved conditional use permit (CUP). Proof of re-certification is required every 3 years. This class is given free of charge by the Ontario Police Department.
14. Back door must be alarmed and closed at all times except for deliveries.
15. Lighting within the restaurant must be kept at a reasonable level for safe movement of patrons.
16. The address to the establishment must be illuminated for easy identification of safety personnel.
17. 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.
18. The parking lot of the premises shall be equipped with a lighting device capable of providing a minimum of one-foot candle of light at ground level from dusk to dawn.
19. All hallways must be kept clear from merchandise, storage, and patrons blocking pathway.

20. 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.
21. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant.
22. The restaurant manager 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.
(Business and Professions Code Section 23788.5, Rules 57.5 and 57.6)

SECURITY CONDITIONS

1. Businesses that include a combination of live entertainment (disc jockey or bands) and dancing shall be required to provide security. This type of entertainment is not allowed at this business, therefore security is not required.
2. In the event security problems occur as a result of the use, the Police Department may request a public hearing before the Zoning Administrator to consider modifications to the Conditional Use Permit. Modifications may include requiring security guards, hours for security guards, and replacement of security guards with Ontario Police officers. The public hearing process shall be conducted in accordance with the requirements of the City's Development Code.
3. A Code of Conduct will be required to be used and posted at all public entrances of the establishment.
4. Ontario Police Officers have the right to limit or reduce the occupancy inside the establishment, if situations arise that may compromise the safety of patrons and the officer. Any additional police resources requested to bring peace in the establishment may be charged to the business owner.
5. In the event security personnel are required, they 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.

6. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the Patio area, a minimum of one camera will record the parking lot, and a minimum of one camera will record the interior. 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.

PATIO CONDITIONS

1. Patio walls need to be a minimum height of 5 feet to prevent patrons from passing alcohol drinks to minors, or to people in a public area.
2. The patio area will be for customers only. The patio will be controlled to prevent the public from walking through the area.
3. Patio exits must be gated and closed at all times. Emergency sounding device and panic hardware must be installed on gates.
4. Outdoor tables shall not be removed or rearranged to increase occupancy.
5. No sounds emitted to the patio shall be heard outside of the patio area.

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

A copy of the listed conditions of approval must be posted with your ABC license at all times in a prominent place in the interior 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 restaurant, or an outdoor event with alcoholic beverages would be a special event requiring Police or security personnel.) Situations may arise where the applicant/business owner will request an event that does not violate the intent of this Conditional Use Permit. The applicant/business owner will notify the Police Department

within a reasonable time frame, but not less than fifteen (15) days prior to the event, to determine the necessity for a Temporary Use Permit.


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

If you have any questions please call 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

| | |
|---|------------------|
|  Carolyn Bell, Sr. Landscape Planner | 10/19/15 Date |
|---|------------------|

Reviewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.:
 PCUP15-024

Related Files:

Case Planner:
 Lorena Mejia

Project Name and Location:
 Starbucks Alcoholic beverage sales
 2548 S Archibald Ave

Applicant/Representative:
 Spencer Regnery / GPA, Inc,
 1309 Post Ave
 Torrance, CA 90501

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | A site plan (dated 9/22/15) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met. |
| <input type="checkbox"/> | A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval. |

CONDITIONS OF APPROVAL

- Excessive pruning previously done on this site shall be repaired under the direction of a certified arborist. Any future tree pruning shall be done by a certified arborist and shall be in accordance with industry standards -International Society of Arboriculture or ANSI A300 Tree Care Standards.



**CITY OF ONTARIO
MEMORANDUM**

Date: 10/29/2015, 2015
To: Anj Baddour, Engineering Department

From: Jeff Krizek, Utilities Engineering Division
Subject: DAB1 - Utilities Comments (#4103)
Project No.: PCUP15-024 – TI Starbucks with ABC License – 2548 S Archibald Avenue

| | |
|-------------------------------|--|
| Conditions of Approval | <ol style="list-style-type: none">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 Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not to limited to possibly including: having the onsite sewer plumbed to have the Sanitary Sewer Wastewater (such as restrooms) leave the building/unit separate from the Process Wastewater; and, installing a monitoring manhole, or clarifier, or grease interceptor on onsite sewer line for the Process Water Discharge. |
|-------------------------------|--|