

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-033

HEARING DATE: December 7, 2015

DECISION DATE: **December 23, 2015**

FILE NO.: PCUP15-021

SUBJECT: A Conditional Use Permit (File No. PCUP15-021) to establish a Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with a proposed 2,225 square foot restaurant (Starbucks) located at 960 Ontario Mills Drive, Suite B within the Commercial/Office land use district of the Ontario Mills Specific Plan. Submitted by Starbucks (APN: 238-014-04)

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. PCUP15-021, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 1.21 acres of land located at 960 Ontario Mills Drive, Suite B, and is depicted in **Exhibit A: Aerial Photograph**, attached. Existing land uses, Policy Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>Policy Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Restaurant	Mixed Use	Ontario Mills Specific Plan	Commercial/Office
<i>North</i>	Commercial	Mixed Use	Ontario Mills Specific Plan	Commercial/Office
<i>South</i>	Commercial	Mixed Use	Ontario Mills Specific Plan	Commercial/Office
<i>East</i>	Commercial	Mixed Use	Ontario Mills Specific Plan	Commercial/Office
<i>West</i>	Commercial	Mixed Use	Ontario Mills Specific Plan	Commercial/Office

Approved By: _____
Senior Planner

(b) Project Analysis:

(1) Background — The project site is located within Daybreak Plaza and was initially developed in 1996 with a 6,061 square foot stand-alone commercial building and has been occupied by several restaurants. Starbucks currently occupies an in-line tenant space within Daybreak Plaza and over the years their business model has changed to occupy buildings with a drive-thru facility. To accommodate Starbucks evolving business model the owner of the Daybreak Plaza submitted a Development Plan (PDEV14-036) to modify the existing building on the project site into a three unit multi-tenant building with a drive-thru facility. The Development Plan was approved earlier this year and the site is currently under construction (**Exhibit B: Site Plan**). To date, Starbucks has been the only business to submit and receive an approval for tenant improvements for this project site, the other two-tenant users are unknown but expected to be restaurant/food related-uses.

As mentioned before, Starbucks continues to evolve their business and in 2010, Starbucks introduced “Starbucks Evenings” at limited locations and began selling craft beer, wine and an extended menu in an effort to boost sales after 4 P.M., when sales tended to slow down. After several years of cautiously testing the viability of selling alcoholic beverages, Starbucks is now accelerating its effort to sell craft beer and wine throughout the United States. As a result of their new business model, Starbucks has submitted two Type 41 ABC (On-Sale Beer and Wine – Eating Place) licenses for approval with the City of Ontario to date.

(2) Floor Plan and Proposed Use — The applicant is requesting a Type 41 ABC (On-Sale Beer and Wine – Eating Place) license in conjunction with a 2,225 square foot restaurant (Starbucks). Starbucks tenant space is divided into five general areas: an employee workroom; the employee sales, drive-thru and back bar areas; indoor seating that can accommodate up to 28 patrons; bathrooms; and an outdoor patio that can accommodate up to 12 patrons (**Exhibit C: Floor Plan**). Starbucks hours of operation are from 5:00 A.M. to 12:00 A.M. daily with five employees on-site per shift.

The “Starbucks Evenings” program, will be offered between the hours of 2:00 P.M. to 11:00 P.M. daily. During the “Starbucks Evenings” program hours the restaurant will have craft beer and wine available for purchase and on-site consumption. The menu will also be expanded during those hours to include small plates, appetizers and desserts (**Exhibit D: Starbucks Evenings Menu**). Also, in order for patrons to consume alcohol within the outdoor patio area, the applicant will need to modify the patio wall from 3 ½ feet to 5 feet in height.

(3) Parking — The commercial center (Daybreak Plaza) was developed with 268 parking spaces and an approved shared parking and access agreement. The application does not include the elimination of any parking stalls and is consistent with the approved Development Plan (PDEV14-036). Therefore, staff believes that the

proposed use will not adversely affect the parking demand within the existing commercial center.

(4) ABC Concentrations — The California Department of Alcoholic Beverage Control (ABC) is the State entity responsible for granting, renewing, and revoking all ABC licenses. ABC determines how many On-Sale and Off-Sale alcoholic beverage license types should be issued per census tract, based upon their population. The project site is located within Census Tract 21.09 which is located entirely within the City of Ontario (**Exhibit E: Census Tract Map**) and is over concentrated. ABC currently allows 3 On-Sale Licenses, however there are currently 37 active licenses within this census tract. Census Tract 21.09 encompasses the City's core entertainment district that includes the Ontario Mills Mall, Citizen's Business Bank Arena, several restaurants, movie theaters and several general commercial retailers. This 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, regulation and conditions are met and followed. In, addition the project site in not located in a high crime area, the property has no outstanding Building or Health Code Violations or Code Enforcement activity, and the overall commercial center is properly maintained. Staff has placed specific conditions of approval for the ABC license to ensure the safe operation of the business.

(5) Land Use Compatibility — A Conditional Use Permit review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within Daybreak Plaza that consists of three commercial multi-tenant buildings with several commercial retail and restaurant uses, two of which hold a Type 47 ABC license Yuzu Sushi and Rubio's Fresh Mexican Grill (**Exhibit F: Site Photos & Surrounding Businesses**).

Staff believes that the recommended conditions of approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, the nearby businesses within and surrounding the commercial center will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other use within the center and surrounding area.

(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 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.

(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) Lorena Mejia 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) Jim Forgey, the applicant's representative, explained the business operation and requested that the following three items to be amended: 1) that the proposed hours of operation be changed from a start time of 2:00 P.M. to 12:00 P.M.; 2) that the outdoor patio wall height requirement be changed from 5 feet to 3 feet – 6 inches; and 3) the removal of condition number 6 from police security conditions regarding surveillance cameras.

(c) The Zoning Administrator asked the applicant what the criteria was for adding alcohol sales to any Starbucks location.

(d) Jim Forgey explained that the location, patio conditions and weather were all considered for choosing a site for adding alcohol sales to a location.

(e) The Zoning Administrator asked Police Corporal Steven Munoz if the existing surveillance camera systems in place, maintained by the property owner are sufficient and if Starbucks is required to add additional surveillance cameras. The Zoning Administrator also asked Corporal Munoz regarding the 5 foot patio wall height requirements requesting to be lowered by the applicant and extended hours of operation.

(f) Corporal Munoz had no objections regarding the start time hours of alcohol sales from 2:00 P.M. to 12:00 P.M. and clarified the surveillance camera condition, stating that it did not matter if the surveillance camera systems were maintained and owned by the commercial center or Starbucks as long as the condition was being adequately addressed by either party. Corporal Munoz addressed the patio wall height request by explaining that the patio wall height of 5 feet was the City standard if alcohol is to be consumed in an outdoor patio.

(g) The Zoning Administrator stated the proposed hours of operation would be allowed a start time of 12:00 P.M., reiterated the clarification regarding the surveillance cameras and explained that the Police Department will have the final authority over the height of the patio wall.

(h) 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 Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with a proposed 2,225 square foot restaurant (Starbucks) is located within the Commercial/Office land use district of the Ontario Mills Specific Plan.

(2) The proposed Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with a proposed 2,225 square foot restaurant (Starbucks) 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. In addition, the Police Department has also reviewed the application and they are in support of the application subject to the attached conditions of approval.

(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 use will be operated in accordance with Ontario Development Code and the use meets the objectives and purposes as required in the Ontario Mills Specific Plan.

(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 use will not generate a significant amount of new traffic nor overload the surrounding circulations system. In addition a sufficient amount of parking will be provided on site.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The use is consistent with the uses allowed within the Commercial/Office land use designation of the Ontario Mills Specific Plan.

(6) For On-Sale alcoholic beverage license types located within overconcentrated 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 application was reviewed by the Ontario Police Department and the project site is not located within a high crime area as it relates to alcohol related incidents. The use is consistent with the Commercial/Office land use designation within the Ontario Center Specific Plan and other similar uses in the area. The use will be providing a convenience for those individuals that would like to purchase alcoholic beverages when they dine in the restaurant. A public convenience and necessity letter will be prepared and sent to ABC.

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

(iii) The commercial center is properly maintained, including building improvements, landscaping, and lighting.

(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. Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is located within an existing building and does not include any negligible building additions or operational changes and is therefore categorically exempt.

(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. PCUP15-021, 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 23rd day of December 2015.



Scott Murphy
Zoning Administrator

Exhibit A: Aerial Photograph



Exhibit C: Floor Plan

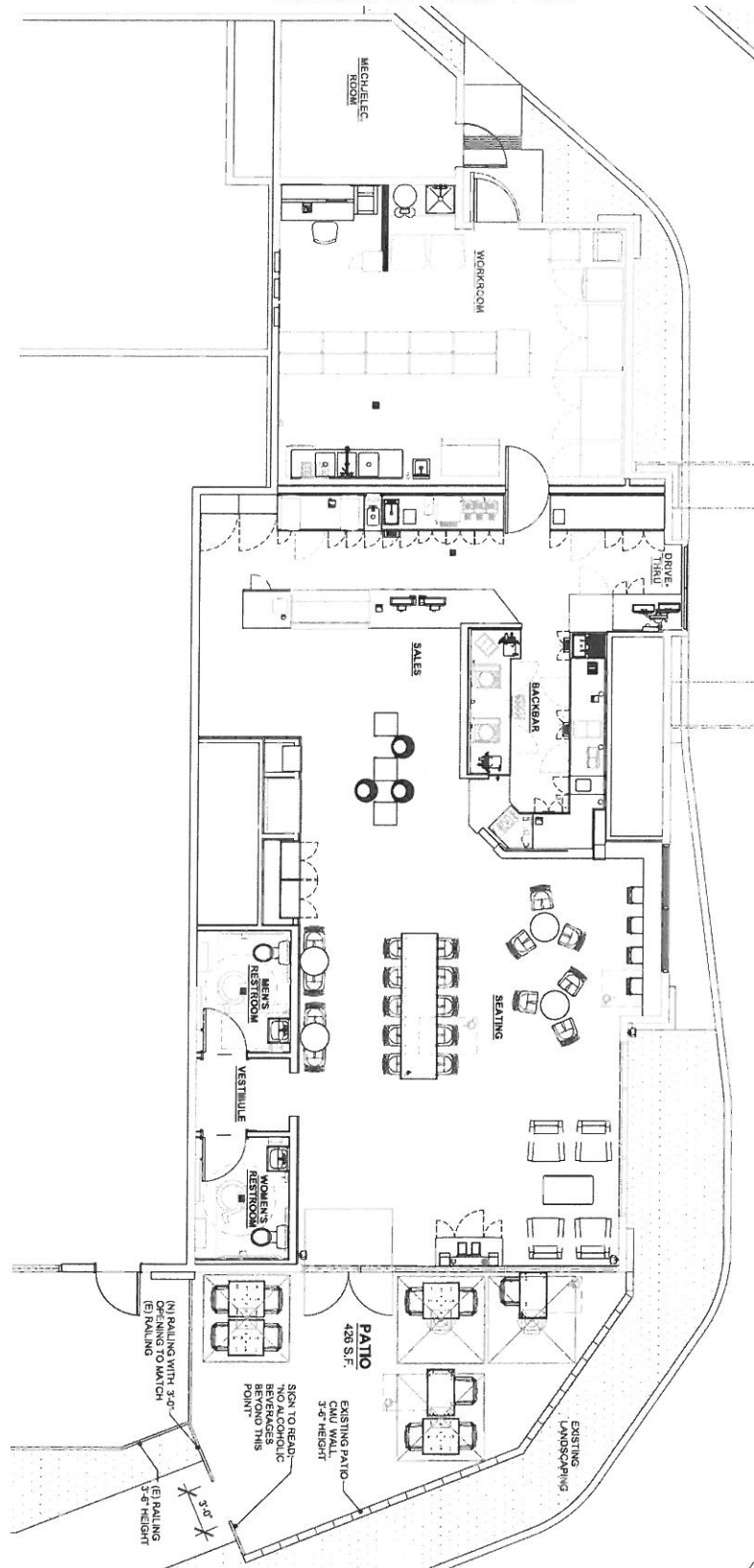


Exhibit D: Starbucks Evenings Menu

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

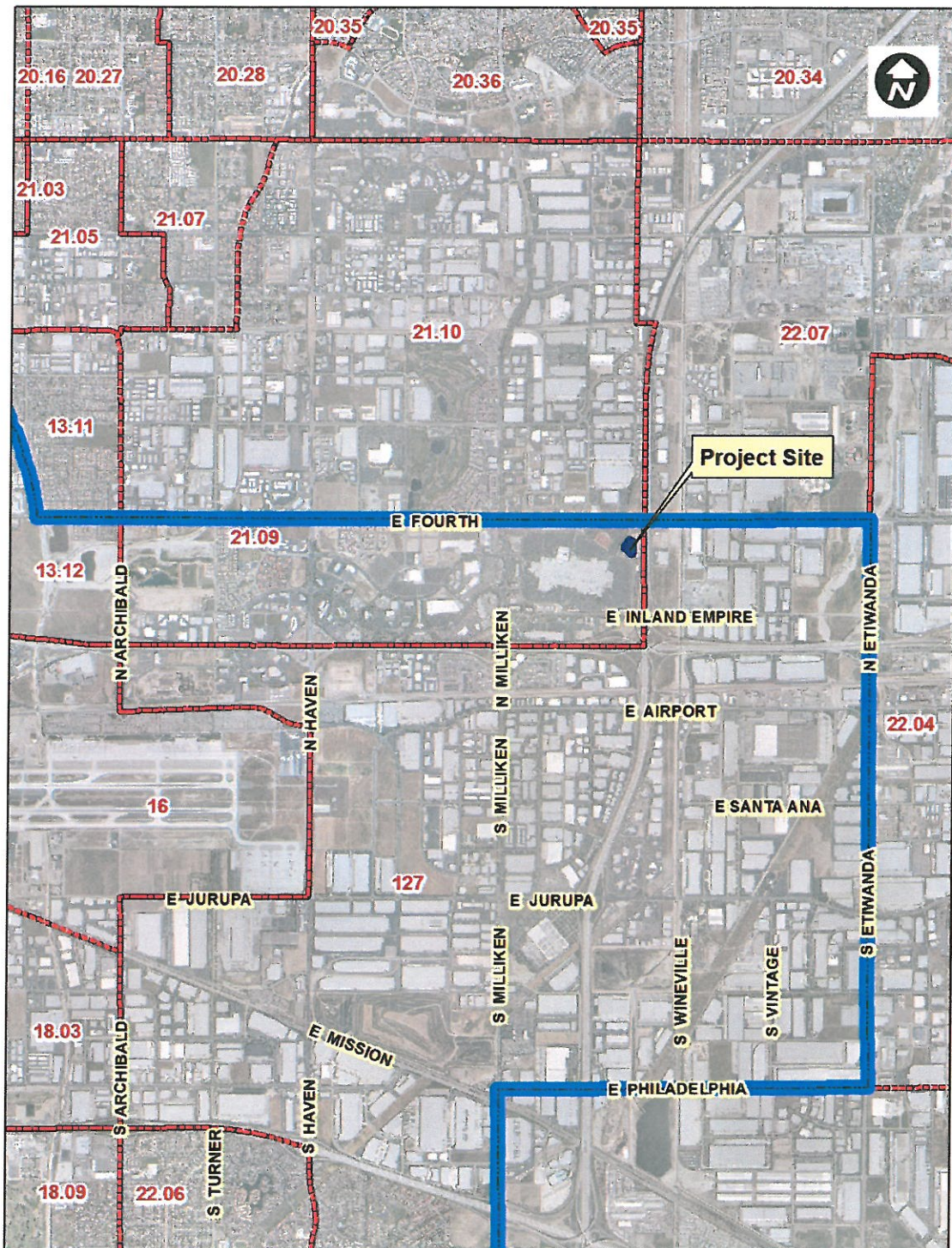


Exhibit F: Site Photos & Surrounding Businesses



Above: project site currently under construction



Above: tire center north of the project site



Above: commercial retail east of the project site



Above: restaurant south of the project site



Above: movie theatre west of the project site



Planning Department Conditions of Approval

Prepared: December 7, 2015

File No: PCUP15-021

Related Files: PDEV14-036

Project Description: A Conditional Use Permit (File No. PCUP15-021) to establish a Type 41 ABC License (On Sale Beer and Wine – Eating Place) in conjunction with a proposed 2,225 square foot restaurant (Starbucks) located at 960 Ontario Mills Drive, Suite B within the Commercial/Office land use district of the Ontario Mills Specific Plan. (APN: 238-014-04); **submitted by Starbucks**

Prepared by: Lorena Mejia, Associate Planner

Phone: (909) 395-2036; **Email:** lmejia@ci.ontario.ca.us; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

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

1.0 Standard Conditions of Approval. Conditional Use Permit approval become null and void one (1) year following the effective date of application approval, unless:

1.1 All conditions of approval have been complied with to the satisfaction of the Planning Director and the approved use has commenced; or

1.2 Prior to the expiration date, a time extension request is filed with the Planning Department on a City application form, accompanied by the required filing fee, and is subsequently approved by the City.

1.3 Walls and Fences.

(a) Outdoor patio shall match the architectural style of the building.

1.4 Alcoholic Beverage Sales—General.

(a) No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

(b) The business shall be operated in strict compliance with the rules, regulations and orders of the State of California Department of Alcoholic Beverage Control. Failure to comply with this requirement shall be deemed just cause for revocation of conditional use permit approval.

(c) Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

(d) Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

(e) The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

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

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

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

(i) Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment, are considered live entertainment.

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

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

1.5 Alcoholic Beverage Sales—Restaurants.

(a) The establishment shall be operated as a “bona fide public eating place” as defined by Business and Professions Code Section 23038. The restaurant shall contain full kitchen facilities for the cooking of an assortment of foods required for ordinary meals. The kitchen shall be open for the serving of meals to guests during all hours the establishment is open. The establishment shall provide an assortment of foods commonly ordered at various hours of the day. The service of sandwiches or salads shall not be deemed in compliance with this requirement.

(b) The sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall be less than 50 percent of the restaurants total sales, which includes all food, and alcoholic and non-alcoholic beverages. The owner of the establishment, upon request, shall provide the City of Ontario with an audited report of the sales ratio of food and non-alcoholic beverages to alcoholic beverages.

(c) No alcoholic beverage shall be consumed outside of the enclosed building, except within the approved outdoor eating area, which has been designed so as to be adequately separated from direct public access.

(d) No alcoholic beverage shall be sold to patrons from the drive-thru window. Alcohol consumption will be for On-Sale only.

(e) Height of patio walls are subject to Police Department approval prior to alcohol sales.

1.6 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines.

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

1.7 Additional Fees.

(a) After project's entitlement approval and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: September 22, 2015
SUBJECT: PCUP15-021

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

cc: File

KS:kb

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PCUP15-021

Address: 960 Ontario Mills Drive, Suite B

APN: 238-014-04

Existing Land Use: Restaurant

Proposed Land Use: Restaurant with ancillary Type 41 ABC license (Beer and Wine) - Starbucks

Site Acreage: 1.21 Proposed Structure Height: n/a

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 10/22/15

CD No.: 2015-049

PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="checkbox"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="checkbox"/> Zone 4		Allowable Height: 125 feet	
<input type="radio"/> Zone 5			

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

Zone A
 Zone B1
 Zone C
 Zone D
 Zone E

CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: 



CITY OF ONTARIO MEMORANDUM

Date: 10/29/2015, 2015
To: Arij Baddour, Engineering Department
From: Jeff Krizek, Utilities Engineering Division
Subject: DAB1 - Utilities Comments (#4093)
Project No.: PCUP15-021 – TI Starbucks with ABC License – 960 Ontario Mills Drive

Conditions of Approval

- 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.**



CITY OF ONTARIO

MEMORANDUM

DEVELOPMENT PLAN REVIEW COMMENTS Engineering Department/Land Development Section

DATE: 10.10.2015 (1st review)

PROJECT PLANNER: Lorena Mejia, Planning Department

PROJECT: PCUP15-021, a request for Conditional Use Permit approval to establish alcohol beverage sales, including beer and wine for on premise consumption in conjunction with an existing 2,225-square foot coffee shop (Starbucks) on approximately 1.21 acres of land located at 960 Ontario Mills Drive, Suite B within the Commercial Office land use district of the Ontario Mills Specific Plan.

APN: 0238-014-04

LOCATION: 960 Ontario Mills Drive, Suite B

PROJECT ENGINEER: Arij Baddour, Engineering Department

ENGINEERING DEPARTMENT'S CONDITIONS OF APPROVAL TO BE PROVIDED UPON THE FOLLOWING COMMENTS BEING SATISFACTORILY ADDRESSED PRIOR TO THE DEVELOPMENT ADVISORY BOARD AND/OR ZONING ADMINISTRATOR HEARING. *Please note that additional comments from the Transportation Division, Ontario Municipal Utilities Company, and Environmental Section, which will be incorporated into the final conditions of approval as appropriate are not listed below and will be provided under a separate memorandum.*

- No comments



CITY OF ONTARIO MEMORANDUM

TO: Otto Kroutil, Development Director
 Scott Murphy, Planning Director
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Raymond Lee, Assistant City Engineer (Arij)
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
 Julie Bjork, Housing Manager
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director

FROM: Lorena Mejia,

DATE: September 16, 2015

SUBJECT: FILE #: PCUP15-021 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, September 30, 2015**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A request for Conditional Use Permit approval to establish alcohol beverage sales, including beer and wine for on-premise consumption in conjunction with an existing 2,225-square foot coffee shop (Starbucks) on approximately 1.21 acres of land located at 960 Ontario Mills Drive, Suite B within the Commercial Office land use district of the Ontario Mills Specific Plan.(APN: 238-014-04)

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Engineering (Env.) Stephen Wilson Env. Eng. 9/28/15
 Department Signature Title Date



CITY OF ONTARIO MEMORANDUM

TO: Otto Kroutil, Development Director
 Scott Murphy, Planning Director
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Raymond Lee, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Art Andres, Deputy Fire Chief/Fire Marshal
 Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
 Julie Bjork, Housing Manager
 Tom Danna, T. E., Traffic/Transportation Manager
 Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director

City of Ontario
Housing Department

SEP 21 2015

Received by _____

FROM: Lorena Mejia,

DATE: September 16, 2015

SUBJECT: FILE #: PCUP15-021 Finance Acct#:

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- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Housing & Municipal Services

Department

Signature

Housing & Municipal Services Dir.

Title

Date



JNC

CITY OF ONTARIO

MEMORANDUM

TO: Otto Kroutil, Development Director
Scott Murphy, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
Julie Bjork, Housing Manager
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director

FROM: Lorena Mejia,

DATE: September 16, 2015

SUBJECT: FILE #: PCUP15-021

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, September 30, 2015**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A request for Conditional Use Permit approval to establish alcohol beverage sales, including beer and wine for on-premise consumption in conjunction with an existing 2,225-square foot coffee shop (Starbucks) on approximately 1.21 acres of land located at 960 Ontario Mills Drive, Suite B within the Commercial Office land use district of the Ontario Mills Specific Plan. (APN: 238-014-04)

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

ENGR./TRAFFIC
Department


Signature

TRANSI. MGR.
Title

9/21/15
Date



CITY OF ONTARIO
MEMORANDUM
“Excellence Through Teamwork”

TO: Lorena Mejia, Planning Department

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

DATE: November 6th, 2015

SUBJECT: PCUP15-021 – Coffee House Holdings / Starbucks.
960 Ontario Mills Drive, Ste. B, Ontario, CA 91764

This location has applied for a type 41 On-Sale Beer and Wine license located within Census Tract No. 21.09. According to the Department of Alcoholic Beverage Control (ABC), three on-sale licenses are allowed within this tract, and there are currently thirty-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 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, unless otherwise approved by the Ontario Police Department.
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 and the Ontario Planning Department will conduct an inspection before the restaurant will be allowed to sell alcoholic beverages with the conditional use permit.

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.