ZONING ADMINISTRATOR DECISION
CONDITIONAL USE PERMIT

DECISION NO. 2011-06

HEARING DATE: May 16, 2011

DECISION DATE: June 1, 2011

FILE NO.: PCUP11-002

SUBJECT: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits, for consumption on the premises (Type 47 ABC license-On-Sale General - Eating Place) in conjunction within an existing restaurant (Brandon's Diner) located at 2407 South Vineyard Avenue, within the C3 (Commercial Service) zoning district.

STAFF RECOMMENDATION: ☐ Approval ☒ Approval, subject to conditions ☐ Denial

PART A: BACKGROUND & ANALYSIS

JAM Benitez Restaurant, Inc., herein after referred to as "the applicant," has filed an application requesting Conditional Use Permit approval, described as follows:

(a) Project Description: A Conditional Use Permit to establish alcoholic beverage sales, including beer, wine and distilled spirits, for consumption on the premises (Type 47 ABC license-On-Sale General - Eating Place) in conjunction within an existing restaurant (Brandon's Diner) located at 2407 South Vineyard Avenue, within the C3 (Commercial Service) zoning district.

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

(c) Zoning Designation: C3 (Commercial Service) zone

(d) Surrounding Zoning and Land Uses:

	Zoning	*Existing Land Use*
North:	60 Freeway Kaiser Hospital beyond	Kaiser Permante Specific Plan
South	R1	Single Family Residential
East:	OS	Golf Course
West:	C1	Shopping Center

(e) Site Area: 8.7 acre shopping center

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 concludes as follows:

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

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

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and zoning designation within which the site is located.

(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.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes.

(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 there under, pursuant to § 15301 (Existing facilities) of the State CEQA Guidelines.

(d) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP11-002, subject to the conditions of approval attached hereto and incorporated herein by this reference and further amended as follows:

Police Department Condition of Approval, Security Conditions, second paragraph, last sentence is hereby amended to read as follows:

"The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in substantial and/or repeated violation of this CUP or has violated the laws of the State or City are the intent of this action, or has become a public nuisance.".

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APPROVED by the Zoning Administrator of the City of Ontario on this 1st day of June, 2011.

Jerry L. Blum
Zoning Administrator